

Case No. 23-12472

United States Court of Appeals
for the Eleventh Circuit

CITY OF MIAMI,
Defendant/Appellant,

v.

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAAC ;
MIAMI!DADE BRACH OF THE NAAC ;
C" ARICE COO ER; YANE "IS #A"DES;
\$ARED \$OHNSON; and A "E%ANDER
CONTRERAS,

la&nt&ff'/Appellee'.

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APPELLANT'S APPENDIX FOR INITIAL BRIEF
VOLUME ONE

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CITY OF MIAMI

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Attorneys for Defendant/Appellant

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DISTRICT COURT DOCKET SHEET

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:22-cv-24066-KMM**

GRACE, Inc. et al v. City of Miami
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Lauren Fleischer Louis
Case in other court: USCA, 23-11854-D
USCA, 23-12472-D
Cause: 42:1983 Civil Rights Act

Date Filed: 12/15/2022
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

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Date Filed	#	Docket Text
12/15/2022	<u>1</u>	COMPLAINT against City of Miami. Filing fees \$ 402.00 receipt number AFLSDC-16174909, filed by Yanelis Valdes, South Dade Branch of the NAACP, Jared Johnson, Engage Miami, Inc., Alexandra Contreras, GRACE, Inc., Miami-Dade Branch of the NAACP, Clarice Cooper. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s)) (Warren, Nicholas) (Entered: 12/15/2022)
12/15/2022	2	Clerks Notice of Judge Assignment to Judge K. Michael Moore. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Lauren F. Louis is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (rbe) (Entered: 12/15/2022)
12/15/2022	<u>3</u>	Summons Issued as to City of Miami. (rbe) (Entered: 12/15/2022)
12/15/2022	4	Bar Letter re: Admissions sent to attorney Neil A. Steiner, Christopher J. Merken, mailing date December 15, 2022, (pt) (Entered: 12/15/2022)
12/15/2022	<u>5</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Neil A. Steiner. Filing Fee \$ 200.00 Receipt # AFLSDC-16176168 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 12/29/2022 (Attachments: # <u>1</u> Certification of Neil A. Steiner, # <u>2</u> Text of Proposed Order)(Warren, Nicholas) (Entered: 12/15/2022)
12/15/2022	<u>6</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Christopher J. Merken. Filing Fee \$ 200.00 Receipt # AFLSDC-16176211 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 12/29/2022 (Attachments: # <u>1</u> Certification of Christopher J. Merken, # <u>2</u> Text of Proposed Order)(Warren, Nicholas) (Entered: 12/15/2022)
12/16/2022	7	PAPERLESS PRETRIAL ORDER. This order has been entered upon the filing of the complaint. Plaintiff's counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this Order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling conference no later than twenty (20) days after the filing of the first responsive pleading by the last responding defendant, or within sixty (60) days after the filing of the complaint, whichever occurs first. However, if all defendants have not been served by the expiration of this deadline, Plaintiff shall move for an enlargement of time to hold the scheduling conference, not to exceed 90 days from the filing of the Complaint. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal, default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) - The parties shall determine the procedure for exchanging a copy of, or a description by category and location of, all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses - The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) - The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and/or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.I.

		<p>The parties are hereby on notice that this Court requires all filings to be formatted in 12 point Times New Roman font and double spaced, including any footnotes, with one inch margins on all sides. Failure to follow these formatting guidelines may result in the filing being stricken, any opposing filing being granted by default, and the imposition of other sanctions, including attorney's fees and costs. Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position. If conflicts of position exist, parties shall explain the conflicts in their separate motions. Failure to comply with ANY of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the striking of the motion or dismissal of this action. The parties shall seek extensions of time in a timely fashion. "A motion for extension of time is not self-executing.... Yet, by filing these motions on or near the last day, and then sitting idle pending the Court's disposition of the motion, parties essentially grant their own motion. The Court will not condone this." <i>Compere v. Nusret Miami, LLC</i>, 2020 WL 2844888, at *2 (S.D. Fla. May 7, 2020) (internal citations omitted).</p> <p>Pursuant to Administrative Order 2016-70 of the Southern District of Florida and consistent with the Court of Appeals for the Eleventh Circuit's Local Rules and Internal Operating Procedures, within three (3) days of the conclusion of a trial or other proceeding, parties must file via CM/ECF electronic versions of documentary exhibits admitted into evidence, including photographs of non-documentary physical exhibits. The Parties are directed to comply with each of the requirements set forth in Administrative Order 2016-70 unless directed otherwise by the Court.</p> <p><u>Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours.</u></p> <p>Signed by Judge K. Michael Moore on 12/16/2022. (fpi) (Entered: 12/16/2022)</p>
12/16/2022	8	PAPERLESS ORDER REFERRING PRETRIAL DISCOVERY MATTERS TO MAGISTRATE JUDGE LAUREN F. LOUIS. PURSUANT to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, the above-captioned Cause is referred to United States Magistrate Judge Lauren F. Louis to take all necessary and proper action as required by law with respect to any and all pretrial discovery matters. Any motion affecting deadlines set by the Court's Scheduling Order is excluded from this referral, unless specifically referred by separate Order. It is FURTHER ORDERED that the parties shall comply with Magistrate Judge Lauren F. Louis's discovery procedures. Signed by Judge K. Michael Moore on 12/16/2022. (fpi) (Entered: 12/16/2022)
12/16/2022	9	SUMMONS (Affidavit) Returned Executed on <u>1</u> Complaint, with a 21 day response/answer filing deadline pursuant to Fed. R. Civ. P. 12 by Yanelis Valdes, South Dade Branch Of The NAACP, Jared Johnson, Engage Miami, Inc., Alexandra Contreras, GRACE, Inc., Miami-Dade Branch Of The NAACP, Clarice Cooper. City of Miami served on 12/16/2022, response/answer due 1/6/2023. (Warren, Nicholas) (Entered: 12/16/2022)
12/16/2022	10	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motions to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Neil A. Steiner and Christopher J. Merken. <u>5</u> , <u>6</u> . UPON CONSIDERATION of the Motions, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motions (<u>5</u> , <u>6</u>) are GRANTED. Neil A. Steiner and Christopher J. Merken may appear pro hac vice in this matter. The Clerk of Court shall provide electronic notification of all electronic filings to: (1) Neil.Steiner@dechert.com; and (2) Christopher.Merken@dechert.com. Signed by Judge K. Michael Moore on 12/16/2022. (fpi) (Entered: 12/16/2022)
01/05/2023	<u>11</u>	Unopposed MOTION for Extension of Time to File Response/Reply/Answer as to <u>1</u> Complaint, by City of Miami. Attorney Marlene Quintana added to party City of Miami(pty:dft). (Attachments: # <u>1</u> Text of Proposed Order) (Quintana, Marlene) (Entered: 01/05/2023)
01/06/2023	12	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant's Unopposed Motion for an Extension of Time. <u>11</u> . Therein, Defendant requests a twenty-one (21) day extension of time to respond to Plaintiff's Complaint <u>1</u> because Defense counsel is still in the process of being retained and consulting with its client regarding the action. See <u>11</u> at 1. UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion <u>11</u> is GRANTED. Defendant shall file its response to Plaintiff's Complaint <u>1</u> on or before January 30, 2023. Signed by Judge K. Michael Moore on 1/6/2023. (fpi) (Entered: 01/06/2023)
01/23/2023	<u>13</u>	NOTICE of Attorney Appearance by Andre Velosy Bardos on behalf of City of Miami. Attorney Andre Velosy Bardos added to party City of Miami(pty:dft). (Bardos, Andre) (Entered: 01/23/2023)
01/23/2023	<u>14</u>	NOTICE of Attorney Appearance by Jason Lawrence Unger on behalf of City of Miami. Attorney Jason Lawrence Unger added to party City of Miami(pty:dft). (Unger, Jason) (Entered: 01/23/2023)
01/23/2023	<u>15</u>	NOTICE of Change of Address, Email or Law Firm Name by Jason Lawrence Unger (Unger, Jason) (Entered: 01/23/2023)

01/25/2023	16	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Jocelyn Kirsch. Filing Fee \$ 200.00 Receipt # AFLSDC-16265865 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 2/8/2023 (Attachments: # 1 Certification of Jocelyn Kirsch, # 2 Proposed Order)(Warren, Nicholas) (Entered: 01/25/2023)
01/25/2023	17	NOTICE of Attorney Appearance by George Ty Levesque on behalf of City of Miami. Attorney George Ty Levesque added to party City of Miami(pty:dft). (Levesque, George) (Entered: 01/25/2023)
01/25/2023	18	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiff's Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Jocelyn Kirsch. 16 . UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion 16 is GRANTED. Jocelyn Kirsch may appear pro hac vice in this matter. The Clerk of Court shall provide electronic notification of all electronic filings to: Jocelyn.Kirsch@dechert.com. Signed by Judge K. Michael Moore on 1/25/2023. (fpi) (Entered: 01/25/2023)
01/30/2023	19	Defendant's MOTION TO DISMISS 1 Complaint, FOR FAILURE TO STATE A CLAIM <i>Plaintiff's Complaint</i> by City of Miami. Responses due by 2/13/2023 (Quintana, Marlene) (Entered: 01/30/2023)
01/31/2023	20	NOTICE of Attorney Appearance by Christopher N. Johnson on behalf of City of Miami. Attorney Christopher N. Johnson added to party City of Miami(pty:dft). (Johnson, Christopher) (Entered: 01/31/2023)
01/31/2023	21	Unopposed MOTION for Leave to File Excess Pages by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. (Warren, Nicholas) (Entered: 01/31/2023)
02/01/2023	22	<p>PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Unopposed Motion for Leave to File Excess Pages. 21 . Therein, Plaintiffs request that they be permitted to file "a preliminary injunction motion and incorporated memorandum of law of 50 pages, and a reply memorandum of 20 pages." Id. at 1. Plaintiffs also aver that they "do not oppose Defendant having leave to file an opposing memorandum of 50 pages." Id.</p> <p>While the Court understands that the nature of the underlying dispute in this action is complex, the Parties' Motion assumes that the instant action is the only case on the Court's docket. The Parties ask for significantly more than double the standard page-lengths as prescribed by Local Rule 7.1(c)(2). See S.D. Fla. L.R. 7.1(c)(2) ("Absent prior permission of the Court, neither a motion and its incorporated memorandum of law nor the opposing memorandum of law shall exceed twenty (20) pages; a reply memorandum shall not exceed ten (10) pages."). Considering that Plaintiffs' Complaint itself is 55 pages (and Defendant was able to summarize its 12(b)(6) arguments in a mere sixteen pages), the Court is confident that, through succinct writing and tactful references to other documents, neither Party will need fifty pages to state their positions at this juncture.</p> <p>Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that the Motion 21 is GRANTED IN PART. Plaintiffs may file a motion for preliminary injunction, and Defense may respond, with up to 35 pages as counted by Local Rule 7.1(c). Plaintiffs may reply to Defendant's opposition with up to 15 pages as counted by Local Rule 7.1(c). Signed by Judge K. Michael Moore on 2/1/2023. (fpi) (Entered: 02/01/2023)</p>
02/10/2023	23	First AMENDED COMPLAINT against City of Miami, filed by Yanelis Valdes, South Dade Branch Of The NAACP, Jared Johnson, Engage Miami, Inc., Alexandra Contreras, GRACE, Inc., Miami-Dade Branch Of The NAACP, Clarice Cooper, Steven Miro.(Warren, Nicholas) (Entered: 02/10/2023)
02/10/2023	24	NOTICE by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes <i>of Filing Exhibits in Support of Motion for Preliminary Injunction</i> (Attachments: # 1 Res. 22-131, # 2 Master Rep. for Res. 22-131, # 3 11/18/21 Slide Presentation, # 4 2/7/22 Slide Presentation, # 5 2/7/22 Presentation Outline, # 6 2/7/22 Cody Memo, # 7 2/25/22 Slide Presentation, # 8 3/11/22 Slide Presentation, # 9 3/11/22 Initial Russell Plan Presentation, # 10 3/24/22 Slide Presentation, # 11 Tr. 1 (11/18/21), # 12 Tr. 2 (12/9/21), # 13 Tr. 3 (2/7/22), # 14 Tr. 4A (2/25/22 AM), # 15 Tr. 4B (2/25/22 PM), # 16 Tr. 5A (3/11/22 AM), # 17 Tr. 5B (3/11/22 PM), # 18 Tr. 6 (3/24/22), # 19 1/25/21 Flechas Article, # 20 2/26/21 Flechas Article, # 21 6/22/21 Turner Article, # 22 3/4/22 Ceballos Article, # 23 12/15/22 Ceballos Article, # 24 12/29/22 Flechas Article, # 25 1/9/23 Flechas Article, # 26 First Russell Resignation Letter, # 27 Second Russell Resignation Letter, # 28 First ACLU-FL Letter, # 29 Second ACLU-FL Letter, # 30 Email from SOE's Office, # 31 Abott Report, # 32 Moy Report, # 33 Donaldson Declaration, # 34 Pelham Declaration, # 35 Ford Declaration, # 36 Pierre Declaration, # 37 Cooper Declaration, # 38 Johnson Declaration, # 39 Miro Declaration, # 40 Contreras Declaration, # 41 Valdes Declaration, # 42 11/21/96 Chardy Article, # 43 12/30/96 Branch Article, # 44 1/20/97 Branch Article, # 45 3/13/97 Garcia Article, # 46 3/14/97 Garcia Article, # 47 3/15/97 Herald Article, # 48 3/15/97 Herald Article, # 49 5/5/97 Branch Article, # 50 6/19/97 Chardy Article, # 51 6/24/97 Herald Article, # 52 6/25/97 Branch Article, # 53 6/27/97 Branch Article, # 54 6/29/97 Branch Article, # 55 7/2/97 Branch Article, # 56 7/3/97 Branch Article, # 57 7/3/97 Herald Editorial, # 58 7/4/97 Branch Article, # 59 7/11/97 Branch Article, # 60 7/12/97 Balmaseda Column, # 61 7/14/97 Patterson Column, # 62 7/20/97 Hampton Op-Ed, # 63 9/5/97 Viglucci Article, # 64 9/5/97 Branch & Keating

		Article, # 65 12/5/92 Vigilante Article, # 66 5/8/12 McGroary Article, # 67 2/24/04 McGroary Article, # 68 2/15/13 McGroary Article, # 69 4/26/13 Rabin Article, # 70 5/24/13 Rabin Article, # 71 Res. 97-495, # 72 Res. 03-448, # 73 Res. 13-208, # 74 Agenda Item Summary Form for Res. 13-208, # 75 2/14/13 Commission Minutes, # 76 2013 Initial Report, # 77 2013 Second Report, # 78 2013 Final Report, # 79 2013 Presentation, # 80 1997 Plan, # 81 2003 Plan, # 82 2013 Plan, # 83 2022 Enacted Plan, # 84 Feb. 7 Draft, # 85 Feb. 22 Draft/Base Plan, # 86 Russell Sketch, # 87 Initial Russell Plan, # 88 Revised Russell Plan, # 89 Reyes Plan, # 90 2022 Precinct Map, # 91 2020 Voting Tabulation Districts, # 92 2/1/22 District Demographic Analysis, # 93 2/1/23 District Demographic Analysis) (Warren, Nicholas) Link Modified on 2/10/2023 (scn). (Entered: 02/10/2023)
02/10/2023	25	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiff's filing of its First Amended Complaint. 23 . The amended complaint moots Defendant's Motion to Dismiss. 19 . Accordingly, UPON CONSIDERATION of the Amended Complaint 23 , the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that Defendant's Motion to Dismiss 19 is DENIED AS MOOT. Signed by Judge K. Michael Moore on 2/10/2023. (fpi) (Entered: 02/10/2023)
02/10/2023	26	EXPEDITED MOTION for Preliminary Injunction by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Warren, Nicholas) (Entered: 02/10/2023)
02/13/2023	27	PAPERLESS ORDER REFERRING MOTIONS. PURSUANT to 28 U.S.C. § 636 and the Magistrate Rules of the Local Rules of the Southern District of Florida, the above-captioned cause is hereby referred to United States Magistrate Judge Lauren Fleischer Louis to take all necessary and proper action as required by law and/or issue a Report and Recommendation regarding Plaintiffs' Expedited Motion for Preliminary Injunction. 26 . Motions referred to Judge Lauren Fleischer Louis. Signed by Judge K. Michael Moore on 2/13/2023. (fpi) (Entered: 02/13/2023)
02/20/2023	28	MOTION for Extension of Time Defendant's Unopposed Motion for an Extension of Time to Respond to Plaintiffs' Expedited Motion for Preliminary Injunction re 26 EXPEDITED MOTION for Preliminary Injunction by City of Miami. Responses due by 3/6/2023 (Johnson, Christopher) (Entered: 02/20/2023)
02/21/2023	29	PAPERLESS ORDER granting Defendant's 28 Unopposed Motion for an Extension of Time to Respond to Plaintiffs' Motion for Preliminary Injunction. Defendant shall file its response to Plaintiffs' Motion for Preliminary Injunction on or before March 10, 2023. Signed by Magistrate Judge Lauren Fleischer Louis on 2/21/2023. (as06) (Entered: 02/21/2023)
02/21/2023		Reset Deadline per DE#29 as to 26 EXPEDITED MOTION for Preliminary Injunction. Responses due by 3/10/2023. (scn) (Entered: 02/21/2023)
02/23/2023	30	Joint SCHEDULING REPORT - Rule 26(f) by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes (McNamara, Caroline) (Entered: 02/23/2023)
02/23/2023	31	Notice and Consent to Jurisdiction US Magistrate Judge signed by all parties . Filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes (McNamara, Caroline) (Entered: 02/23/2023)
02/24/2023	32	PAPERLESS ORDER SCHEDULING TRIAL IN MIAMI. This case is now set for trial commencing the two-week trial period of January 29, 2024 at 9 a.m. in Courtroom 13-1, (thirteenth floor) United States Courthouse, 400 North Miami Avenue, Miami, Florida. All parties are directed to report to the calendar call on January 25, 2024, at 2 p.m., at which time all matters relating to the scheduled trial date may be brought to the attention of the Court. A final pretrial conference as provided for by Rule 16, Fed. R. Civ. P., and Rule 16.1(C), S.D. Fla. L.R., is scheduled for January 16, 2024, at 11 a.m. A bilateral pretrial stipulation and all other pretrial preparations shall be completed NO LATER THAN FIVE DAYS PRIOR TO THE PRETRIAL CONFERENCE. All motions to amend the pleadings or to join additional parties must be filed by the later of forty-five (45) days after the date of entry of this Order, or forty-five (45) days after the first responsive pleading by the last responding defendant. Any and all pretrial motions, including motions for summary judgment, Daubert motions, and motions in limine must be filed no later than eighty (80) days prior to the trial date. Responses to summary judgment motions must be filed no later than fourteen (14) days after service of the motion, and replies in support of the motion must be filed no later than seven (7) days after service of the response, with both deadlines computed as specified in Rule 6, Fed. R. Civ. P. The Parties are hereby notified that this Court requires strict compliance with Local Rule 56.1 regarding the filing of any motion for summary judgment and corresponding statements of material facts. For evidence not previously filed on the docket, and to the extent practicable, evidentiary support for a Party's statement of material facts shall be filed as separate exhibits within the Court's electronic case filing system; the first citation to any evidence in support of a motion for summary judgment or statement of material facts shall provide the docket entry for that evidence using the form "ECF No." In all circumstances, citations to any composite exhibit shall provide both the page number assigned by the Court's electronic case filing system (i.e., the page number of the PDF) and the page number of the document. Each party is limited to one Daubert motion. If all evidentiary issues cannot be addressed in a 20-page memorandum, the parties must file for leave to exceed the page limit. Each party is also limited to one motion in limine (other than Daubert motions). If all evidentiary issues cannot be addressed

In a 20-page memorandum, the parties must file for leave to exceed the page limit. Rule 26(a)(2) expert disclosures shall be completed one hundred thirty (130) days prior to the date of trial. All discovery, including expert discovery, shall be completed one hundred (100) days prior to the date of trial. The failure to engage in discovery pending settlement negotiations shall not be grounds for continuance of the trial date. All exhibits must be pre-marked, and a typewritten exhibit list setting forth the number and description of each exhibit must be submitted at the time of trial. Plaintiff's exhibits shall be marked numerically with the letter "P" as a prefix. Defendant's exhibits shall be marked numerically with the letter "D" as a prefix. For a jury trial, counsel shall prepare and submit proposed jury instructions to the Court. The Parties shall submit their proposed jury instructions and verdict form jointly, although they do not need to agree on each proposed instruction. Where the parties do not agree on a proposed instruction, that instruction shall be set forth in bold type. Instructions proposed only by a plaintiff should be underlined. Instructions proposed only by a defendant should be italicized. Every instruction must be supported by citation to authority. The parties should use the Eleventh Circuit Pattern Jury Instructions for Civil Cases as a guide, including the directions to counsel contained therein. The parties shall jointly file their proposed jury instructions via CM/ECF, and shall also submit their proposed jury instructions to the Court via e-mail at moore@flsd.uscourts.gov in WordPerfect or Word format. For a non-jury trial, the parties shall prepare and submit to the Court proposed findings of fact and conclusions of law fully supported by the evidence, which counsel expects the trial to develop, and fully supported by citations to law. The proposed jury instructions or the proposed findings of fact and conclusions of law shall be submitted to the Court no later than five (5) business days prior to the scheduled trial date. Pursuant to Administrative Order 2016-70 of the Southern District of Florida and consistent with the Court of Appeals for the Eleventh Circuit's Local Rules and Internal Operating Procedures, within three days of the conclusion of a trial or other proceeding, parties must file via CM/ECF electronic versions of documentary exhibits admitted into evidence, including photographs of non-documentary physical exhibits. The Parties are directed to comply with each of the requirements set forth in Administrative Order 2016-70 unless directed otherwise by the Court.

THE FILING BY COUNSEL OF A "NOTICE OF UNAVAILABILITY" BY MOTION OR OTHERWISE IS NOT PROVIDED FOR UNDER THE LOCAL RULES AND SHALL NOT BE PRESUMED TO ALTER OR MODIFY THE COURT'S SCHEDULING ORDER.

Signed by Judge K. Michael Moore on 2/24/2023. (fpi)

[Pattern Jury Instruction Builder - To access the latest, up to date changes to the 11th Circuit Pattern Jury Instructions go to https://pji.ca11.uscourts.gov or click here](https://pji.ca11.uscourts.gov) (Entered: 02/24/2023)

02/24/2023

33 PAPERLESS ORDER OF REFERRAL TO MEDIATION. Trial having been set in this matter for the two-week trial period beginning January 29, 2024, at 9:00 a.m. pursuant to Rule 16 of the Federal Rule of Civil Procedure and Rule 16.2 of the Local Rules of the United States District Court for the Southern District of Florida, it is hereby ORDERED AND ADJUDGED as follows: 1. All parties are required to participate in mediation. The mediation shall be completed no later than eighty (80) days before the scheduled trial date. 2. Plaintiff's counsel, or another attorney agreed upon by all counsel of record and any unrepresented parties, shall be responsible for scheduling the mediation conference. The parties are encouraged to avail themselves of the services of any mediator on the List of Certified Mediators, maintained in the office of the Clerk of this Court, but may select any other mediator. The parties shall agree upon a mediator and file a Notice of Mediator Selection within fifteen (15) days from the date of this Order. If there is no agreement, lead counsel shall file a request for the Clerk of Court to appoint a mediator in writing within fifteen (15) days from the date of this Order, and the Clerk shall designate a mediator from the List of Certified Mediators. Designation shall be made on a blind rotation basis. 3. The parties shall agree upon a place, date, and time for mediation convenient to the mediator, counsel of record, and unrepresented parties and file a Notice of Scheduling Mediation no later than one hundred and ten (110) days prior to the scheduled trial date. If the parties cannot agree to a place, date, and time for the mediation, they may motion the Court for an order dictating the place, date, and time. 4. **The physical presence of counsel and each party or representatives of each party with full authority to enter in a full and complete compromise and settlement is mandatory.** The mediation shall take place in person absent good cause shown by the parties. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend. 5. All discussions, representations and statements made at the mediation conference shall be confidential and privileged. 6. At least ten (10) days prior to the mediation date, all parties shall present to the mediator a brief written summary of the case identifying issues to be resolved. Copies of those summaries shall be served on all other parties. 7. The Court may impose sanctions against parties and/or counsel who do not comply with the attendance or settlement authority requirements herein, or who otherwise violate the terms of this Order. The mediator shall report non-attendance and may recommend imposition of sanctions by the Court for non-attendance. 8. The mediator shall be compensated in accordance with the standing order of the Court entered pursuant to Rule 16.2.B.6, or on such basis as may be agreed to in writing by the parties and the mediator selected by the parties. The cost of mediation shall be shared equally by the parties unless otherwise ordered by the Court. All payments shall be remitted to the mediator within 30 days of the date of the bill. Notice to the mediator of cancellation or settlement prior to the scheduled mediation conference must be given at least two (2) full business days in advance. Failure to do so will result in imposition of a fee for one hour. 9. If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule

		Case, by filing a notice of settlement signed by the counsel of record within ten (10) days of the mediation conference. Thereafter, the parties shall forthwith submit an appropriate pleading concluding the case. 10. Within five (5) days following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse. 11. If mediation is not conducted, the case may be stricken from the trial calendar, and other sanctions may be imposed. Signed by Judge K. Michael Moore on 2/24/2023. (fpi) (Entered: 02/24/2023)
02/24/2023	34	Defendant's MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint</i> by City of Miami. Responses due by 3/10/2023 (Johnson, Christopher) (Entered: 02/24/2023)
03/10/2023	35	NOTICE of Mediator Selection. Selected/Added Israel Reyes as Mediator. (Johnson, Christopher) (Entered: 03/10/2023)
03/10/2023	36	RESPONSE to Motion re 26 EXPEDITED MOTION for Preliminary Injunction <i>Defendant's Memorandum Of Law In Response To Plaintiffs' Expedited Motion For Preliminary Injunction</i> filed by City of Miami. Replies due by 3/17/2023. (Johnson, Christopher) (Entered: 03/10/2023)
03/10/2023	37	RESPONSE in Opposition re 34 Defendant's MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint</i> filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Replies due by 3/17/2023. (Warren, Nicholas) (Entered: 03/10/2023)
03/15/2023	38	ORDER SETTING HEARING ON EXPEDITED MOTION FOR PRELIMINARY INJUNCTION. An Evidentiary and Preliminary Injunction Hearing on the 26 Expedited Motion for Preliminary Injunction is now set before United States Magistrate Judge Lauren F. Louis for Wednesday, March 29, 2023, at 9:30 AM in Miami Division at the C. Clyde Atkins United States Courthouse, 11th Floor, 301 North Miami Avenue, Miami, Florida, 33128. Signed by Magistrate Judge Lauren Fleischer Louis on 3/15/2023. <i>See attached document for full details.</i> (elm) (Entered: 03/15/2023)
03/15/2023		Set/Reset Deadlines/Hearings as to 26 EXPEDITED MOTION for Preliminary Injunction . Motion Hearing set for 3/29/2023 09:30 AM in Miami Division before Magistrate Judge Lauren Fleischer Louis. (elm) (Entered: 03/15/2023)
03/16/2023	39	REPLY to Response to Motion re 26 EXPEDITED MOTION for Preliminary Injunction filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Warren, Nicholas) (Entered: 03/16/2023)
03/17/2023	40	REPLY to 37 Response in Opposition to Motion, <i>Defendant's Reply Memorandum of Law In Support of Motion to Dismiss Plaintiffs' First Amended Complaint</i> by City of Miami. (Johnson, Christopher) (Entered: 03/17/2023)
03/22/2023	41	NOTICE by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes re 38 Order Setting Hearing on Motion,, <i>Regarding Time for Argument</i> (Warren, Nicholas) (Entered: 03/22/2023)
03/22/2023	42	NOTICE by City of Miami re 38 Order Setting Hearing on Motion,, (Levesque, George) (Entered: 03/22/2023)
03/22/2023	43	MOTION for clarification 38 Order Setting Hearing on Motion,, by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 4/5/2023 (Warren, Nicholas) (Entered: 03/22/2023)
03/23/2023	44	PAPERLESS ORDER ON MOTION FOR CLARIFICATION. THIS CAUSE is before the Court upon Plaintiffs' Motion for Clarification Regarding Order Setting Hearing, 43 . The request for clarification of the Court's Order Setting Hearing on Expedited Motion for Preliminary Injunction, 38 , is GRANTED. The following clarification is provided. At the March 29, 2023 Evidentiary and Preliminary Injunction Hearing, the Court intends to (1) resolve any factual disputes presented in the Parties' briefing on the Expedited Motion for Preliminary Injunction, 26 , to the extent any factual disputes exist and to the extent required for disposition of the Expedited Motion, and (2) hear argument on the Expedited Motion for Preliminary Injunction. Accordingly, any Party that intends to present live witness testimony to support facts advanced in briefing on the Expedited Motion consistent with the foregoing shall file a witness list in accordance with the Court's Order Setting Hearing, 38 . In addition, all exhibits shall be pre-marked for the hearing as required by the Court's Order Setting Hearing, 38 , and thereafter filed and served within CM/ECF in accordance with Local Rule 5.3(b)(2) of the Local Rules of the Southern District of Florida. Further, Plaintiffs may prior to the hearing depose defense witnesses who are advanced according to the above. Any deposition must comply with the reasonable notice requirements of Federal Rule of Civil Procedure 30(b)(1) and Local Rule 26.1(h). To the extent noticing of a deposition in compliance with Local Rule 26.1(h) would

		necessitate postponement of the March 29, 2023 hearing, Plaintiffs must request a continuance by separate motion upon a showing of good cause. Signed by Magistrate Judge Lauren Fleischer Louis on 3/23/2023. (elm) (Entered: 03/23/2023)
03/24/2023	45	Exhibit List <i>FOR HEARING ON PLAINTIFFS EXPEDITED MOTION FOR PRELIMINARY INJUNCTION</i> by City of Miami.. (Levesque, George) (Entered: 03/24/2023)
03/24/2023	46	Witness List <i>FOR HEARING ON PLAINTIFFS EXPEDITED MOTION FOR PRELIMINARY INJUNCTION</i> by City of Miami.. (Levesque, George) (Entered: 03/24/2023)
03/24/2023	47	Exhibit List <i>FOR HEARING ON PLAINTIFFS EXPEDITED MOTION FOR PRELIMINARY INJUNCTION</i> by City of Miami.. (Levesque, George) (Entered: 03/24/2023)
03/29/2023	48	PAPERLESS Minute Entry for proceedings held before Magistrate Judge Lauren Fleischer Louis: Evidentiary Motion Hearing held on 3/29/2023 re 26 Expedited Motion for Preliminary Injunction. Plaintiffs' exhibits #'s 1-93 admitted. Opening statement heard. Witness Miguel de Grandy sworn and testified. Closing argument heard. Matter taken under advisement. Report and Recommendation to follow. Total time in court: 5 hour(s) : 30 minutes. Attorney Appearance(s): Nicholas Lyndol Villacor Warren, Caroline Andrews McNamara, Daniel Boaz Tilley, Christopher J. Merken, Christopher N. Johnson, George Ty Levesque. Court Reporter: Stephanie McCarn, 305-523-5518 / Stephanie_McCarn@flsd.uscourts.gov. (aw) (Entered: 03/29/2023)
03/30/2023	49	Exhibit List of Joint and Plaintiffs' Exhibits at Preliminary Injunction Hearing by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes.. (Warren, Nicholas) (Entered: 03/30/2023)
03/30/2023	50	Exhibit List Defendant's Exhibits Introduced Into Evidence At Plaintiffs' Expedited Motion For Preliminary Injunction Hearing Held On March 28, 2023 by City of Miami.. (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9, # 10 Exhibit 10, # 11 Exhibit 11, # 12 Exhibit 12)(Johnson, Christopher) (Entered: 03/30/2023)
03/30/2023	51	CERTIFICATE of Compliance Re Admitted Evidence for exhibit(s): 1 through 12 by Christopher N. Johnson on behalf of City of Miami (Johnson, Christopher) (Entered: 03/30/2023)
05/03/2023	52	REPORT AND RECOMMENDATIONS on 26 Plaintiffs' Expedited Motion for Preliminary Injunction. Recommending that the 26 Expedited Motion be GRANTED. Objections to R&R due by 5/13/2023. Response to Objections due 5/20/2023. Signed by Magistrate Judge Lauren Fleischer Louis on 5/3/2023. See attached document for full details. (elm) (Entered: 05/03/2023)
05/09/2023	53	Defendant's MOTION for Extension of Time To File Objections to Magistrate Judge's Report and Recommendation re 52 REPORT AND RECOMMENDATIONS re 26 EXPEDITED MOTION for Preliminary Injunction filed by South Dade Branch Of The NAACP, Engage Miami, Inc., Steven Miro, Yanelis Valdes, Miami-Dade Branch Of The NAACP, GRACE, Inc., Alexandra Contr by City of Miami. Responses due by 5/23/2023 (Attachments: # 1 Text of Proposed Order Proposed Order)(Johnson, Christopher) (Entered: 05/09/2023)
05/11/2023	54	PAPERLESS ORDER. THIS CAUSE came before the Court upon Defendant's Motion for Extension of Time to File Objections to Magistrate Judge's Report and Recommendation. 53 . Therein, Defendant requests an extension of time to file objections because of the "complexity, length, and serious consequences of the Report and Recommendation." Id. at 2. However, in the March 29, 2023 Evidentiary and Preliminary Injunction Hearing, see (ECF No. 48), the Parties consented to this expedited briefing schedule. Therefore, the Court fails to find good cause warranting an extension. UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion 53 is DENIED. Defendant shall file any Objections to the Report and Recommendation on or before May 13, 2023. Signed by Judge K. Michael Moore on 5/11/2023. (rhr) (Entered: 05/11/2023)
05/13/2023	55	OBJECTIONS to 52 Report and Recommendations DEFENDANTS OBJECTIONS TO MAGISTRATE'S REPORT & RECOMMENDATION by City of Miami. (Levesque, George) (Entered: 05/13/2023)
05/13/2023	56	OBJECTIONS to 52 Report and Recommendations by City of Miami. (Levesque, George) (Entered: 05/13/2023)
05/18/2023	57	RESPONSE TO OBJECTION to 52 Report and Recommendations by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Warren, Nicholas) (Entered: 05/18/2023)
05/18/2023	58	Defendant's MOTION for Leave to File Reply In Support Of Objections To Magistrate Judge's Report and Recommendation by City of Miami. (Attachments: # 1 Text of Proposed Order Proposed Order)(Johnson, Christopher) (Entered: 05/18/2023)
05/19/2023	59	Defendant's REPLY to 55 Objections to Report and Recommendations, 52 REPORT AND RECOMMENDATIONS re 26 EXPEDITED MOTION for Preliminary Injunction filed by South Dade Branch Of The NAACP, Engage Miami, Inc., Steven Miro, Yanelis Valdes, Miami-Dade Branch Of The NAACP, GRACE,

		Inc., Alexandra Contreras, 57 Responses to Objection to Report and Recommendations, by City of Miami (Johnson, Christopher) (Entered: 05/19/2023)
05/23/2023	60	ORDER granting 26 Expedited Motion; Adopting 52 Report and Recommendations on 26 Expedited Motion, filed by South Dade Branch Of The NAACP, Engage Miami, Inc., Steven Miro, Yanelis Valdes, Miami-Dade Branch Of The NAACP, GRACE, Inc., Alexandra Contreras, Jared Johnson, Clarice Cooper, 52 Report and Recommendations,. Signed by Judge K. Michael Moore on 5/23/2023. <i>See attached document for full details.</i> (rhr) (Entered: 05/23/2023)
05/23/2023	61	PAPERLESS ORDER OF REFERRAL TO SUPPLEMENTAL MEDIATION. THIS CAUSE came before the Court upon (ECF No. 60). Trial having been set in this matter for the two-week trial period beginning January 29, 2024 at 9:00 a.m. pursuant to Rule 16 of the Federal Rule of Civil Procedure and Rule 16.2 of the Local Rules of the United States District Court for the Southern District of Florida, and upon the Court's Order granting Plaintiffs' Motion for Preliminary Injunction, it is hereby ORDERED AND ADJUDGED as follows: 1. All parties are required to participate in mediation. The mediation shall be completed no later than thirty (30) days from the date of this Order. 2. Plaintiff's counsel, or another attorney agreed upon by all counsel of record and any unrepresented parties, shall be responsible for scheduling the mediation conference. The parties are encouraged to avail themselves of the services of any mediator on the List of Certified Mediators, maintained in the office of the Clerk of this Court, but may select any other mediator. The parties shall agree upon a mediator and file a Notice of Mediator Selection within fifteen (15) days from the date of this Order. If there is no agreement, lead counsel shall file a motion with the Court requesting the designation of a mediator. 3. The parties shall agree upon a place, date, and time for mediation convenient to the mediator and counsel of record, file a Notice of Scheduling Mediation no later than thirty (15) days from the date of this Order. If the parties cannot agree to a place, date, and time for the mediation, they may motion the Court for an order dictating the place, date, and time. 4. The physical presence of counsel and each party or representatives of each party with full authority to enter in a full and complete compromise and settlement is mandatory. The mediation shall take place in person absent good cause shown by the parties. If insurance is involved, an adjuster with authority up to the policy limits or the most recent demand, whichever is lower, shall attend. 5. All discussions, representations and statements made at the mediation conference shall be confidential and privileged. 6. At least ten (10) days prior to the mediation date, all parties shall present to the mediator a brief written summary of the case identifying issues to be resolved. Copies of those summaries shall be served on all other parties. 7. The Court may impose sanctions against parties and/or counsel who do not comply with the attendance or settlement authority requirements herein, or who otherwise violate the terms of this Order. The mediator shall report non-attendance and may recommend imposition of sanctions by the Court for non-attendance. 8. The mediator shall be compensated in accordance with the standing order of the Court entered pursuant to Rule 16.2.B.6, or on such basis as may be agreed to in writing by the parties and the mediator selected by the parties. The cost of mediation shall be shared equally by the parties unless otherwise ordered by the Court. All payments shall be remitted to the mediator within 30 days of the date of the bill. Notice to the mediator of cancellation or settlement prior to the scheduled mediation conference must be given at least two (2) full business days in advance. Failure to do so will result in imposition of a fee for one hour. 9. If a full or partial settlement is reached in this case, counsel shall promptly notify the Court of the settlement in accordance with Local Rule 16.2.F, by filing a notice of settlement signed by the counsel of record within ten (10) days of the mediation conference. Thereafter, the parties shall forthwith submit an appropriate pleading concluding the case. 10. Within five (5) days following the mediation conference, the mediator shall file a Mediation Report indicating whether all required parties were present. The report shall also indicate whether the case settled (in full or in part), was continued with the consent of the parties, or whether the mediator declared an impasse. 11. If mediation is not conducted, the case may be stricken from the trial calendar, and other sanctions may be imposed. Signed by Judge K. Michael Moore on 5/23/2023. (rhr) (Entered: 05/23/2023)
05/23/2023	62	PAPERLESS ORDER Setting Status Conference: Status Conference Re: Scheduling/Deadlines/Procedural Matters set for 6/2/2023 04:00 PM in Miami Division before Judge K. Michael Moore. Per Chambers. (rhr) (Entered: 05/23/2023)
05/31/2023	63	Notice of Appeal To The Eleventh Circuit Court of Appeals as to 60 Order on Expedited Motion,, Order on Report and Recommendations, by City of Miami. Filing fee \$ 505.00 receipt number AFLSDC-16657779. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under All Forms and look for Transcript Order Form www.flsd.uscourts.gov/forms/all-forms . (Johnson, Christopher) (Entered: 05/31/2023)
05/31/2023	64	Defendant's MOTION to Stay re 60 Order on Expedited Motion,, Order on Report and Recommendations, by City of Miami. Responses due by 6/14/2023 (Johnson, Christopher) (Entered: 05/31/2023)
05/31/2023	65	NOTICE of Mediator Selection and Hearing. Selected/Added Raoul G. Cantero as Mediator. Mediation Hearing set for 6/13/2023 at 3:00 p.m.. (Warren, Nicholas) (Entered: 05/31/2023)
05/31/2023		Transmission of Notice of Appeal, Order under appeal and Docket Sheet to US Court of Appeals re 63 Notice of Appeal. Notice has been electronically mailed. (jes) (Entered: 06/02/2023)

06/01/2023		PAPERLESS **TIME CHANGE ONLY** Status Conference Re: Scheduling/Deadlines/Procedural Matters set for 6/2/2023 02:00 PM in Miami Division before Judge K. Michael Moore. Per Chambers. (rhr) (Entered: 06/01/2023)
06/01/2023	66	Unopposed MOTION to Stay <i>Discovery</i> by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 6/15/2023 (Warren, Nicholas) (Entered: 06/01/2023)
06/02/2023	67	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Unopposed Motion to Stay <i>Discovery</i> ("Motion" or "Mot."). 66 . Therein, Plaintiffs request a stay of discovery until after the interim remedial phase of this case concludes. See <i>id.</i> at 1. Plaintiffs aver that a stay of discovery "during this period will allow the Parties to focus their efforts on developing an interim remedial plan and will facilitate mediation and potential settlement." <i>Id.</i> Defendant does not oppose the Motion. "The district court has broad discretion to stay proceedings as an incident to its power to control its own docket." <i>Four Seasons Hotels & Resorts, B.V. v. Consorcio Barr S.A.</i> , 377 F.3d 1164, 1172 n.7 (11th Cir. 2004) (quoting <i>Clinton v. Jones</i> , 520 U.S. 681, 706 (1997)). The length of the requested stay will not be indefinite or immoderate. See <i>Ortega Trujillo v. Conover & Co. Comm'ns</i> , 221 F.3d 1262, 1264 (11th Cir. 2000). Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Plaintiffs' Motion to Stay <i>Discovery</i> 66 is GRANTED. <i>Discovery</i> in this case is hereby STAYED until the interim remedial phase of this case has concluded. Signed by Judge K. Michael Moore on 6/2/2023. (rhr) (Entered: 06/02/2023)
06/02/2023	68	PAPERLESS Minute Entry for proceedings held before Judge K. Michael Moore: Status Conference held on 6/2/2023. The Parties discussed their proposed timelines for mediation and for briefing on new proposed electoral maps. Defense discussed its concerns regarding its representation at the mediation conference. Total time in court: 25 minutes. Court Reporter: Vernita Allen-Williams, 305-523-5048 / Vernita_Allen-Williams@flsd.uscourts.gov. (fpi) (Entered: 06/02/2023)
06/02/2023	69	SCHEDULING ORDER Signed by Judge K. Michael Moore on 6/2/2023. <i>See attached document for full details.</i> (rhr) (Entered: 06/02/2023)
06/07/2023	70	ORDER denying 64 Motion to Stay. Signed by Judge K. Michael Moore on 6/6/2023. <i>See attached document for full details.</i> (rhr) (Entered: 06/07/2023)
06/07/2023	71	Acknowledgment of Receipt of NOA from USCA re 63 Notice of Appeal, filed by City of Miami. Date received by USCA: 06/02/2023. USCA Case Number: 23-11854-D. (jes) (Entered: 06/07/2023)
06/14/2023	72	TRANSCRIPT INFORMATION FORM by City of Miami re 63 Notice of Appeal,,. No Transcript Requested. (Johnson, Christopher) (Entered: 06/14/2023)
06/22/2023	73	TRANSCRIPT of the Evidentiary and Motion Preliminary Injunction hearing held on 03/29/23, before Magistrate Judge Lauren Fleischer Louis, 1-160 pages, Court Reporter: Stephanie McCam, 305-523-5518 / Stephanie_McCam@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 7/13/2023. Redacted Transcript Deadline set for 7/24/2023. Release of Transcript Restriction set for 9/20/2023. (smn) (Entered: 06/22/2023)
06/23/2023	74	FINAL MEDIATION REPORT by Raoul G. Cantero. Disposition: Case did not settle. (Cantero, Raoul) (Entered: 06/23/2023)
06/23/2023	75	FINAL MEDIATION REPORT by Raoul Cantero. Disposition: Case did not settle. (Levesque, George) (Entered: 06/23/2023)
06/28/2023	76	Unopposed MOTION to Withdraw as Attorney by Jocelyn Kirsch for / by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 7/12/2023 (Warren, Nicholas) (Entered: 06/28/2023)
06/30/2023	77	NOTICE by City of Miami re 69 Order <i>Defendant's Notice of Passage of Redistricting Plan</i> (Johnson, Christopher) (Entered: 06/30/2023)
06/30/2023	78	PAPERLESS ORDER PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion for Withdrawal of Counsel. 76 . Therein, Plaintiffs request leave for attorney Jocelyn Kirsch to withdraw as a counsel of record, and notices that remaining co-counsel will continue to represent Plaintiffs in this case. <i>Id.</i> at 1. Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion to Withdraw 76 is GRANTED. Attorney Jocelyn Kirsch is relieved of all further responsibilities related to this action. The Clerk of Court is INSTRUCTED to REMOVE Jocelyn Kirsch as counsel of record for Defendants. Signed by Judge K. Michael Moore on 6/30/2023. (rhr) (Entered: 06/30/2023)

07/03/2023	79	NOTICE of Attorney Appearance by Kevin Renard Jones on behalf of City of Miami. Attorney Kevin Renard Jones added to party City of Miami(pty:dft). (Jones, Kevin) (Entered: 07/03/2023)
07/03/2023	80	MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' First Amended Complaint as Moot</i> by City of Miami. Responses due by 7/17/2023 (Johnson, Christopher) (Entered: 07/03/2023)
07/05/2023	81	PAPERLESS ORDER REQUIRING EXPEDITED BRIEFING. THIS CAUSE came before the Court upon Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint as Moot. 80 . In light of the time-sensitive nature of this Matter, the Court finds that expedited briefing is appropriate. Accordingly, Plaintiffs shall file a response to Defendant's Motion to Dismiss on or before July 10, 2023 at 5:00 PM. To the extent Defendant intends to file a reply, it shall do so on or before July 12, 2023 at 5:00 PM. Signed by Judge K. Michael Moore on 7/5/2023. (rhr) (Entered: 07/05/2023)
07/05/2023		Set/Reset Deadlines/Hearings per DE 81 as to 80 MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' First Amended Complaint as Moot</i> . Responses due by 7/10/2023 Replies due by 7/12/2023. (pcs) (Entered: 07/05/2023)
07/06/2023	82	NOTICE by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes <i>of Filing Exhibits in Support of Objections to City's Proposed Interim Remedial Plan</i> (Attachments: # 1 5/11 Tr., # 2 6/14 Tr., # 3 5/11 Marked Agenda, # 4 6/14 Meeting Notice, # 5 6/14 Agenda (Pre-Meeting), # 6 6/14 Marked Agenda, # 7 Four Emails Sharing Plfs' Maps, # 8 Supp. Info. on P1 & P2, # 9 Moy Rep. on P1 & P2, # 10 Plfs' Letter Urging Veto, # 11 McCartan Report, # 12 2nd Abbott Report, # 13 Supp. Moy Report, # 14 King's 5/26 Instagram Post, # 15 King's 6/14 Facebook Post, # 16 Morrell Article, # 17 Warren Declaration, # 18 6/23 Johnson Email, # 19 6/23 Warren Email, # 20 6/30 Warren Email, # 21 Laws of Fla. ch. 2023-101, # 22 2013 Plan, # 23 2022 Enjoined Plan, # 24 Res. 23-271, # 25 Version 12, # 26 D1 Alt Map (Version 14), # 27 D2 Alt Map, # 28 D3 Alt Map v.1, # 29 D3 Alt Map v.2, # 30 D5 Alt Map, # 31 Areas Moved - Enjoined to Res. 23-271, # 32 Areas Moved - V.12 to Res. 23-271, and Other Areas, # 33 Overtown, # 34 P1, # 35 P2, # 36 P3, # 37 P4, # 38 2022 Precinct Map, # 39 2020 Voting Tabulation Districts) (Warren, Nicholas) (Entered: 07/06/2023)
07/07/2023	83	Objections to 77 Notice (Other) by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Attachments: # 1 Arriola Declaration)(Warren, Nicholas) (Entered: 07/07/2023)
07/10/2023	84	RESPONSE in Opposition re 80 MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' First Amended Complaint as Moot</i> filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Replies due by 7/17/2023. (Warren, Nicholas) (Entered: 07/10/2023)
07/12/2023	85	RESPONSE in Support re 80 MOTION to Dismiss 23 Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' First Amended Complaint as Moot</i> filed by City of Miami. (Levesque, George) (Entered: 07/12/2023)
07/12/2023	86	RESPONSE to 82 Notice (Other),,,,, 83 Response/Reply (Other), <i>Defendant's Memorandum of Law In Response To Plaintiffs' Objections To The City's Proposed Interim Remedial Plan</i> by City of Miami. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Johnson, Christopher) (Entered: 07/12/2023)
07/12/2023	87	MOTION to Strike <i>Motion To Strike Carolyn Abbott's Improper Opinions Assessing The Credibility Of Witnesses And Speculating About The City's Considerations And Motivations In Creating A New Plan</i> by City of Miami. Responses due by 7/26/2023 (Johnson, Christopher) (Entered: 07/12/2023)
07/13/2023	88	ORDER of DISMISSAL from USCA. Motion to voluntarily dismiss appeal filed by Appellant City of Miami is GRANTED by clerk re: 63 Notice of Appeal, filed by City of Miami. USCA # 23-11854-D. (jes) (Entered: 07/13/2023)
07/17/2023	89	Notice of Supplemental Authority re 84 Response in Opposition to Motion, 83 Response/Reply (Other), by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes (Warren, Nicholas) (Entered: 07/17/2023)
07/17/2023	90	Notice of Supplemental Authority re 89 Notice of Supplemental Authority, <i>Attachment - S.C. State Conf. of NAACP v. Alexander, No. 3:21-cv-3302 (D.S.C. Feb. 4, 2023), ECF 501</i> by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes (Warren, Nicholas) (Entered: 07/17/2023)
07/18/2023	91	ORDER denying 80 Motion to Dismiss. Signed by Judge K. Michael Moore on 7/18/2023. <i>See attached document for full details.</i> (rhr) (Entered: 07/18/2023)

07/25/2023	<u>92</u>	RESPONSE in Opposition re <u>87</u> MOTION to Strike <i>Motion To Strike Carolyn Abbott's Improper Opinions Assessing The Credibility Of Witnesses And Speculating About The City's Considerations And Motivations In Creating A New Plan</i> filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Replies due by 8/1/2023. (Attachments: # <u>1</u> Exhibit Instructions to Carolyn Abbott June 19 2023)(McNamara, Caroline) (Entered: 07/25/2023)
07/28/2023	<u>93</u>	REPLY <i>In Support Of Motion To Strike Carolyn Abbott's Improper Opinions Assessing The Credibility Of Witnesses And Speculating About The City's Considerations And Motivations In Creating A New Plan [DE 87]</i> by City of Miami. (Johnson, Christopher) (Entered: 07/28/2023)
07/30/2023	<u>94</u>	ORDER sustaining Objections to Defendant's Notice of Passing Remedial Plan (ECF No. <u>83</u>) Signed by Judge K. Michael Moore on 7/30/2023. <i>See attached document for full details.</i> (rhr) (Entered: 07/30/2023)
07/30/2023	<u>95</u>	PAPERLESS ORDER. Per (ECF No. <u>94</u>), Defendant's Motion to Strike (ECF No. <u>87</u>) is DENIED AS MOOT. Signed by Judge K. Michael Moore on 7/30/2023. (rhr) (Entered: 07/30/2023)
07/30/2023	<u>96</u>	Notice of Appeal <i>To The Eleventh Circuit Court Of Appeals</i> as to <u>94</u> Order by City of Miami. Filing fee \$ 505.00 receipt number AFLSDC-16802016. Within fourteen days of the filing date of a Notice of Appeal, the appellant must complete the Eleventh Circuit Transcript Order Form regardless of whether transcripts are being ordered [Pursuant to FRAP 10(b)]. For information go to our FLSD website under All Forms and look for Transcript Order Form www.flsd.uscourts.gov/forms/all-forms . (Johnson, Christopher) (Entered: 07/30/2023)
07/30/2023	<u>97</u>	EMERGENCY MOTION with Certification of Emergency included <i>Defendant's Emergency Motion To Stay Order Rejecting Redistricting Map [DE94]</i> by City of Miami. Responses due by 8/14/2023 (Johnson, Christopher) (Entered: 07/30/2023)
07/31/2023	<u>98</u>	PAPERLESS ORDER. THIS CAUSE comes before the Court upon Defendant's Emergency Motion to Stay Order Rejecting Redistricting Map (ECF No. <u>97</u>). Therein, Defendant requests a stay of the Court's Order sustaining Objections to Defendant's Notice of Passing Remedial Plan (ECF No. <u>94</u>), pending appeal. UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion <u>97</u> is DENIED. Because of the time-sensitive nature of this Motion, a reasoned order will be forthcoming. Signed by Judge K. Michael Moore on 7/31/2023. (rhr) (Entered: 07/31/2023)
07/31/2023		Transmission of Notice of Appeal, Order under appeal and Docket Sheet to US Court of Appeals re: <u>96</u> Notice of Appeal. Notice has been electronically mailed. (jes) (Entered: 07/31/2023)
07/31/2023	<u>99</u>	TRANSCRIPT of Status Conference held on 6-2-23 before Judge K. Michael Moore, Volume Number 1 of 1, 1-13 pages, re: <u>96</u> Notice of Appeal,, Court Reporter: Vernita Allen-Williams, 305-523-5048 / Vernita_Allen-Williams@flsd.uscourts.gov. Transcript may be viewed at the court public terminal or purchased by contacting the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 8/21/2023. Redacted Transcript Deadline set for 8/31/2023. Release of Transcript Restriction set for 10/30/2023. (vas) (Entered: 07/31/2023)
07/31/2023	<u>100</u>	Acknowledgment of Receipt of NOA from USCA re: <u>96</u> Notice of Appeal, filed by City of Miami. Date received by USCA: 07/31/2023. USCA Case Number: 23-12472-D. (jes) (Entered: 07/31/2023)
08/03/2023	<u>101</u>	SUPPLEMENTAL ORDER Per (ECF No. 98). Signed by Judge K. Michael Moore on 8/3/2023. <i>See attached document for full details.</i> (rhr) (Entered: 08/03/2023)
08/10/2023	<u>102</u>	ORDER from USCA. "Plaintiffs-Appellees' Motion to Transfer Consideration of Attorneys' Fees on Appeal to the District Court" is GRANTED. Consideration of whether Appellees are entitled to appellate attorney's fees and the amount of appellate attorney's fees to which Appellees are entitled, if any, is TRANSFERRED to the district court re: <u>63</u> Notice of Appeal, filed by City of Miami. USCA # 23-11854-D. (jes) (Entered: 08/14/2023)
08/14/2023	<u>103</u>	TRANSCRIPT INFORMATION FORM by City of Miami re <u>96</u> Notice of Appeal,, No Transcript Requested. (Levesque, George) (Entered: 08/14/2023)
08/25/2023	<u>104</u>	Defendant's MOTION to Stay <i>Case Pending Appeal And To Continue Trial and Pretrial Deadlines</i> by City of Miami. Responses due by 9/8/2023 (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B, # <u>3</u> Exhibit C, # <u>4</u> Exhibit D) (Johnson, Christopher) (Entered: 08/25/2023)
08/28/2023	<u>105</u>	MOTION for Leave to File <i>Supplemental Complaint</i> by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Attachments: # <u>1</u> Proposed Supplemental Complaint)(Warren, Nicholas) (Entered: 08/28/2023)
08/30/2023	<u>106</u>	PAPERLESS ORDER. THIS CAUSE comes before the Court upon a sua sponte examination of the Record. On May 23, 2023, the Court issued an order granting a preliminary injunction preventing Defendant from using Resolution 22-131 in upcoming elections pending the final resolution of the instant Action. (ECF No. 60). The

		<p>Court then issued a remedial order finding that Defendant's remedial plan, Resolution 23-271, failed to adequately remedy the likely constitutional violations from the enjoined plan. (ECF No. 94). The Eleventh Circuit issued a stay of the Court's order pending appeal, which is now proceeding on a normal schedule. See GRACE, Inc. v. City of Miami, No. 23-12472 (11th Cir. Aug. 4, 2023), Doc. 25. Following the stay, Defendant filed a motion to continue trial and pretrial deadlines, and to stay the case pending appeal. (ECF No. 104). Plaintiff filed a motion requesting leave to file a supplemental complaint purporting to identify additional facts supporting the allegation that Resolution 23-271 does not remedy the unconstitutional aspects of the enjoined plan. (ECF No. 105).</p> <p>Given the procedural posture of this case and considering the current pretrial deadlines, the Parties are HEREBY ORDERED to file a Joint Status Report on or before September 6, 2023 addressing the following issues: (1) what discovery, if any, the Parties still seek; (2) whether the Parties intend to file motions for summary judgment; and (3) whether further mediation would assist in a resolution of the instant Action. By issuing this Order, the Court takes no position on either Defendant's or Plaintiffs' Motions (ECF Nos. 104, 105). Signed by Judge K. Michael Moore on 8/30/2023. (rhr) (Entered: 08/30/2023)</p>
08/30/2023		Set/Reset Deadlines/Hearings per DE 106 Status Report due by 9/6/2023. (pcs) (Entered: 08/30/2023)
09/06/2023	<u>107</u>	STATUS REPORT by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes (Warren, Nicholas) (Entered: 09/06/2023)
09/07/2023	108	<p>PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiffs' Motion for Leave to File Supplemental Complaint. <u>105</u> . Therein, Plaintiffs requests that the Court permit them to supplement their First Amended Complaint <u>23</u> in order to include facts in support of their allegation that the "five Miami City Commission districts continue to be racially gerrymandered in violation of the Equal Protection Clause." Id. at 1.</p> <p>Pursuant to Federal Rule of Civil Procedure 15(d), the Court may "permit a party to serve a supplemental pleading setting out any transaction, occurrence, or event that happened after the date of the pleading to be supplemented." The standard applicable to a motion for leave to supplement under Rule 15(d) is the same standard applied to a motion for leave to amend under Rule 15(a). <i>Stoecklin v. U.S.</i>, 1997 WL 1039239, at *1 (M.D. Fla. Sept. 19, 1997). Leave to supplement a complaint should thus "be freely given when justice so requires." Fed. R. Civ. P. 15(a)(2). The Court will therefore permit Plaintiffs to file a Supplemental Complaint.</p> <p>Accordingly, UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion <u>105</u> is GRANTED. Plaintiff is instructed to file the supplemental complaint separately on the docket on or before September 8, 2023. Consistent with Federal Rule of Procedure 15(a)(3), Defendant will have 14 days after service of the supplemental pleading to respond. Nothing in this Order shall disturb the Court's prior scheduling order, see (ECF No. 32), which set the appropriate deadlines for discovery and all pretrial motions. Signed by Judge K. Michael Moore on 9/7/2023. (rhr) (Entered: 09/07/2023)</p>
09/07/2023	<u>109</u>	Supplemental AMENDED COMPLAINT against All Defendants filed in response to Order Granting Motion for Leave, filed by Yanelis Valdes, South Dade Branch Of The NAACP, Jared Johnson, Steven Miro, Engage Miami, Inc., Alexandra Contreras, GRACE, Inc., Miami-Dade Branch Of The NAACP, Clarice Cooper.(Warren, Nicholas) (Entered: 09/07/2023)
09/08/2023	110	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiff's filing of its Supplemental Complaint. <u>109</u> . The Supplemental Complaint moots Defendant's Motion to Dismiss. <u>34</u> . Accordingly, UPON CONSIDERATION of the Supplemental Complaint <u>109</u> , the pertinent portions of the record, and being otherwise fully advised in the premises, it is ORDERED AND ADJUDGED that Defendant's Motion to Dismiss <u>34</u> is DENIED AS MOOT. Signed by Judge K. Michael Moore on 9/8/2023. (rhr) (Entered: 09/08/2023)
09/08/2023	<u>111</u>	RESPONSE in Opposition re <u>104</u> Defendant's MOTION to Stay <i>Case Pending Appeal And To Continue Trial and Pretrial Deadlines</i> filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Replies due by 9/15/2023. (Warren, Nicholas) (Entered: 09/08/2023)
09/12/2023	<u>112</u>	ORDER denying <u>104</u> Motion to Stay. Signed by Judge K. Michael Moore on 9/12/2023. <i>See attached document for full details.</i> (rhr) (Entered: 09/12/2023)
09/14/2023	<u>113</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Julia Markham-Cameron. Filing Fee \$ 200.00 Receipt # AFLSDC-16918763 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 9/28/2023 (Attachments: # <u>1</u> Certification of Julia Markham-Cameron, # <u>2</u> Proposed Order)(Warren, Nicholas) (Entered: 09/14/2023)
09/14/2023	<u>114</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Gregory Luib. Filing Fee \$ 200.00 Receipt # AFLSDC-16918786 by Alexandra Contreras,

		Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 9/28/2023 (Attachments: # <u>1</u> Certification of Gregory Luib, # <u>2</u> Proposed Order)(Warren, Nicholas) (Entered: 09/14/2023)
09/15/2023	<u>115</u>	PAPERLESS ORDER. THIS CAUSE came before the Court upon Plaintiff's Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Julia Markham-Cameron <u>113</u> , and Plaintiff's Motion to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Gregory Luib <u>114</u> . UPON CONSIDERATION of the Motions, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motions <u>113</u> and <u>114</u> are GRANTED. Julia Markham-Cameron and Gregory Luib may appear pro hac vice in this matter. The Clerk of Court shall provide electronic notification of all electronic filings to: Julia.Markham-Cameron@dechert.com and Gregory.Luib@dechert.com. Signed by Judge K. Michael Moore on 9/15/2023. (rhr) (Entered: 09/15/2023)
09/20/2023	<u>116</u>	Joint MOTION to Waive Pretrial Mediation by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. (Warren, Nicholas) (Entered: 09/20/2023)
09/21/2023	<u>117</u>	MOTION to Dismiss <u>109</u> Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' Supplemental Complaint</i> by City of Miami. Responses due by 10/5/2023 (Johnson, Christopher) (Entered: 09/21/2023)
10/02/2023	<u>118</u>	PAPERLESS ORDER. THIS CAUSE came before the Court the Parties' Joint Motion to Waive Pretrial Mediation. <u>116</u> . Therein, the Parties request that the Court relieve them of their obligation to mediate because the Parties have already mediated unsuccessfully at an earlier stage of the case. Id. at 1. Both Parties agree that further mediation would not be fruitful. Id. at 2. UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion <u>116</u> is GRANTED. IT IS HEREBY ORDERED that the Parties do not need to engage in further mediation. Signed by Judge K. Michael Moore on 10/2/2023. (rhr) (Entered: 10/02/2023)
10/05/2023	<u>119</u>	RESPONSE in Opposition re <u>117</u> MOTION to Dismiss <u>109</u> Amended Complaint/Amended Notice of Removal, <i>Defendant's Motion To Dismiss Plaintiffs' Supplemental Complaint</i> filed by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Replies due by 10/12/2023. (Warren, Nicholas) (Entered: 10/05/2023)
10/10/2023	<u>120</u>	NOTICE of Attorney Appearance by Sydney Michelle Feldman on behalf of City of Miami. Attorney Sydney Michelle Feldman added to party City of Miami(pty:dft). (Feldman, Sydney) (Entered: 10/10/2023)
10/11/2023	<u>121</u>	NOTICE of Attorney Appearance by Janine Marie Lopez on behalf of Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, Steven Miro, South Dade Branch Of The NAACP, Yanelis Valdes. Attorney Janine Marie Lopez added to party Alexandra Contreras(pty:pla), Attorney Janine Marie Lopez added to party Clarice Cooper(pty:pla), Attorney Janine Marie Lopez added to party Engage Miami, Inc.(pty:pla), Attorney Janine Marie Lopez added to party GRACE, Inc. (pty:pla), Attorney Janine Marie Lopez added to party Jared Johnson(pty:pla), Attorney Janine Marie Lopez added to party Miami-Dade Branch Of The NAACP(pty:pla), Attorney Janine Marie Lopez added to party Steven Miro(pty:pla), Attorney Janine Marie Lopez added to party South Dade Branch Of The NAACP(pty:pla), Attorney Janine Marie Lopez added to party Yanelis Valdes(pty:pla). (Lopez, Janine) (Entered: 10/11/2023)

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DE 1

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 1:22-cv-24066

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRANCH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDRA
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

COMPLAINT

1. This action challenges the five Miami City Commission districts as racially gerrymandered in violation of the Equal Protection Clause of the Fourteenth Amendment. But Miami's is not merely a run-of-the-mill racial gerrymander in which the majority seeks to diminish minority voters' influence and power. Rather, it is the product of a calculated scheme in which communities and neighborhoods were split along racial lines for the predominant purpose of maintaining racially segregated districts. As Commissioner Alex Díaz de la Portilla put it: "Our goal here is to have an African American district, . . . a white district, . . . and three Hispanic districts."

2. Indeed, as detailed below, race-based considerations were not simply a factor in redrawing district lines; they were the *predominant* factor. Race was the predominant factor in maintaining arbitrary racial quotas for certain districts. It was the predominant factor in packing certain districts with as many Hispanic and Black residents as possible. It was the predominant factor in maintaining racial "purity" with the "same type of last name and faces." It was the

predominant factor resulting in diminished Black and Hispanic influence. And it was the predominant factor in the Commission’s overt command that Black, Hispanic, and Anglo residents *must* be separated as much as possible into different districts because, in the Commission’s view, each race needs to be represented by a co-ethnic, irrespective of communities, interests, and values.

3. The predominance of race-based thinking in the City Commission’s decisions does not advance representation and cannot be justified by compliance with the Voting Rights Act or another compelling interest.

4. Stated simply, Miami’s racially gerrymandered redistricting scheme violates Plaintiffs’ rights to the equal protection of the laws. They bring suit to vindicate those rights.

INTRODUCTION

5. On March 24, 2022, the Miami City Commission passed Resolution 22-131 (the “Enacted Plan”), redrawing the City Commission districts for the next decade. Mayor Francis X. Suarez declined to veto it, allowing the new map to go into effect for the next regularly scheduled City Commission elections on November 7, 2023.

6. Plaintiffs—four community and civil rights organizations and four individual Miamians—bring suit to challenge all five City Commission districts as racially gerrymandered in violation of the Fourteenth Amendment to the United States Constitution.

7. While redistricting bodies “will . . . almost always be aware of racial demographics,” *Miller v. Johnson*, 515 U.S. 900, 916 (1995), and are often required to look at race in drawing maps, the Fourteenth Amendment prohibits the unnecessary centering of race in redistricting decisions.

8. Map-drawing in which race predominates, subordinating traditional, race-neutral redistricting considerations to racial decision-making, is presumptively invalid under the Equal

Protection Clause. This type of excessively race-based line drawing is constitutional only where it satisfies strict scrutiny—where it is narrowly tailored to advance a compelling government interest. The Enacted Plan falls far short of this exacting standard.

9. In developing the Enacted Plan, the Commission impermissibly elevated race above all other considerations. Commissioners and their consultants obsessed over an overriding racial goal: isolating Black from Hispanic from Anglo residents as much as possible into separate districts.

10. In so doing, the Commission not only reduced the interests of Black, Hispanic, and Anglo Miamians to their race, but also ignored the interests of Miami’s 14,000 American Indian, Asian American, and Pacific Islander residents, who were never once considered in the process.

11. In furtherance of its goal of maximum racial separation, race dictated even the most granular line-drawing decisions in the Enacted Plan. The Commission was preoccupied by racial considerations, agonizing over the effects of minute changes on the racial composition of the districts, even debating the racial implications of moving individual city blocks and condo towers.

12. The Commission presented no compelling governmental interest to justify this racial sorting. Compliance with Section 2 of the Voting Rights Act (VRA) is one of the few permissible justifications for allowing race to predominate when drawing district lines. But the Commission was not entitled to set racial targets based on uninformed guesses of what VRA compliance might look like. It was instead required to actually *assess* what VRA compliance involves. The Commission never attempted to do that. Nor do any facts indicate the Enacted Plan is necessary to achieve VRA compliance.

13. The resulting harm to Plaintiffs is acute, and threefold. *First*, racial gerrymandering “reinforces racial stereotypes and undermines our system of representative democracy by signaling

to elected officials that they represent a particular racial group rather than their constituency as a whole.” *Shaw v. Reno*, 509 U.S. 630, 650 (1993).

14. **Second**, Plaintiffs are further harmed because, in pursuit of its racial goals, the Commission sacrificed genuine communities of interest, dividing neighborhoods across the city. Coconut Grove, Little Havana, Flagami, Allapattah, Shenandoah, Omni/Downtown, Brickell, and others were broken up. Commissioners explicitly acknowledged dividing these communities to maintain and enhance the racial separation of the five districts.

15. **And third**, the Commission’s racial gerrymandering packed Black and Hispanic voters into designated districts, stripping them from adjacent districts and reducing their influence there.

16. The Commission was on notice of the unjustness of its work. Miamians—including many of the Plaintiffs in this suit—stepped up to call out the Commission’s blatantly unconstitutional actions. But they were ignored.

17. Indeed, the Commission’s consultant responded to the public outcry with a PowerPoint slide bluntly titled: “Allegations of Racism are False and Inflammatory.”

18. His PowerPoint was wrong. The Commission’s intentional sorting by race, without narrow tailoring to achieve a compelling governmental interest, violates the Equal Protection Clause and renders the map—all five districts—an unconstitutional racial gerrymander.

PARTIES

19. Plaintiff GROVE RIGHTS AND COMMUNITY EQUITY, INC. (“GRACE”) is a nonprofit community-based membership organization serving Miami’s West Coconut Grove neighborhood since 2019. GRACE advocates for equitable economic development while preserving the historic culture and community of the West Grove. GRACE’s members, most of

whom are Black, are split across Commission Districts 2 and 4.

20. Plaintiff ENGAGE MIAMI, INC. is a nonprofit membership organization centering young people’s participation in civic engagement, with members who are largely Gen Z and Millennial Black and Latino Miamians who reside in all five districts. Founded in 2015, the mission of Engage Miami is to build a more just, democratic, and sustainable Miami by developing a local culture of civic participation for young people that is bold, creative, and impactful.

21. Plaintiff SOUTH DADE BRANCH OF THE NAACP (“South Dade NAACP”) is a nonprofit membership organization serving Miami-Dade County south of Flagler Street.

22. Plaintiff MIAMI-DADE BRANCH OF THE NAACP (“Miami-Dade NAACP”) is a nonprofit membership organization serving Miami-Dade County north of Flagler Street.

23. The South Dade NAACP and Miami-Dade NAACP (together, “NAACP Branches”) are affiliate branches of the Florida State Conference of Branches and Youth Units of the NAACP, the oldest civil rights organization in the state, formed in 1909. Their mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. Pursuant to this mission, the NAACP Branches advocate for the voting rights of African Americans and other voters of color in Miami, including their members. The NAACP Branches’ members—most of whom are Black—reside in all five districts.

24. If the Enacted Plan is not enjoined, the members of GRACE, Engage Miami, and the NAACP Branches (together, “Organizational Plaintiffs”) will be harmed by living and voting in unconstitutionally racially gerrymandered districts.

25. Plaintiff CLARICE COOPER is a Black resident of the West Grove in District 2.

26. Plaintiff JARED JOHNSON is a Black resident of Brickell in District 3.

27. Plaintiff ALEXANDRA CONTRERAS is a Latina, Cuban American resident of

Little Havana in District 4.

28. Plaintiff YANELIS VALDES is a Latina, Cuban American resident of Omni/Downtown in District 5.

29. The Enacted Plan places Plaintiffs Cooper, Johnson, and Valdes in districts where they are not the predominant racial group. The Enacted Plan sends the message that their commissioner's job is to represent the predominant group, not them.

30. The Enacted Plan places Plaintiff Contreras in a district where she *is* the predominant racial group. The Enacted Plan sends the message that she was placed in her district simply because of her race.

31. Plaintiffs and their members are further harmed because the Enacted Plan splits up their neighborhoods—and they are split along racial lines.

32. Defendant CITY OF MIAMI is a Florida municipality. As a municipal corporation established under Florida law, Miami has the authority to regulate and conduct its elections, including establishing its Commission district boundaries, consistent with state law. Fla. Const. art. VIII, §§ 2(b), 3; Fla. Stat. § 100.3605; Miami Code of Ordinances (“City Code”) ch. 16.

JURISDICTION AND VENUE

33. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, 2201, and 2202, as well as 42 U.S.C. §§ 1983 and 1988, because this action arises under the Constitution and laws of the United States.

34. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b) because the Defendant resides in this District and a substantial part of the events giving rise to the claim occurred in this District.

35. This Court has personal jurisdiction over the City of Miami.

FACTS

I. Overview of the City Commission and Its Elections

36. Miami is governed by a five-member City Commission and a Mayor. Miami City Charter (“Charter”) § 4(a).

37. Except where the Charter provides otherwise, municipal elections are conducted according to the state’s general election laws. *Id.* § 7.

38. Since 1997, commissioners have been elected from single-member districts. *Id.* § 4(b).

39. Commissioners run on a nonpartisan basis and serve four-year staggered terms, with Districts 1, 2, and 4 last elected in 2019 and next up in 2023, and Districts 3 and 5 last elected in 2021 and next up in 2025. *Id.*

40. General municipal elections are held on the first Tuesday after the first Monday in November of odd-numbered years. *Id.* § 7.

41. If no candidate receives a majority in the general election, a runoff between the top-two vote-getters is held fourteen days later. *Id.*

42. Candidates file to run by filing an affidavit of candidacy with the City Clerk during the qualifying period, which is between 60 and 45 days before the general election. *Id.*

43. For the 2023 election, candidate qualifying opens on September 8 and closes at 6:00 pm on September 23.

44. Candidates may qualify by paying the \$100 fee by the end of the qualifying period, or by the petition method. *Id.*; Fla. Stat. § 99.095.

45. To qualify by petition, a candidate must, by the 28th day preceding the first day of the qualifying period, submit petitions signed by at least one percent of the total number of

registered voters in their district as of the last state general election. Fla. Stat. § 99.095(2)(a), (3).

46. However, the state's general election laws provide that in "a year of apportionment," a candidate may collect the requisite number of signatures from anywhere in the jurisdiction, regardless of district boundaries. *Id.* § 99.095(2)(d).

47. Regardless of whether a candidate qualifies by fee or petition, they must also pay a \$582 state election assessment. *Id.* § 99.093.

48. However, a candidate is exempt from paying the qualifying fee and/or election assessment if doing so would impose an undue burden on their resources. *Id.* § 99.093(2); City Code § 16-7. In these cases, a candidate may qualify without paying the fee or submitting petitions.

49. The current commissioners are Alex Díaz de la Portilla (District 1), Ken Russell (District 2), Joe Carollo (District 3), Manolo Reyes (District 4), and Christine King (District 5).

50. Díaz de la Portilla, Carollo, and Reyes are Hispanic and Cuban American. Russell is Japanese American and not Hispanic. King is Black and not Hispanic.

51. Commissioners are limited to two consecutive terms. Charter § 4.

52. Díaz de la Portilla was first elected in 2019 and is eligible for reelection in 2023.

53. King was first elected in 2021 and is eligible for reelection in 2025.

54. Reyes was first elected in a 2017 special election and is eligible for reelection when his current term ends in 2023.

55. Carollo was first elected in 2017 and cannot run for reelection when his current term ends in 2025.

56. Russell was first elected in 2015 and cannot run for reelection when his current term ends in 2023.

57. Furthermore, before the redistricting process began, Russell planned to resign from

the Commission to run for higher office in the 2022 election.

58. Russell ran for Congress in the 2022 election, and his resignation is effective January 3, 2023.

II. Miami Redistricting History

59. Before 1997, the Commission was elected at-large, citywide.

60. Carollo served as Mayor from 1996 to 1997, and in 1997, he appointed a blue-ribbon panel to recommend a single-member district map for the Commission.

61. Among the members of the blue-ribbon panel were Reyes and Miguel De Grandy.

62. The blue-ribbon panel made recommendations and the Commission further developed a map with the assistance of redistricting consultant Allan Lichtman.

63. The Commission adopted its 1997 map as Resolution 97-495 (the “1997 Plan”).

64. In September 1997, the voters adopted a charter amendment adopting single-member district elections. The 1997 Plan was implemented in the November 1997 elections.

65. The Commission redistricted the map in 2003 and 2013 through Resolutions 03-448 and 13-208 (the “2003 Plan” and “2013 Plan”).

66. Miguel De Grandy and Stephen M. Cody served as the city’s redistricting consultants for the 2003 and 2013 processes.

III. The 2021–22 Redistricting Process

67. Following the 2020 Census, the Commission again embarked on redistricting.

68. On February 25, 2021, the Commission again hired De Grandy and Cody to serve as the city’s redistricting consultants.

69. The process proceeded through six Commission meetings between November 18, 2021 and March 24, 2022.

70. During these meetings, De Grandy—assisted by Cody—gave presentations on the law and brought draft maps for commissioners to workshop and provide feedback.

A. The November 18, 2021 Meeting

71. At the November 18 meeting, De Grandy presented an initial report on redistricting considerations and the 2020 Census demographics of the districts under the 2013 Plan.

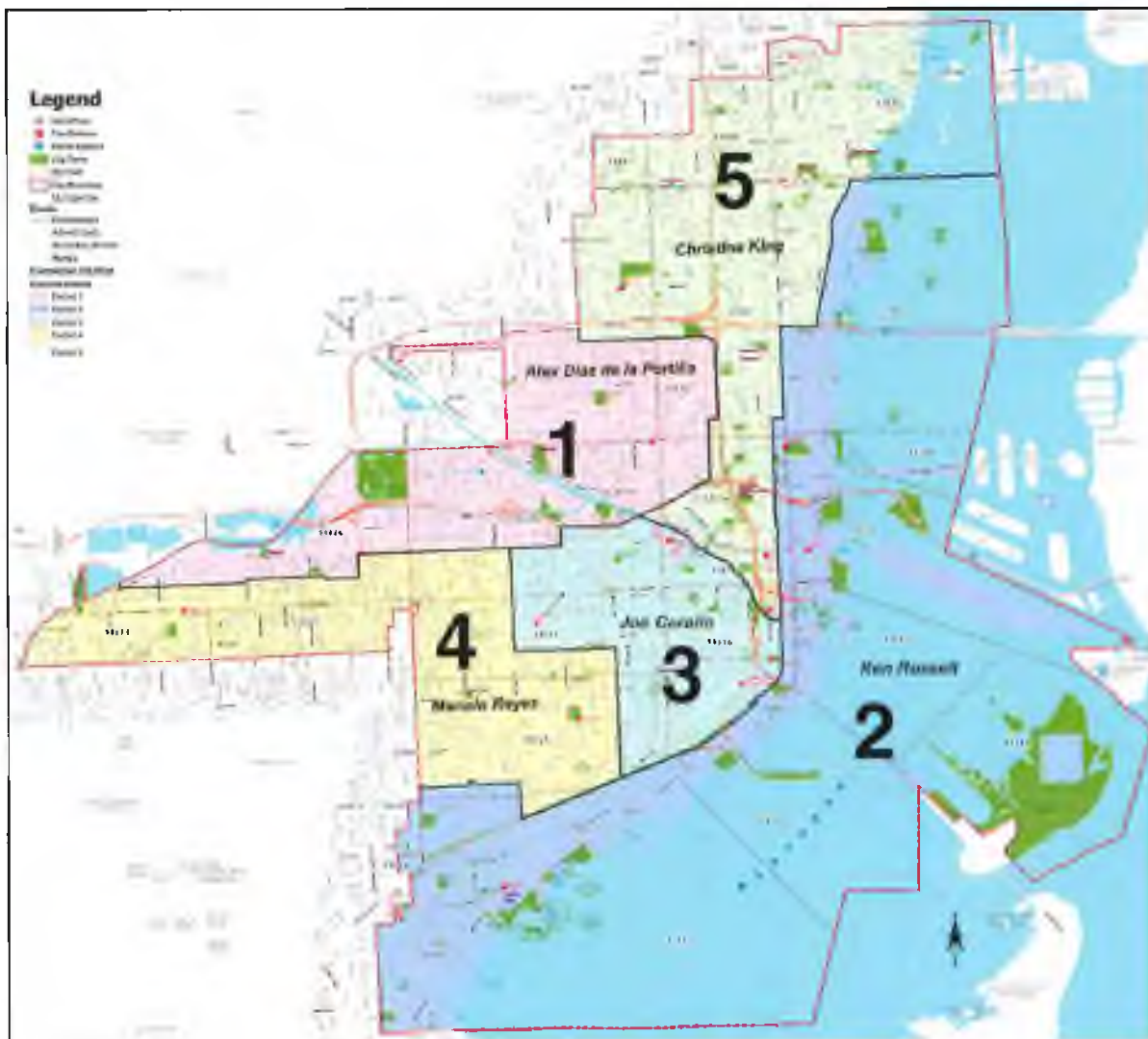


Fig. 1. Miami City Commission districts under the 2013 Plan.

72. The Census data revealed that Miami’s population had grown by 42,752 residents over the decade, to 442,241. The ideal population of each Commission district was now 88,448.

73. De Grandy shared that redistricting was needed to bring the districts within the constitutionally allowable population range, to have no greater than 10% difference between the smallest and largest district.

74. Analyzing the 2013 Plan under the 2020 Census numbers, Districts 1, 3, 4, and 5 were each under the ideal population (by 6,999; 8,279; 7,847; and 5,707 people, respectively) and needed to gain population.

75. District 2 was overpopulated by 28,833 residents and needed to shed population.

76. Under the 2013 Plan, Districts 1, 3, and 4 were majority Hispanic, with Hispanic voting-age populations (HVAPs) of 91.0, 88.5, and 91.6%, respectively, and Hispanic citizen voting-age populations (HCVAPs) of 86.6, 86.8, and 90.1%, respectively.¹

77. Under the 2013 Plan, District 5 was majority Black, with a Black voting-age population (BVAP) of 52.9% and a Black citizen voting-age population (BCVAP) of 59.4%.

78. District 2 under the 2013 Plan had the highest non-Hispanic white (hereinafter “white” or “Anglo”) population of the five districts, at 34.5% white voting-age population (WVAP) and 38.1% white citizen voting-age population (WCVAP).

79. De Grandy explained the applicability of the Voting Rights Act to Miami and that “we can consider race as one of several factors that we will be conscious of in crafting a plan.”

80. De Grandy warned, however, that under the U.S. Supreme Court’s racial gerrymandering jurisprudence, race “cannot be the overriding factor.”

81. The Commission ignored De Grandy’s warning as the process unfolded.

82. The Commission gave De Grandy four ranked directives for map-drafting. The first,

¹ Total population and voting-age population figures cited herein are from the 2020 Census. Citizen voting-age population figures are from the Census Bureau’s 2019 5-year American Community Survey (ACS).

moved by King, was to achieve substantial equality of population between districts, rather than precise mathematical equality.

83. The second-ranked criterion, moved by Díaz de la Portilla, was to “maintain the core constituencies of the districts.”

84. The third-ranked instruction, moved by Carollo, was that, separate from what the VRA required, “the minority voters must be politically cohesive.” The phrase “political cohesion” was subsequently used throughout the process as a shorthand for keeping racially homogenous areas together.

85. The fourth-ranked instruction was to avoid splitting traditional communities and neighborhoods when feasible.

86. However, Díaz de la Portilla noted that some neighborhoods could be divided if they “will elect the same kind of representative,” for example Flagami—which is overwhelmingly Hispanic—being split between Reyes and himself. But, he said, putting part of Overtown or Liberty City (both predominantly Black) in his district would not be acceptable.

87. Also at that meeting, Carollo recounted why districts were instituted when he was Mayor: “The original idea” was “to keep an even population and that minority voters would be politically cohesive within these districts,” so that “there would be an African American sitting in this Commission and there would be an Anglo,” and “that there were three Hispanic districts.” And he explained that during the 2022 redistricting, each district would have to change to carry forward that “original idea.”

B. The December 9, 2021 Meeting

88. The Commission met again on December 9, with De Grandy recapping his instructions and commissioners discussing what areas might be moved between districts.

89. Some of the key elements of the Enacted Plan’s racial gerrymandering originated at this meeting.

90. Díaz de la Portilla stated that underpopulated Districts 3 and 4 would have to gain from overpopulated District 2, and cautioned De Grandy to add to each only “peripherally, a little bit into District 2” so as not to disrupt “the ethnic integrity” of Districts 3 and 4.

91. With that warning in mind, Díaz de la Portilla asked if there was a problem with splitting Coconut Grove—which was wholly in District 2 under the 2013 Plan—and adding parts to Districts 3 and 4, given “there’s ethnic diversity in Coconut Grove.” He clarified that his question was “based on where the Hispanic voters live,” giving Bay Heights as an example.

92. De Grandy responded that there was no legal impediment to breaking up any community of interest.

93. De Grandy continued that he functionally had “a wall” between Districts 2 and 5 and could only “play around the edges there without diluting that minority community.” So, District 2 would have to shed population from its southern end—bordering Districts 3 and 4.

94. Díaz de la Portilla urged De Grandy to shift the 2/5 “wall” eastward as much as he could, “without impacting the minority district, District 5,” and De Grandy confirmed he would do so, “without diluting,” but that he couldn’t move it much.

95. Given that explanation, Díaz de la Portilla suggested giving Districts 3 and 4 a little bit of Coconut Grove “to make sure we don’t jeopardize the ethnic integrity of our districts.”

96. Carollo echoed that suggestion, stating that parts of Coconut Grove would have to be moved out of District 2 but “the biggest danger lies . . . in changing one or two of the Hispanic seats,” given Districts 1 and 3 “are not as pure in the percentage of Hispanics” as District 4.

97. Finally, De Grandy clarified a few additional criteria at this meeting. He confirmed

the Commission wanted districts to be contiguous (i.e., not broken up into different pieces).

98. De Grandy advised that drawing compact districts should not be a consideration. The Commission agreed.

99. On that subject, Diaz de la Portilla noted that “if you want to have an African American district and you want to have an Anglo district, it’s almost impossible to emphasize compactness,” so it’s “a foregone conclusion” that districts would not be compact. De Grandy concurred.

100. Lastly, De Grandy asked if using man-made and natural boundaries should be a factor, but there was no consensus.

101. De Grandy agreed to take the Commission’s directives, meet with commissioners one-on-one, and develop a draft plan to be presented at the next meeting.

C. The February 7, 2022 Meeting

102. De Grandy presented a draft plan on February 7, 2022 (the “Feb. 7 Draft”) (Fig. 2).

103. De Grandy walked through the populations and racial demographics of each draft district, noting Districts 1, 3, and 4 had HVAPs of 88.7, 88.4, and 88.0%; District 2 “remains a swing district” at 37.2% white population (WPOP) and 48% Hispanic population (HPOP); and District 5 was 51.7% Black population (BPOP) and 49.8% BVAP.

104. Explaining the draft, De Grandy noted many of the race-based decisions he made in developing it.

105. The Feb. 7 Draft proposed moving part of the historically Black West Grove neighborhood from District 2 into District 4, extending the southern boundary of District 4 across US 1. This proposal prompted intense criticism from members of the public, who objected to the division of a cohesive neighborhood and its excision from District 2.

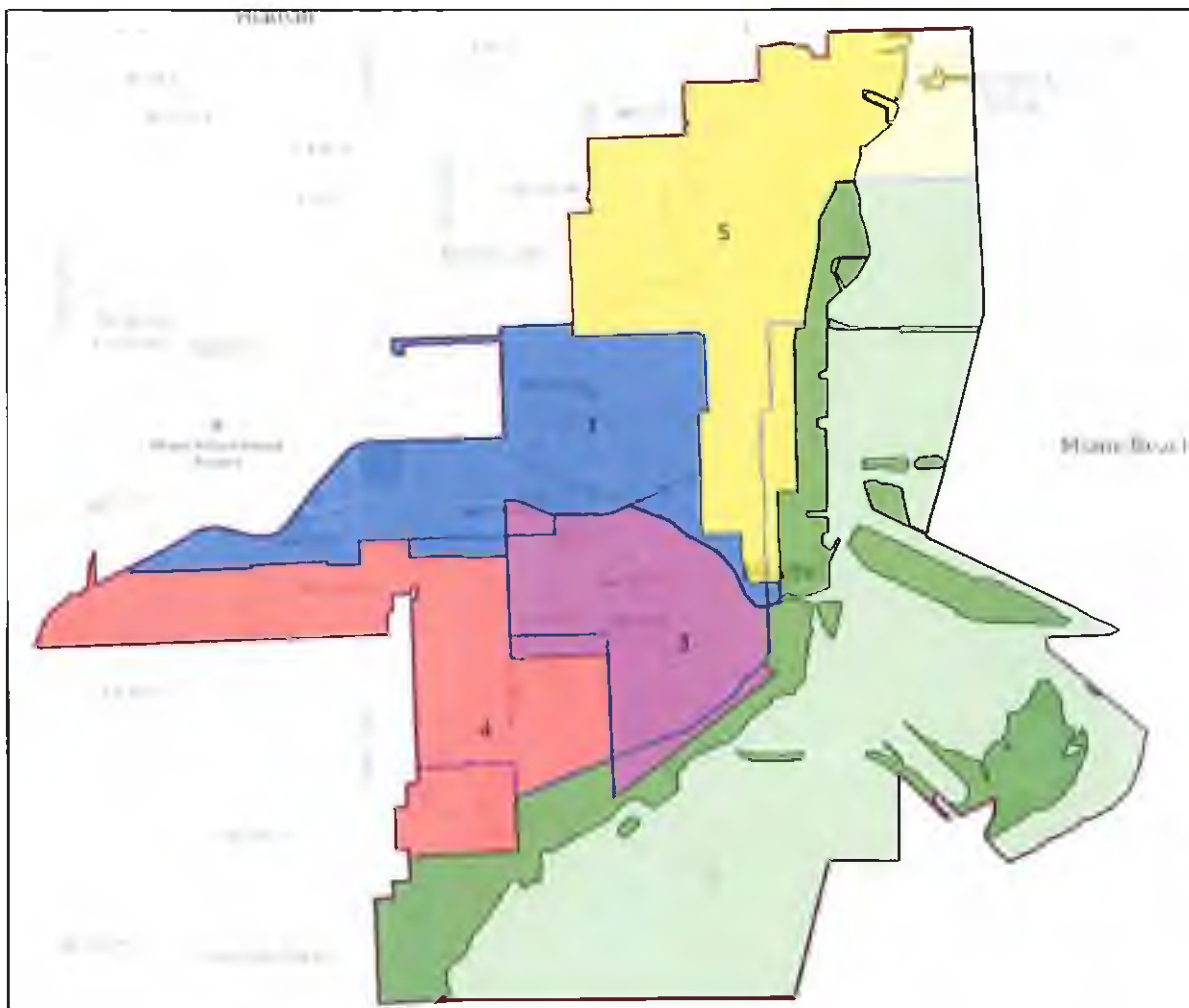


Fig. 2. The Feb. 7 Draft, showing the 2013 Plan overlaid with blue lines.

106. Among the members of the public who spoke against the division of Coconut Grove were Plaintiff Cooper; GRACE Chair Rev. Nathaniel Robinson III; and West Grove native and GRACE Board of Directors member Reynold Martin, who spoke on behalf of the South Dade NAACP. As Mr. Martin said: “We oppose anything that removes the area of the Grove as a unit. We work together as a family and we’d like to stay that way.”

107. Rev. Robinson explained how GRACE objected to the map’s “sever[ing] the cultural, social and historical ties to Coconut Grove and District 2 governance” and “disparately impact[ing] the voting rights of Village West Black residents by diluting their political impact,”

adding, “although it might be small, we do have a political impact.”

108. Responding to the public comment, De Grandy “put into context what we’re moving into a majority-Hispanic district,” noting the West Grove portion moved had 2,460 Hispanic, 1,915 white, and 497 Black residents—i.e., it was nearly a majority-Hispanic area.

109. And, De Grandy made clear that, because he “cannot take any more population out of D2 into D5” without reducing District 5’s Black numbers, he had to remove population from District 2 either from the Downtown area or from Coconut Grove.

110. Carollo, also responding to the public criticism, objected to claims that by moving a portion of “the Black part of Coconut Grove to a district that’s Hispanic, this disenfranchises them”—but “leav[ing] it in an Anglo area” would be fine.

111. Carollo pointed out that no African Americans had ever been elected to District 2, implying that, since District 2 was the “Anglo seat” and District 4 was a “Hispanic seat,” Black residents of the West Grove had no grounds to complain about being moved from one to the other.

112. Carollo’s comments exemplify the Commission’s approach to the redistricting process: the preeminent consideration is ethnic/racial solidarity, and their mapmaking must revolve around that.

113. Speaking more generally about the map’s history, Carollo recounted that districts were established “to assure . . . that there would always be an African American commissioner and an Anglo commissioner,” and that the other three districts stayed majority Hispanic.

114. To accomplish that, Carollo explained, neighborhoods across the city were split: Silver Bluff, Shenandoah, Little Havana, and Flagami. Díaz de la Portilla mentioned another: Allapattah.

115. And now, to keep “that same balance and having a balance in the Hispanic

districts,” Carollo went on, a portion of Coconut Grove would have to be split as well.

116. Following that discussion, the Commission voted 4-1 to direct De Grandy to consider going south of US 1 into District 2 to “obtain voter consistency” and balance population, as he had done in Feb. 7 Draft. Only Russell voted no.

117. The Enacted Plan would indeed have Districts 3 and 4 “go south” of US 1 into District 2, moving portions of Coconut Grove.

118. De Grandy received further feedback from commissioners and would return with a revised plan.

D. The February 25, 2022 Meeting

119. On February 25, De Grandy presented a revised plan he had submitted three days prior (the “Feb. 22 Draft”) (Fig. 3). Except for three unpopulated census blocks that were later moved from District 1 to 5, the Feb. 22 Draft became the Enacted Plan.

120. The Feb. 22 Draft incorporated certain feedback shared during earlier Commission meetings, and during private meetings De Grandy had with individual commissioners.

121. The Feb. 22 Draft differed from the Feb. 7 Draft in several respects. *First*, District 4 added only 1,597 residents from the West Grove, rather than 5,071 under the Feb. 7 Draft. The portion moved into District 4 now had a higher Hispanic population—59.2% HVAP compared to 49.1% in the Feb. 7 Draft.

122. *Second*, District 3 added from District 2 an area near Bay Heights, including Natoma Manors, between 22nd Avenue and Alarka Street, rather than adding the area from 17th Avenue to 15th Road.

123. *Third*, a 76.6%-HVAP area in Allapattah was moved into District 1 from 5, and a 66.7%-HVAP area was moved out of District 1 into 5.

124. **Fourth**, at King's request, District 5 gained a small, 40% BVAP area of Downtown around the Miami Riverside Center (MRC) from District 1. In exchange, District 1 gained a 71.1% HVAP area between NW 6th and 8th Streets and NW 7th Avenue and I-95. As part of this shift, District 2 regained some area from District 1 that the Feb. 7 Draft had removed.

125. **Fifth**, certain Downtown areas were swapped along the District 2/5 "wall:" Two census blocks with a BVAP of 13.0% were moved into District 2; and a 32.2% BVAP area was moved into District 5.

126. **Finally**, the boundaries between Districts 1, 3, and 4 shifted around Little Havana.

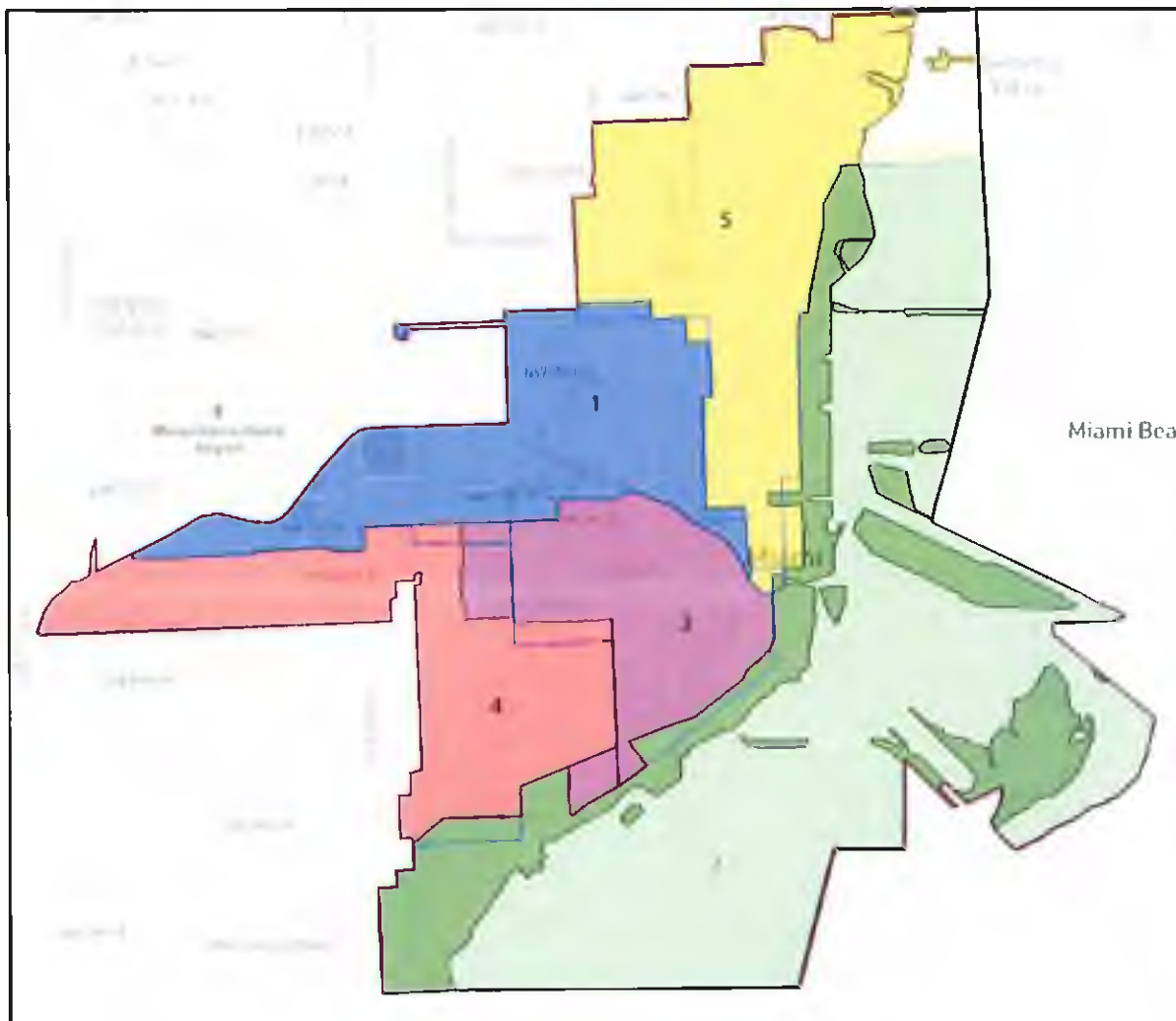


Fig. 3. The Feb. 22 Draft/Base Plan, showing the Feb. 7 Draft overlaid with blue lines.

127. As he did with his first draft, De Grandy walked through the populations and racial demographics of each draft district, noting Districts 1, 3, and 4 had HVAPs of 89.5, 88.3, and 89.5%; District 2 “remains a swing district” at 37% WPOP and 48.7% HPOP; and District 5 was 52.2% BPOP and 50.3% BVAP.

128. De Grandy had managed to increase the dominant-group VAP in Districts 1, 4, and 5 from the Feb. 7 Draft. Of the three majority-Hispanic districts, the HVAP of the least-Hispanic district increased. The average HVAP of those three districts also increased.

129. In terms of citizen voting-age population, Districts 1, 3, and 4 were 84.8, 86.9, and 88.2% HCVAP. District 2 was 41.5% WCVAP and 45.6% HCVAP. District 5 was 59.0% BCVAP.

130. Public comment at this meeting again centered on objections to splitting Coconut Grove, including the continued division of a portion of the West Grove.

131. Among those who gave comments were South Dade NAACP Second Vice President Carole Jackson, who spoke on behalf of both NAACP Branches; GRACE Board Vice Chair, South Dade NAACP Housing Committee Chair, and West Grove native Carolyn Donaldson; Plaintiff Valdes, who represented Engage Miami; and Engage Miami member Jessica Saint-Fleur. Plaintiff Cooper and Mr. Martin both spoke again as well.

132. Díaz de la Portilla, Carollo, and Reyes were satisfied with the Feb. 22 Draft, though Reyes was willing to make some changes, including to remove the part of Coconut Grove in District 4. Russell wanted to try to avoid splitting Coconut Grove. King wanted more time to consider the map and see if Russell’s concerns could be accommodated.

133. Russell sketched out his own suggestion for the border of District 2 at this meeting (the “Russell Sketch”), which showed how it might be possible for District 2 to keep all of Coconut Grove, rather than splitting the neighborhood across Districts 2, 3, and 4.

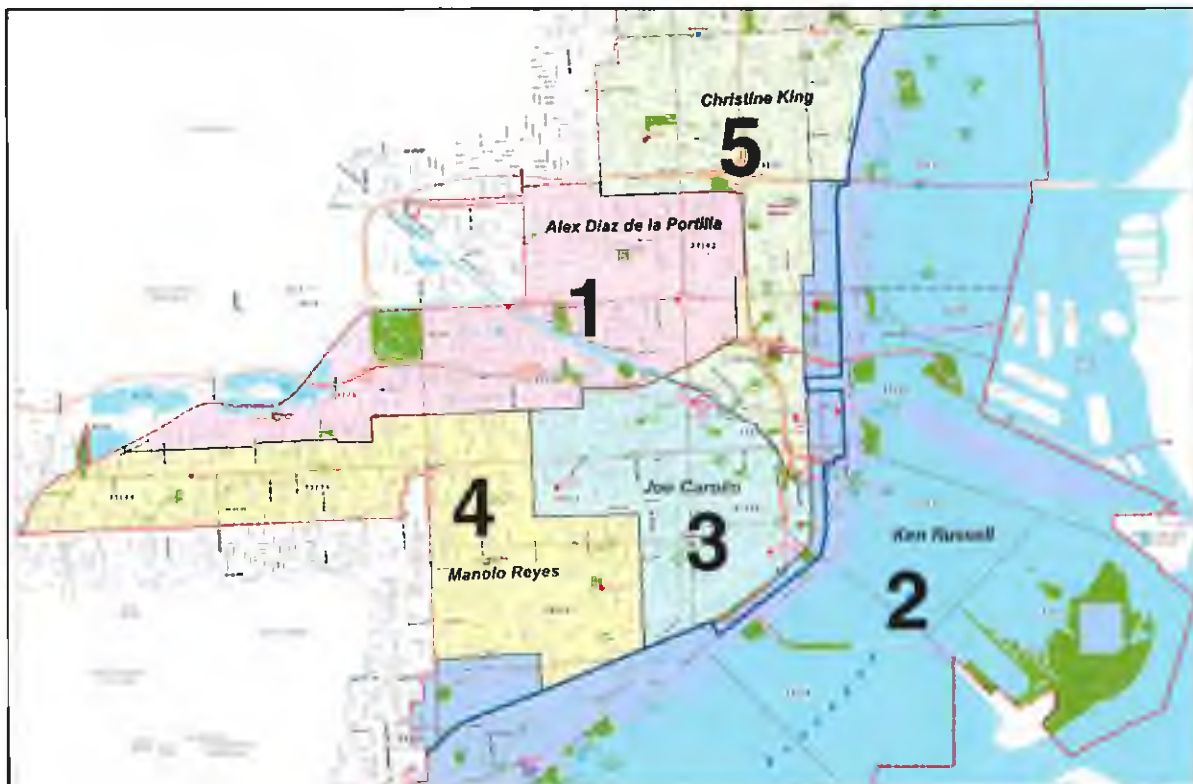


Fig. 4. The Russell Sketch (dark blue line).

134. Referencing the overwhelming public comment, Russell discussed the many nuanced reasons for keeping Coconut Grove in District 2—not just to preserve an African American community together in the West Grove, but also because of the area’s history, architecture, cultural diversity, natural aesthetic, walkable character, access to the water, common tree canopy issues, affordable housing concerns, and its placement in two of Miami’s three Neighborhood Conservation Districts (NCD-2 and NCD-3).

135. Compared to the Feb. 22 Draft, the Russell Sketch kept all of Coconut Grove in District 2, and removed from District 2 the strip west of South Miami Avenue from 32nd Road to the Miami River (including part of Brickell).

136. The Russell Sketch did not alter the boundary between Districts 2 and 5 from the Feb. 22 Draft.

137. The Russell Sketch better equalized District 2's population, with its deviation dropping to within 2% of the ideal, compared to being 5.49% overpopulated in the Feb. 22 Draft.

138. De Grandy confirmed that Russell's proposal did not violate any of the mapmaking directions the Commission had given him, and that it complied with all legal standards.

139. But the Commission would reject the proposal for racial reasons later in the process.

140. The meeting concluded with the Commission voting 4-1 to take the Feb. 22 Draft as the "Base Plan" for future changes, to be debated at the next meeting. Only Russell voted no.

E. The March 11, 2022 Meeting

141. The Commission took up the Base Plan again on March 11.

142. The meeting opened with Carollo discussing allegations that the map moved a portion of North Coconut Grove into District 3 because he owned a house there, on Morris Lane.

143. Carollo clarified that he was not supporting the changed District 2/3 boundary because it included his house.

144. Carollo said he wanted to make sure that the fact that his house was being moved into District 3 would not be raised as grounds for challenging the redistricting in court later. So, he decided to abstain from the discussions that day.

145. De Grandy summed up where they were in the process: the Commission had advanced the Base Plan and two commissioners had suggested additional changes.

146. He walked through those two changes. *First*, King wanted part of the riverfront area that the Base Plan moved from District 5 to District 1 restored to her district.

147. De Grandy noted this request's racial impacts and said he needed more direction.

148. *Second*, Russell had renewed his request to restore all of Coconut Grove to District 2, rather than moving portions into Districts 3 and 4.

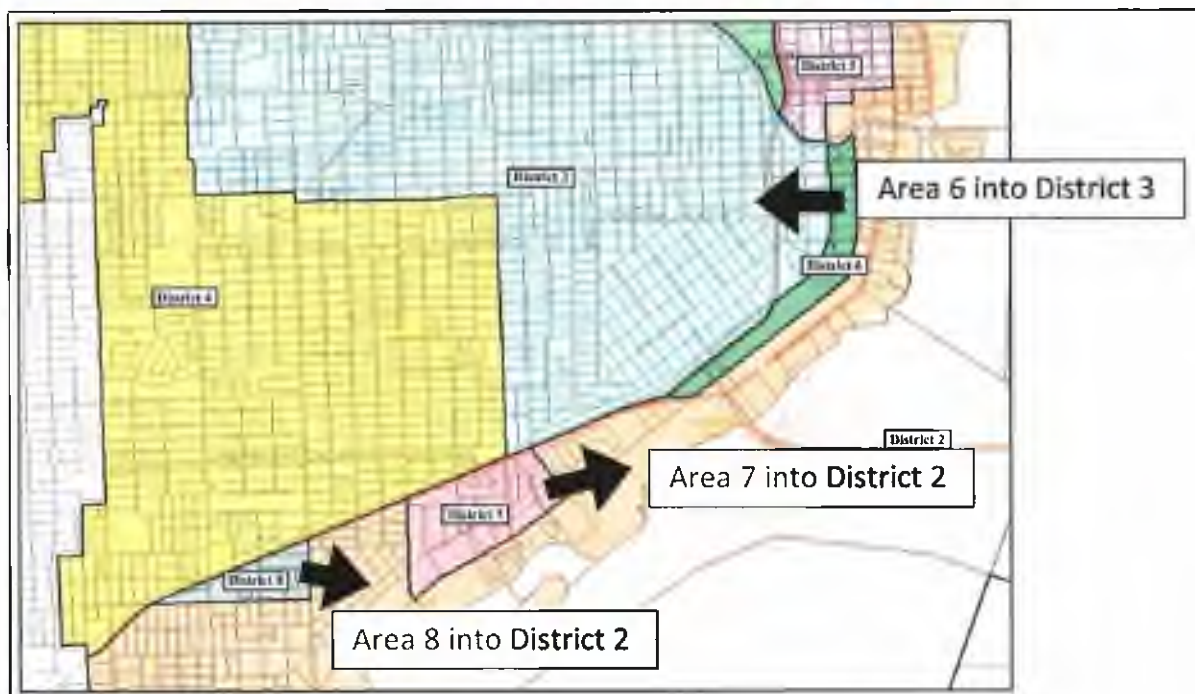


Fig. 5. Slide from De Grandy's March 11 presentation, showing areas the Initial Russell Plan moved from the Base Plan.

149. To equalize population, Russell proposed moving a strip west of South Miami Avenue from District 2 to 3, starting at the US 1/I-95 fork and going north to the Miami River (“Area 6” in Fig. 5).

150. This proposal (the “Initial Russell Plan”) was similar to what Russell sketched out on February 25. It did not alter Districts 1 or 5 in the Base Plan, or the District 3/4 border.

151. De Grandy also addressed “allegations of racism” in the Base Plan. In so doing, he walked through the Black population of each district and of the West Grove area proposed to be moved into District 4 from District 2, as well as the number of Hispanic residents “represented by a Black commissioner in a Black-majority district” in District 5, and “represented by a non-Hispanic commissioner” in District 2.

152. He went on: “the only allegation of racism results from the proposed movement of 114 Black residents who are currently represented by a commissioner who is not Black to a district

that is represented by a commissioner who is not Black.”

153. De Grandy concluded, “you do not have to be a redistricting expert to conclude that the allegation of this plan is somehow racist is simply false and inflammatory.”

154. Russell pushed back, explaining that Black West Grove residents weren’t simply looking for a Black commissioner, but one who will be responsive to their neighborhood’s needs and issues: “displacement, gentrification, social justice, affordable housing.” Russell asked De Grandy if Black residents in the West Grove formed a cohesive voting bloc with the rest of Coconut Grove, and De Grandy acknowledged they did.

155. Continuing to defend his map, De Grandy pointed out that more Black residents were moved out of District 2 in Golden Pines on the north side of US 1, than were moved out of District 2 in the West Grove.

156. Russell responded by explaining that the dividing line should not be reduced to race: Black residents of Golden Pines have different interests and priorities than Black residents of the West Grove, whose shared interests with the rest of Coconut Grove were “not based on color.”

157. Russell’s arguments failed to win in the end.

158. Significant public comment again focused on residents objecting to the division of Coconut Grove, and in particular the West Grove. Among those who spoke was South Dade NAACP President Dwight Bullard, who described Coconut Grove as “a community of common interest irrespective of race, irrespective of ethnicity.”

159. Responding to the public comment and Russell’s explanations, Reyes asked what would happen if just the West Grove triangle was returned to District 2. De Grandy explained he would need to take from elsewhere in District 2 to equalize population, pointing to two areas as options: between 22nd and 27th Avenues in North Coconut Grove, and the “Area 6” strip that

Russell had proposed moving.

160. Reyes then expressed that he would honor the community's desires and support keeping the West Grove intact in District 2 instead of including a slice of it in his district.

161. The Commission adjourned after directing De Grandy to meet with commissioners individually and bring back different options that accommodated each commissioner's wishes.

F. The March 24, 2022 Meeting and Enacted Plan Adoption

162. The Commission reconvened on March 24 for its last redistricting meeting.

163. Carollo announced he would participate since he had no actual or apparent conflict of interest.

164. De Grandy then presented the options that each commissioner directed him to develop since March 11. There were proposals from King, Díaz de la Portilla, Russell, and Reyes.



Fig. 6. Slide from De Grandy's March 24 presentation showing King's proposed change to the Base Plan.

165. King requested only one change to the Base Plan: moving the unpopulated Wharf development along the Miami River from District 1 into District 5.

166. Díaz de la Portilla advised he supported the Base Plan, but had one change he would not object to: moving a single block just to the north of the Wharf, encompassing the Flagler on the River tower, from District 1 and back into District 5, where it was in the 2013 Plan.

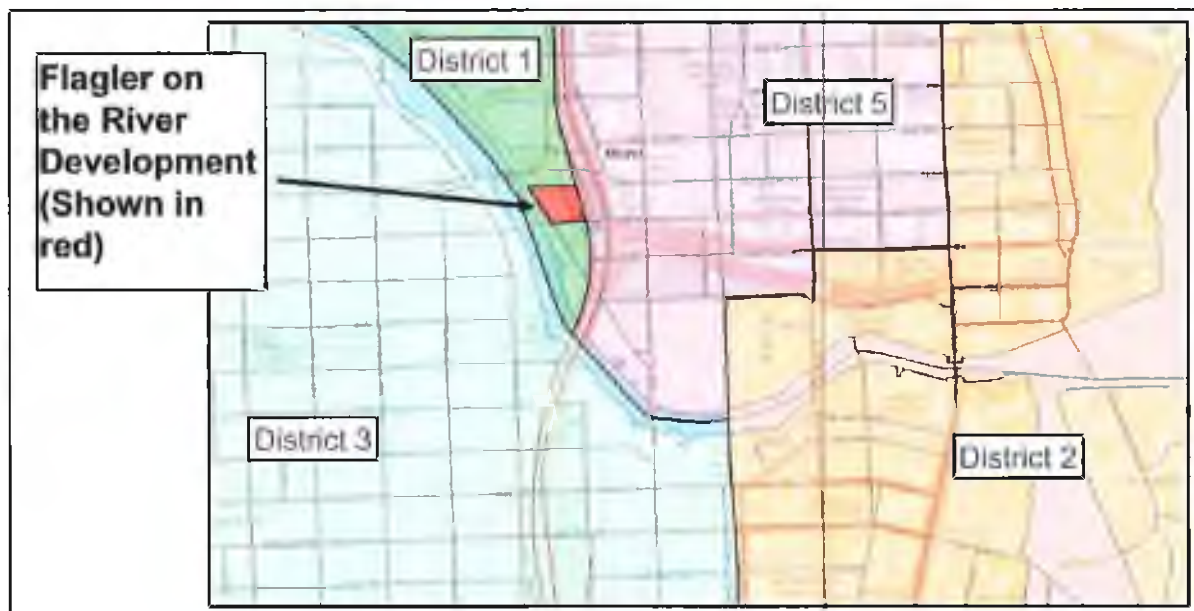


Fig. 7. De Grandy's slide showing Díaz de la Portilla's suggested change to the Base Plan.

167. Russell had a revised proposal (the "Revised Russell Plan"). As with the Initial Russell Plan, this restored all of Coconut Grove to District 2. However, it shifted less population from District 2 into District 3, with the one-block-wide strip running along South Miami Avenue from the I-95/US 1 fork north to 10th Street, rather than all the way to the Miami River. De Grandy announced the racial demographics of this strip: 44.6% HVAP, 39% WVAP. Russell's new plan also included King's Wharf change.

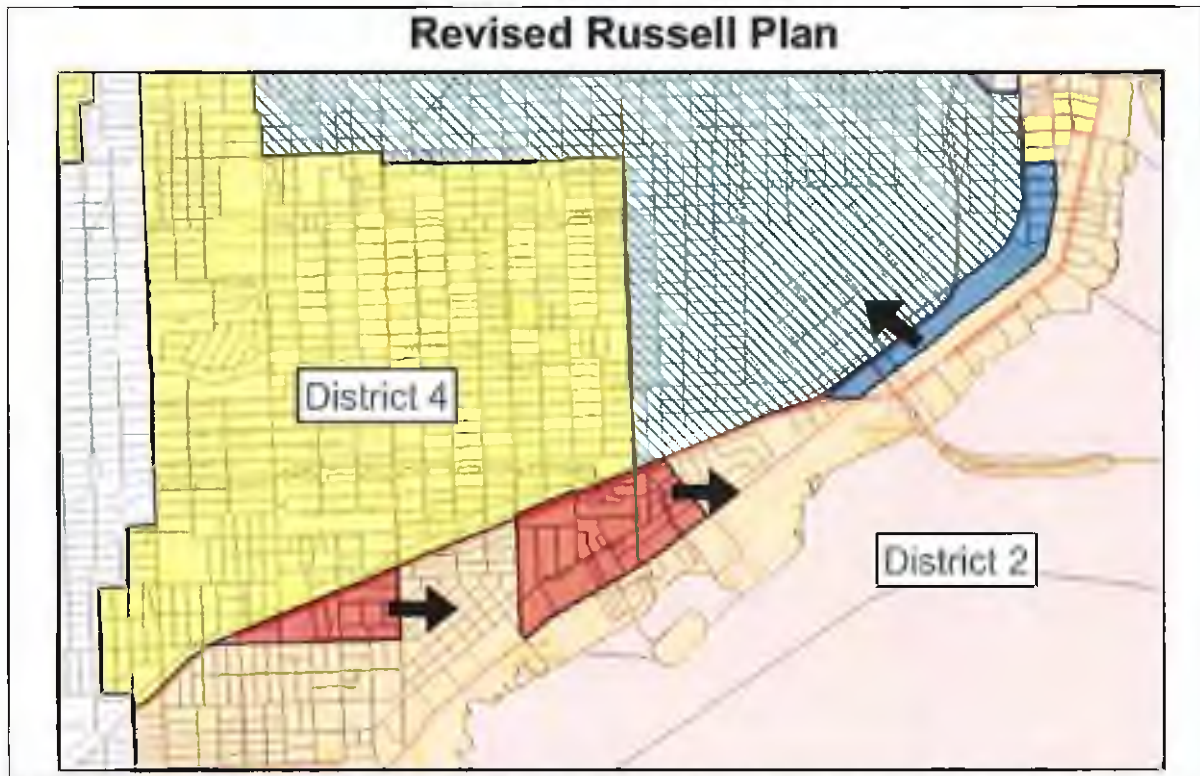


Fig. 8. De Grandy's slide showing the Revised Russell Plan's changes to the Base Plan.

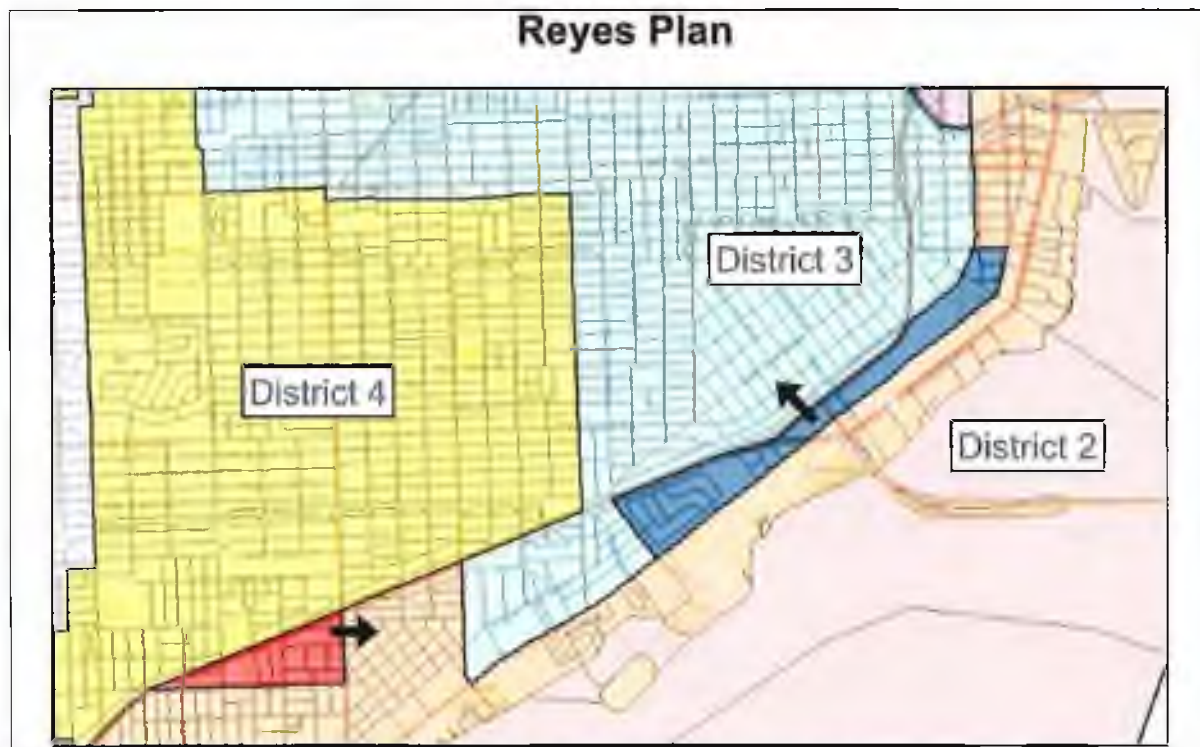


Fig. 9. De Grandy's slide showing the Reyes Plan's changes to the Base Plan.

168. Reyes proposed a plan (the “Reyes Plan”) that restored the West Grove triangle to District 2. In exchange, the proposal moved from District 2 to District 3 an area on the north/west side of South Miami Avenue between Alarka and 13th Streets. De Grandy reported that area’s demographics: 51% HVAP, 39% WVAP. Reyes’ plan also included King’s Wharf change.

169. Unlike the Revised Russell Plan, the Reyes Plan kept in District 3 the portion of North Coconut Grove that the Base Plan had moved into District 3.

170. Carollo did not propose any amendment.

171. De Grandy concluded by advising that each proposed amendment complied with the Constitution and the Voting Rights Act.

172. Public comment, yet again, centered on keeping Coconut Grove whole. Among the speakers were South Dade NAACP Secretary Brad Brown and Miami-Dade NAACP President Daniella Pierre.

173. Each commissioner then spoke in turn. Díaz de la Portilla and Carollo both stated they would support the Base Plan with King’s Wharf amendment.

174. Revisiting the subject of his Morris Lane house moving into District 3, Carollo stated he had “no problem, none whatsoever” with it being moved into District 4 instead.

175. He did, however, object to the Reyes and Russell proposals to move more territory from District 2 into District 3.

176. Russell advocated for his plan and keeping Coconut Grove whole in District 2, listing how his plan met all the criteria the Commission had adopted at the beginning of the process.

177. Reyes stood by his earlier support for removing the West Grove triangle from District 4.

178. Russell proposed adopting his Revised Russell Plan, but that failed 4-1.

179. Díaz de la Portilla then made a motion to adopt the Base Plan with King’s Wharf amendment, *and* with removing the West Grove triangle from District 4.

180. But De Grandy and Carollo explained that moving the West Grove triangle would necessitate shifting District 3 further into Brickell to bring the plan’s overall population deviation range under 10%.

181. So, Díaz de la Portilla withdrew that motion and moved to adopt the Base Plan with King’s Wharf amendment.

182. That motion carried 3-2, and the Base Plan with the Wharf change passed as the Enacted Plan.

183. Reyes explained he was opposed because District 4 still included a portion of the West Grove.

184. Similarly, Russell voted no because the plan divided Coconut Grove.

185. Díaz de la Portilla, Carollo, and King voted yes.

186. Community members and advocacy organizations urged Mayor Suarez to veto the map. For example, the NAACP Branches wrote a letter to Suarez, requesting he reject the plan as an unfair redistricting plan that goes against traditional redistricting principles and threatens equal representation under the law.

187. Nevertheless, Suarez let the plan become law without his signature.

IV. Racial Considerations Predominated in the Line-Drawing Process

188. The Commission’s overriding goal in crafting the Enacted Plan was to separate Hispanic, Black, and Anglo voters as much as possible into “their” respective districts.

189. Improper racial considerations predominated throughout the Commission’s line-drawing process. Race featured centrally at every redistricting meeting, with race placed above

race-neutral, traditional redistricting criteria.

190. These race-based decisions resulted in a map that splits neighborhoods, ignores traditional redistricting criteria, and eschews fair, public-minded representation.

191. Where, as here, race is the central consideration in mapmaking and traditional, race-neutral criteria are ignored, race predominates. Unless the use of race is necessary to ensure fair and equal opportunity for voters of color to participate in the electoral process, its use is constitutionally suspect.

192. But rather than advancing representation, the Commission delivered separation.

193. At the very first redistricting meeting, Reyes and Carollo discussed how the existing map “was drawn in a way that every single ethnic group would be represented,” and that explained “the odd shape that we have now” and why certain neighborhoods were split.

194. Indeed, Carollo explained on February 25, to accommodate maximal racial separation, the Commission “broke up numerous neighborhoods.”

195. Reyes agreed: “just ask all the communities who are divided, because we have to preserve a seat that will represent every single community of the City of Miami.”

196. Racially heterogeneous districts were out of the question. After discussing the racial dynamics and demographics of the districts on November 18, Commissioner Carollo stressed how they needed to ensure “that the balance is not really shifted.”

197. Again on February 7, Carollo explained his “goals from day one:” “to have guaranteed Anglo representation, and to have three districts that were Hispanics,” concluding “these are my intentions here today.”

198. This attitude which elevated racial considerations above all other redistricting decisions was shared by other commissioners.

199. Díaz de la Portilla, for example, explained on March 11, “our goal here is to have an African American district, for lack of a better term, a white district, . . . and three Hispanic districts.”

200. In response to public criticism of gerrymandering, Reyes was blunt: “Yes, we are gerrymandering to preserve those seats”—to preserve and enhance the maximal division of races into separate districts as much as possible.

201. Shortly before the final vote, Carollo summarized his goals in locking in a particular and precise racial division in the map:

I do not want to change the District 3 voting patterns, the types of people that are there with different people. I don't want to do that to District 4, nor to District 1. Just like I want to be able to leave District 2 where it could still elect a guy like you [referring to Russell], if they want to. In District 5, that will be a majority-African American district.

202. The Commission’s policy of maximal racial separation manifested in three specific ways: (1) creating an “Anglo access district” in District 2, (2) maintaining an arbitrary BVAP quota for District 5, and (3) packing Hispanic residents into Districts 1, 3, and 4 as much as possible.

A. Creating an “Anglo Access District” in District 2

203. Race predominated in the design of District 2.

204. At its first redistricting meeting on November 18, Díaz de la Portilla asked De Grandy whether the VRA required the Commission to maintain “what we call here in Miami, in practical terms, an Anglo . . . seat.”

205. De Grandy explained that “white, non-Hispanic, is not a protected class under the Voting Rights Act.”

206. The Commission would ignore this legal advice, instead increasing the Anglo

population of District 2 as much as possible, stripping Black and Hispanic residents from it with the explicit goal that it would elect an Anglo commissioner.

207. At the February 7 meeting, Carollo shared that originally, District 2 “was gerrymandered—but it was a legal gerrymander so that you would have an Anglo elected commissioner.”

208. As the Commission drew new lines, it sought to maintain and enhance this. On February 7, for example, Reyes expressed that they had to make changes to protect “the Anglo seat” and asked De Grandy if his Feb. 7 Draft was the best he could do to protect it. The same meeting, Carollo stated his “intention here today” to “have guaranteed Anglo representation.” On February 25, Reyes too stated his “commitment” that “the so-called Anglo-district will . . . stand the test of time.” At the final meeting, Carollo reiterated “we’re going to have to keep one district that you could get an Anglo.”

209. To achieve this goal, the Commission “purposely divided neighborhoods in other districts to try to keep District 2 into a district that a non-Hispanic would be elected,” as Carollo explained on February 25. For example, he continued, “Silver Bluff is one of those communities that was split in half to be able to create a District 2 that would elect someone like Mr. Russell”—someone “of an Anglo background, not Hispanic.”²

210. Carollo listed others divided to achieve that goal: Shenandoah, Little Havana, Flagami—split “down the middle”—and more.

211. Díaz de la Portilla recounted how, as Mayor, Carollo “broke up Hispanic

² When Russell interrupted to point out he was Japanese American, Carollo dismissed him, saying “you didn’t quite mention the Oriental part when you were running.” Carollo’s comment exemplifies the Commission’s essentialist and reductive attitude toward race and representation: there are Hispanic residents, there are Black residents, and there are Anglo residents. To the Commission, “representation” means having a co-ethnic commissioner.

neighborhood after Hispanic neighborhood because he had to for the greater good”—to “have a *white* on our City Commission.”

212. Reyes and Carollo reprised this theme at the final meeting. If Shenandoah, Silver Bluff, Flagami, and Little Havana had not been divided, Reyes said, “probably we would not have Mr. Russell sitting there.”

213. Reyes continued that “it was fine to divide” these neighborhoods, “because we wanted to achieve what we want to achieve now:” “great” “probabilities of electing an Anglo.”

214. Finally, in his last speech before passing the Enacted Plan, Carollo summed it up again: “We’re gonna have to keep one district that you can get an Anglo, whether they’re an Anglo that’s Japanese or an Anglo that’s Russian, Ukrainian, Italian, Polish, English, French, they can get elected.”

215. The Commission sacrificed other traditional redistricting criteria to draw an explicitly Anglo district, including compactness. As Díaz de la Portilla explained, “if . . . you want to have an Anglo district, it’s almost impossible to emphasize compactness.”

216. On February 25, to assuage his “main concern,” Reyes sought to confirm with De Grandy that District 2 would still have a high probability of electing an Anglo. De Grandy replied simply: “Yes.”

B. Maintaining an Arbitrary BVAP Quota for District 5

217. Race predominated in the design of District 5.

218. Coming into the process, District 5 under the 2013 Plan was 54.4% BPOP, 52.9% BVAP, and 59.4% BCVAP, but was underpopulated and needed to add population.

219. The Commission’s overriding goal for District 5 was to keep those numbers as high as possible while equalizing population, and particularly to attain a BVAP above 50%.

220. This arbitrary threshold was not based on any functional analysis of what was necessary to afford Black voters the ability to elected preferred candidates, or justified by any compelling interest, including compliance with the VRA.

221. Moreover, the Commission ignored key markers of District 5's functional performance, like CVAP, voter registration, and turnout in recent elections.

222. At the first redistricting meeting on November 18, De Grandy commented how during the 2013 cycle, he moved the northern end of District 2 into District 5, but “that did dilute the Black voting percentage.”

223. Moving much more in this area, though, concerned him. He warned against doing so, because “District 5 may not be a performing district anymore for the minority community.” “I have a wall that separates D2 and D5,” De Grandy said.

224. De Grandy did not explain what analysis he did to conclude District 5 would be at risk of vote dilution in violation of the VRA.

225. De Grandy's analysis—focused on making District 5's Black population as high as possible—was nothing more than an arbitrary numerical target based on uninformed guesswork.

226. In De Grandy's initial, Feb. 7 Draft, District 5 was 51.7% BPOP, 49.8% BVAP, and 58.7% BCVAP.

227. De Grandy explained he deliberately underpopulated District 5, “because bringing in additional population from most any side of the district might reduce the African American population percentage.”

228. In particular, De Grandy explained that around the District 2/5 border, “we could not move further east without affecting the African American population's ability to elect a candidate of its choice in D5.”

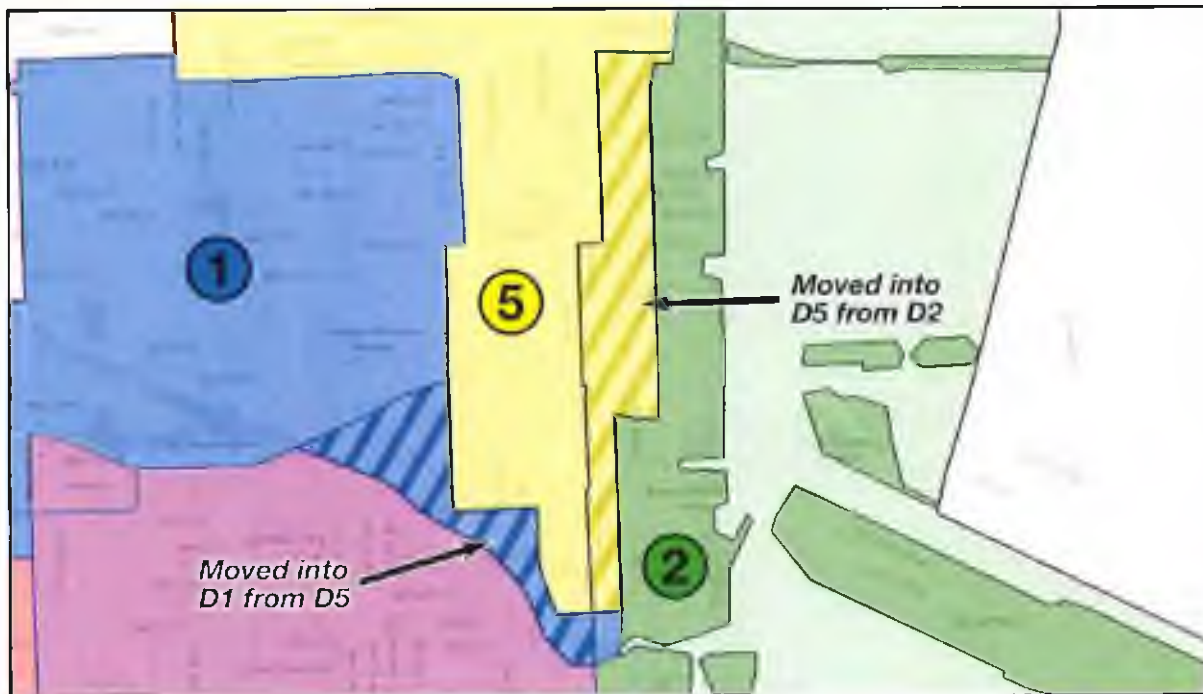


Fig. 10. Areas moved into and out of District 5 in the Feb. 7 Draft.

229. “There were only roughly 1,000 African Americans” in that area added from District 2, so, “the only reason we were able to rebalance the ethnic and racial population” was to remove the riverside areas from District 5 and move them into District 1, he continued.

230. He went on: “That was essential because as you moved east . . . , there was less and less African American population.”

231. Notwithstanding the fact that the Feb. 7 Draft featured a District 5 with a BVAP under 50% and a BPOP under 52%, De Grandy said his analysis of voting patterns confirmed Black voters had an equal opportunity to elect the candidate of their choice.

232. But this did not satisfy the Commission.

233. First, Reyes pressed De Grandy if “this is the best you can do to protect the African American seat,” calling it his “main concern.”

234. King also stated she was “concerned . . . that District 5 is 51% African American.”

235. De Grandy responded to their concerns in his Feb. 22 Draft, the Base Plan.

236. He explained that “by reconfiguring areas around the boundaries of D5, we were also able to slightly increase the total Black population, as well as the voting-age population, above 50%.”

237. De Grandy explained that underpopulating District 5 also allowed for an increase in its Black population.

238. He was firm that District 5 could not move further east into District 2 without “diminishing the African American community’s opportunity to elect a candidate of choice.”

239. He concluded his presentation of the Base Plan by recapping “the directives you gave.” Third on the list: “We increased D5’s Black voting-age population above 50%.”

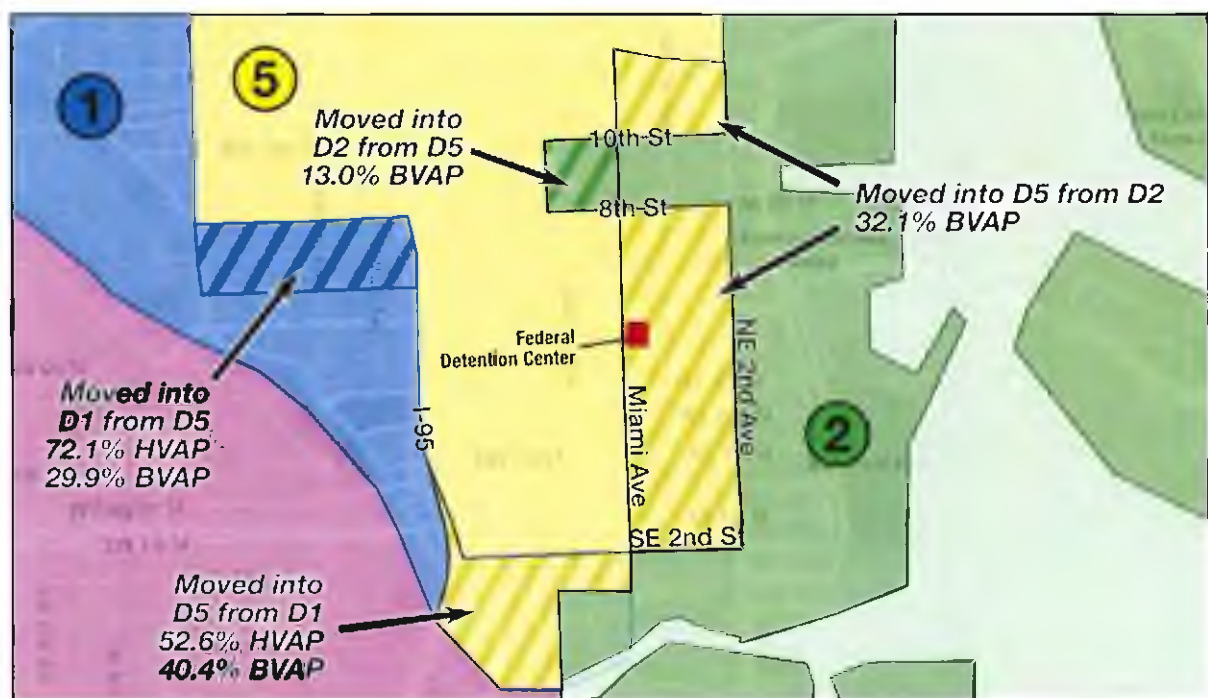


Fig. 11. Downtown changes to District 5 in the Base Plan, compared to the Feb. 7 Draft.

240. The Base Plan’s reconfigurations included swapping areas between Districts 2 and 5 in Downtown. 1,638 people in two city blocks bounded by NW 8th and 10th Streets, Miami Avenue, and the railroad tracks were moved back into District 2, where they had been in the 2013 Plan. These two blocks are 13.0% BVAP.

241. In exchange, 2,521 people in a two-block wide strip between Miami and NE/SE 2nd Avenues were moved into District 5. This strip is 32.1% BVAP.

242. However, 1,407 people in this strip—more than half—are incarcerated at the Federal Detention Center (FDC). A plurality of the FDC population is Black.

243. Not including the incarcerated population, the strip De Grandy moved into District 5 to satisfy the Commission's 50% quota is 16.4% BVAP.

244. When members of the public raised concerns about the Commission's arbitrary BVAP quota, they were dismissed out of hand.

245. On February 25, a representative of the ACLU of Florida raised these concerns, noting that setting an arbitrary 50% target, divorced from any actual analysis of what is necessary to afford Black voters an opportunity to elect preferred candidates, raised equal protection concerns and may constitute unlawful packing.

246. The representative reminded the Commission that it was required to take the full breadth of available data into account, rather than looking merely at surface-level Census population totals. The ACLU of Florida pointed out that voter registration and actual turnout data showed that Black voters make up a substantially higher share of registered voters and actual voters than Census VAP figures indicated for the proposed District 5: 55.5% of registered voters, 53.2% of voters at the last state general election, and 61.3% of voters at the last state primary election.

247. Moreover, the district was nearly 60% Black "as refined by citizenship." *Negron v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997).

248. In response to the ACLU representative's statement, De Grandy said "it was hard for me to understand that."

249. Further, De Grandy claimed that "packing doesn't apply."

250. The Commission’s consideration—and rejection—of alternatives to the Base Plan also illustrates its fixation on the racial targets.

251. For example, after Russell presented his sketch for District 2 on February 25, King was interested in considering it—but only if it wouldn’t reduce District 5’s Black share: “Would that upset the balance in my district? Would it take me from 52 to less or more?”

252. De Grandy assured her it wouldn’t impact District 5, and King was willing to consider it at the next meeting.

253. At that next meeting on March 11, De Grandy noted how King had requested moving riverside areas back into District 5 from District 1. King’s request had a problem: it would “lower the Black VAP to 49%,” as De Grandy explained.

254. Díaz de la Portilla crystalized the Commission’s reaction to the slight BVAP decline in a single word: “Worse.”

255. De Grandy expressed confidence this problem “could be remedied” to “increase D5’s Black voting-age population.”

256. Indeed, De Grandy took a recess to “work on that better and maybe that would solve the problem.”

257. He came back from recess with a new amendment to the Base Plan that moved several unpopulated riverfront blocks (the Wharf development) from District 1 into District 5—ensuring District 5 stayed above the 50% BVAP threshold.

258. Even so, Díaz de la Portilla shared his worry with King that “the growth that’s going to occur over the next ten years” would “make your district minority African American.” Since the area proposed to be moved back into District 5 from District 1 was “an area that’s predominantly Hispanic.”

259. Eventually, Diaz de la Portilla was satisfied with District 5's demographics, once he understood that it was still majority-BVAP, at 50.3%.

260. The Commission eventually adopted King's change, going back to the Base Plan with the minor Wharf alteration, rather than the draft proposal with a 49% BVAP District 5.

261. The Commission's adherence to the 50% BVAP quota was underscored by another proposed riverfront change. On March 24, De Grandy discussed moving the Flagler on the River development into District 5 from District 1, a suggestion of Díaz de la Portilla's.

262. De Grandy reported the single block in question had 510 residents and was roughly 73% HVAP. He said moving it into District 5 would drop District 5's BVAP to 49.97%.

263. De Grandy advised the proposal was VRA-compliant, but nevertheless counseled "additional tweaks to the plan to bring the Black voting-age population back above 50%."

264. The Commission did not end up accepting the Flagler on the River suggestion.

265. As the Commission neared a final vote on March 24, the 50% BVAP quota and its impact on the map continued to be a point of discussion. Carollo stressed "we have to keep one district that is going to have a majority of African Americans," explaining that hitting that target was "the reason we're having to do this"—referring to dividing Coconut Grove.

266. Indeed, the "wall" between Districts 2 and 5 was a large reason why part of Coconut Grove ended up removed from District 2. Since removing more of District 2 from its northern end would further reduce District 5's Black proportion, the Commission instead removed areas from District 2 at its southern end, in Coconut Grove, to equalize District 2's population.

267. As Reyes, Russell, and King tried unsuccessfully to reach agreement on Coconut Grove, De Grandy stressed he "cannot put one more resident into Commissioner King's district" because it "would dilute the Black majority."

268. Díaz de la Portilla discussed how striving for the quota also impacted another area of the map, his own District 1 in Allapattah: “I can’t go north, because if I go north I jeopardize the African American seat” by taking Black voters from District 5.

269. The Commission successfully hit its target: the BVAP of District 5 is 50.3%.

C. Packing Hispanic Residents into Districts 1, 3, and 4

270. Race predominated in the design of Districts 1, 3, and 4 as well.

271. The Commission’s goal was to make the Hispanic populations of Districts 1, 3, and 4 as high as possible, thereby stripping Hispanic residents from Districts 2 and 5 and diminishing their influence in those two districts.

272. Carollo set the tone at the second redistricting meeting, before any maps were drafted: “My main interest in my district and your district, Díaz de la Portilla, and Mr. Reyes’ district, is that I’m sure that we’re going to keep the balance of the Hispanic population where we’re going to be getting Hispanics elected there.”

273. Carollo reiterated on February 7 that Districts 1 and 3 need to “keep the same type of last name and faces.”

274. Shortly before the Enacted Plan passed, Carollo again stated, “We have to keep three districts that are going to be majority-Hispanic.”

275. Commissioners were concerned by the relative Hispanic populations of these three districts and obsessed over small changes in Hispanic population. For example, Carollo discussed the relative “purity” of the three districts on December 9, noting the Commission had to keep in mind that Districts 1 and 3 “are not as pure in the percentage of the Hispanics that vote” compared with District 4.

276. But at no point did the Commission undertake an actual analysis of voting patterns

to determine what Hispanic population a district needs to have to comply with the VRA, instead shooting for as high a population as possible.

1. District 1/5 Border

277. The border between Districts 1 and 5 was drawn along racial lines, to put Hispanic residents into District 1 and strip them from District 5. At the same time, the border packed Black residents into District 5 and stripped them from District 1.

278. District 1, which under the 2013 Plan was underpopulated by 6,999 residents and needed to grow, ended up gaining all its new population from District 5.

279. The Commission first discussed specific areas to add into District 1 on December 9. Carollo highlighted two “logical” and “attractive” areas: Wynwood—noting “that’s mainly a Hispanic area”—and along the north side of Miami River—“non-African American areas, mainly Hispanic or Anglo basically.”

280. At the same meeting, Díaz de la Portilla reflected on how he “really can’t go north” to gain population in Allapattah, because “it’s an African American area.”

281. Carollo interjected, noting there might be an area by 36th Street (which served as District 1’s northern border under the 2013 Plan) that could be added to District 1, but he wasn’t sure “if it’s mainly Hispanic or if it’s more African American.” Díaz de la Portilla agreed he might be able to extend north to 40th Street, but not past State Road 112, because “north of 112 we are entering into African American neighborhoods—and we can’t touch that area.”

282. De Grandy’s Feb. 7 Draft moved the riverside area Carollo had suggested. De Grandy explained: “We felt this movement was needed because this area has a high percentage of Hispanics and a greater voter cohesion with D1 residents.”

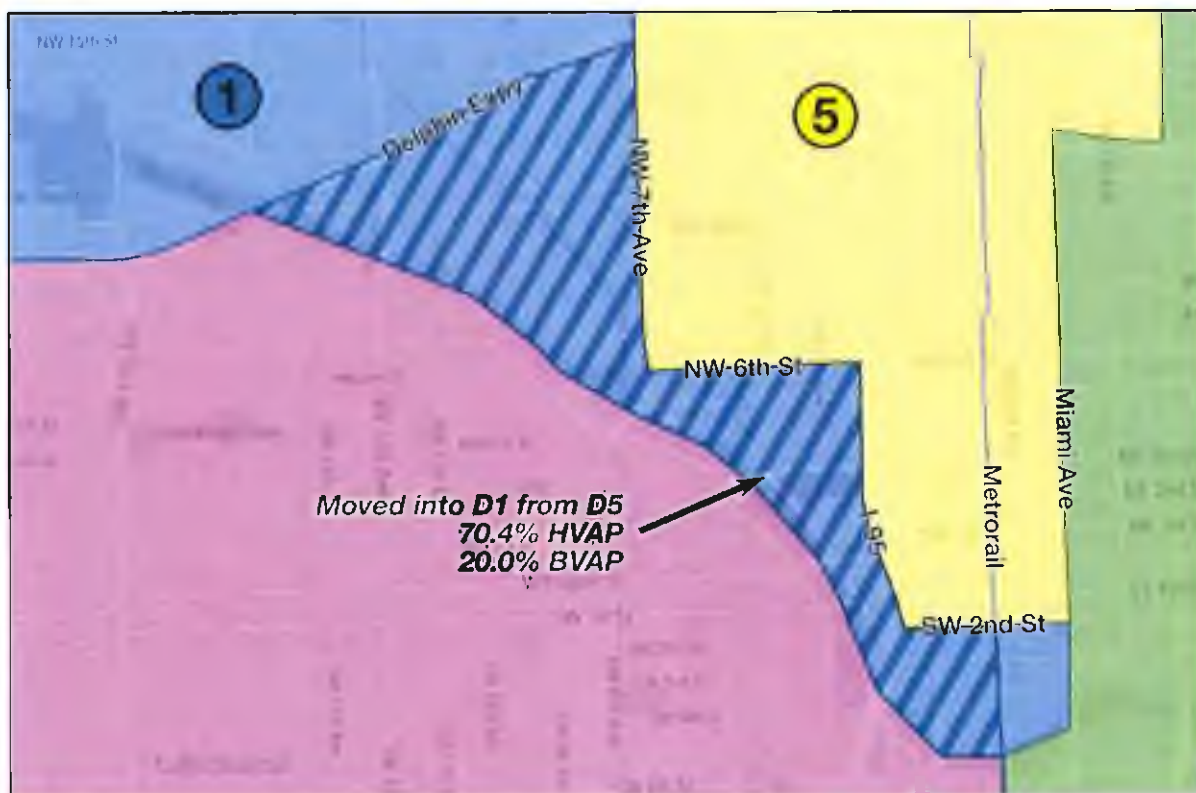


Fig. 12. Riverside area moved into District 1 from District 5 in the Feb. 7 Draft. The 2013 Plan is overlaid in blue.

283. The Base Plan moved a small portion of that riverside area around the MRC back into District 5. In exchange, the draft moved another part of Downtown—eight city blocks bounded by NW 7th Avenue, I-95, and NW 6th and 8th Streets—into District 1.

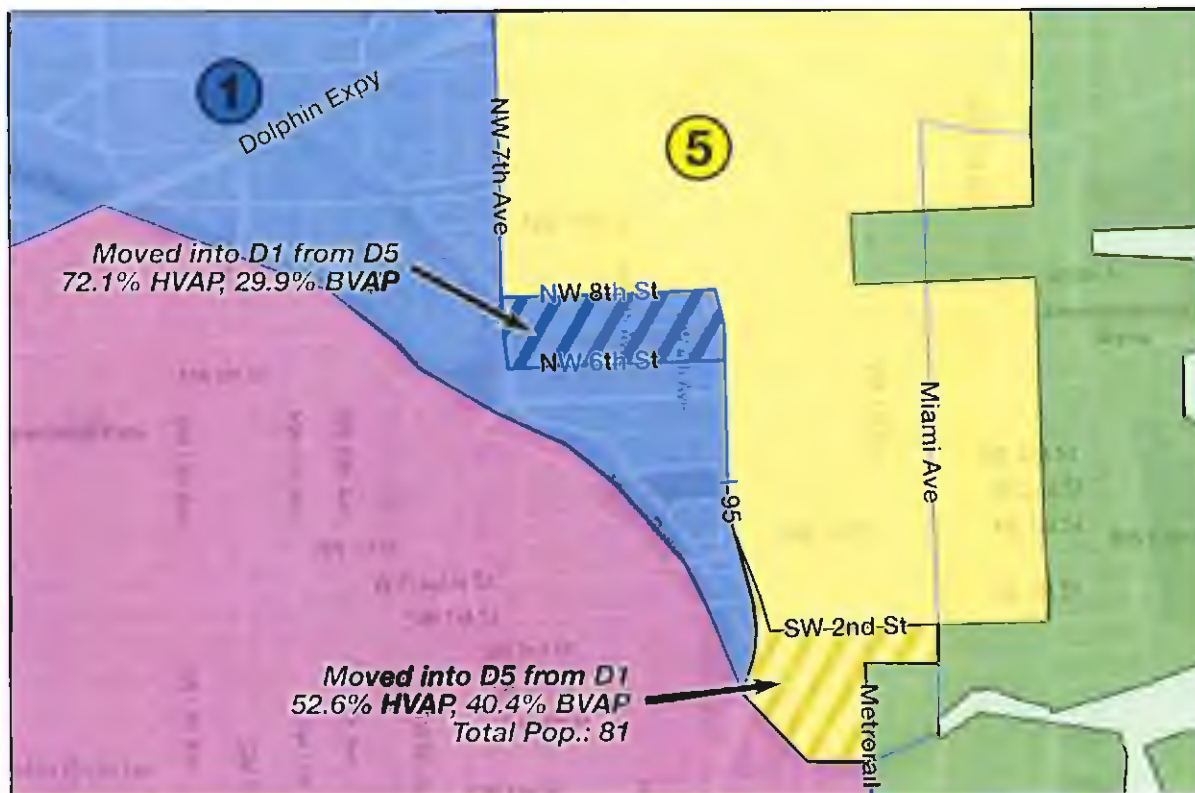


Fig. 13. Riverside areas moved between Districts 1 and 5 in the Base Plan. The Feb. 7 Draft is overlaid in blue.

284. De Grandy explained that “again, we felt this movement was needed because Hispanics in the area constitute roughly 70% of the population. Thus, they have greater voter cohesion” with the rest of District 1.

285. The Enacted Plan ended up moving a supermajority-Hispanic area of Downtown from District 5 into District 1, giving District 1 an irregular appendage that splits neighborhoods along racial lines, including historic Overtown. The entire area moved is 70.7% HVAP.

286. The Enacted Plan ended up extending District 1 north to 40th Street/SR 112 but no further, moving a supermajority-Hispanic chunk from District 5 between NW 12th and 19th Avenues that is 76.6% HVAP and 33.0% BVAP.

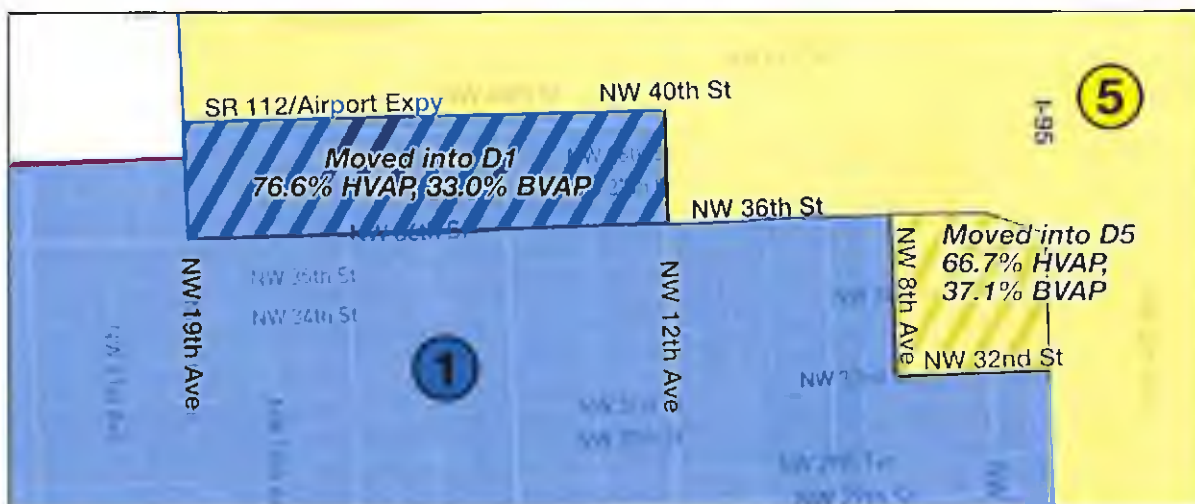


Fig. 14. Allapattah areas moved between Districts 1 and 5 in the Base Plan.

287. Even though District 1 needed to gain population, the Enacted Plan also ended up moving a less-Hispanic area of Allapattah *out* of District 1 and into District 5, creating a jagged stair-step border that chopped up the neighborhood along racial lines.

288. This area, bounded by NW 32nd and 36th Streets, NW 8th Avenue, and I-95, is 66.7% HVAP and 37.1% BVAP.

289. District 1 in the Enacted Plan is 89.5% HVAP and 84.8% HCVAP.

2. District 2/3 Border

290. The boundary between Districts 2 and 3 was also drawn along racial lines, to pack Hispanic residents into District 3 and strip them from District 2.

291. Díaz de la Portilla first suggested moving areas “where Hispanic voters live” from District 2 and into Districts 3 and 4 at the second redistricting meeting, mentioning Coconut Grove and Bay Heights specifically.

292. De Grandy incorporated this suggestion into his Feb. 7 Draft. That map moved portions of District 2 into District 3, stretching from SW 15th Road in the north to SW 17th Avenue in the south, over to South Miami Avenue. This area included Bay Heights.

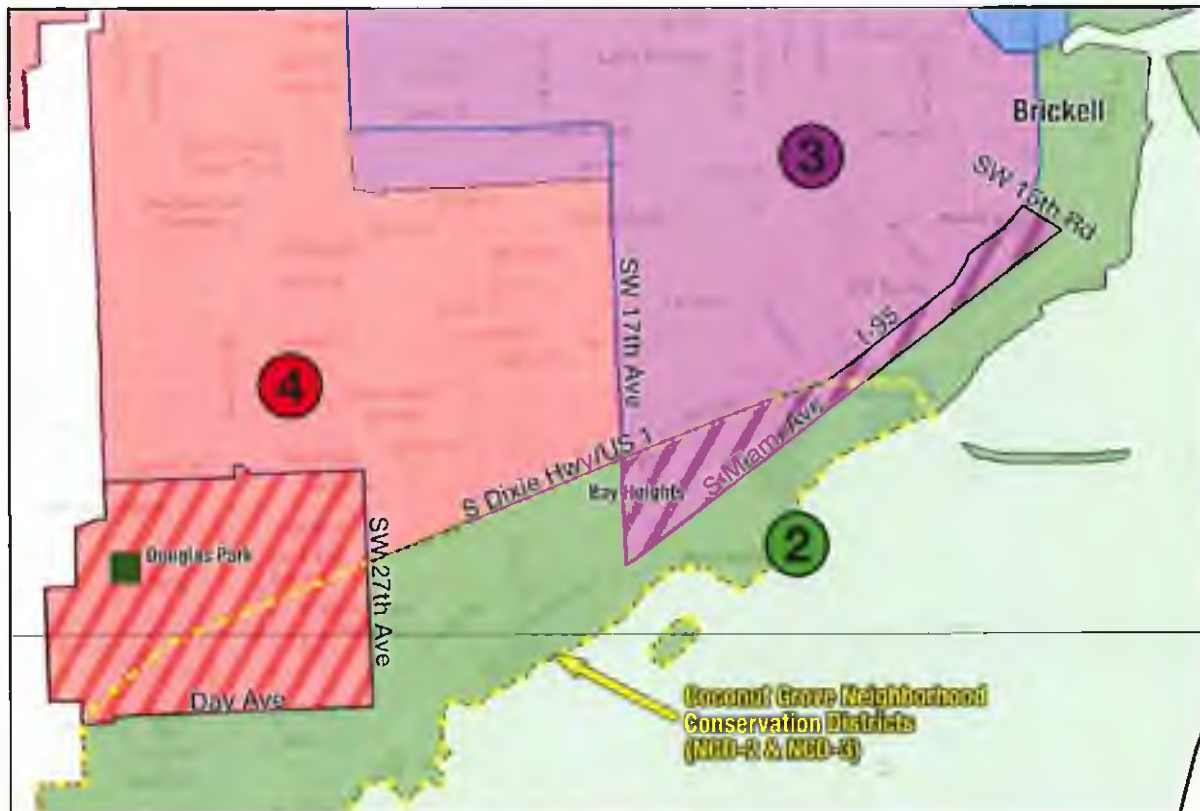


Fig. 15. Areas moved out of District 2 and into 3/4 in the Feb. 7 Draft (compared to 2013 Plan).

293. Discussion of Feb. 7 Draft’s 2/3 border focused on whether part of Downtown/Brickell should be moved into District 3 instead. Russell suggested doing that so District 2 could keep all of Coconut Grove and avoid splitting the West Grove.

294. De Grandy explained he didn’t move District 3 into Downtown “because the demographics were dissimilar,” but acknowledged that was a choice the Commission could make. He clarified that he could equalize the district populations and keep Coconut Grove whole within District 2 by adding part of Downtown to District 3.

295. The Commission considered that option at the next meeting, rejecting it for racial reasons.

296. Walking through the Base Plan on February 22, De Grandy again explained that he “did not feel it was appropriate to move east” and grow District 3 into Downtown “because of

dissimilar demographics.” At a later meeting, De Grandy was more explicit: “the Hispanic population in that area was in the 40’s,” “whereas District 3 is in the 80’s.”

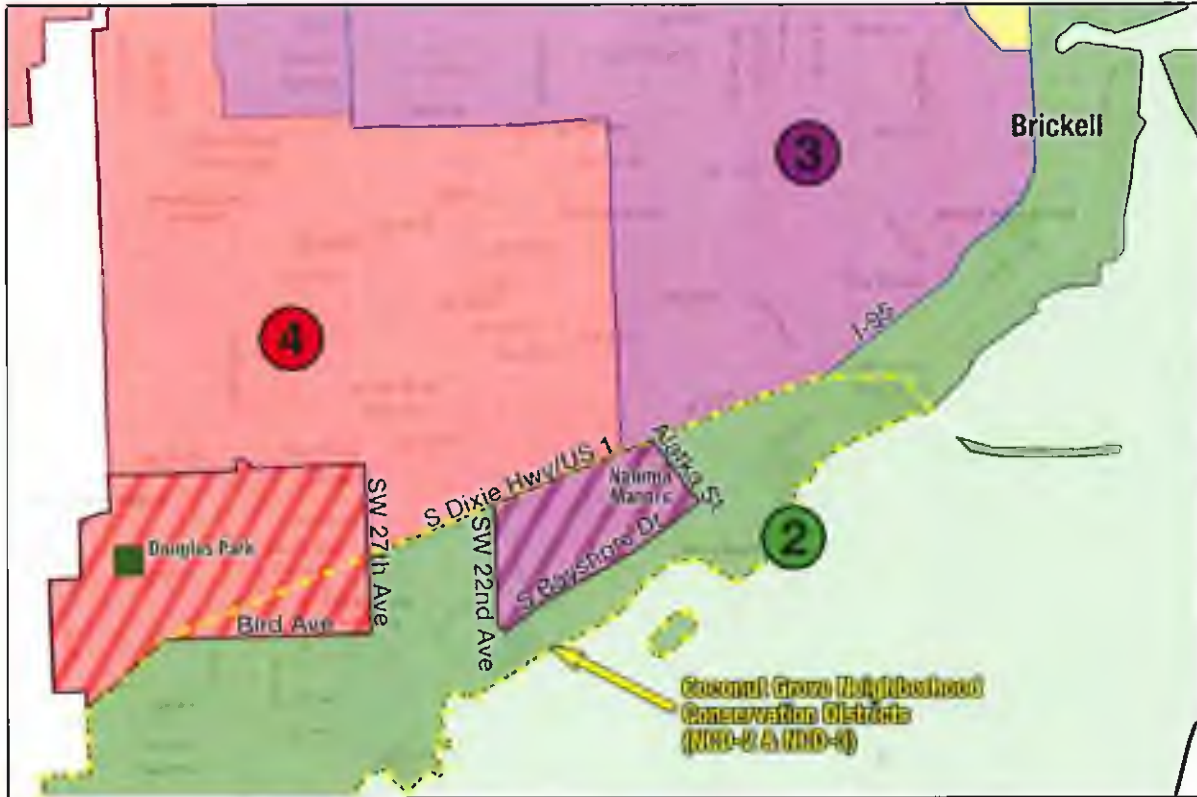


Fig. 16. Areas moved out of District 2 and into 3/4 in the Base Plan (compared to 2013 Plan).

297. Carollo supported this approach, explaining Brickell was “totally different in your demographics” from District 3, so they had no choice but to move people from the Grove into Districts 3 and 4 instead: “we can’t go anywhere else.”

298. To Carollo, “throwing” Brickell into District 3 would unacceptably “change the whole component of one district” with “a domino effect” to “change the composition of the other districts.”

299. Diaz de la Portilla agreed, saying the Grove was “the only place to go.”

300. This subject came up again when the Commission considered the Initial Russell Plan. That proposed extending District 3’s eastern boundary one block east to South Miami

Avenue, from where US 1 and I-95 fork on the south end, northward to the Miami River.

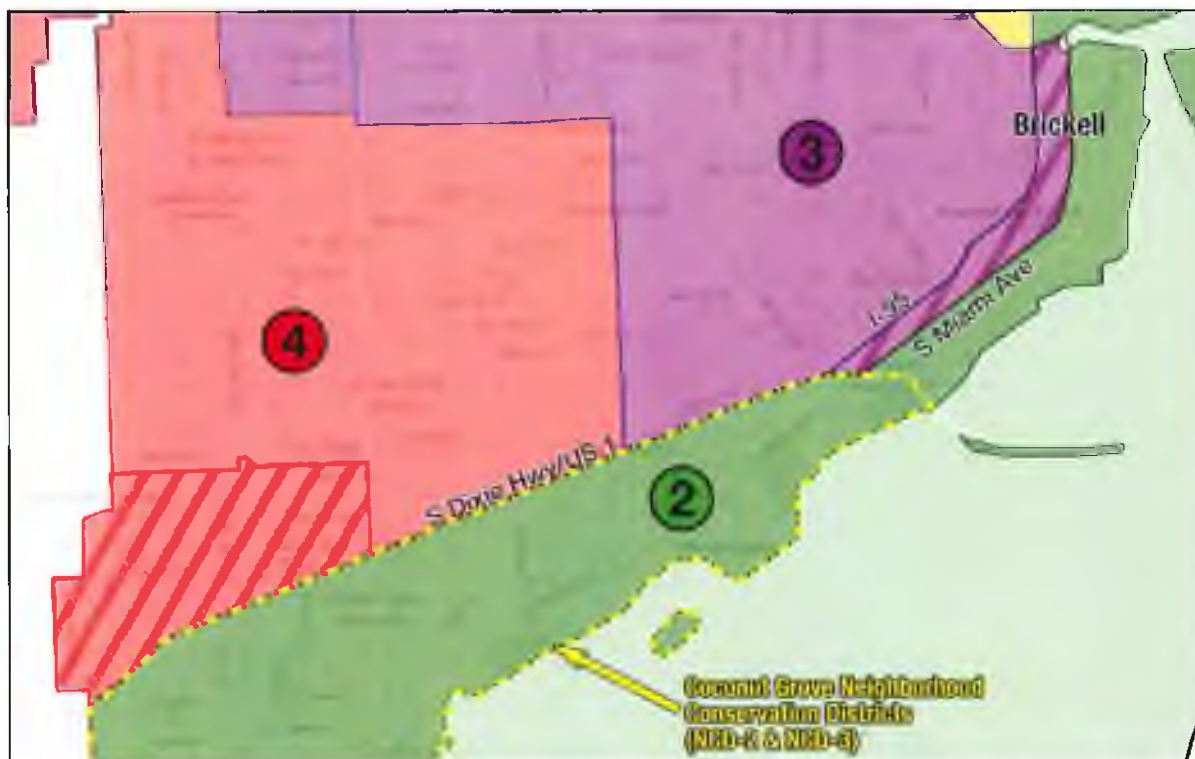


Fig. 17. Areas moved out of District 2 into 3/4 in the Initial Russell Plan (compared to 2013 Plan).

301. Even De Grandy advised that the Initial Russell Plan’s District 3 was still a “Hispanic district” and complied with the VRA.

302. But that assurance was not enough for the Commission. Reyes first flagged the issue: “I don’t agree with it because [] there is a lot of Anglos in that area and it’s going to affect them. The district as such, is going to be affected.”

303. This prompted Russell to ask De Grandy about the relative Hispanic population of the strip he proposed moving into District 3, versus the area around Natoma Manors moved in the Base Plan.

304. De Grandy explained Russell’s strip had a Hispanic population “in the 40’s,” dissimilar from the rest of District 3.

305. Meanwhile, the Natoma area De Grandy had proposed moving into District 3 was

“in the 50 range,” so he felt it more appropriate to move.

306. Furthermore, the Natoma area was smaller in population, so De Grandy wasn’t concerned about that reducing District 3’s Hispanic population.

307. Russell concluded the areas were close enough in their impact on District 3’s Hispanic population “to where we’re splitting hairs.”

308. But the majority of the Commission wanted to split those hairs to achieve its overall goal: packing as many Hispanic residents as possible into District 3.

309. The Commission revisited this theme at its final meeting, as it debated the Revised Russell Plan.

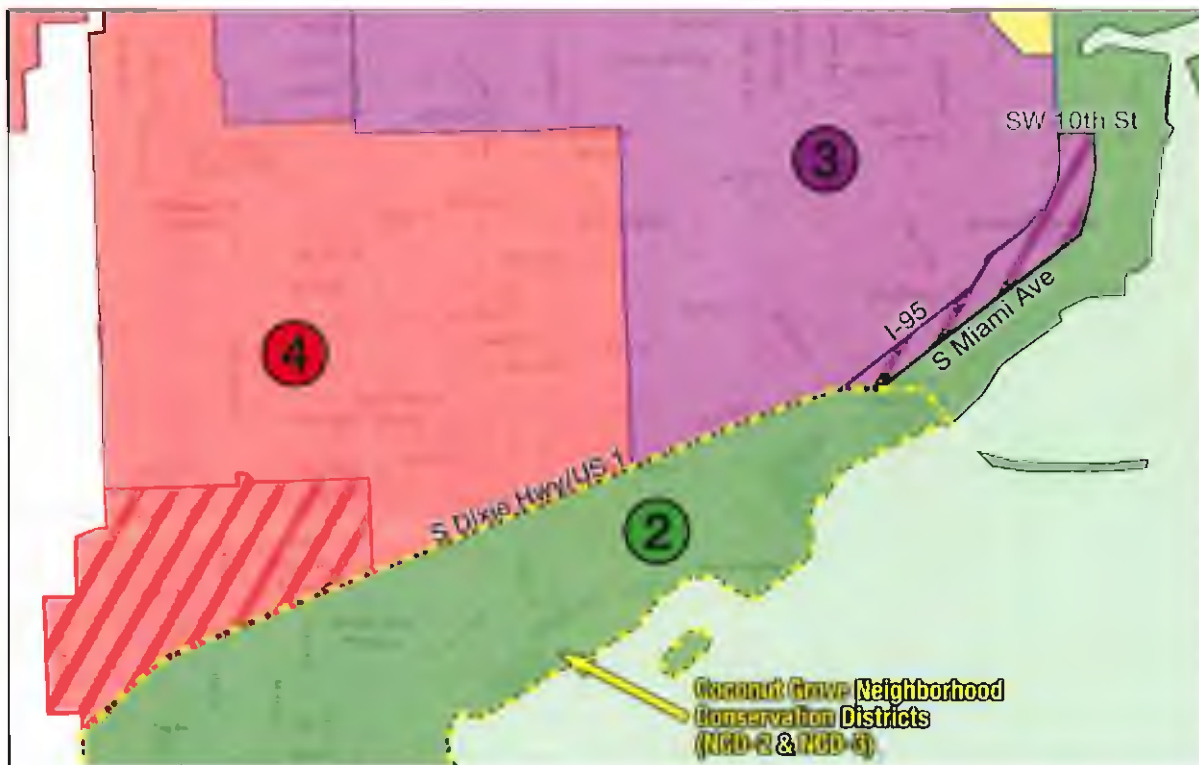


Fig. 18. Areas moved out of District 2 into 3/4 in Revised Russell Plan (compared to 2013 Plan).

310. De Grandy again explained he “did not go east” into Brickell “when I was doing District 3 [] because I found the population to be dissimilar. It was approximately 40-some percent Hispanic, going into a district that’s approximately 88% Hispanic.”

311. Zooming in on particular city blocks, Díaz de la Portilla pressed De Grandy on the demographics of the “buildings in the West Brickell area” the Revised Russell Plan moved: “those buildings that are now inhabited are predominately Anglo.”

312. De Grandy confirmed those buildings were “markedly different than the population in District 3.”

313. So instead of shifting District 3 eastward into Brickell, De Grandy “decided that the best move will be to go south and not go east” into Brickell, because the people to the south “are more similar” to the rest of District 3, he again explained.

314. He advised that “in any of the plans,” “District 3 is still a majority-Hispanic district,” but was a “stronger Hispanic district under the base plan, absolutely.”

315. Discussing the Reyes Plan and Revised Russell Plan’s removing the West Grove triangle from District 4, Carollo stressed that District “is still the most Hispanic district out of the three Hispanic districts in the city” “even with the [West Grove] sliver of 1,600 additional people.”

316. District 3, on the other hand, would be forced to gain more than 1,600 people from District 2 to balance the population deviations, as Carollo explained it.

317. That population would come from Brickell, where “it’s not cohesive anymore” and where “the numbers also change” compared to the rest of District 3.

318. And, he continued, that “would put District 3 into the future in possible jeopardy.”

319. Carollo spelled out the problem in blunt terms: “bringing in a transplant from another part of the country, and because they speak a little Spanish and they smile all the time, they feel they can sneak in. . . . And this district now is gonna be skewed where it’s not gonna be clear on the kind of person that could get elected from it.”

320. That is why, he concluded, he would “strongly object to West Brickell going into

District 3.”

321. Reyes agreed, saying he “totally, totally oppose[d] that,” and explaining that he originally agreed with De Grandy’s first suggestion to shift District 3 into Bay Heights rather than Brickell, since Bay Heights was “close to 52% Hispanic.” But he opposed moving District 3 eastward into Brickell.

322. Díaz de la Portilla agreed too, saying “Carollo hit the nail on the head.”

323. He explained why the Revised Russell Plan did not adequately pack Hispanic voters: “What Mr. Russell’s plan does, down the line, . . . is disintegrate that Hispanic district, District 3.”

324. “And then we’ll have a minority-Hispanic Commission in a majority-Hispanic city. How’s that democracy?” Díaz de la Portilla concluded, “You’re shifting the balance of power in a Hispanic district.”

325. Under the Revised Russell Plan, District 3 was 86.6% HVAP and 84.8% HCVAP.

326. In the Base Plan and Enacted Plan, it is 88.3% HVAP and 86.9% HCVAP.

3. District 2/4 Border

327. The boundary between Districts 2 and 4 was also drawn to pack Hispanic residents into District 4 and strip them from District 2.

328. At the first redistricting meeting, Díaz de la Portilla highlighted the Douglas Park area, which was in District 2 under the 2013 Plan, that “probably doesn’t belong there.” Using the phrase “political cohesion” to euphemistically refer to racial groups, Díaz de la Portilla opined, “if you look at political cohesion, it probably belongs in Commissioner Reyes’ district,” because it has “more commonalities” with the rest of District 4 “than with Coconut Grove or Edgewater.”

329. Carollo agreed, stating at the following meeting that this “very Hispanic area”

“should have always been part of District 4.”

330. The area referred to, bounded by SW 25th Street, SW 27th Avenue, and US 1, is 81.8% HVAP and 13.6% WVAP.

331. That overwhelmingly Hispanic area was moved into District 4 in the Enacted Plan, thereby packing Hispanic residents into District 4 and stripping them from District 2 (*see* Fig. 16).

332. As with other areas of the map, the rejected proposals for District 4 clarify the Commission’s racial intent.

333. On February 7, Carollo proposed moving a chunk of North Coconut Grove between 22nd and 27th Avenues and South Bayshore Drive into District 4 from District 2.

334. Reyes objected strongly to this area—which is 54.4% WVAP—being added to his district. Carollo tried to reassure Reyes by reminding him that he has “the most Hispanic” and “the most Cuban district” in the city, and that the Feb. 7 Draft already gave him “a huge Hispanic area on the other side of US 1,” referring to the Douglas Park area.

335. Comparing that 82% HVAP Douglas Park addition to his 54% WVAP North Grove proposal, Carollo explained Reyes can’t be “getting all the sirloin but none of the bone.”

336. In the end, the Hispanic-rich “sirloin” was moved into District 4, while most of the majority-white “bone” remained in District 2.

337. District 4 does, however, add a portion of Coconut Grove from District 2. Following Díaz de la Portilla’s early suggestion to move areas “where Hispanic voters live” given the “ethnic diversity in Coconut Grove,” District 4 adds a 59.2% HVAP triangle from the West Grove, bounded by US 1, Day Avenue, and SW 27th Avenue (*see* Fig. 16).

338. That triangle was not as Hispanic as the rest of District 4, but given the Commission considered District 4 to be the “purest” Hispanic district already, it was acceptable for it to add

just “a slice, sliver” of less-Hispanic “bone.”

339. In later meetings, Reyes begrudgingly accepted adding part of Coconut Grove because he thought it necessary to maintain the racial balance of District 5: “The only reason that I will accept that is to save that seat that is there,” he said on March 11, pointing to King.

340. District 4 in the Enacted Plan is 89.5% HVAP and 88.2% HCVAP.

4. Internal Borders of Districts 1, 3, and 4

341. The borders that Districts 1, 3 and 4 share were also drawn to facilitate the Enacted Plan’s packing of Hispanic voters into these districts and more generally, to accomplish the tripartite racial separation throughout the map.

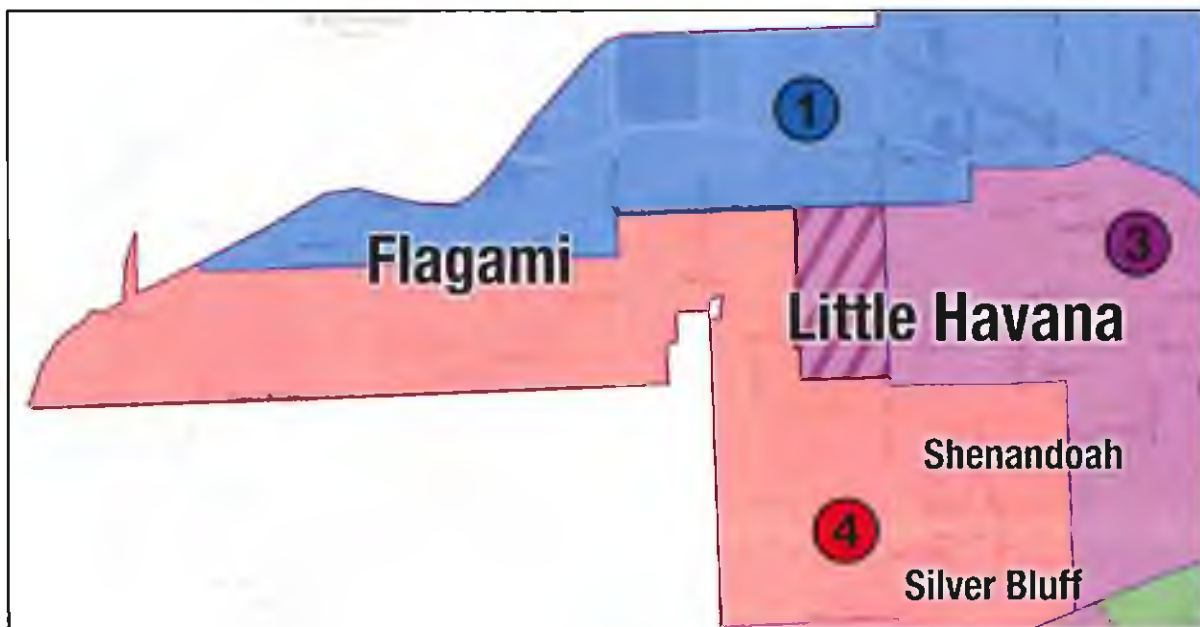


Fig. 19. Enacted Plan borders between Districts 1, 3, and 4, showing neighborhoods split and areas moved (compared to 2013 Plan).

342. Hispanic voters on the borders of these districts were largely treated as fungible because these areas are all predominately Hispanic.

343. As Carollo, Reyes, and Díaz de la Portilla recounted multiple times, Flagami, Little Havana, Shenandoah, and Silver Bluff were all split between these three districts to effectuate the

Commission's policy of maximum racial separation.

344. When he presented his Feb. 7 Draft, De Grandy acknowledged shifting areas between Districts 3 and 4 because he “tried to find adjacent areas with similar demographics in order to maintain voter cohesion.”

345. Following Carollo's discussion of District 4 not keeping all the “sirloin,” Carollo suggested moving into District 3 a heavily Hispanic portion of District 4 between SW 27th and 32nd Avenues, in Little Havana.

346. When Reyes objected, Carollo explained to him why it was necessary to add that territory to District 3: “you're getting more than two squares here,” referring to the Douglas Park area, “in prime Hispanic area, and you're diluting the Hispanic vote.”

347. “There has to be a balance,” Carollo continued, and in exchange for getting “a huge chunk of rich Hispanic voters” around Douglas Park, District 4 needed to balance its Hispanic population out with District 3.

348. Reyes eventually agreed to “work[] out in a way that we can make it as Hispanic as you can.”

349. The area Carollo wanted to add to District 3—bounded by SW 27th and 33rd Avenues, NW 7th Street, and SW 8th Street—was indeed moved into District 3 in the Enacted Plan. It is 89.5% HVAP.

350. Explaining the shift on February 25, De Grandy explained, “we tried to find adjacent areas with similar demographics in order to maintain voter cohesion.”

**V. Lack of Narrow Tailoring to Achieve
a Compelling Interest in Racial Predominance**

351. Where, as here, race was the predominant factor in the government's decision-making, strict scrutiny is triggered and “[t]he burden . . . shifts to the [government] to prove that

its 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) (internal quotations omitted). Traditionally, compliance with the Voting Rights Act, namely Section 2, has served as the primary justification for predominant considerations of race. The Commission’s use of race, however, was not narrowly tailored to any compelling government interest, including compliance with the VRA.

352. To ensure its use of race was narrowly tailored to compliance with the VRA, the Commission was obligated to assess the level of minority citizen voting-age population or registered voters necessary for those voters to have the opportunity to usually elect their candidates of choice.

353. The Commission centered its “analysis” on total population and voting-age population figures instead of reviewing “voting-age population *as refined by citizenship*.” *Negron*, 113 F.3d at 1569 (emphasis added).

354. Despite their facial concern for protecting diverse representation, neither the Commission nor its consultants took steps to meaningfully assess VRA compliance. There is no indication the Commission conducted an analysis of racially polarized voting (RPV) or any other analysis key to assessing compliance with the VRA.

355. Instead, the Commission relied on blanket racial targets and sought to increase the Black, Anglo, and Hispanic populations of the respective districts as much as possible.

356. Without conducting a functional analysis of RPV, the Commission’s race-based mapdrawing was not narrowly tailored to achieve VRA compliance.

357. The Commission identified no other compelling interest to justify its use of race when it drew the Enacted Plan.

CLAIM FOR RELIEF

**Racial Gerrymandering
in Violation of the Fourteenth Amendment to the U.S. Constitution
(42 U.S.C. § 1983)**

358. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

359. The Fourteenth Amendment to the U.S. Constitution provides in relevant part: “No State shall . . . deny to any person within its jurisdiction the equal protection of the laws.”

360. Under the Fourteenth Amendment’s Equal Protection Clause, a racial classification is prohibited unless it is narrowly tailored to serve a compelling state interest.

361. As alleged in detail above, race was the predominant factor in the design of all five Miami City Commission districts. Race predominated over all other redistricting criteria when each of these districts was drawn.

362. The use of race as the predominant factor in creating the districts was not narrowly tailored to advance any compelling state interests, including compliance with the VRA.

363. Consequently, the districts do not survive strict scrutiny.

364. Therefore, the districts violate Plaintiffs’ rights under the Equal Protection Clause and 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and:

A. Declare the five Miami City Commission districts adopted in Resolution 22-131 to be unconstitutional in violation of the Fourteenth Amendment as racially gerrymandered;

B. Preliminarily and permanently enjoin the City and its officers and agents from calling, conducting, supervising, or certifying any elections under the Enacted Plan;

C. Order the City to hold special elections to limit the harm to Plaintiffs should adequate relief be unavailable prior to the next regularly scheduled elections;

D. Award each Plaintiff nominal damages of \$100;

E. Award Plaintiffs their attorneys' fees in this action;

F. Award Plaintiffs their costs of suit;

G. Retain jurisdiction to render any further orders this Court may deem necessary; and

H. Grant any other relief this Court deems just and proper.

Respectfully submitted this 15th day of December, 2022,

/s/ Nicholas Warren

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** Pro hac vice motion forthcoming*

Counsel for Plaintiffs

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.) **NOTICE: Attorneys MUST Indicate All Re-filed Cases Below.**

I. (a) PLAINTIFFS GRACE, Inc.; (see attachment) **DEFENDANTS** City of Miami
(b) County of Residence of First Listed Plaintiff **Miami-Dade** County of Residence of First Listed Defendant **Miami-Dade**
(EXCEPT IN U.S. PLAINTIFF CASES) *(IN U.S. PLAINTIFF CASES ONLY)*
(c) Attorneys (Firm Name, Address, and Telephone Number) Attorneys (If Known)
 Nicholas Warren, ACLU Foundation of Florida, Inc. (see attachment)

(d) Check County Where Action Arose: MIAMI-DADE MONROE BROWARD PALM BEACH MARTIN ST. LUCIE INDIAN RIVER OKEECHOBEE HIGHLANDS

II. BASIS OF JURISDICTION (Place an "X" in One Box Only) **III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

<input type="checkbox"/> 1 U.S. Government Plaintiff	<input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)	<input type="checkbox"/> Citizen of This State	<input type="checkbox"/> 1 PTF	<input type="checkbox"/> 1 DEF	<input type="checkbox"/> 4 PTF	<input type="checkbox"/> 4 DEF
<input type="checkbox"/> 2 U.S. Government Defendant	<input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<input type="checkbox"/> Citizen of Another State	<input type="checkbox"/> 2 PTF	<input type="checkbox"/> 2 DEF	<input type="checkbox"/> 5 PTF	<input type="checkbox"/> 5 DEF
		Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3 PTF	<input type="checkbox"/> 3 DEF	<input type="checkbox"/> 6 PTF	<input type="checkbox"/> 6 DEF

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	PERSONAL INJURY	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 375 False Claims Act
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 376 Qui Tam (31 USC 3729(a))
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability			<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander			<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability			<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine			<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)				<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	PERSONAL INJURY	LABOR	SOCIAL SECURITY	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 710 Fair Labor Standards Acts	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692)
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 367 Health Care/ Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 485 Telephone Consumer Protection Act (TCPA)
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 196 Franchise		<input type="checkbox"/> 751 Family and Medical Leave Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 850 Securities/Commodities/Exchange
	PERSONAL PROPERTY	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 890 Other Statutory Actions
REAL PROPERTY	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 791 Employee Retirement Income Security Act		<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 371 Truth in Lending		FEDERAL TAX SUITS	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 380 Other Personal Property Damage		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 385 Property Damage Product Liability	PRISONER PETITIONS	<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 896 Arbitration
<input type="checkbox"/> 240 Torts to Land		Habeas Corpus:		<input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 463 Alien Detainee	IMMIGRATION	<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 462 Naturalization Application	
	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 530 General	<input type="checkbox"/> 465 Other Immigration Actions	
	<input type="checkbox"/> 443 Housing/Accommodations	<input type="checkbox"/> 535 Death Penalty		
	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	Other:		
	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 540 Mandamus & Other		
	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 550 Civil Rights		
		<input type="checkbox"/> 555 Prison Condition		
		<input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement		

V. ORIGIN (Place an "X" in One Box Only)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Re-filed (See VI below)	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation Transfer	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	<input type="checkbox"/> 8 Multidistrict Litigation - Direct File	<input type="checkbox"/> 9 Remanded from Appellate Court
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VI. RELATED/RE-FILED CASE(S) (See instructions): a) Re-filed Case YES NO b) Related Cases YES NO
JUDGE: **DOCKET NUMBER:**

VII. CAUSE OF ACTION 42 USC 1983, 1988; challenging Miami City Commission districts as unconstitutional racial gerrymanders
 Cite the U.S. Civil Statute under which you are filing and Write a Brief Statement of Cause (Do not cite jurisdictional statutes unless diversity):
LENGTH OF TRIAL via 7 days estimated (for both sides to try entire case)

VIII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$800** CHECK YES only if demanded in complaint:
JURY DEMAND: Yes No

ABOVE INFORMATION IS TRUE & CORRECT TO THE BEST OF MY KNOWLEDGE
 DATE: 12/15/2022 SIGNATURE OF ATTORNEY OF RECORD: /s/ Nicholas Warren

Attachment to Civil Cover Sheet

I. (a) Plaintiffs:

- | | |
|-----------------------------------|------------------------|
| 1. GRACE, Inc. | 5. Clarice Cooper |
| 2. Engage Miami, Inc. | 6. Jared Johnson |
| 3. South Dade Branch of the NAACP | 7. Alexandra Contreras |
| 4. Miami-Dade Branch of the NAACP | 8. Yanelis Valdes |

I. (c) Attorneys for Plaintiffs:

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* Pro hac vice motion forthcoming

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Florida

GRACE, Inc.; Engage Miami, Inc; South Dade Branch
of the NAACP; Miami-Dade Branch of the NAACP;
Clarice Cooper; Jared Johnson; Yanelis Valdes; and
Alexandra Contreras,

Plaintiff(s)

v.

City of Miami,

Defendant(s)

Civil Action No. 1:22-cv-24066

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* City of Miami
Office of the City Attorney
444 SW 2nd Avenue, Suite 945
Miami, FL 33130

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Nicholas Warren
ACLU Foundation of Florida, Inc.
336 East College Avenue, Suite 203
Tallahassee, FL 32301

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: _____

Signature of Clerk or Deputy Clerk

AO 440 (Rev. 06/12) Summons in a Civil Action (Page 2)

Civil Action No. 1:22-cv-24066

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for *(name of individual and title, if any)* _____
was received by me on *(date)* _____

I personally served the summons on the individual at *(place)* _____
_____ on *(date)* _____ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* _____
_____, a person of suitable age and discretion who resides there,
on *(date)* _____, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* _____, who is
designated by law to accept service of process on behalf of *(name of organization)* _____
_____ on *(date)* _____ ; or

I returned the summons unexecuted because _____ ; or

Other *(specify)*:

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ _____ 0.00

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc:

DE 7

**U.S. District Court
Southern District of Florida (Miami)
CIVIL DOCKET FOR CASE #: 1:22-cv-24066-KMM**

GRACE, Inc. et al v. City of Miami
Assigned to: Judge K. Michael Moore
Referred to: Magistrate Judge Lauren Fleischer Louis
Cause: 42:1983 Civil Rights Act

Date Filed: 12/15/2022
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

GRACE, Inc.

represented by **Caroline Andrews McNamara**
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 305-416-6880
 Fax: 305-416-6887
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 robinson.com
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
12/15/2022	<u>1</u>	COMPLAINT against City of Miami. Filing fees \$ 402.00 receipt number AFLSDC-16174909, filed by Yanelis Valdes, South Dade Branch of the NAACP, Jared Johnson, Engage Miami, Inc., Alexandra Contreras, GRACE, Inc., Miami-Dade Branch of the NAACP, Clarice Cooper. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s))(Warren, Nicholas) (Entered: 12/15/2022)
12/15/2022	2	Clerks Notice of Judge Assignment to Judge K. Michael Moore. Pursuant to 28 USC 636(c), the parties are hereby notified that the U.S. Magistrate Judge Lauren F. Louis is available to handle any or all proceedings in this case. If agreed, parties should complete and file the Consent form found on our website. It is not necessary to file a document indicating lack of consent. (rbe) (Entered: 12/15/2022)
12/15/2022	<u>3</u>	Summons Issued as to City of Miami. (rbe) (Entered: 12/15/2022)
12/15/2022	<u>4</u>	Bar Letter re: Admissions sent to attorney Neil A. Steiner, Christopher J. Merken, mailing date December 15, 2022, (pt) (Entered: 12/15/2022)
12/15/2022	<u>5</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Neil A. Steiner. Filing Fee \$ 200.00 Receipt # AFLSDC-16176168 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 12/29/2022 (Attachments: # <u>1</u> Certification of Neil A. Steiner, # <u>2</u> Text of Proposed Order)(Warren, Nicholas) (Entered: 12/15/2022)
12/15/2022	<u>6</u>	MOTION to Appear Pro Hac Vice, Consent to Designation, and Request to Electronically Receive Notices of Electronic Filing for Christopher J. Merken. Filing Fee \$ 200.00 Receipt # AFLSDC-16176211 by Alexandra Contreras, Clarice Cooper, Engage Miami, Inc., GRACE, Inc., Jared Johnson, Miami-Dade Branch Of The NAACP, South Dade Branch Of The NAACP, Yanelis Valdes. Responses due by 12/29/2022 (Attachments: # <u>1</u> Certification of Christopher J. Merken, # <u>2</u> Text of Proposed Order)(Warren, Nicholas) (Entered: 12/15/2022)
12/16/2022	7	PAPERLESS PRETRIAL ORDER. This order has been entered upon the filing of the complaint. Plaintiff's counsel is hereby ORDERED to forward to all defendants, upon receipt of a responsive pleading, a copy of this Order. It is further ORDERED that S.D. Fla. L.R. 16.1 shall apply to this case and the parties shall hold a scheduling conference no later than twenty (20) days after the filing of the first responsive pleading by the last responding defendant, or within sixty (60) days after the filing of the complaint, whichever occurs first. However, if all defendants have not been served by the expiration of this deadline, Plaintiff shall move for an enlargement of time to hold the scheduling conference, not to exceed 90 days from the filing of the Complaint. Within ten (10) days of the scheduling conference, counsel shall file a joint scheduling report. Failure of counsel to file a joint scheduling report within the deadlines set forth above may result in dismissal,

default, and the imposition of other sanctions including attorney's fees and costs. The parties should note that the time period for filing a joint scheduling report is not tolled by the filing of any other pleading, such as an amended complaint or Rule 12 motion. The scheduling conference may be held via telephone. At the conference, the parties shall comply with the following agenda that the Court adopts from S.D. Fla. L.R. 16.1: (1) Documents (S.D. Fla. L.R. 16.1.B.1 and 2) - The parties shall determine the procedure for exchanging a copy of, or a description by category and location of, all documents and other evidence that is reasonably available and that a party expects to offer or may offer if the need arises. Fed. R. Civ. P. 26(a)(1)(B). (a) Documents include computations of the nature and extent of any category of damages claimed by the disclosing party unless the computations are privileged or otherwise protected from disclosure. Fed. R. Civ. P. 26(a)(1)(C). (b) Documents include insurance agreements which may be at issue with the satisfaction of the judgment. Fed. R. Civ. P. 26(a)(1)(D). (2) List of Witnesses - The parties shall exchange the name, address and telephone number of each individual known to have knowledge of the facts supporting the material allegations of the pleading filed by the party. Fed. R. Civ. P. 26(a)(1)(A). The parties have a continuing obligation to disclose this information. (3) Discussions and Deadlines (S.D. Fla. L.R. 16.1.B.2) - The parties shall discuss the nature and basis of their claims and defenses and the possibilities for a prompt settlement or resolution of the case. Failure to comply with this Order or to exchange the information listed above may result in sanctions and/or the exclusion of documents or witnesses at the time of trial. S.D. Fla. L.R. 16.1.I.

The parties are hereby on notice that this Court requires all filings to be formatted in 12 point Times New Roman font and double spaced, including any footnotes, with one inch margins on all sides. Failure to follow these formatting guidelines may result in the filing being stricken, any opposing filing being granted by default, and the imposition of other sanctions, including attorney's fees and costs. Multiple Plaintiffs or Defendants shall file joint motions with co-parties unless there are clear conflicts of position. If conflicts of position exist, parties shall explain the conflicts in their separate motions. Failure to comply with ANY of these procedures may result in the imposition of appropriate sanctions, including but not limited to, the striking of the motion or dismissal of this action. The parties shall seek extensions of time in a timely fashion. "A motion for extension of time is not self-executing.... Yet, by filing these motions on or near the last day, and then sitting idle pending the Court's disposition of the motion, parties essentially grant their own motion. The Court will not condone this." Compere v. Nusret Miami, LLC, 2020 WL 2844888, at *2 (S.D. Fla. May 7, 2020) (internal citations omitted).

Pursuant to Administrative Order 2016-70 of the Southern District of Florida and consistent with the Court of Appeals for the Eleventh Circuit's Local Rules and Internal Operating Procedures, within three (3) days of the conclusion of a trial or other proceeding, parties must file via CM/ECF electronic versions of documentary exhibits admitted into evidence, including photographs of non-documentary physical exhibits. The Parties are directed to comply with each of the requirements set forth in Administrative Order 2016-70 unless directed otherwise by the Court.

Telephonic appearances are not permitted for any purpose. Upon reaching a settlement in this matter the parties are instructed to notify the Court by telephone and to file a Notice of Settlement within twenty-four (24) hours.

Signed by Judge K. Michael Moore on 12/16/2022. (fpi) (Entered: 12/16/2022)

12/16/2022

8

PAPERLESS ORDER REFERRING PRETRIAL DISCOVERY MATTERS TO MAGISTRATE JUDGE LAUREN F. LOUIS. PURSUANT to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, the above-

DE 23

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

Case No. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRANCH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; ALEXANDRA
CONTRERAS; and STEVEN MIRO,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

FIRST AMENDED COMPLAINT

1. This action challenges the five Miami City Commission districts as racially gerrymandered in violation of the Fourteenth Amendment’s Equal Protection Clause. But Miami’s is not merely a run-of-the-mill racial gerrymander in which the majority seeks to diminish minority voters’ influence and power. Rather, it is the product of a calculated scheme in which communities and neighborhoods were split along racial lines for the predominant purpose of maintaining racially segregated districts. As Commissioner Alex Díaz de la Portilla put it: “Our goal here is to have an African American district, . . . a white district, . . . and three Hispanic districts.”

2. Indeed, as detailed below, race-based considerations were not simply *a* factor in redrawing district lines; they were the *predominant* factor. Race was the predominant factor in maintaining arbitrary racial quotas for certain districts. It was the predominant factor in packing certain districts with as many Hispanic and Black residents as possible. It was the predominant factor in maintaining racial “purity” with the “same type of last name and faces.” It was the predominant factor resulting in diminished Black and Hispanic influence. And it was the

predominant factor in the Commission's overt command that Black, Hispanic, and Anglo residents *must* be separated as much as possible into different districts because, in the Commission's view, each race needs to be represented by a co-ethnic, irrespective of communities, interests, and values.

3. The predominance of race-based thinking in the City Commission's decisions does not advance representation and cannot be justified by compliance with the Voting Rights Act or any other compelling interest.

4. Stated simply, Miami's racially gerrymandered redistricting scheme violates Plaintiffs' rights to the equal protection of the laws. They bring suit to vindicate those rights.

INTRODUCTION

5. On March 24, 2022, the Miami City Commission passed Resolution 22-131 (the "Enacted Plan"), redrawing the City Commission districts for the next decade. Mayor Francis X. Suarez declined to veto it, allowing the new map to go into effect for the next regularly scheduled City Commission elections on November 7, 2023.

6. Plaintiffs—four community and civil rights organizations and five individual Miamians—bring suit to challenge all five City Commission districts as racially gerrymandered in violation of the Fourteenth Amendment.

7. While redistricting bodies "will ... almost always be aware of racial demographics," *Miller v. Johnson*, 515 U.S. 900, 916 (1995), and are often required to look at race in drawing maps, the Fourteenth Amendment prohibits the unnecessary centering of race in redistricting decisions.

8. Map-drawing in which race predominates, subordinating traditional, race-neutral redistricting considerations to racial decision-making, is presumptively invalid under the Equal Protection Clause. This type of excessively race-based line drawing is constitutional only where it

satisfies strict scrutiny—where it is narrowly tailored to advance a compelling government interest. The Enacted Plan falls far short of this exacting standard.

9. In developing the Enacted Plan, the Commission impermissibly elevated race above all other considerations. Commissioners and their consultants obsessed over an overriding racial goal: isolating Black from Hispanic from Anglo residents as much as possible into separate districts.

10. In so doing, the Commission not only reduced the interests of Black, Hispanic, and Anglo Miamians to their race, but also ignored the interests of Miami’s 14,000 American Indian, Asian American, and Pacific Islander residents, who were never once considered in the process.

11. In furtherance of its goal of maximum racial separation, race dictated even the most granular line-drawing decisions in the Enacted Plan. The Commission was preoccupied by racial considerations, agonizing over the effects of minute changes on the racial composition of the districts, even debating the racial implications of moving individual city blocks and condo towers.

12. The Commission presented no compelling governmental interest to justify this racial sorting. Compliance with Section 2 of the Voting Rights Act (VRA) is one of the few permissible justifications for allowing race to predominate when drawing district lines. But the Commission was not entitled to set racial targets based on uninformed guesses of what VRA compliance *might* look like. It was instead required to actually *assess* what VRA compliance involved. The Commission never attempted to do that. Nor do any facts indicate the Enacted Plan is necessary to achieve VRA compliance.

13. The resulting harm to Plaintiffs is acute, and threefold. *First*, racial gerrymandering “reinforces racial stereotypes and threatens to undermine our system of representative democracy by signaling to elected officials that they represent a particular racial group rather than their

constituency as a whole.” *Shaw v. Reno*, 509 U.S. 630, 650 (1993).

14. **Second**, Plaintiffs are further harmed because, in pursuit of its racial goals, the Commission sacrificed genuine communities of interest, dividing neighborhoods across the city. Coconut Grove, Little Havana, Flagami, Allapattah, Shenandoah, Omni/Downtown, Brickell, and others were broken up. Commissioners explicitly acknowledged dividing these communities to maintain and enhance the racial separation of the five districts.

15. **And third**, the Commission’s racial gerrymandering packed Black and Hispanic voters into designated districts, stripping them from adjacent districts and reducing their influence there.

16. The Commission was on notice of the unjustness of its work. Miamians—including many of the Plaintiffs in this suit—stepped up to call out the Commission’s blatantly unconstitutional actions. But they were ignored.

17. Indeed, the Commission’s consultant responded to the public outcry with a PowerPoint slide bluntly titled: “Allegations of Racism are False and Inflammatory.”

18. His PowerPoint was wrong. The Commission’s intentional sorting by race, absent narrow tailoring to achieve a compelling governmental interest, violates the Equal Protection Clause and renders the map—all five districts—an unconstitutional racial gerrymander.

PARTIES

19. Plaintiff GROVE RIGHTS AND COMMUNITY EQUITY, INC. (GRACE) is a nonprofit community-based membership organization serving Miami’s West Coconut Grove neighborhood since 2019. GRACE advocates for equitable economic development while preserving the historic culture and community of the West Grove. GRACE’s members, most of whom are Black, reside in Commission Districts 2 and 4.

20. Plaintiff ENGAGE MIAMI, INC. is a nonprofit membership organization centering young people's participation in civic engagement, with members who are largely Gen Z and Millennial Black and Latino Miamians who reside in all five districts. Founded in 2015, the mission of Engage Miami is to build a more just, democratic, and sustainable Miami by developing a local culture of civic participation for young people that is bold, creative, and impactful.

21. Plaintiff SOUTH DADE BRANCH OF THE NAACP (South Dade NAACP) is a nonprofit membership organization serving Miami-Dade County south of Flagler Street.

22. Plaintiff MIAMI-DADE BRANCH OF THE NAACP (Miami-Dade NAACP) is a nonprofit membership organization serving Miami-Dade County north of Flagler Street.

23. The South Dade NAACP and Miami-Dade NAACP (together, NAACP Branches) are affiliate branches of the Florida State Conference of Branches and Youth Units of the NAACP, the oldest civil rights organization in the state, formed in 1909. Their mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination. Consistent with this mission, the NAACP Branches advocate for the voting rights of African Americans and other voters of color in Miami, including their members. The NAACP Branches' members—most of whom are Black—reside in all five districts (the South Dade NAACP's in Districts 2, 3, and 4; the Miami-Dade NAACP's in Districts 1, 2, 3, 4, and 5).

24. If the Enacted Plan is not enjoined, the members of GRACE, Engage Miami, and the NAACP Branches (together, "Organizational Plaintiffs") will be harmed by living and voting in unconstitutionally racially gerrymandered districts.

25. Plaintiff CLARICE COOPER is a Black resident of the West Grove in District 2.

26. Plaintiff JARED JOHNSON is a Black resident of Brickell in District 3.

27. Plaintiff STEVEN MIRO is a Hispanic, Cuban American resident of Little Havana

in District 3.

28. Plaintiff ALEXANDRA CONTRERAS is a Latina, Cuban American resident of Little Havana in District 4.

29. Plaintiff YANELIS VALDES is a Latina, Cuban American resident of Omni/Downtown in District 5.

30. The Enacted Plan places Plaintiffs Cooper, Johnson, and Valdes, and Organizational Plaintiffs' members, in districts where they are not the predominant racial group. The Enacted Plan sends the message that their commissioner's job is to represent the predominant group, not them.

31. The Enacted Plan places Plaintiffs Miro and Contreras, and Organizational Plaintiffs' members, in districts where they *are* the predominant racial group. The Enacted Plan sends the message that they were placed in their districts simply because of their race.

32. Individual Plaintiffs and Organizational Plaintiffs' members are further harmed because the Enacted Plan splits up their neighborhoods—and they are split along racial lines.

33. Defendant CITY OF MIAMI is a Florida municipality. As a municipal corporation established under Florida law, Miami has the authority to regulate and conduct its elections, including establishing its Commission district boundaries, consistent with state law. Fla. Const. art. VIII, §§ 2(b), 3; Fla. Stat. § 100.3605; Miami Code of Ordinances (City Code) ch. 16.

JURISDICTION AND VENUE

34. This Court has jurisdiction under 28 U.S.C. §§ 1331, 1343, 2201, and 2202, as well as 42 U.S.C. §§ 1983 and 1988, because this action arises under the Constitution and laws of the United States.

35. Venue is proper in the Southern District of Florida under 28 U.S.C. § 1391(b)

because the Defendant resides in this District and a substantial part of the events giving rise to the claim occurred in this District.

36. This Court has personal jurisdiction over the City of Miami.

FACTS

I. Overview of the City Commission and Its Elections

37. Miami is governed by a five-member City Commission and a Mayor. Miami City Charter (Charter) § 4(a).

38. Except where the Charter provides otherwise, municipal elections are conducted according to the state's general election laws. *Id.* § 7.

39. Since 1997, commissioners have been elected from single-member districts. *Id.* § 4(b).

40. Commissioners run on a nonpartisan basis and serve four-year staggered terms, with Districts 1, 2, and 4 last elected in 2019 and next up in 2023, and Districts 3 and 5 last elected in 2021 and next up in 2025. *Id.*

41. General municipal elections are held on the first Tuesday after the first Monday in November of odd-numbered years. *Id.* § 7.

42. If no candidate receives a majority in the general election, a runoff between the top-two vote-getters is held fourteen days later. *Id.*

43. Candidates file to run by filing an affidavit of candidacy with the City Clerk during the qualifying period, which is between 60 and 45 days before the general election. *Id.*

44. For the 2023 election, candidate qualifying opens on September 8 and closes at 6:00 pm on September 23.

45. Candidates may qualify by paying the \$100 fee by the end of the qualifying period,

or by the petition method. *Id.*; Fla. Stat. § 99.095.

46. To qualify by petition, a candidate must, by the 28th day preceding the first day of the qualifying period, submit petitions signed by at least one percent of the total number of registered voters in their district as of the last state general election. Fla. Stat. § 99.095(2)(a), (3).

47. However, the state's general election laws provide that in "a year of apportionment," a candidate may collect the requisite number of signatures from anywhere in the jurisdiction, regardless of district boundaries. *Id.* § 99.095(2)(d).

48. Regardless of whether a candidate qualifies by fee or petition, they must also pay a \$582 state election assessment. *Id.* § 99.093.

49. However, a candidate is exempt from paying the qualifying fee and/or election assessment if doing so would impose an undue burden on their resources. *Id.* § 99.093(2); City Code § 16-7. In these cases, a candidate may qualify without paying the fee or submitting petitions.

50. The current commissioners are Alex Díaz de la Portilla (District 1), Joe Carollo (District 3), Manolo Reyes (District 4), and Christine King (District 5). The District 2 commissioner during the 2021–22 redistricting process was Ken Russell, but the seat has been vacant since December 29, 2022.

51. Díaz de la Portilla, Carollo, and Reyes are Hispanic and Cuban American. King is Black and not Hispanic. Russell is Japanese American and not Hispanic.

52. Commissioners are limited to two consecutive terms. Charter § 4.

53. Díaz de la Portilla was first elected in 2019 and is eligible for reelection in 2023.

54. King was first elected in 2021 and is eligible for reelection in 2025.

55. Reyes was first elected in a 2017 special election and is eligible for reelection when his current term ends in 2023.

56. Carollo was first elected in 2017 and cannot run for reelection when his current term ends in 2025.

57. Before the redistricting process began, Russell planned to resign from the Commission to run for higher office in the 2022 election.

58. Russell ran for Congress in the 2022 election and resigned on December 29, 2022.

II. Miami Redistricting History

59. Before 1997, the Commission was elected at-large, citywide.

60. Carollo served as Mayor from 1996 to 1997, and in 1997, he appointed a blue-ribbon panel to recommend a single-member district map for the Commission.

61. Among the members of the blue-ribbon panel were Reyes and Miguel De Grandy.

62. The blue-ribbon panel made recommendations and the Commission further developed a map with the assistance of redistricting consultant Allan Lichtman.

63. The Commission adopted its 1997 map as Resolution 97-495 (the “1997 Plan”).

64. In September 1997, the voters adopted a charter amendment adopting single-member district elections. The 1997 Plan was implemented in the November 1997 elections.

65. The Commission redistricted the map in 2003 and 2013 through Resolutions 03-448 and 13-208 (the “2003 Plan” and “2013 Plan”).

66. Miguel De Grandy and Stephen M. Cody served as the city’s redistricting consultants for the 2003 and 2013 processes.

III. The 2021–22 Redistricting Process

67. Following the 2020 Census, the Commission again embarked on redistricting.

68. On February 25, 2021, the Commission again hired De Grandy and Cody to serve as the City’s redistricting consultants.

69. The process proceeded through six Commission meetings between November 18, 2021 and March 24, 2022.

70. During these meetings, De Grandy—assisted by Cody—gave presentations on the law and brought draft maps for commissioners to workshop.

A. The November 18, 2021 Meeting

71. At the November 18 meeting, De Grandy presented an initial report on redistricting considerations and the 2020 Census demographics of the districts under the 2013 Plan.

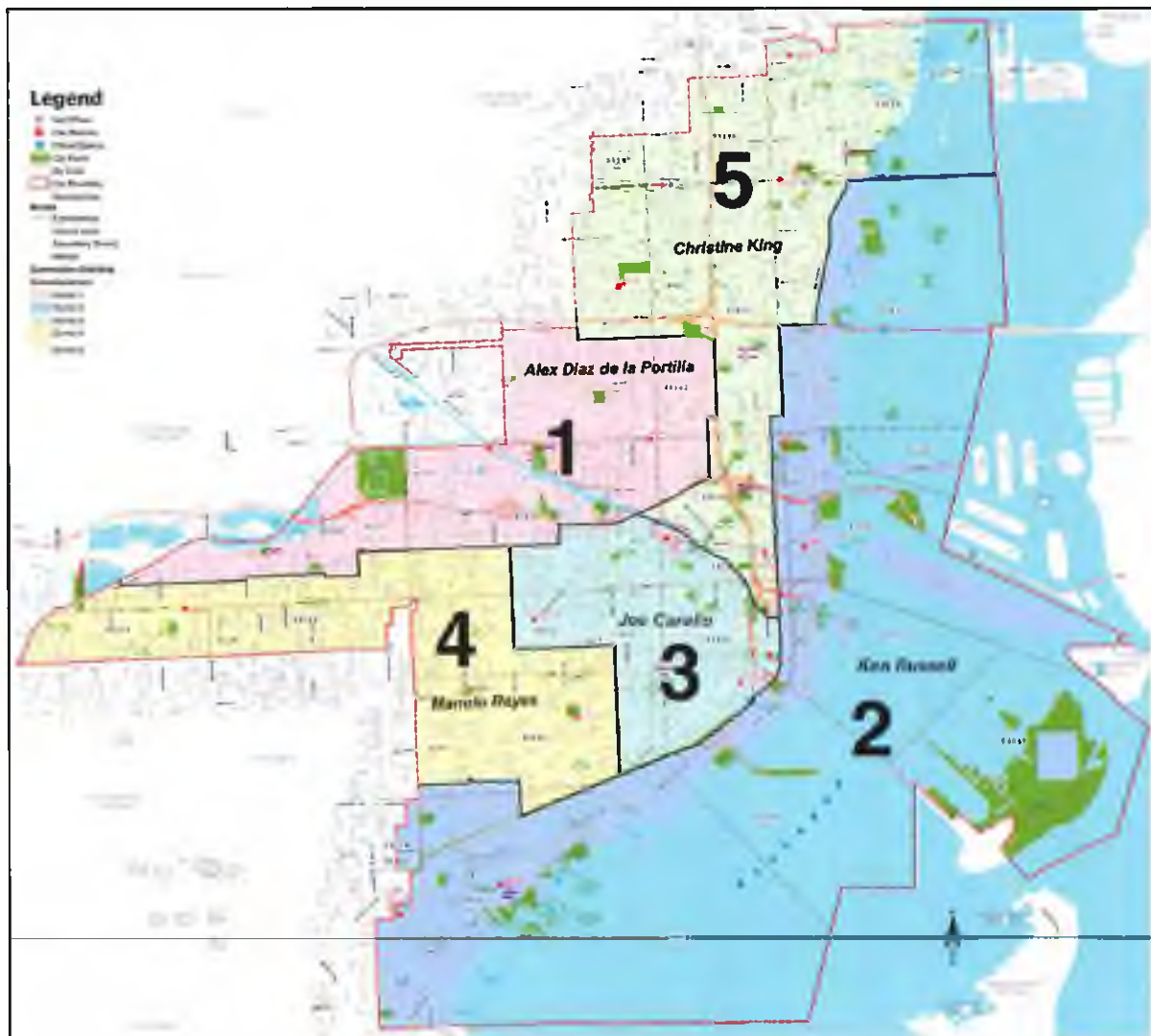


Fig. 1. Miami City Commission districts under the 2013 Plan.

72. The Census data revealed that Miami's population had grown by 42,752 residents over the decade, to 442,241. The ideal population of each Commission district was now 88,448.

73. De Grandy shared that redistricting was needed to bring the districts within the constitutionally allowable population range, to have no greater than 10% difference between the smallest and largest district.

74. Analyzing the 2013 Plan under the 2020 Census numbers, Districts 1, 3, 4, and 5 were each under the ideal population (by 6,999; 8,279; 7,847; and 5,707 people, respectively) and needed to gain population.

75. District 2 was overpopulated by 28,833 residents and needed to shed population.

76. Under the 2013 Plan, Districts 1, 3, and 4 were majority Hispanic, with Hispanic voting-age populations (HVAPs) of 91.0, 88.5, and 91.6%, respectively, and Hispanic citizen voting-age populations (HCVAPs) of 86.6, 86.8, and 90.1%, respectively.¹

77. Under the 2013 Plan, District 5 was majority Black, with a Black voting-age population (BVAP) of 52.9% and a Black citizen voting-age population (BCVAP) of 59.4%.

78. District 2 under the 2013 Plan had the highest non-Hispanic white (hereinafter "white" or "Anglo") population of the five districts, at 34.5% white voting-age population (WVAP) and 38.1% white citizen voting-age population (WCVAP).

79. De Grandy explained the applicability of the Voting Rights Act to Miami and that "we can consider race as one of several factors that we will be conscious of in crafting a plan."

80. De Grandy warned, however, that under the Supreme Court's racial

¹ Total population and voting-age population figures cited herein are from the 2020 Census. Citizen voting-age population figures are from the Census Bureau's 2019 5-year American Community Survey (ACS).

gerrymandering jurisprudence, race “cannot be the overriding factor.”

81. The Commission ignored De Grandy’s warning as the process unfolded.

82. The Commission gave De Grandy four ranked directives for map-drafting. The first, moved by King, was to achieve substantial equality of population between districts, rather than precise mathematical equality.

83. The second-ranked criterion, moved by Díaz de la Portilla, was to “maintain the core constituencies of the districts.”

84. The third-ranked instruction, moved by Carollo, was that, separate from what the VRA required, “the minority voters must be politically cohesive.” The phrase “political cohesion” was subsequently used throughout the process as a shorthand for keeping racially homogenous areas together.

85. The fourth-ranked instruction was to avoid splitting traditional communities and neighborhoods when feasible.

86. However, Díaz de la Portilla noted that some neighborhoods could be divided if they “will elect the same kind of representative,” for example Flagami—which is overwhelmingly Hispanic—being split between Reyes and himself. But, he said, putting part of Overtown or Liberty City (both predominantly Black) in his district would be unacceptable.

87. Also at that meeting, Carollo recounted why single-member City Commission districts were instituted when he was Mayor: “The original idea” was “to keep an even population and that minority voters would be politically cohesive within these districts,” so that “there would be an African American sitting in this Commission and there would be an Anglo,” and “that there were three Hispanic districts.” And he explained that during the 2022 redistricting, each district would have to change to carry forward that “original idea.”

B. The December 9, 2021 Meeting

88. The Commission met again on December 9, with De Grandy recapping his instructions and commissioners discussing what areas might be moved between districts.

89. Some of the key elements of the Enacted Plan’s racial gerrymandering originated at this meeting.

90. Díaz de la Portilla stated that underpopulated Districts 3 and 4 would have to gain from overpopulated District 2, and cautioned De Grandy to add to each only “peripherally, a little bit into District 2” so as not to disrupt “the ethnic integrity” of Districts 3 and 4.

91. With that warning in mind, Díaz de la Portilla asked if there was a problem with splitting Coconut Grove—which was wholly in District 2 under the 2013 Plan—and adding parts to Districts 3 and 4, given “there’s ethnic diversity in Coconut Grove.” He clarified that his question was “based on where the Hispanic voters live,” giving Bay Heights as an example.

92. De Grandy responded that there was no legal impediment to breaking up any community of interest.

93. De Grandy continued that he functionally had “a wall” between Districts 2 and 5 and could only “play around the edges there without diluting that minority community.” So, District 2 would have to shed population from its southern end—bordering Districts 3 and 4.

94. Díaz de la Portilla urged De Grandy to shift the 2/5 “wall” eastward as much as he could, “without impacting the minority district, District 5,” and De Grandy confirmed he would do so, “without diluting,” but that he couldn’t move it much.

95. Given that explanation, Díaz de la Portilla suggested giving Districts 3 and 4 a little bit of Coconut Grove “to make sure we don’t jeopardize the ethnic integrity of our districts.”

96. Carollo echoed that suggestion, stating that parts of Coconut Grove would have to

be moved out of District 2 but “the biggest danger lies . . . in changing one or two of the Hispanic seats,” given Districts 1 and 3 “are not as pure in the percentage of Hispanics” as District 4.

97. Finally, De Grandy clarified a few additional criteria at this meeting. He confirmed the Commission wanted districts to be contiguous (*i.e.*, not broken up into different pieces).

98. De Grandy advised that drawing compact districts should not be a consideration. The Commission agreed.

99. On that subject, Díaz de la Portilla noted that “if you want to have an African American district and you want to have an Anglo district, it’s almost impossible to emphasize compactness,” so it’s “a foregone conclusion” that districts would not be compact. De Grandy concurred.

100. Finally, De Grandy asked if using man-made and natural boundaries should be a factor, but there was no consensus.

101. De Grandy agreed to take the Commission’s directives, meet with commissioners one-on-one, and develop a draft plan to be presented at the next meeting.

C. The February 7, 2022 Meeting

102. De Grandy presented a draft plan on February 7, 2022 (the “Feb. 7 Draft”) (Fig. 2).

103. De Grandy walked through the populations and racial demographics of each draft district, noting Districts 1, 3, and 4 had HVAPs of 88.7, 88.4, and 88.0%; District 2 “remains a swing district” at 37.2% white population (WPOP) and 48% Hispanic population (HPOP); and District 5 was 51.7% Black population (BPOP) and 49.8% BVAP.

104. Explaining the draft, De Grandy noted many of the race-based decisions he made in developing it.

105. The Feb. 7 Draft proposed moving part of the historically Black West Grove

neighborhood from District 2 into District 4, extending the southern boundary of District 4 across US 1. This proposal prompted intense criticism from members of the public, who objected to the division of a cohesive neighborhood and its excision from District 2.

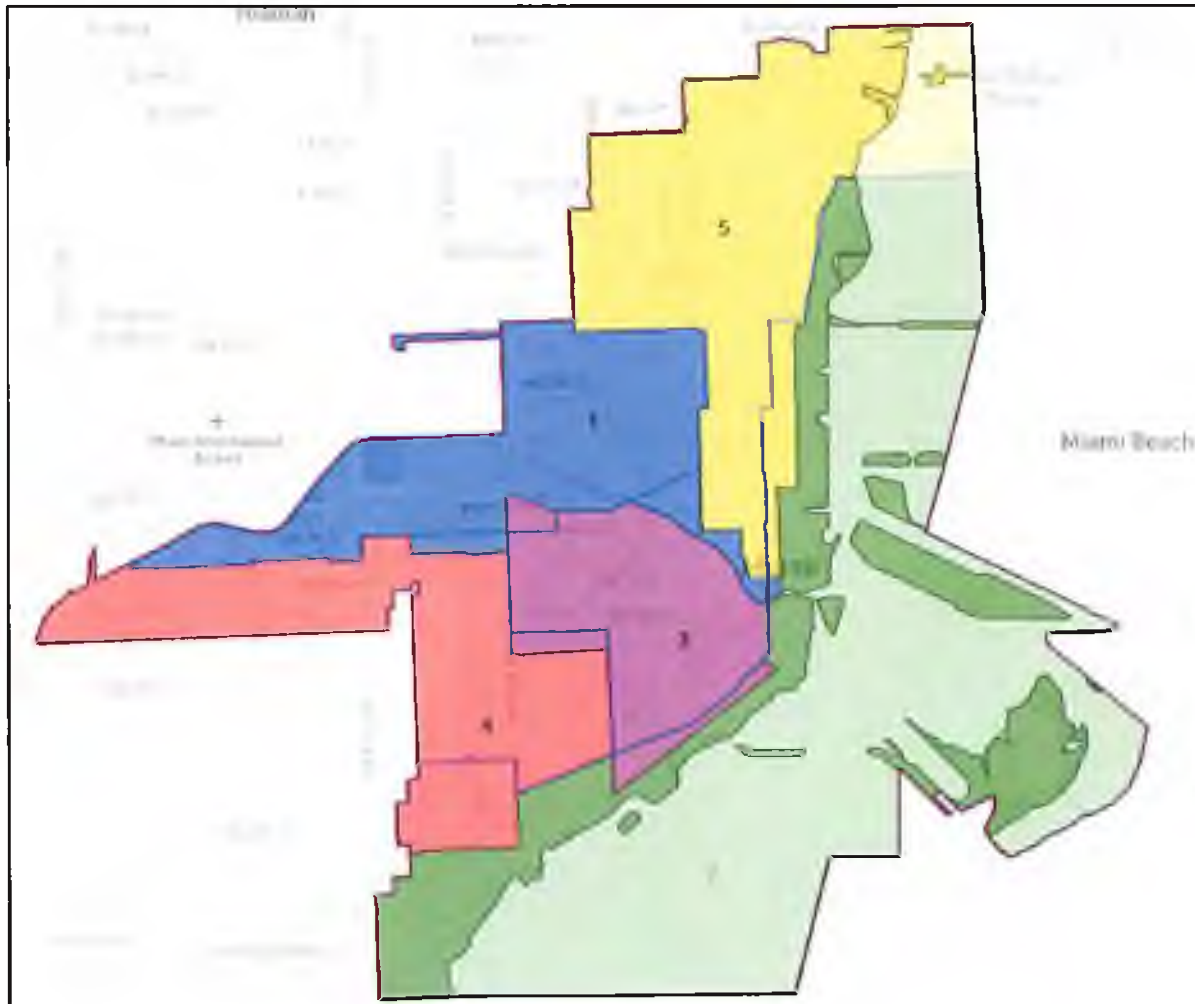


Fig. 2. The Feb. 7 Draft, showing the 2013 Plan overlaid with blue lines.

106. Among the members of the public who spoke against the division of Coconut Grove were Plaintiff Cooper; GRACE Chair Rev. Nathaniel Robinson III; and West Grove native and GRACE Board of Directors member Reynold Martin, who spoke on behalf of the South Dade NAACP. As Mr. Martin said: “We oppose anything that removes the area of the Grove as a unit. We work together as a family and we’d like to stay that way.”

107. Rev. Robinson explained how GRACE objected to the map’s “sever[ing] the cultural, social and historical ties to Coconut Grove and District 2 governance” and “disparately impact[ing] the voting rights of Village West Black residents by diluting their political impact,” adding, “although it might be small, we do have a political impact.”

108. Responding to the public comment, De Grandy “put into context what we’re moving into a majority-Hispanic district,” noting the West Grove portion moved had 2,460 Hispanic, 1,915 white, and 497 Black residents—*i.e.*, it was nearly a majority-Hispanic area.

109. And, De Grandy made clear that, because he “cannot take any more population out of D2 into D5” without reducing District 5’s Black numbers, he had to remove population from District 2 either from the Downtown area or from Coconut Grove.

110. Carollo, also responding to the public criticism, objected to claims that by moving a portion of “the Black part of Coconut Grove to a district that’s Hispanic, this disenfranchises them”—but “leav[ing] it in an Anglo area” would be fine.

111. Carollo pointed out that no African Americans had ever been elected to District 2, implying that, since District 2 was the “Anglo seat” and District 4 was a “Hispanic seat,” Black residents of the West Grove had no grounds to complain about being moved from one to the other.

112. Carollo’s comments exemplify the Commission’s approach to the redistricting process: the preeminent consideration was ethnic/racial solidarity, and their mapmaking must revolve around that.

113. Speaking more generally about the map’s history, Carollo recounted that districts were established “to assure . . . that there would always be an African American commissioner and an Anglo commissioner,” and that the other three districts stayed majority Hispanic.

114. To accomplish that, Carollo explained, neighborhoods across the city were split:

Silver Bluff, Shenandoah, Little Havana, and Flagami. Díaz de la Portilla mentioned another: Allapattah.

115. So, to keep “that same balance and having a balance in the Hispanic districts,” Carollo went on, a portion of Coconut Grove would have to be split as well.

116. Following that discussion, the Commission voted 4-1 to direct De Grandy to consider going south of US 1 into District 2 to “obtain voter consistency” and balance population, as he had done in Feb. 7 Draft. Only Russell voted no.

117. The Enacted Plan would indeed have Districts 3 and 4 “go south” of US 1 into District 2, moving portions of Coconut Grove.

118. De Grandy received further feedback from commissioners and would return with a revised plan.

D. The February 25, 2022 Meeting

119. On February 25, De Grandy presented a revised plan he had submitted three days prior (the “Feb. 22 Draft”) (Fig. 3). Except for three unpopulated census blocks that were later moved from District 1 to 5, the Feb. 22 Draft became the Enacted Plan.

120. The Feb. 22 Draft incorporated certain feedback shared during earlier Commission meetings, and during private meetings De Grandy had with individual commissioners.

121. The Feb. 22 Draft differed from the Feb. 7 Draft in several respects. *First*, District 4 added only 1,597 residents from the West Grove, rather than 5,071 under the Feb. 7 Draft. The portion moved into District 4 now had a higher Hispanic population—59.2% HVAP compared to 49.1% in the Feb. 7 Draft.

122. *Second*, District 3 added from District 2 an area near Bay Heights, including Natoma Manors, between 22nd Avenue and Alarka Street, rather than adding the area from 17th

Avenue to 15th Road.

123. *Third*, a 76.6%-HVAP area in Allapattah was moved into District 1 from 5, and a 66.7%-HVAP area was moved out of District 1 into 5.

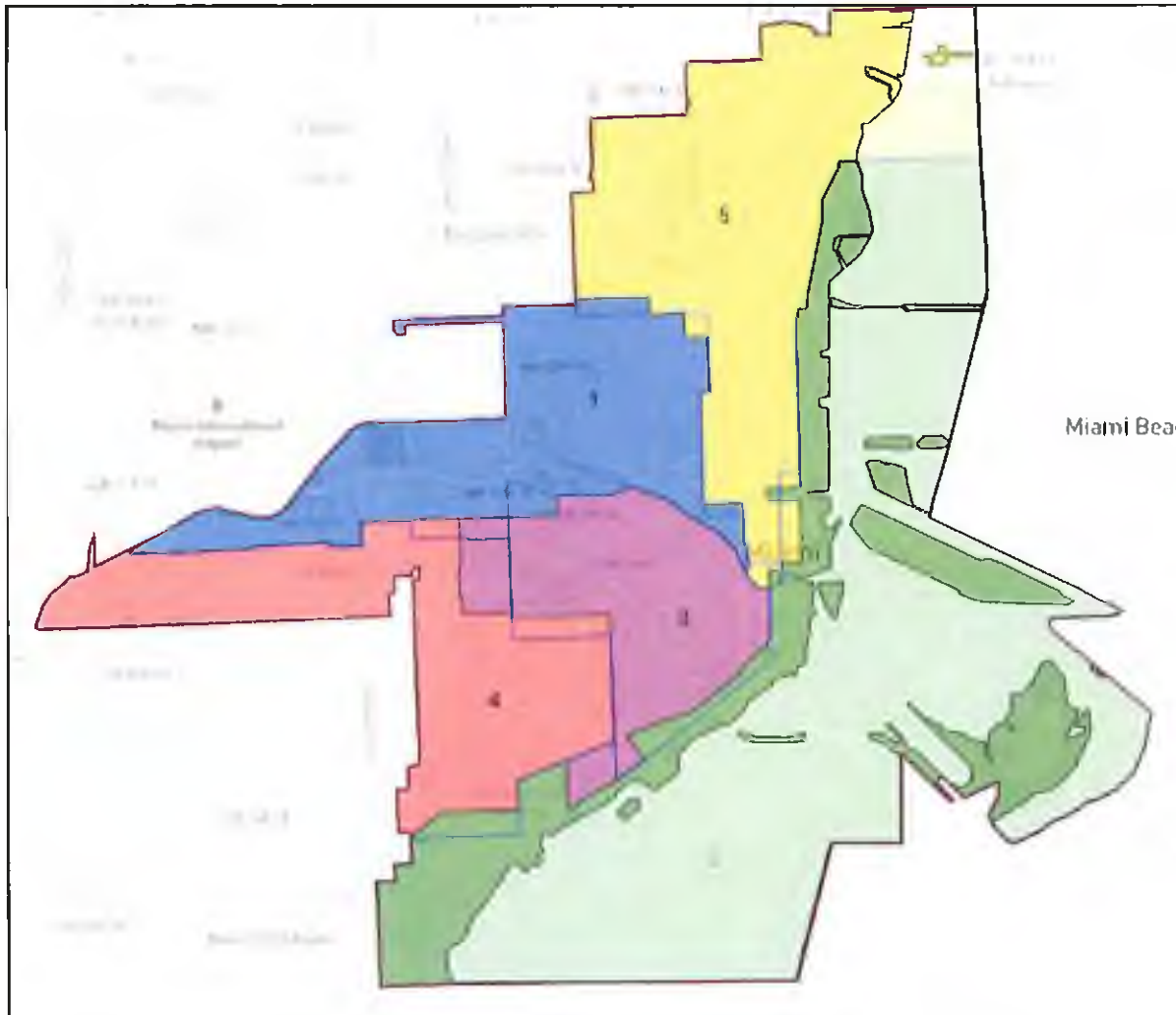


Fig. 3. The Feb. 22 Draft/Base Plan, showing the Feb. 7 Draft overlaid with blue lines.

124. *Fourth*, at King's request, District 5 gained a small, 40% BVAP area of Downtown around the Miami Riverside Center (MRC) from District 1. In exchange, District 1 gained a 71.1% HVAP area between NW 6th and 8th Streets and NW 7th Avenue and I-95. As part of this shift, District 2 regained some area from District 1 that the Feb. 7 Draft had removed.

125. *Fifth*, certain Downtown areas were swapped along the District 2/5 "wall." Two

census blocks with a BVAP of 13.0% were moved into District 2; and a 32.2% BVAP area was moved into District 5.

126. *Finally*, the boundaries between Districts 1, 3, and 4 shifted around Little Havana.

127. As he did with his first draft, De Grandy walked through the populations and racial demographics of each draft district, noting Districts 1, 3, and 4 had HVAPs of 89.5, 88.3, and 89.5%; District 2 “remains a swing district” at 37% WPOP and 48.7% HPOP; and District 5 was 52.2% BPOP and 50.3% BVAP.

128. De Grandy had managed to increase the dominant-group VAP in Districts 1, 4, and 5 from the Feb. 7 Draft. Of the three majority-Hispanic districts, the HVAP of the least-Hispanic district increased. The average HVAP of those three districts also increased.

129. In terms of citizen voting-age population, Districts 1, 3, and 4 were 84.8, 86.9, and 88.2% HCVAP. District 2 was 41.5% WCVAP and 45.6% HCVAP. District 5 was 59.0% BCVAP.

130. Public comment at this meeting again centered on objections to splitting Coconut Grove, including the continued division of a portion of the West Grove.

131. Among those who gave comments were South Dade NAACP Second Vice President Carole Jackson, who spoke on behalf of the NAACP Branches; GRACE Board Vice Chair, South Dade NAACP Housing Committee Chair, and West Grove native Carolyn Donaldson; Plaintiff Valdes, who represented Engage Miami; and Engage Miami member Jessica Saint-Fleur. Plaintiff Cooper and Mr. Martin both spoke again as well.

132. Díaz de la Portilla, Carollo, and Reyes were satisfied with the Feb. 22 Draft, though Reyes was willing to make some changes, including to remove the part of Coconut Grove in District 4. Russell wanted to try to avoid splitting Coconut Grove. King wanted more time to consider the map and to see if Russell’s concerns could be accommodated.

133. Russell sketched out his own suggestion for the border of District 2 at this meeting (the “Russell Sketch”), which showed how it might be possible for District 2 to keep all of Coconut Grove, rather than splitting the neighborhood across Districts 2, 3, and 4.

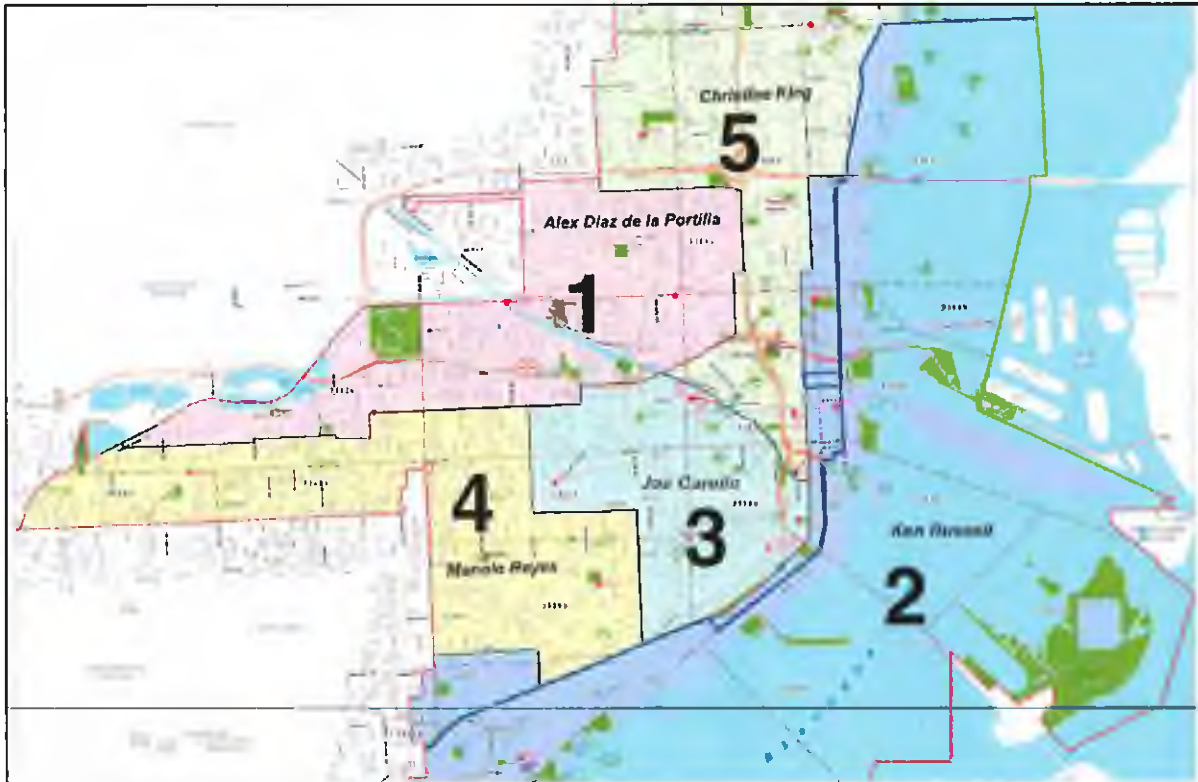


Fig. 4. The Russell Sketch (dark blue line).

134. Referencing the overwhelming public comment, Russell discussed the many nuanced reasons for keeping Coconut Grove in District 2—not just to preserve an African American community in the West Grove, but also because of the area’s history, architecture, cultural diversity, natural aesthetic, walkable character, access to the water, common tree canopy issues, affordable housing concerns, and its placement in two of Miami’s three Neighborhood Conservation Districts (NCD-2 and NCD-3).

135. Compared to the Feb. 22 Draft, the Russell Sketch kept all of Coconut Grove in District 2 and removed from District 2 the strip west of South Miami Avenue from 32nd Road to

the Miami River (including part of Brickell).

136. The Russell Sketch did not alter the boundary between Districts 2 and 5 from the Feb. 22 Draft.

137. The Russell Sketch better equalized District 2's population, with its deviation dropping to within 2% of the ideal, compared to being 5.49% overpopulated in the Feb. 22 Draft.

138. De Grandy confirmed that Russell's proposal did not violate any of the mapmaking directions the Commission had given him, and that it complied with all legal standards.

139. But the Commission would reject the proposal for racial reasons later in the process.

140. The meeting concluded with the Commission voting 4-1 to take the Feb. 22 Draft as the "Base Plan" for future changes, to be debated at the next meeting. Only Russell voted no.

E. The March 11, 2022 Meeting

141. The Commission took up the Base Plan again on March 11.

142. The meeting opened with Carollo discussing allegations that the map moved a portion of North Coconut Grove into District 3 because he owned a house there, on Morris Lane.

143. Carollo clarified that he was not supporting the changed District 2/3 boundary because it included his house.

144. Carollo said he wanted to make sure that the fact that his house was being moved into District 3 would not be raised as grounds for challenging the redistricting in court later. So, he decided to abstain from the discussions that day.

145. De Grandy summarized where they were in the process: the Commission had advanced the Base Plan and two commissioners had suggested additional changes.

146. He walked through those two changes. *First*, King wanted part of the riverfront area that the Base Plan moved from District 5 to District 1 restored to her district.

147. De Grandy noted this request's racial impacts and said he needed more direction.

148. *Second*, Russell had renewed his request to restore all of Coconut Grove to District 2, rather than moving portions into Districts 3 and 4.

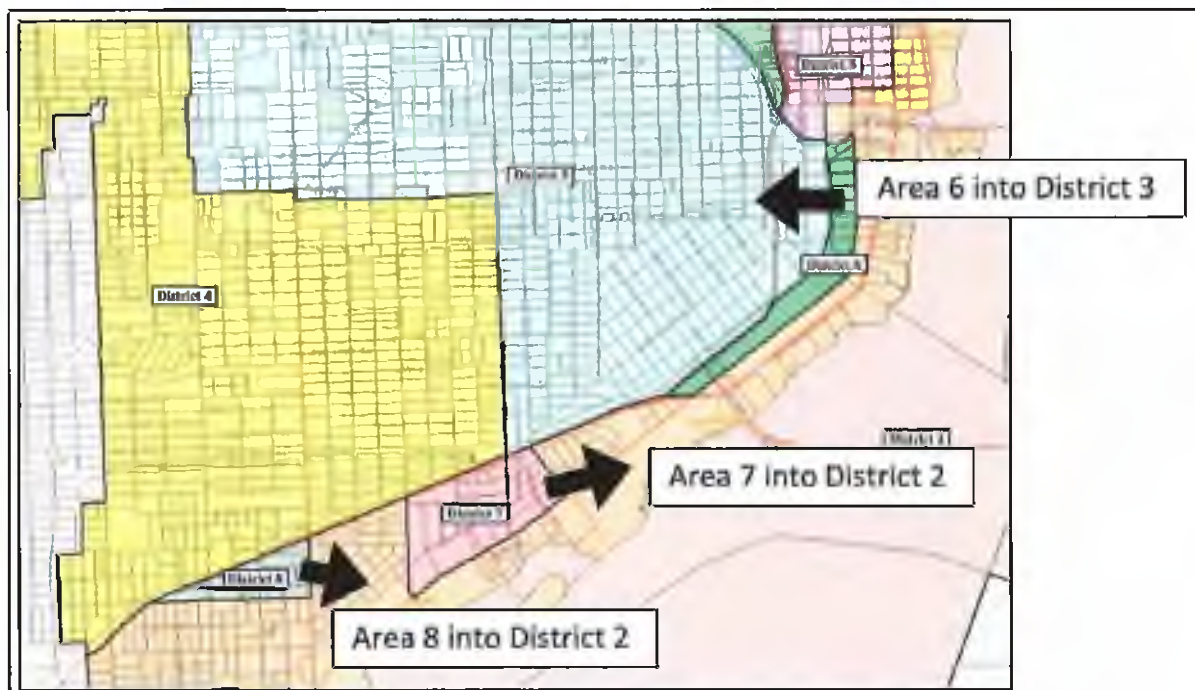


Fig. 5. Slide from De Grandy's March 11 presentation, showing areas the Initial Russell Plan moved from the Base Plan.

149. To equalize population, Russell proposed moving a strip west of South Miami Avenue from District 2 to 3, starting at the US 1/I-95 fork and going north to the Miami River ("Area 6" in Fig. 5).

150. This proposal (the "Initial Russell Plan") was similar to what Russell sketched out on February 25. It did not alter Districts 1 or 5 in the Base Plan, or the District 3/4 border.

151. De Grandy also addressed "allegations of racism" in the Base Plan. In so doing, he walked through the Black population of each district and of the West Grove area proposed to be moved into District 4 from District 2, as well as the number of Hispanic residents "represented by a Black commissioner in a Black-majority district" in District 5, and "represented by a non-

Hispanic commissioner” in District 2.

152. He went on: “the only allegation of racism results from the proposed movement of 114 Black residents who are currently represented by a commissioner who is not Black to a district that is represented by a commissioner who is not Black.”

153. De Grandy concluded, “you do not have to be a redistricting expert to conclude that the allegation of this plan is somehow racist is simply false and inflammatory.”

154. Russell pushed back, explaining that Black West Grove residents weren’t simply looking for a Black commissioner, but one who will be responsive to their neighborhood’s needs and issues: “displacement, gentrification, social justice, affordable housing.” Russell asked De Grandy if Black residents in the West Grove formed a cohesive voting bloc with the rest of Coconut Grove, and De Grandy acknowledged they did.

155. Continuing to defend his map, De Grandy pointed out that more Black residents were moved out of District 2 in Golden Pines on the north side of US 1, than were moved out of District 2 in the West Grove.

156. Russell responded by explaining that the dividing line should not be reduced to race: Black residents of Golden Pines have different interests and priorities than Black residents of the West Grove, whose shared interests with the rest of Coconut Grove were “not based on color.”

157. Russell’s arguments failed to win in the end.

158. Significant public comment again focused on residents objecting to the division of Coconut Grove, and in particular the West Grove. Among those who spoke was South Dade NAACP President Dwight Bullard, who described Coconut Grove as “a community of common interest irrespective of race, irrespective of ethnicity.”

159. Responding to the public comment and Russell’s explanations, Reyes asked what

would happen if just the West Grove triangle was returned to District 2. De Grandy explained he would need to take from elsewhere in District 2 to equalize population, pointing to two areas as options: between 22nd and 27th Avenues in North Coconut Grove, and the “Area 6” strip that Russell had proposed moving.

160. Reyes then expressed that he would honor the community’s desires and support keeping the West Grove intact in District 2 instead of including a slice of it in his district.

161. The Commission adjourned after directing De Grandy to meet with commissioners individually and bring back different options that accommodated each commissioner’s wishes.

F. The March 24, 2022 Meeting and Enacted Plan Adoption

162. The Commission reconvened on March 24 for its last redistricting meeting.

163. Carollo announced he would participate since he had no actual or apparent conflict of interest.

164. De Grandy then presented the options that each commissioner directed him to develop since March 11. There were proposals from King, Díaz de la Portilla, Russell, and Reyes.

165. King requested only one change to the Base Plan: moving the unpopulated Wharf development along the Miami River from District 1 into District 5.

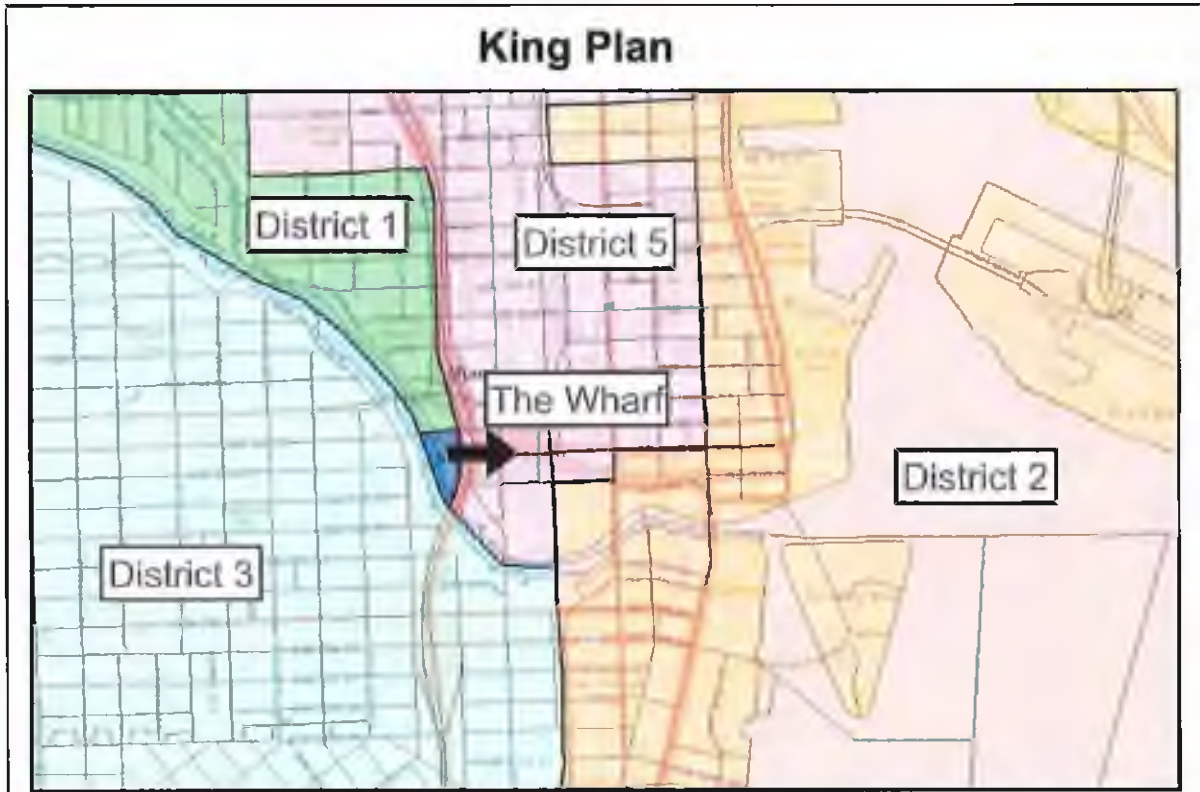


Fig. 6. Slide from De Grandy's March 24 presentation showing King's proposed change to the Base Plan.

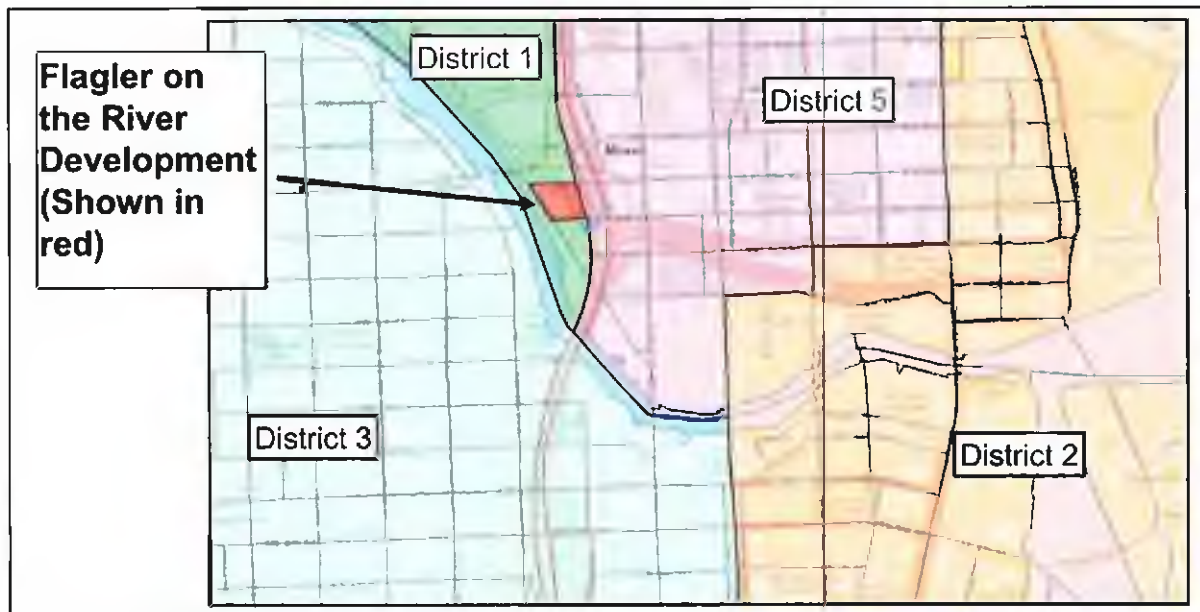


Fig. 7. De Grandy's slide showing Diaz de la Portilla's suggested change to the Base Plan.

166. Díaz de la Portilla advised he supported the Base Plan but had one change he would not object to: moving a single block just to the north of the Wharf, encompassing the Flagler on the River tower, from District 1 and back into District 5, where it was in the 2013 Plan.

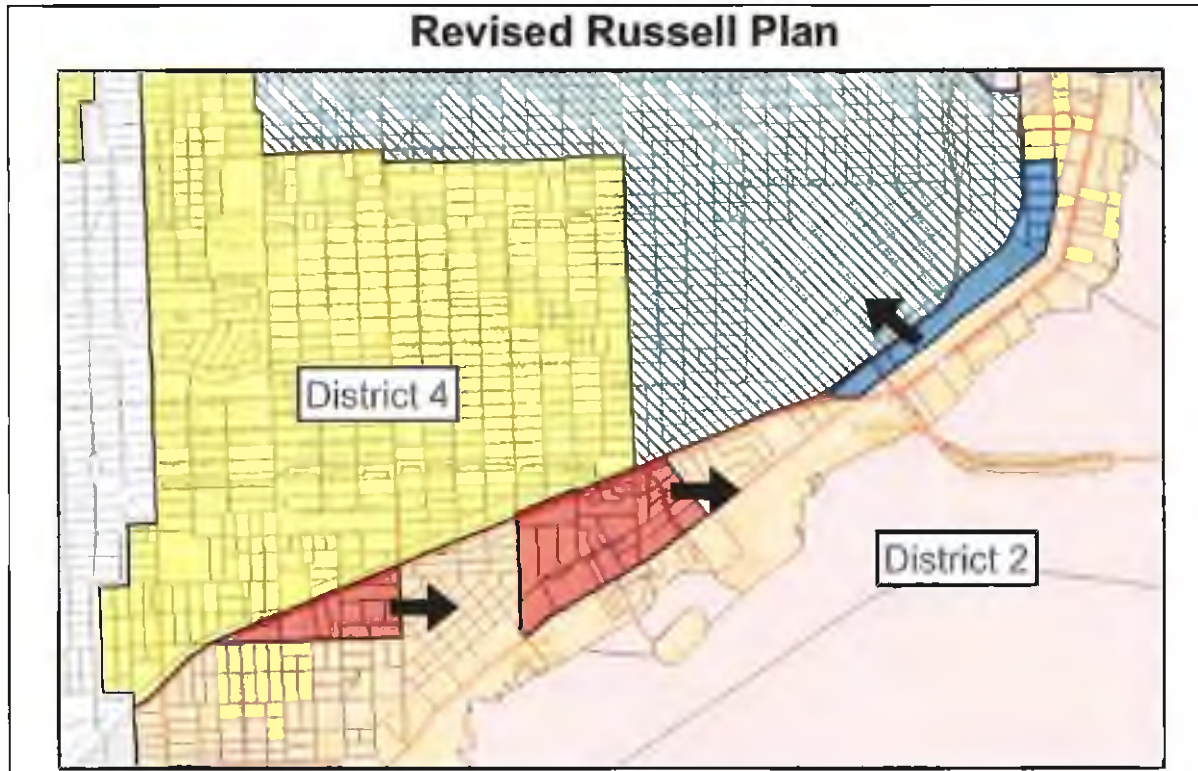


Fig. 8. De Grandy's slide showing the Revised Russell Plan's changes to the Base Plan.

167. Russell had a revised proposal (the "Revised Russell Plan"). As with the Initial Russell Plan, the Revised Russell Plan restored all of Coconut Grove to District 2. However, it shifted less population from District 2 into District 3, with the one-block-wide strip running along South Miami Avenue from the I-95/US 1 fork north to 10th Street, rather than all the way to the Miami River. De Grandy announced the racial demographics of this strip: 44.6% HVAP, 39% WVAP. Russell's new plan also included King's Wharf change.

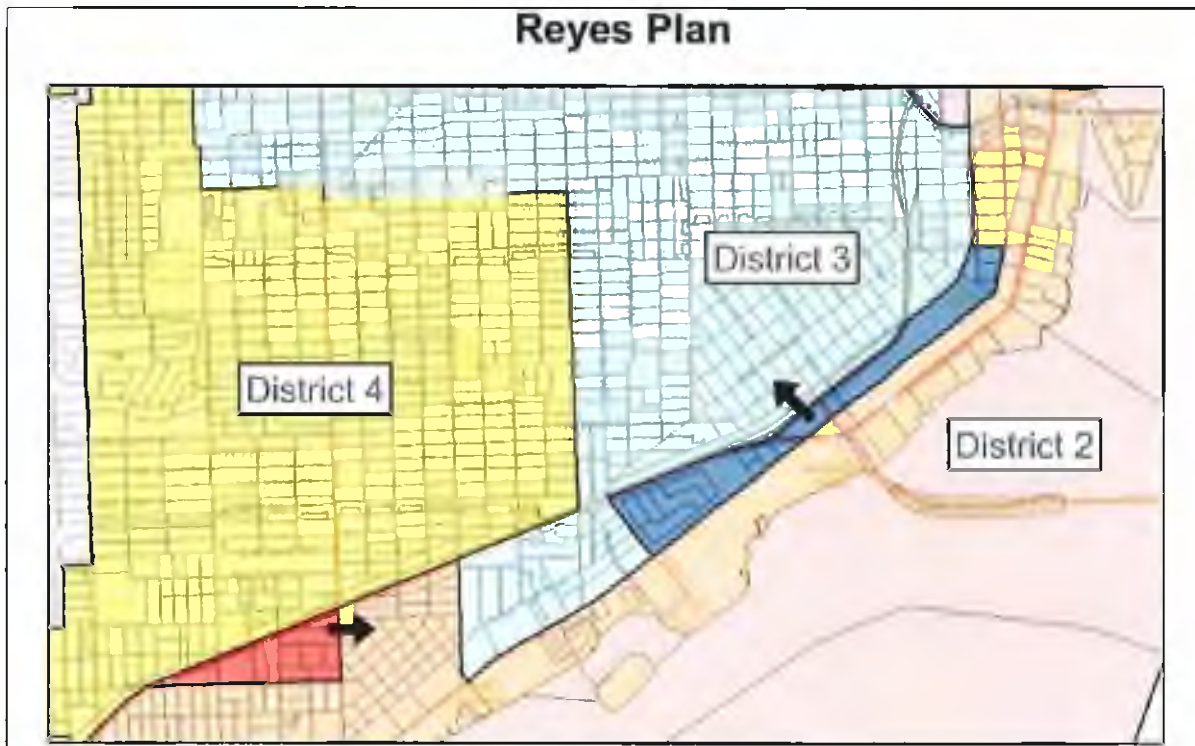


Fig. 9. De Grandy's slide showing the Reyes Plan's changes to the Base Plan.

168. Reyes proposed a plan (the "Reyes Plan") that restored the West Grove triangle to District 2. In exchange, the proposal moved from District 2 to District 3 an area on the north/west side of South Miami Avenue between Alarka and 13th Streets. De Grandy reported that area's demographics: 51% HVAP, 39% WVAP. Reyes' plan also included King's Wharf change.

169. Unlike the Revised Russell Plan, the Reyes Plan kept in District 3 the portion of North Coconut Grove that the Base Plan had moved into District 3.

170. Carollo did not propose any amendment.

171. De Grandy concluded by advising that each proposed amendment complied with the Constitution and the Voting Rights Act.

172. Public comment, yet again, centered on keeping Coconut Grove whole. Among the speakers were South Dade NAACP Secretary Brad Brown and Miami-Dade NAACP President Daniella Pierre.

173. Each commissioner then spoke in turn. Díaz de la Portilla and Carollo both stated they would support the Base Plan with King’s Wharf amendment.

174. Revisiting the subject of his Morris Lane house moving into District 3, Carollo stated he had “no problem, none whatsoever” with it being moved into District 4 instead.

175. He did, however, object to the Reyes and Russell proposals to move more territory from District 2 into District 3.

176. Russell advocated for his plan and keeping Coconut Grove whole in District 2, listing how his plan met all the criteria the Commission had adopted at the beginning of the process.

177. Reyes stood by his earlier support for removing the West Grove triangle from District 4.

178. Russell proposed adopting his Revised Russell Plan, but that failed 4-1.

179. Díaz de la Portilla then moved to adopt the Base Plan with King’s Wharf amendment, *and* with removing the West Grove triangle from District 4.

180. But De Grandy and Carollo explained that moving the West Grove triangle would necessitate shifting District 3 further into Brickell to bring the plan’s overall population deviation range under 10%.

181. So, Díaz de la Portilla withdrew that motion and moved to adopt the Base Plan with King’s Wharf amendment.

182. That motion carried 3-2, and the Base Plan with the Wharf change passed as the Enacted Plan.

183. Reyes explained he was opposed because District 4 still included a portion of the West Grove.

184. Similarly, Russell voted no because the plan divided Coconut Grove.

185. Díaz de la Portilla, Carollo, and King voted yes.

186. Community members and advocacy organizations urged Mayor Suarez to veto the map. For example, the NAACP Branches wrote a letter to Suarez, requesting he reject the plan as an unfair redistricting plan that goes against traditional redistricting principles and threatens equal representation under the law.

187. Ignoring Miamians' concerns, Suarez let the plan become law without his signature.

IV. Racial Considerations Predominated in the Line-Drawing Process

188. The Commission's overriding goal in crafting the Enacted Plan was to separate Hispanic, Black, and Anglo voters as much as possible into "their" respective districts.

189. Improper racial considerations predominated throughout the Commission's line-drawing process. Race featured centrally at every redistricting meeting, with race placed above all race-neutral, traditional redistricting criteria.

190. These race-based decisions resulted in a map that splits neighborhoods, ignores traditional redistricting criteria, and eschews fair, public-minded representation.

191. Where, as here, race is the central consideration in mapmaking and traditional, race-neutral criteria are ignored, race predominates. Unless the use of race is *necessary* to ensure fair and equal opportunity for voters of color to participate in the electoral process, its use is constitutionally suspect.

192. But rather than advancing representation, the Commission delivered separation.

193. At the very first redistricting meeting, Reyes and Carollo discussed how the existing map "was drawn in a way that every single ethnic group would be represented," and that explained "the odd shape that we have now" and why certain neighborhoods were split.

194. Indeed, Carollo explained on February 25, to accommodate maximal racial

separation, the Commission “broke up numerous neighborhoods.”

195. Reyes agreed: “just ask all the communities who are divided, because we have to preserve a seat that will represent every single community of the City of Miami.”

196. Racially heterogeneous districts were out of the question. After discussing the racial dynamics and demographics of the districts on November 18, Carollo stressed how they needed to ensure “that the balance is not really shifted.”

197. Again on February 7, Carollo explained his “goals from day one:” “to have guaranteed Anglo representation, and to have three districts that were Hispanics,” concluding “these are my intentions here today.”

198. This attitude which elevated racial considerations above all other redistricting decisions was shared by other commissioners.

199. Díaz de la Portilla, for example, explained on March 11, “our goal here is to have an African American district, for lack of a better term, a white district, . . . and three Hispanic districts.”

200. In response to public criticism of gerrymandering, Reyes was blunt: “Yes, we are gerrymandering to preserve those seats”—to preserve and enhance the maximal division of races into separate districts as much as possible.

201. Shortly before the final vote, Carollo summarized his goals in locking in a particular and precise racial division in the map:

I do not want to change the District 3 voting patterns, the types of people that are there with different people. I don't want to do that to District 4, nor to District 1. Just like I want to be able to leave District 2 where it could still elect a guy like you [referring to Russell], if they want to. In District 5, that will be a majority-African American district.

202. The Commission’s policy of maximal racial separation manifested in three specific

ways: (1) creating an “Anglo access district” in District 2; (2) maintaining an arbitrary BVAP quota for District 5; and (3) packing Hispanic residents into Districts 1, 3, and 4 as much as possible.

A. Creating an “Anglo Access District” in District 2

203. Race predominated in the design of District 2.

204. At its first redistricting meeting on November 18, Diaz de la Portilla asked De Grandy whether the VRA required the Commission to maintain “what we call here in Miami, in practical terms, an Anglo . . . seat.”

205. De Grandy explained that “white, non-Hispanic, is not a protected class under the Voting Rights Act.”

206. The Commission would ignore this legal advice, instead increasing the Anglo population of District 2 as much as possible, stripping Black and Hispanic residents from it with the explicit goal that it would elect an Anglo commissioner.

207. At the February 7 meeting, Carollo shared that originally, District 2 “was gerrymandered—but it was a legal gerrymander so that you would have an Anglo elected commissioner.”

208. As the Commission drew new lines, it sought to maintain and enhance this. On February 7, for example, Reyes expressed that they had to make changes to protect “the Anglo seat” and asked De Grandy if his Feb. 7 Draft was the best he could do to protect it. During that same meeting, Carollo stated his “intention here today” to “have guaranteed Anglo representation.” On February 25, Reyes too stated his “commitment” that “the so-called Anglo-district will . . . stand the test of time.” At the final meeting, Carollo reiterated “we’re going to have to keep one district that you could get an Anglo.”

209. To achieve this goal, the Commission “purposely divided neighborhoods in other districts to try to keep District 2 into a district that a non-Hispanic would be elected,” as Carollo explained on February 25. For example, he continued, “Silver Bluff is one of those communities that was split in half to be able to create a District 2 that would elect someone like Mr. Russell”—someone “of an Anglo background, not Hispanic.”²

210. Carollo listed others divided to achieve that goal: Shenandoah, Little Havana, Flagami—split “down the middle”—and more.

211. Díaz de la Portilla recounted how, as Mayor, Carollo “broke up Hispanic neighborhood after Hispanic neighborhood because he had to for the greater good”—to “have a *white* on our City Commission.”

212. Reyes and Carollo reprised this theme at the final meeting. If Shenandoah, Silver Bluff, Flagami, and Little Havana had not been divided, Reyes said, “probably we would not have Mr. Russell sitting there.”

213. Reyes continued that “it was fine to divide” these neighborhoods, “because we wanted to achieve what we want to achieve now:” “great” “probabilities of electing an Anglo.”

214. Finally, in his last speech before passing the Enacted Plan, Carollo summed it up again: “We’re gonna have to keep one district that you can get an Anglo, whether they’re an Anglo that’s Japanese or an Anglo that’s Russian, Ukrainian, Italian, Polish, English, French, they can

² When Russell interrupted to point out he was Japanese American, Carollo dismissed him, saying “you didn’t quite mention the Oriental part when you were running.” Carollo’s comment exemplifies the Commission’s essentialist and reductive attitude toward race and representation: there are Hispanic residents, there are Black residents, and there are Anglo residents. To the Commission, “representation” means having a co-ethnic commissioner.

get elected.”

215. The Commission sacrificed other traditional redistricting criteria to draw an explicitly Anglo district, including compactness. As Díaz de la Portilla explained, “if . . . you want to have an Anglo district, it’s almost impossible to emphasize compactness.”

216. On February 25, to assuage his “main concern,” Reyes sought to confirm with De Grandy that District 2 would still have a high probability of electing an Anglo. De Grandy replied simply: “Yes.”

B. Maintaining an Arbitrary BVAP Quota for District 5

217. Race predominated in the design of District 5.

218. Coming into the process, District 5 under the 2013 Plan was 54.4% BPOP, 52.9% BVAP, and 59.4% BCVAP, but was underpopulated and needed to add population.

219. The Commission’s overriding goal for District 5 was to keep those numbers as high as possible while equalizing population, and particularly to attain a BVAP above 50%.

220. This arbitrary threshold was not based on any functional analysis of what was necessary to afford Black voters the ability to elected preferred candidates, or justified by any compelling interest, including compliance with the VRA.

221. Moreover, the Commission ignored key markers of District 5’s functional performance, like CVAP, voter registration, and turnout in recent elections.

222. At the first redistricting meeting on November 18, De Grandy commented how during the 2013 cycle, he moved the northern end of District 2 into District 5, but “that did dilute the Black voting percentage.”

223. Moving much more in this area, though, concerned him. He warned against doing so, because “District 5 may not be a performing district anymore for the minority community.” “I

have a wall that separates D2 and D5,” De Grandy said.

224. De Grandy did not explain what analysis he did to conclude District 5 would be at risk of vote dilution in violation of the VRA.

225. De Grandy’s analysis—focused on making District 5’s Black population as high as possible—was nothing more than an arbitrary numerical target based on uninformed guesswork.

226. In De Grandy’s initial, Feb. 7 Draft, District 5 was 51.7% BPOP, 49.8% BVAP, and 58.7% BCVAP.

227. De Grandy explained he deliberately underpopulated District 5, “because bringing in additional population from most any side of the district might reduce the African American population percentage.”

228. In particular, De Grandy explained that around the District 2/5 border, “we could not move further east without affecting the African American population’s ability to elect a candidate of its choice in D5.”

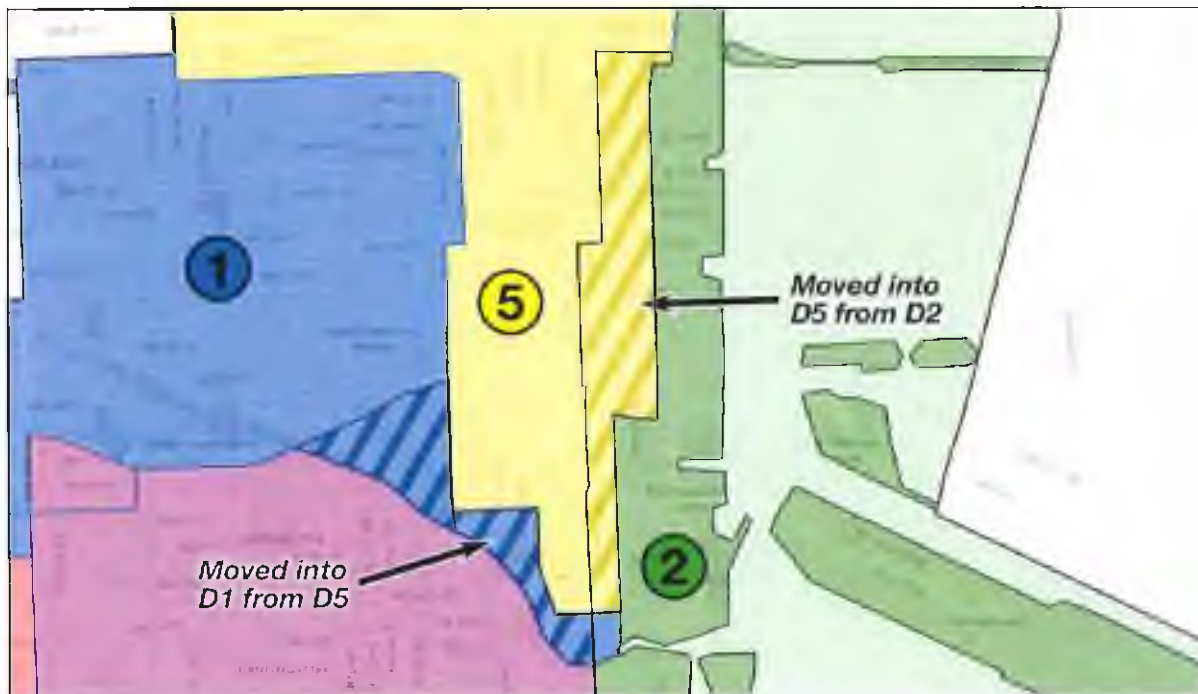


Fig. 10. Areas moved into and out of District 5 in the Feb. 7 Draft.

229. “There were only roughly 1,000 African Americans” in that area added from District 2, so, “the only reason we were able to rebalance the ethnic and racial population” was to remove the riverside areas from District 5 and move them into District 1, he continued.

230. He went on: “That was essential because as you moved east . . . , there was less and less African American population.”

231. Notwithstanding the fact that the Feb. 7 Draft featured a District 5 with a BVAP under 50% and a BPOP under 52%, De Grandy said his analysis of voting patterns confirmed Black voters had an equal opportunity to elect the candidate of their choice.

232. But this did not satisfy the Commission.

233. First, Reyes pressed De Grandy if “this is the best you can do to protect the African American seat,” calling it his “main concern.”

234. King also stated she was “concerned . . . that District 5 is 51% African American.”

235. De Grandy responded to their concerns in his Feb. 22 Draft, the Base Plan.

236. He explained that “by reconfiguring areas around the boundaries of D5, we were also able to slightly increase the total Black population, as well as the voting-age population, above 50%.”

237. De Grandy explained that underpopulating District 5 also allowed for an increase in its Black population.

238. He was firm that District 5 could not move further east into District 2 without “diminishing the African American community’s opportunity to elect a candidate of choice.”

239. He concluded his presentation of the Base Plan by recapping “the directives you gave.” Third on the list: “We increased D5’s Black voting-age population above 50%.”

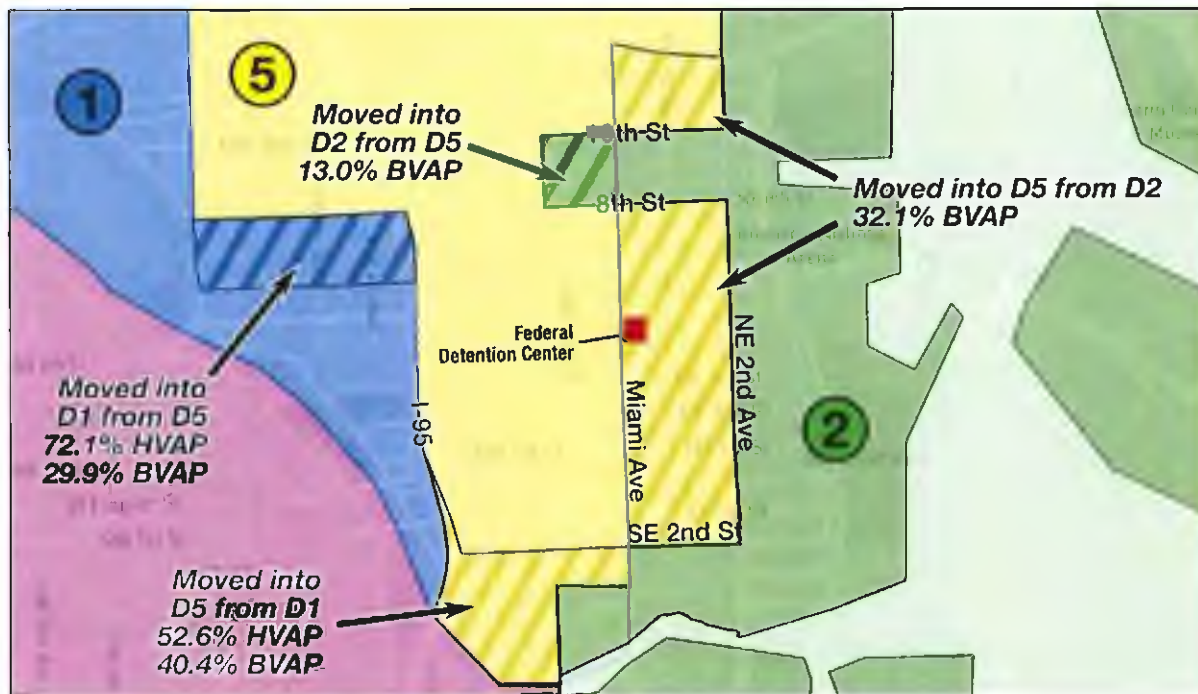


Fig. 11. Downtown changes to District 5 in the Base Plan, compared to the Feb. 7 Draft.

240. The Base Plan’s reconfigurations included swapping areas between Districts 2 and 5 in Downtown. 1,638 people in two city blocks bounded by NW 8th and 10th Streets, Miami Avenue, and the railroad tracks were moved back into District 2, where they had been in the 2013 Plan. These two blocks are 13.0% BVAP.

241. In exchange, 2,521 people in a two-block-wide strip between Miami and NE/SE 2nd Avenues were moved into District 5. This strip is 32.1% BVAP.

242. However, 1,407 people in this strip—more than half—are incarcerated at the Federal Detention Center (FDC). A plurality of the FDC population is Black.

243. Not including the incarcerated population, the strip De Grandy moved into District 5 to satisfy the Commission’s 50% quota is 16.4% BVAP.

244. When the public raised concerns about the Commission’s arbitrary BVAP quota, they were dismissed out of hand.

245. On February 25, the ACLU of Florida raised these concerns, noting that setting an

“lower the Black VAP to 49%,” as De Grandy explained.

254. Díaz de la Portilla crystallized the Commission’s reaction to the slight BVAP decline in a single word: “Worse.”

255. De Grandy expressed confidence this problem “could be remedied” to “increase D5’s Black voting-age population.”

256. Indeed, De Grandy took a recess to “work on that better and maybe that would solve the problem.”

257. He came back from recess with a new amendment to the Base Plan that moved several unpopulated riverfront blocks (the Wharf development) from District 1 into District 5—ensuring District 5 stayed above the 50% BVAP threshold.

258. Even so, Díaz de la Portilla shared his worry with King that “the growth that’s going to occur over the next ten years” would “make your district minority African American.” Because the area proposed to be moved back into District 5 from District 1 was “an area that’s predominantly Hispanic.”

259. Eventually, Díaz de la Portilla was satisfied with District 5’s demographics, once he understood that it was still majority-BVAP, at 50.3%.

260. The Commission eventually adopted King’s change, going back to the Base Plan with the minor Wharf alteration, rather than the draft proposal with a 49% BVAP District 5.

261. The Commission’s adherence to the 50% BVAP quota was underscored by another proposed riverfront change. On March 24, De Grandy discussed moving the Flagler on the River condo development into District 5 from District 1, a suggestion of Díaz de la Portilla’s.

262. De Grandy reported the single block in question had 510 residents and was roughly 73% HVAP. He said moving it into District 5 would drop District 5’s BVAP to 49.97%.

263. De Grandy advised the proposal was VRA-compliant, but nevertheless counseled “additional tweaks to the plan to bring the Black voting-age population back above 50%.”

264. The Commission did not end up accepting the Flagler on the River suggestion.

265. As the Commission neared a final vote on March 24, the 50% BVAP quota and its impact on the map continued to be a point of discussion. Carollo stressed “we have to keep one district that is going to have a majority of African Americans,” explaining that hitting that target was “the reason we’re having to do this”—referring to dividing Coconut Grove.

266. Indeed, the “wall” between Districts 2 and 5 was a large reason why part of Coconut Grove ended up removed from District 2. Because removing more of District 2 from its northern end would further reduce District 5’s Black proportion, the Commission instead removed areas from District 2 at its southern end, in Coconut Grove, to equalize District 2’s population.

267. As Reyes, Russell, and King tried unsuccessfully to reach agreement on Coconut Grove, De Grandy stressed he “cannot put one more resident into Commissioner King’s district” because it “would dilute the Black majority.”

268. Díaz de la Portilla discussed how striving for the quota also impacted another area of the map, his own District 1 in Allapattah: “I can’t go north, because if I go north I jeopardize the African American seat” by taking Black voters from District 5.

269. The Commission successfully hit its target: the BVAP of District 5 is 50.3%.

C. Packing Hispanic Residents into Districts 1, 3, and 4

270. Race predominated in the design of Districts 1, 3, and 4 as well.

271. The Commission’s goal was to make the Hispanic populations of Districts 1, 3, and 4 as high as possible, thereby stripping Hispanic residents from Districts 2 and 5 and diminishing their influence in those two districts.

272. Carollo set the tone at the second redistricting meeting, before any maps were drafted: “My main interest in my district and your district, Díaz de la Portilla, and Mr. Reyes’ district, is that I’m sure that we’re going to keep the balance of the Hispanic population where we’re going to be getting Hispanics elected there.”

273. Carollo reiterated on February 7 that Districts 1 and 3 need to “keep the same type of last name and faces.”

274. Shortly before the Enacted Plan passed, Carollo again stated, “We have to keep three districts that are going to be majority-Hispanic.”

275. Commissioners were concerned by the relative Hispanic populations of these three districts and obsessed over small changes in Hispanic population. For example, Carollo discussed the relative “purity” of the three districts on December 9, noting the Commission had to keep in mind that Districts 1 and 3 “are not as pure in the percentage of the Hispanics that vote” compared with District 4.

276. But at no point did the Commission undertake an actual analysis of voting patterns to determine what Hispanic population a district needs to have to comply with the VRA, instead shooting for as high a population as possible.

1. District 1/5 Border

277. The border between Districts 1 and 5 was drawn along racial lines, to put Hispanic residents into District 1 and strip them from District 5. At the same time, the border packed Black residents into District 5 and stripped them from District 1.

278. District 1, which under the 2013 Plan was underpopulated by 6,999 residents and needed to grow, ended up gaining all its new population from District 5.

279. The Commission first discussed specific areas to add into District 1 on December

9. Carollo highlighted two “logical” and “attractive” areas: Wynwood—noting “that’s mainly a Hispanic area”—and along the north side of Miami River—“non-African American areas, mainly Hispanic or Anglo basically.”

280. At the same meeting, Díaz de la Portilla reflected on how he “really can’t go north” to gain population in Allapattah, because “it’s an African American area.”

281. Carollo interjected, noting there might be an area by 36th Street (which served as District 1’s northern border under the 2013 Plan) that could be added to District 1, but he wasn’t sure “if it’s mainly Hispanic or if it’s more African American.” Díaz de la Portilla agreed he might be able to extend north to 40th Street, but not past State Road 112, because “north of 112 we are entering into African American neighborhoods—and we can’t touch that area.”

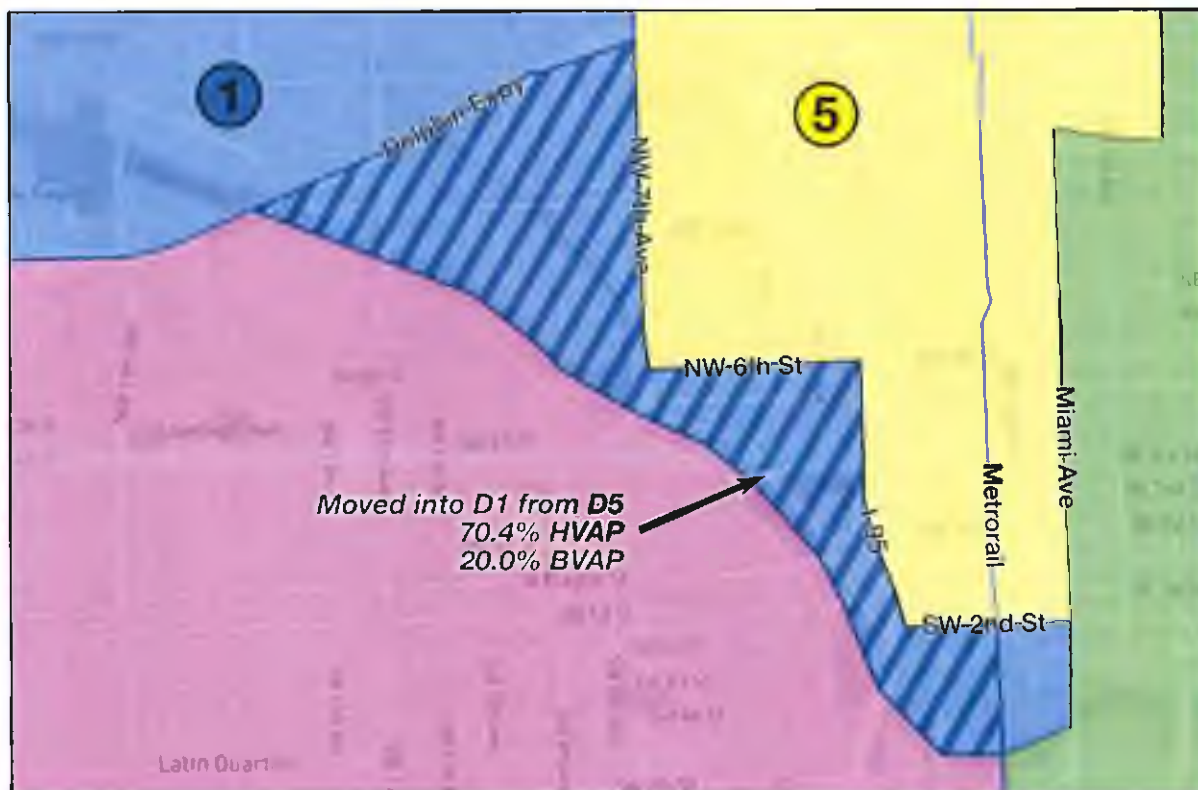


Fig. 12. Riverside area moved into District 1 from District 5 in the Feb. 7 Draft. The 2013 Plan is overlaid in blue.

282. De Grandy’s Feb. 7 Draft moved the riverside area Carollo had suggested. De Grandy explained: “We felt this movement was needed because this area has a high percentage of Hispanics and a greater voter cohesion with D1 residents.”

283. The Base Plan moved a small portion of that riverside area around the MRC back into District 5. In exchange, the draft moved another part of Downtown—eight city blocks bounded by NW 7th Avenue, I-95, and NW 6th and 8th Streets—into District 1.

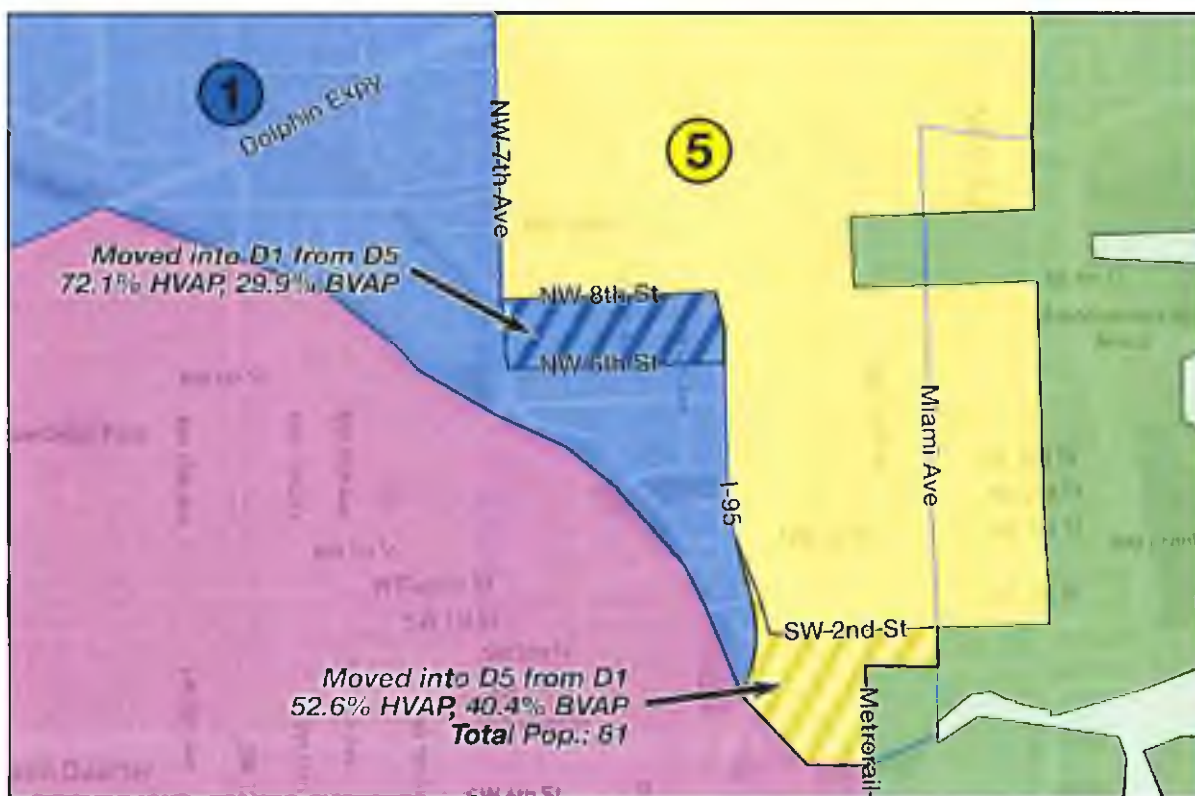


Fig. 13. Riverside areas moved between Districts 1 and 5 in the Base Plan. The Feb. 7 Draft is overlaid in blue.

284. De Grandy explained that “again, we felt this movement was needed because Hispanics in the area constitute roughly 70% of the population. Thus, they have greater voter cohesion” with the rest of District 1.

285. The Enacted Plan ended up moving a supermajority-Hispanic area of Downtown from District 5 into District 1, giving District 1 an irregular appendage that splits neighborhoods

along racial lines, including historic Overtown. The entire area moved is 70.7% HVAP.

286. The Enacted Plan ended up extending District 1 north to 40th Street/SR 112 but no further, moving a supermajority-Hispanic chunk from District 5 between NW 12th and 19th Avenues that is 76.6% HVAP and 33.0% BVAP.

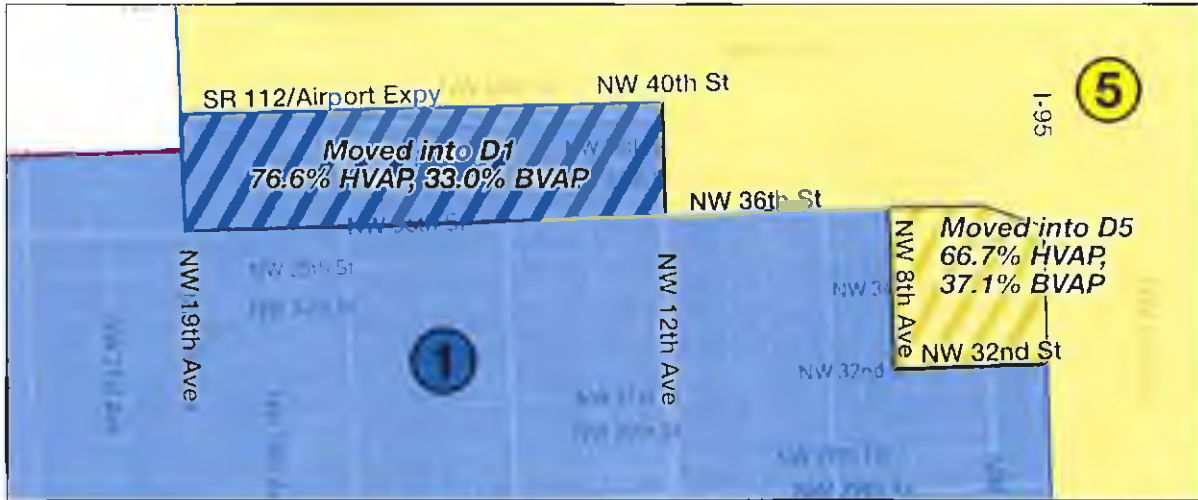


Fig. 14. Allapattah areas moved between Districts 1 and 5 in the Base Plan.

287. Even though District 1 needed to gain population, the Enacted Plan also ended up moving a less-Hispanic area of Allapattah *out* of District 1 and into District 5, creating a jagged stair-step border that chopped up the neighborhood along racial lines.

288. This area, bounded by NW 32nd and 36th Streets, NW 8th Avenue, and I-95, is 66.7% HVAP and 37.1% BVAP.

289. District 1 in the Enacted Plan is 89.5% HVAP and 84.8% HCVAP.

2. District 2/3 Border

290. The boundary between Districts 2 and 3 was also drawn along racial lines, to pack Hispanic residents into District 3 and strip them from District 2.

291. Díaz de la Portilla first suggested moving areas “where Hispanic voters live” from District 2 and into Districts 3 and 4 at the second redistricting meeting, mentioning Coconut Grove

and Bay Heights specifically.

292. De Grandy incorporated this suggestion into his Feb. 7 Draft. That map moved portions of District 2 into District 3, stretching from SW 15th Road in the north to SW 17th Avenue in the south, over to South Miami Avenue. This area included Bay Heights.

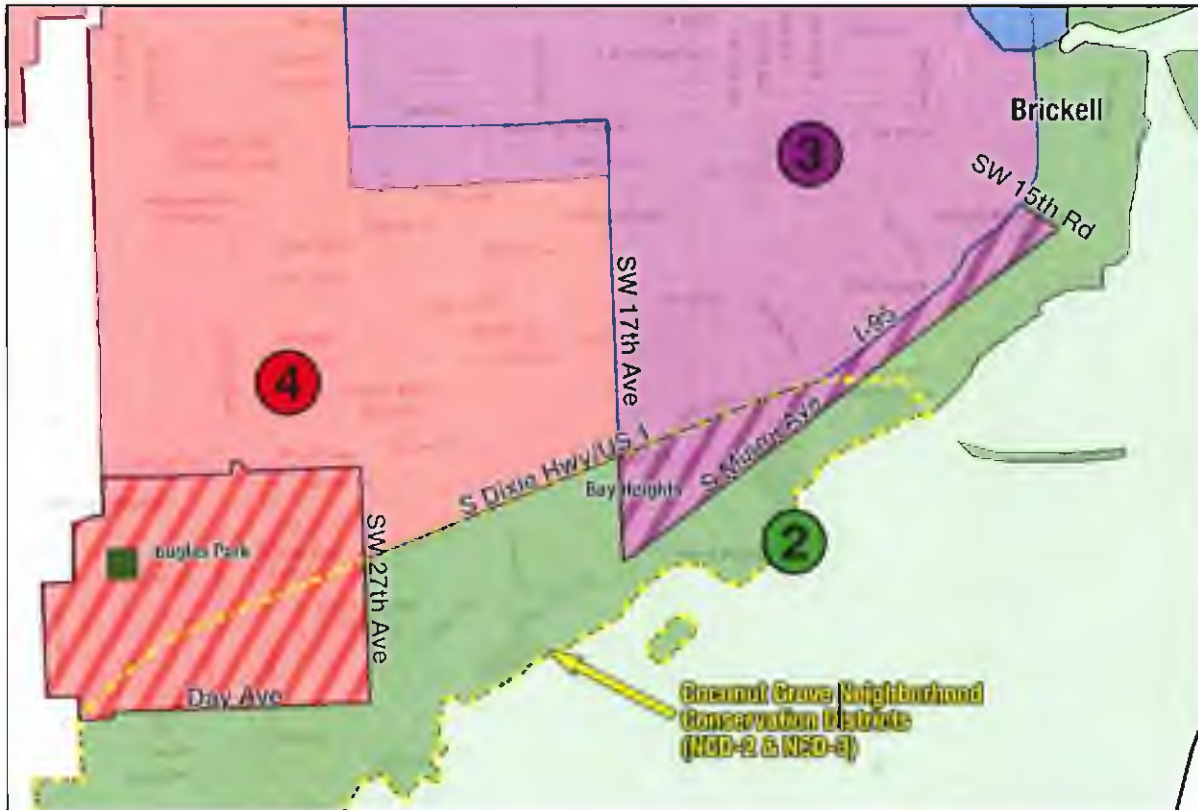


Fig. 15. Areas moved out of District 2 and into 3/4 in the Feb. 7 Draft (compared to 2013 Plan).

293. Discussion of Feb. 7 Draft’s 2/3 border focused on whether part of Downtown/Brickell should be moved into District 3 instead. Russell suggested doing that so District 2 could keep all of Coconut Grove and avoid splitting the West Grove.

294. De Grandy explained he didn’t move District 3 into Downtown “because the demographics were dissimilar,” but acknowledged that was a choice the Commission could make. He clarified that he could equalize the district populations and keep Coconut Grove whole within District 2 by adding part of Downtown to District 3.

295. The Commission considered that option at the next meeting, but rejected it for racial reasons.

296. Walking through the Base Plan on February 22, De Grandy again explained that he “did not feel it was appropriate to move east” and grow District 3 into Downtown “because of dissimilar demographics.” At a later meeting, De Grandy was more explicit: “the Hispanic population in that area was in the 40’s,” “whereas District 3 is in the 80’s.”

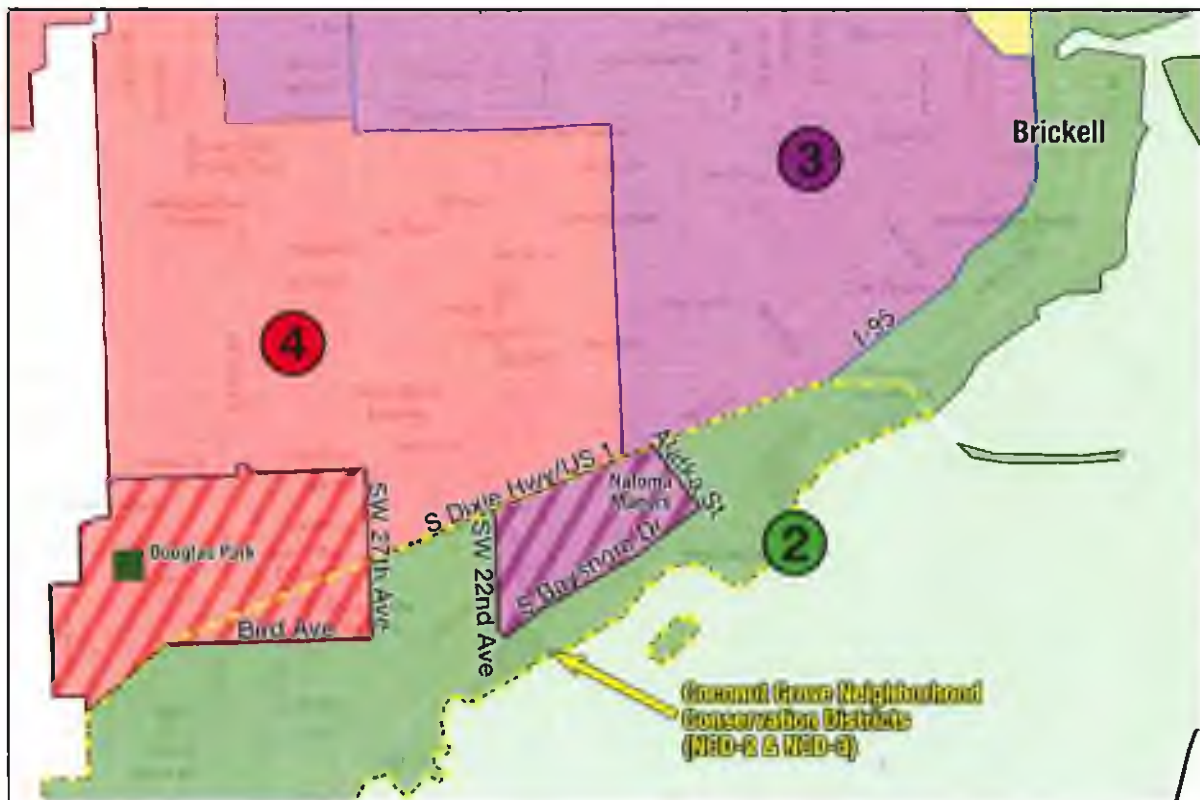


Fig. 16. Areas moved out of District 2 and into 3/4 in the Base Plan (compared to 2013 Plan).

297. Carollo supported this approach, explaining Brickell was “totally different in your demographics” from District 3, so they had no choice but to move people from the Grove into Districts 3 and 4 instead: “we can’t go anywhere else.”

298. To Carollo, “throwing” Brickell into District 3 would unacceptably “change the whole component of one district” with “a domino effect” to “change the composition of the other

districts.”

299. Díaz de la Portilla agreed, saying the Grove was “the only place to go.”

300. This subject came up again when the Commission considered the Initial Russell Plan. That proposed extending District 3’s eastern boundary one block east to South Miami Avenue, from where US 1 and I-95 fork on the south end, northward to the Miami River.

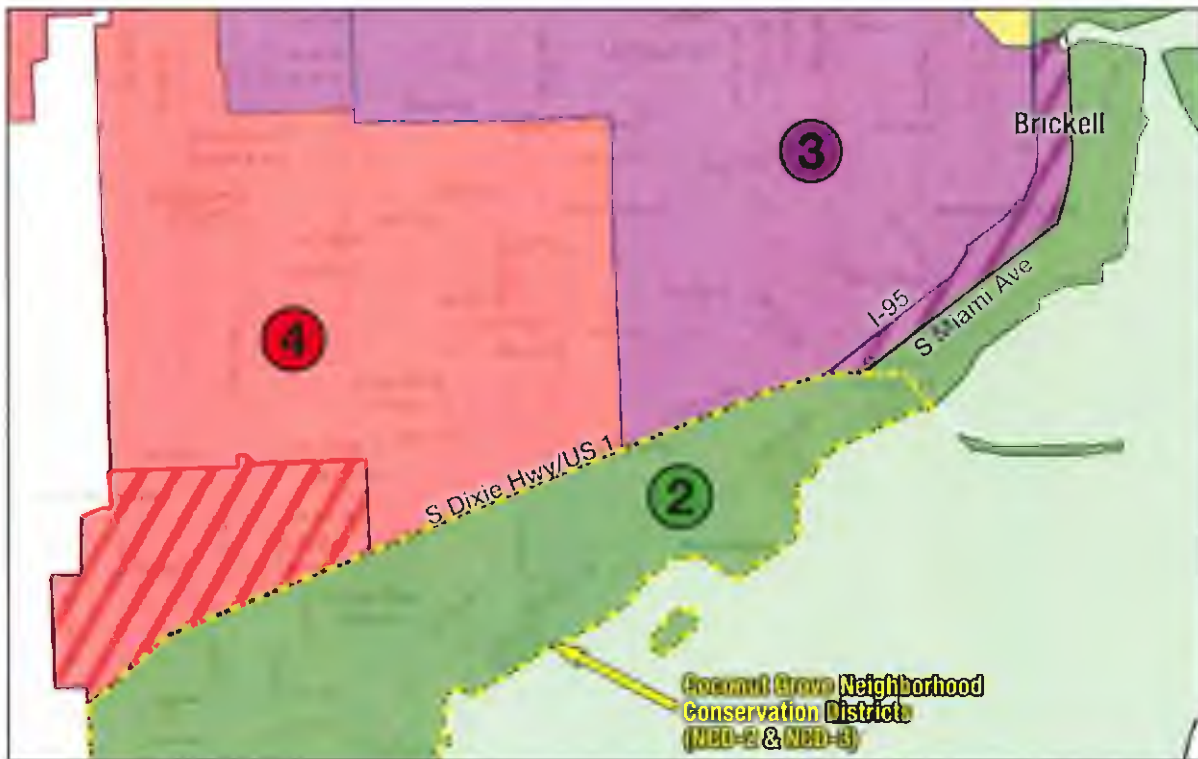


Fig. 17. Areas moved out of District 2 into 3/4 in the Initial Russell Plan (compared to 2013 Plan).

301. Even De Grandy advised that the Initial Russell Plan’s District 3 was still a “Hispanic district” and complied with the VRA.

302. But that assurance was not enough for the Commission. Reyes first flagged the issue: “I don’t agree with it because [] there is a lot of Anglos in that area and it’s going to affect them. The district as such, is going to be affected.”

303. This prompted Russell to ask De Grandy about the relative Hispanic population of the strip he proposed moving into District 3, versus the area around Natoma Manors moved in the

Base Plan.

304. De Grandy explained Russell's strip had a Hispanic population "in the 40's," dissimilar from the rest of District 3.

305. Meanwhile, the Natoma area De Grandy had proposed moving into District 3 was "in the 50 range," so he felt it more appropriate to move.

306. Further, the Natoma area was smaller in population, so De Grandy wasn't concerned about that reducing District 3's Hispanic population.

307. Russell concluded the areas were close enough in their impact on District 3's Hispanic population "to where we're splitting hairs."

308. But the majority of the Commission wanted to split those hairs to achieve its overall goal: packing as many Hispanic residents as possible into District 3.

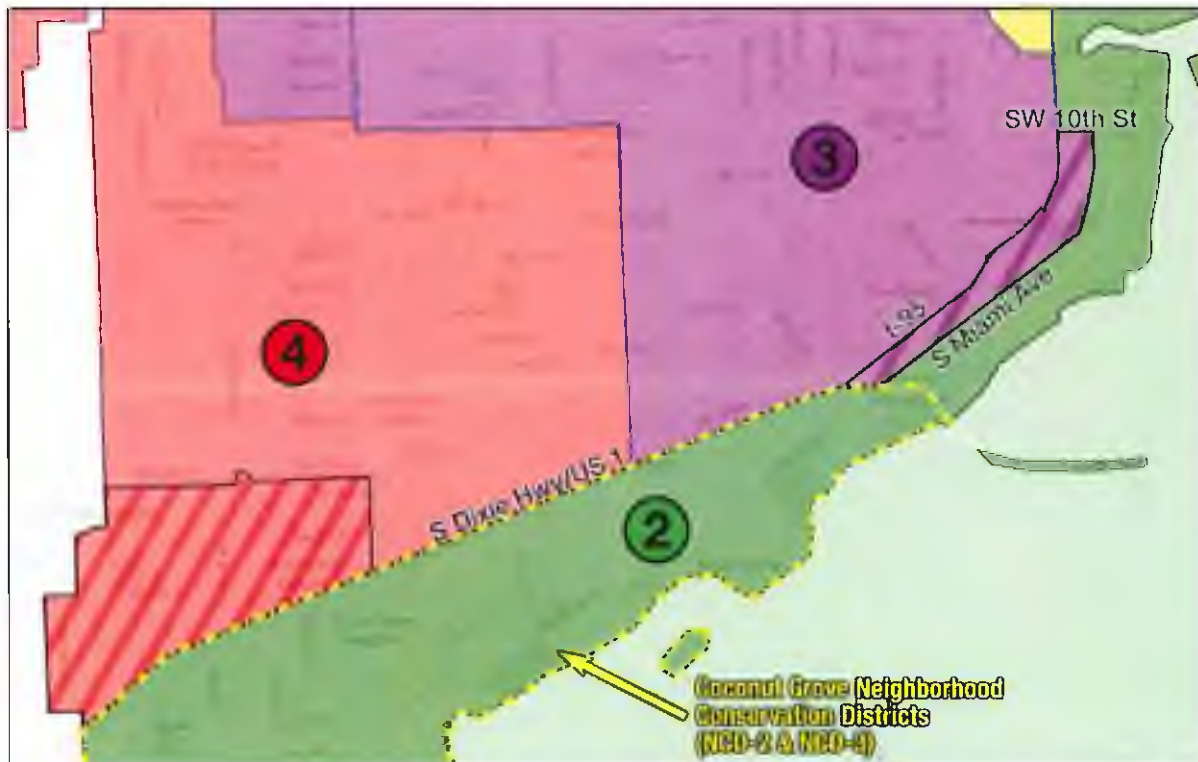


Fig. 18. Areas moved out of District 2 into 3/4 in Revised Russell Plan (compared to 2013 Plan).

309. The Commission revisited this theme at its final meeting, as it debated the Revised Russell Plan.

310. De Grandy again explained he “did not go east” into Brickell “when I was doing District 3 [] because I found the population to be dissimilar. It was approximately 40-some percent Hispanic, going into a district that’s approximately 88% Hispanic.”

311. Zooming in on individual city blocks, Díaz de la Portilla pressed De Grandy on the demographics of the “buildings in the West Brickell area” the Revised Russell Plan moved: “those buildings that are now inhabited are predominately Anglo.”

312. De Grandy confirmed those buildings were “markedly different than the population in District 3.”

313. So instead of shifting District 3 eastward into Brickell, De Grandy “decided that the best move will be to go south and not go east” into Brickell, because the people to the south “are more similar” to the rest of District 3, he again explained.

314. He advised that “in any of the plans,” “District 3 is still a majority-Hispanic district,” but was a “stronger Hispanic district under the base plan, absolutely.”

315. Discussing the Reyes Plan and Revised Russell Plan’s removing the West Grove triangle from District 4, Carollo stressed that District “is still the most Hispanic district out of the three Hispanic districts in the city” “even with the [West Grove] sliver of 1,600 additional people.”

316. District 3, on the other hand, would be forced to gain more than 1,600 people from District 2 to balance the population deviations, as Carollo explained it.

317. That population would come from Brickell, where “it’s not cohesive anymore” and where “the numbers also change” compared to the rest of District 3.

318. And, he continued, that “would put District 3 into the future in possible jeopardy.”

319. Carollo spelled out the problem in blunt terms: “bringing in a transplant from another part of the country, and because they speak a little Spanish and they smile all the time, they feel they can sneak in. . . . And this district now is gonna be skewed where it’s not gonna be clear on the kind of person that could get elected from it.”

320. That is why, he concluded, he would “strongly object to West Brickell going into District 3.”

321. Reyes agreed, saying he “totally, totally oppose[d] that,” and explaining that he originally agreed with De Grandy’s first suggestion to shift District 3 into Bay Heights rather than Brickell, since Bay Heights was “close to 52% Hispanic.” But he opposed moving District 3 eastward into Brickell.

322. Díaz de la Portilla agreed too, saying “Carollo hit the nail on the head.”

323. He explained why the Revised Russell Plan did not adequately pack Hispanic voters: “What Mr. Russell’s plan does, down the line, . . . is disintegrate that Hispanic district, District 3.”

324. “And then we’ll have a minority-Hispanic Commission in a majority-Hispanic city. How’s that democracy?” Díaz de la Portilla concluded, “You’re shifting the balance of power in a Hispanic district.”

325. Under the Revised Russell Plan, District 3 was 86.6% HVAP and 84.8% HCVAP.

326. In the Base Plan and Enacted Plan, it is 88.3% HVAP and 86.9% HCVAP.

3. District 2/4 Border

327. The boundary between Districts 2 and 4 was also drawn to pack Hispanic residents into District 4 and strip them from District 2.

328. At the first redistricting meeting, Díaz de la Portilla highlighted the Douglas Park

area, which was in District 2 under the 2013 Plan, that “probably doesn’t belong there.” Using the phrase “political cohesion” to euphemistically refer to racial groups, Díaz de la Portilla opined, “if you look at political cohesion, it probably belongs in Commissioner Reyes’ district,” because it has “more commonalities” with the rest of District 4 “than with Coconut Grove or Edgewater.”

329. Carollo agreed, stating at the following meeting that this “very Hispanic area” “should have always been part of District 4.”

330. The area referred to, bounded by SW 25th Street, SW 27th Avenue, and US 1, is 81.8% HVAP and 13.6% WVAP.

331. That overwhelmingly Hispanic area was moved into District 4 in the Enacted Plan, thereby packing Hispanic residents into District 4 and stripping them from District 2 (*see* Fig. 16).

332. As with other areas of the map, the rejected proposals for District 4 clarify the Commission’s racial intent.

333. On February 7, Carollo proposed moving a chunk of North Coconut Grove between 22nd and 27th Avenues and South Bayshore Drive into District 4 from District 2.

334. Reyes objected strongly to this area—which is 54.4% WVAP—being added to his district. Carollo tried to reassure Reyes by reminding him that he has “the most Hispanic” and “the most Cuban district” in the city, and that the Feb. 7 Draft already gave him “a huge Hispanic area on the other side of US 1,” referring to the Douglas Park area.

335. Comparing that 82% HVAP Douglas Park addition to his 54% WVAP North Grove proposal, Carollo explained Reyes can’t be “getting all the sirloin but none of the bone.”

336. In the end, the Commission moved the Hispanic-rich “sirloin” into District 4, while most of the majority-white “bone” remained in District 2.

337. District 4 does, however, add a portion of Coconut Grove from District 2.

Following Díaz de la Portilla's early suggestion to move areas "where Hispanic voters live" given the "ethnic diversity in Coconut Grove," District 4 adds a 59.2% HVAP triangle from the West Grove, bounded by US 1, Day Avenue, and SW 27th Avenue (see Fig. 16).

338. That triangle was not as Hispanic as the rest of District 4, but given the Commission considered District 4 to be the "purest" Hispanic district already, it was acceptable for it to add just "a slice, sliver" of less-Hispanic "bone."

339. In later meetings, Reyes begrudgingly accepted adding part of Coconut Grove because he thought it necessary to maintain the racial balance of District 5: "The only reason that I will accept that is to save that seat that is there," he said on March 11, pointing to King.

340. District 4 in the Enacted Plan is 89.5% HVAP and 88.2% HCVAP.

4. Internal Borders of Districts 1, 3, and 4

341. The Commission also drew the borders that Districts 1, 3 and 4 share to facilitate the Enacted Plan's packing of Hispanic voters into these districts and more generally, to accomplish the tripartite racial separation throughout the map.

342. The commission largely treated Hispanic voters on the borders of these districts as fungible because these areas are all predominately Hispanic.

343. As Carollo, Reyes, and Díaz de la Portilla recounted multiple times, Flagami, Little Havana, Shenandoah, and Silver Bluff were all split between these three districts to effectuate the Commission's policy of maximum racial separation.

344. When he presented his Feb. 7 Draft, De Grandy acknowledged shifting areas between Districts 3 and 4 because he "tried to find adjacent areas with similar demographics in order to maintain voter cohesion."

345. Following Carollo's discussion of District 4 not keeping all the "sirloin," Carollo

suggested moving into District 3 a heavily Hispanic portion of District 4 between SW 27th and 32nd Avenues, in Little Havana.

346. When Reyes objected, Carollo explained to him why it was necessary to add that territory to District 3: “you’re getting more than two squares here,” referring to the Douglas Park area, “in prime Hispanic area, and you’re diluting the Hispanic vote.”

347. “There has to be a balance,” Carollo continued, and in exchange for getting “a huge chunk of rich Hispanic voters” around Douglas Park, District 4 needed to balance its Hispanic population out with District 3.

348. Reyes eventually agreed to “work[] out in a way that we can make it as Hispanic as you can.”

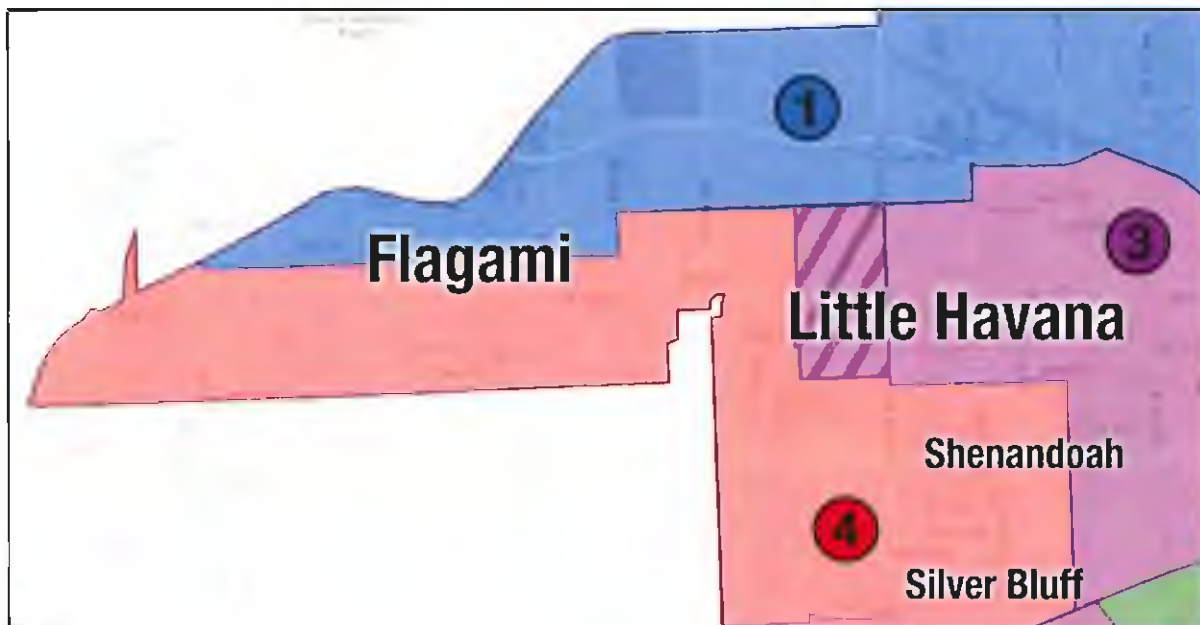


Fig. 19. Enacted Plan borders between Districts 1, 3, and 4, showing neighborhoods split and areas moved (compared to 2013 Plan).

349. The area Carollo wanted to add to District 3—bounded by SW 27th and 32nd Avenues, NW 7th Street, and SW 8th Street—was indeed moved into District 3 in the Enacted Plan. It is 89.5% HVAP.

350. Explaining the shift on February 25, De Grandy explained, “we tried to find adjacent areas with similar demographics in order to maintain voter cohesion.”

**V. Lack of Narrow Tailoring to Achieve
a Compelling Interest in Racial Predominance**

351. Where, as here, race was the predominant factor in the government’s decision-making, strict scrutiny is triggered and “[t]he burden . . . shifts to the [government] to prove that its 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) (internal quotations omitted). Traditionally, compliance with the Voting Rights Act, namely Section 2, has served as the primary justification for predominant considerations of race. The Commission’s use of race, however, was not narrowly tailored to any compelling government interest, including compliance with the VRA.

352. To ensure its use of race was narrowly tailored to achieve VRA compliance, the Commission was obligated to assess the level of minority citizen voting-age population or registered voters necessary for those voters to have the opportunity to usually elect their candidates of choice.

353. The Commission centered its “analysis” on total population and voting-age population figures instead of reviewing “voting-age population *as refined by citizenship*.” *Negron*, 113 F.3d at 1569 (emphasis added).

354. Despite their facial concern for protecting diverse representation, neither the Commission nor its consultants took steps to meaningfully assess VRA compliance. There is no indication the Commission conducted an analysis of racially polarized voting (RPV) or any other analysis key to assessing VRA compliance.

355. Instead, the Commission relied on blanket racial targets and sought to increase the Black, Anglo, and Hispanic populations of the respective districts as much as possible.

356. Without conducting a functional analysis of RPV, the Commission's race-based map drawing was not narrowly tailored to achieve VRA compliance.

357. The Commission identified no other compelling interest to justify its use of race when it drew the Enacted Plan.

CLAIM FOR RELIEF

Racial Gerrymandering in Violation of the Fourteenth Amendment to the U.S. Constitution (42 U.S.C. § 1983)

358. Plaintiffs reallege and reincorporate by reference all prior paragraphs of this Complaint as though fully set forth herein.

359. The Fourteenth Amendment to the U.S. Constitution provides in relevant part: "No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

360. Under the Fourteenth Amendment's Equal Protection Clause, a racial classification is prohibited unless it is narrowly tailored to serve a compelling state interest.

361. As alleged in detail above, race was the predominant factor in the design of all five Miami City Commission districts. Race predominated over all other redistricting criteria when each of these districts was drawn.

362. The use of race as the predominant factor in creating the districts was not narrowly tailored to advance any compelling state interests, including compliance with the VRA.

363. Consequently, the districts do not survive strict scrutiny.

364. Therefore, the districts violate Plaintiffs' rights under the Equal Protection Clause and 42 U.S.C. § 1983.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request the Court enter judgment in their favor and:

- A. Declare the five Miami City Commission districts adopted in Resolution 22-131 to be unconstitutional in violation of the Fourteenth Amendment as racially gerrymandered;
- B. Preliminarily and permanently enjoin the City and its officers and agents from calling, conducting, supervising, or certifying any elections under the Enacted Plan;
- C. Order the City to hold special elections to limit the harm to Plaintiffs should adequate relief be unavailable prior to the next regularly scheduled elections;
- D. Award each Plaintiff nominal damages of \$100;
- E. Award Plaintiffs their attorneys' fees in this action;
- F. Award Plaintiffs their costs of suit;
- G. Retain jurisdiction to render any further orders this Court may deem necessary; and
- H. Grant any other relief this Court deems just and proper.

Respectfully submitted this 10th day of February, 2023,

/s/ Nicholas L.V. Warren

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Counsel for Plaintiffs

DE 24-3

11/18/21 Slide Presentation

**Miguel De Grandy, *Redistricting the City of Miami*,
Nov. 18, 2021**

Submitted into the public
record for item(s) DI. 1
on 11/13/21 City Clerk

REDISTRICTING THE CITY OF MIAMI



10978 Submitted - Miguel de Grandy - PowerPoint Presentation

Submitted into the public
record for item(s) DE-2
on 11/18/21 City Clerk

Census data

2010 total population was 399,489

2020 population is 442,241

Increase of 42,752 residents or 10.7% increase in population.

Submitted into the public
record for item(s) PE-1
on 11/18/2024 City Clerk

$$442,241 \div 5 = 88,448.2$$

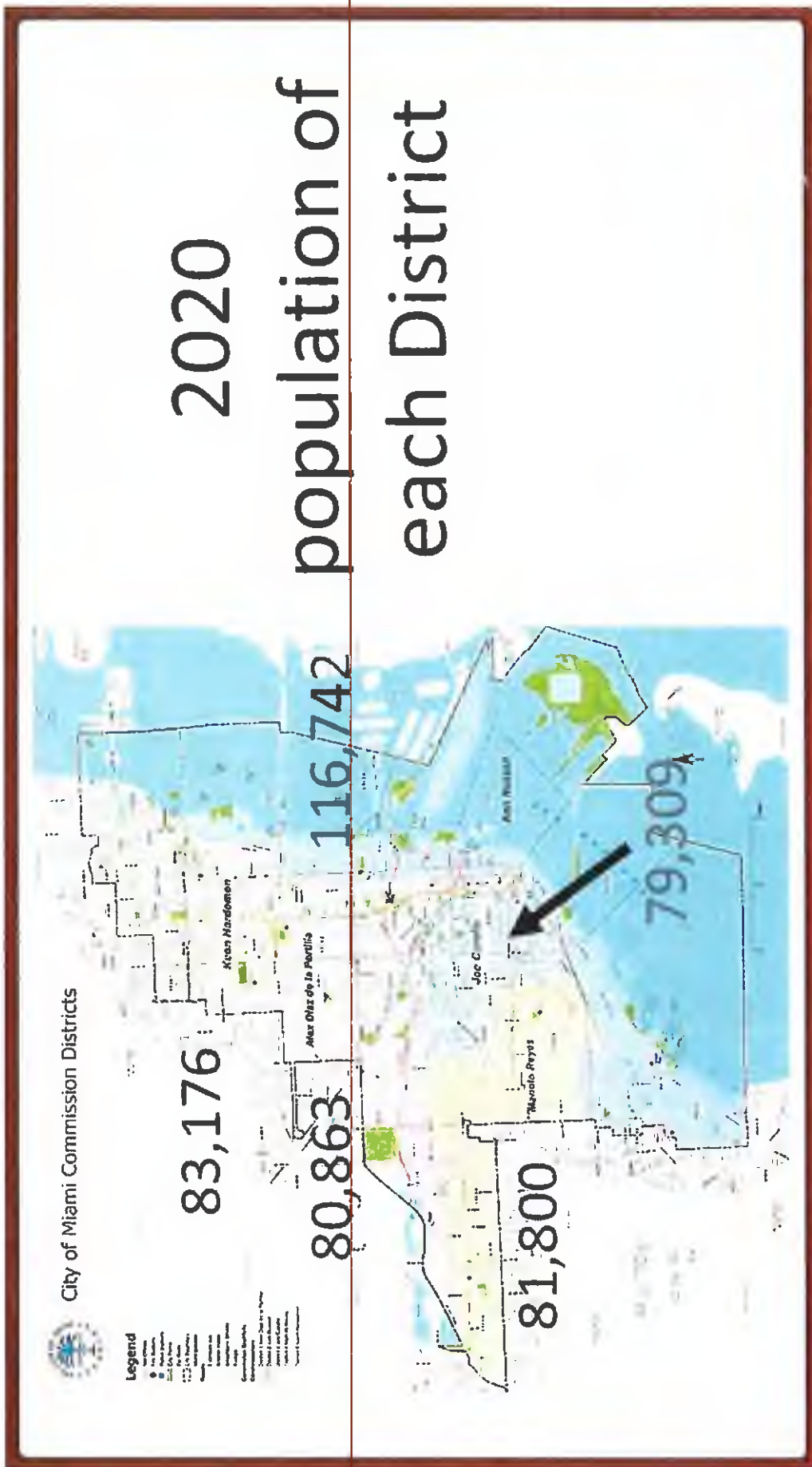
POPULATION

DISTRICTS

IDEAL

POPULATION

Submitted into the public record for item(s) DI-4 on 11/17/24 City Clerk



Submitted into the public
 record for item(s) PI-1
 on 11/18/23 City Clerk



Submitted into the public record for item(s) DI 1 on 11/18/22.
City Clerk

City of Miami Commission Districts



Legend

- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami
- City of Miami

% Deviation from the ideal in each District

-5.89%

-8.50%

+32.09%

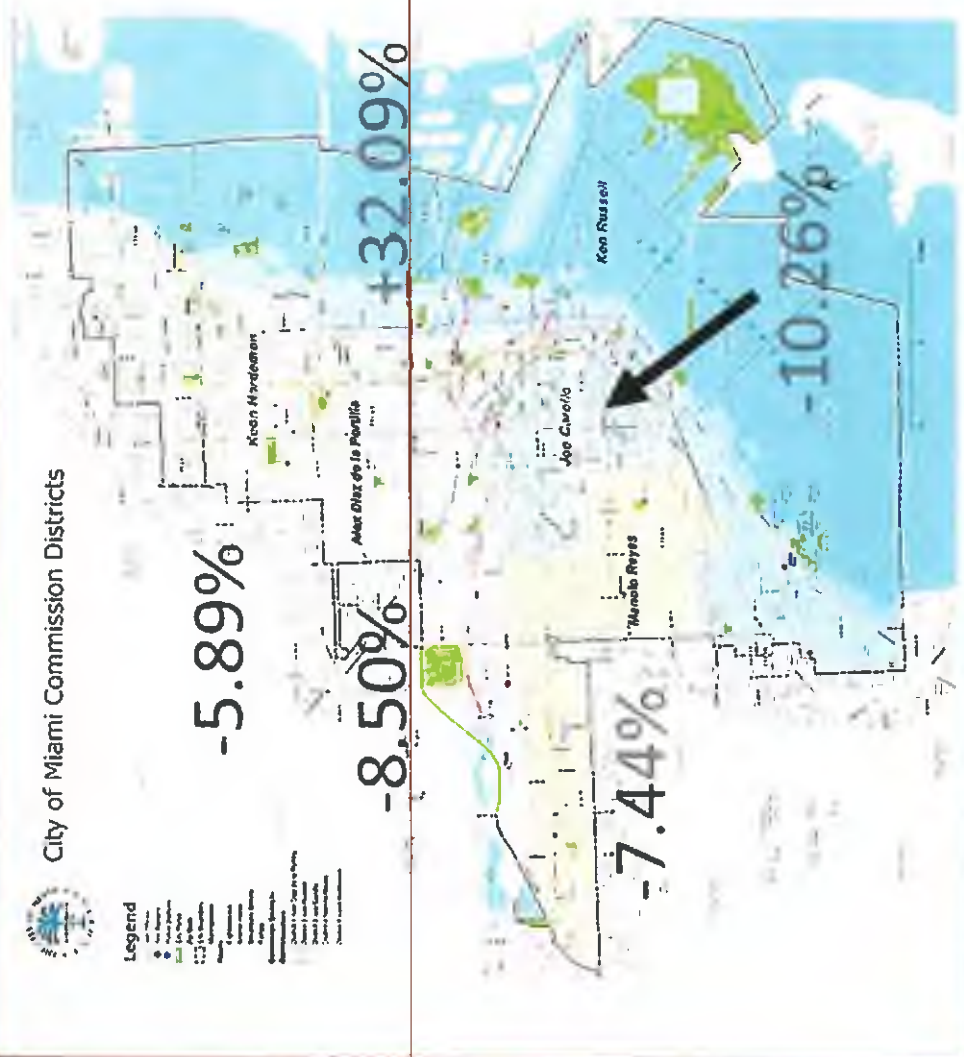
-7.44%

Joe Cavallo

Ken Russell

Manolo Reyes

-10.26%



Submitted into the public
record for item(s) DE 1
on 11/18/23 City Clerk

TOTAL DEVIATION OF
THE CURRENT PLAN

32.09% Over - District 2
+ 10.26% Under- District 3

42.35% Total Deviation

Submitted into the public
record for item(s) DE. 1
on 11/18/22. City Clerk

FEDERAL COURTS
HAVE LIMITED
TOTAL DEVIATION
OF A LOCAL PLAN
TO 10%



Submitted into the public
record for item(s) DE-7
of 11/18/24 City Clerk

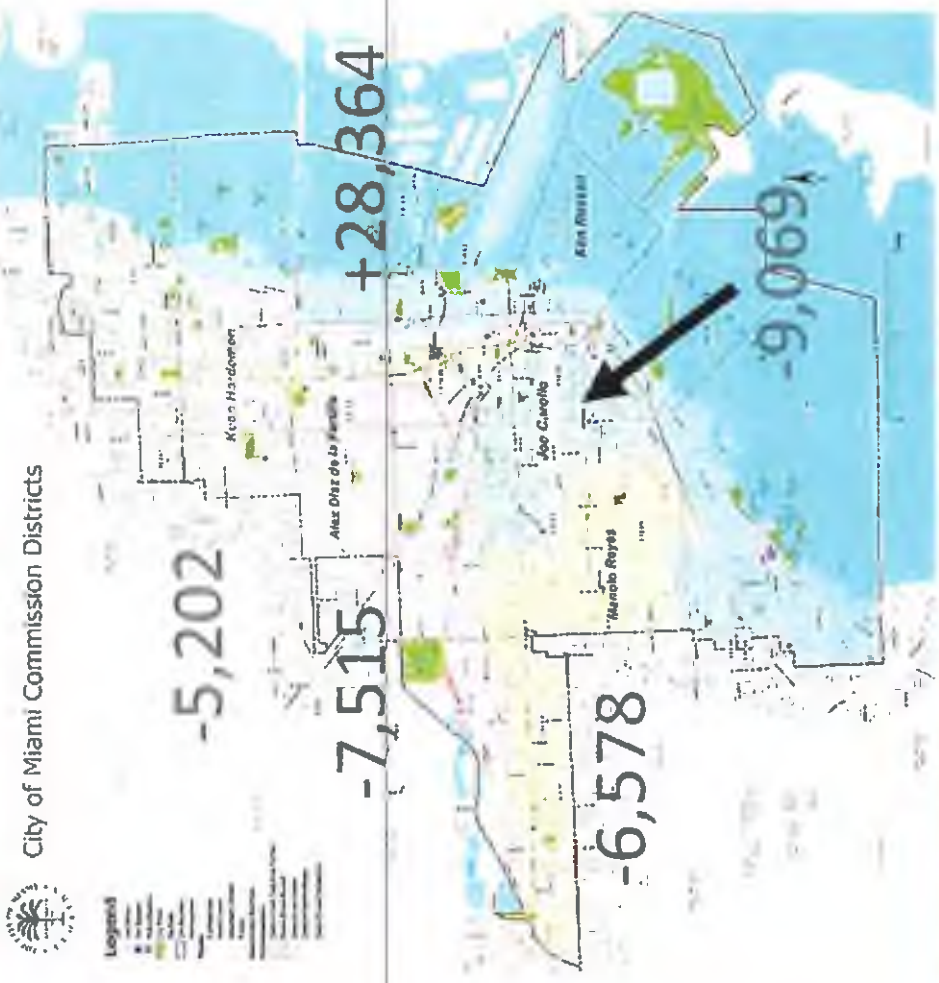
FEDERAL COURTS
HAVE LIMITED
TOTAL DEVIATION
OF A LOCAL PLAN
TO 10%

PRESENT PLAN
WITH 42.35%
DEVIATION WOULD
BE STRUCK DOWN



Submitted into the public record for item(s) DE-1 on 11/18/22. City Clerk

City of Miami Commission Districts



TASK: CHANGE EXISTING BOUNDARIES IN ORDER TO RE-BALANCE POPULATION

Submitted into the public
record for item(s) DE-1
on 11/18/22 City Clerk

THE VOTING RIGHTS ACT OF 1965

Section 2 of the Voting Rights Act of 1965 prohibits voting practices or procedures that discriminate on the basis of race, color, or membership in one of the language minority groups

This can include the use of redistricting to pack protected minorities into fewer districts than they could form the majority in (PACKING)

Or splitting compact minority population between districts to lessen the number they could form a majority in (CRACKING)

Submitted into the public
record for item(s) VI - 1
on 11/3/21 City Clerk

VOTING RIGHTS ACT THRESHOLD

- A protected minority group must be large enough and compact enough to comprise a majority in a single-member district
- Minority voters must be politically cohesive
- The majority must usually vote as a bloc to thwart the election of the minority preferred candidate

Submitted into the public
record for item(s) DI 1
on 11/21/22 City Clerk

2020 REDISTRICTING ANALYSIS

The black population in the District 5 area is relatively compact.

Voting analysis shows that Black voters are still politically cohesive

Voting analysis also shows that Non-Black voters still prefer different candidates than Black voters.

Submitted into the public
record for item(s) DI-1
on 11/18/23 City Clerk

PRIME DIRECTIVES

- Comply with the requirements of the U.S. Constitution to achieve substantial population equality among districts.
- Comply with the Federal Voting Rights Act.
- Comply with the 14th Amendment (race conscious, but not race driven)

Submitted into the public
record for item(s) DF 1
on 11/13/22. City Clerk

TRADITIONAL REDISTRICTING CRITERIA

- Compactness (a measure of a district's geometric shape)
- Contiguity (all parts of the district must be connected)
- Preserving communities of interest (single-family residential, high-density residential areas, traditional neighborhoods, business districts, coastal or environmentally sensitive areas, etc.)
- Preserving the cores of prior districts (to provide continuity of representation and avoid voter confusion)
- Use of man made or natural boundaries when feasible (a river, a major expressway, major roads such as section lines, roads, or the boundaries of traditional neighborhoods)
- Any other non racial or ethnic rational or important city interest.

Submitted into the public
record for item(s) DE 1
on 11/17/21.
City Clerk

COMMISSION'S POLICY DIRECTION

- Mathematical equality or “substantial equality”?
- Determine what Traditional Redistricting principles to employ
- Provide guidance on how it wishes the these Traditional Redistricting Criteria to be balanced.
- For instance, emphasizing compactness could mean the creation of districts that may not respect the core of existing districts.

Submitted into the public
record for item(s) DF 1
on 11/18/22. City Clerk

COMMISSION'S POLICY DIRECTION

Policy direction regarding public hearings.

Before the plan is developed, or when the draft plan is presented for the Commission's consideration in a public meeting?

Delay in release of Census data has impacted the timeline.

Division of Elections needs to re-precinct for County's 2022 election. Requested completion of plan by end of February 2022.

DE 24-9

3/11/22 Initial Russell Plan Presentation

**Miguel De Grandy & Stephen Cody,
Alternative: Keep Areas South of US 1 in D2 and Adjust D3,
Mar. 11, 2022**

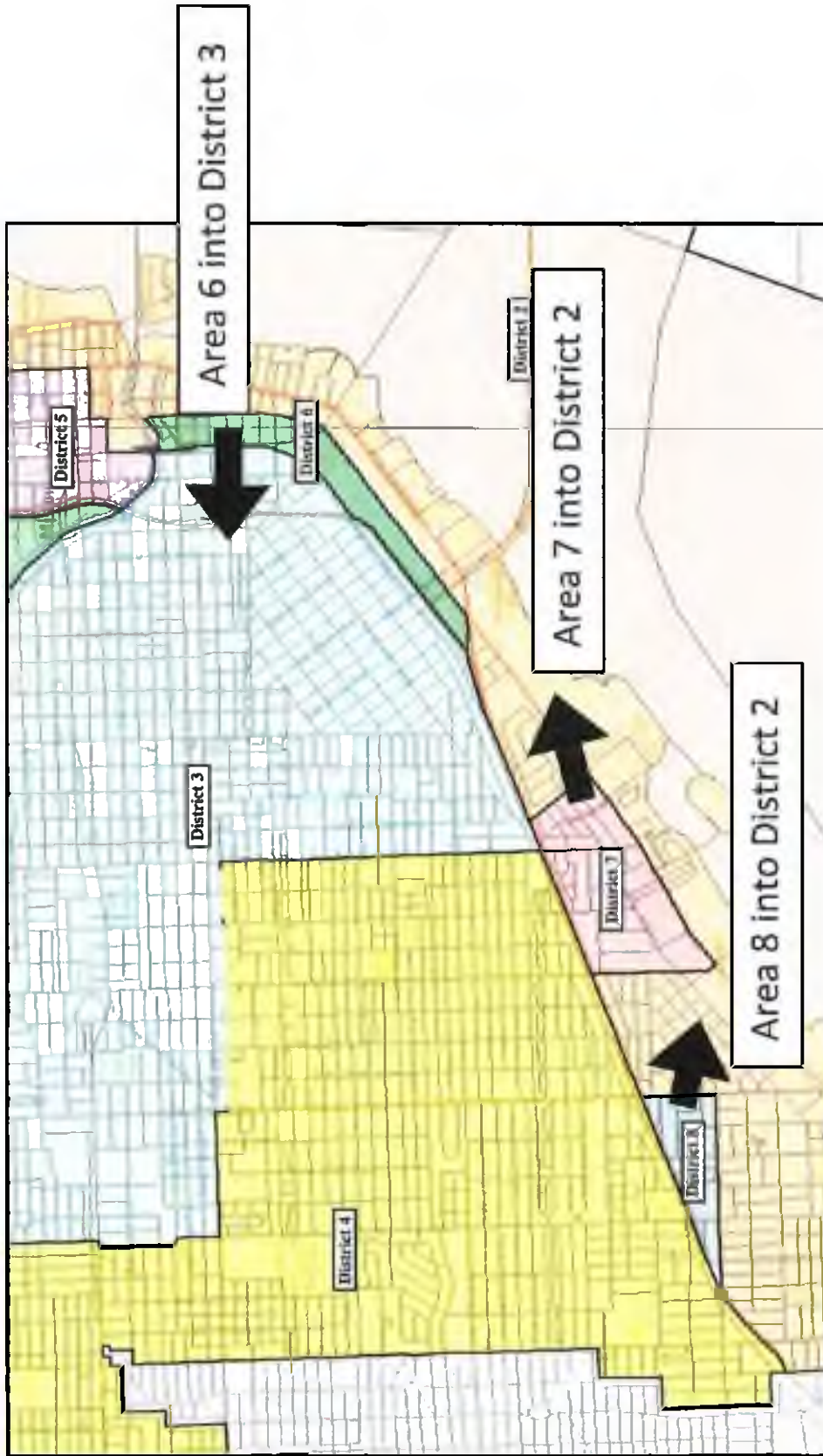
Submitted into the public
record for item(s) SP.1 on
3/11/2022 – City Clerk

Alternative: Keep Areas South of US 1 in D2 and Adjust D3

City of Miami

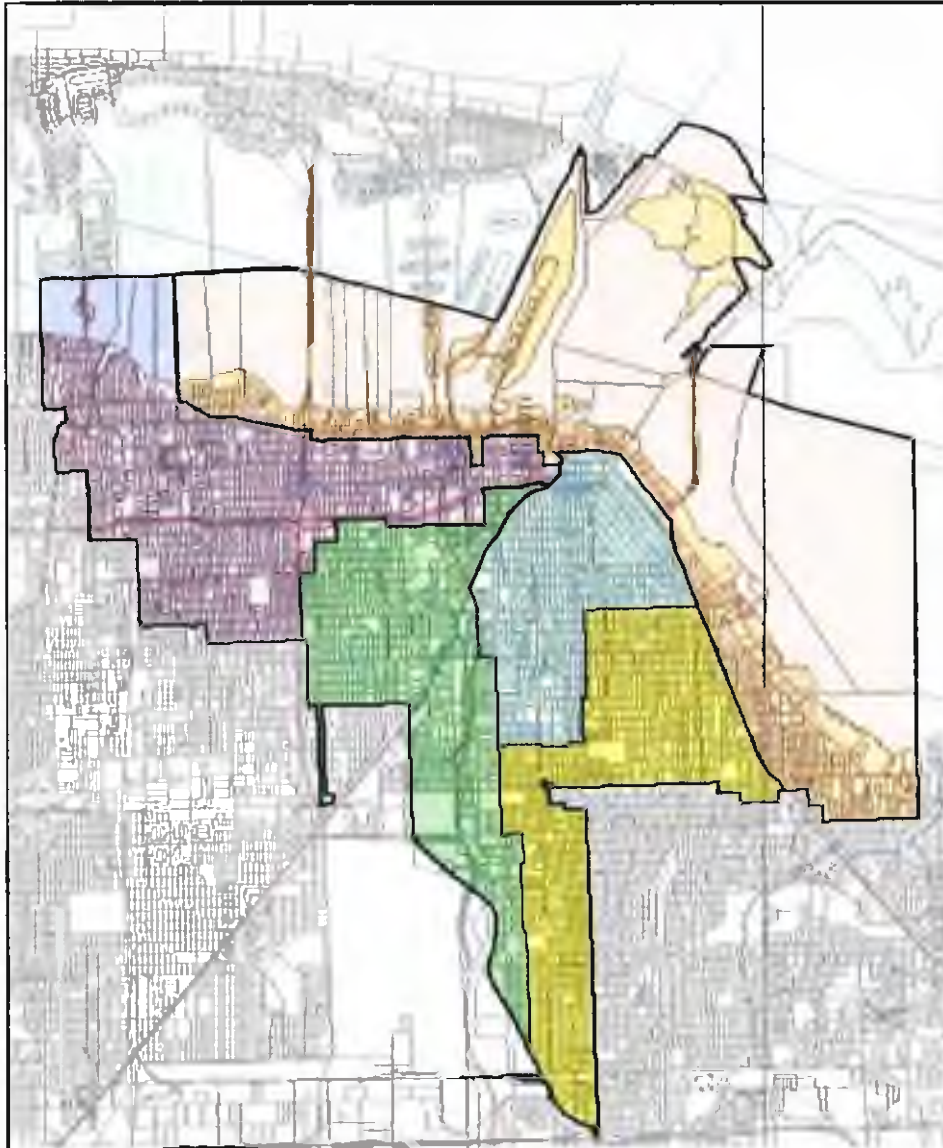
Miguel A. De Grandy, Esq. and Stephen Cody, J.D. - March 11, 2022

11582 Submittal - Miguel DeGrandy - Keep Area South of US1 in D2 with ADJUSTMENT Presentation – 03-11-2022



Deviations

Dist No.	Total Pop	Deviation	% Dev
D1	88,108	-340	-0.38%
D2	89,309	861	0.97%
D3	93,246	4,798	5.42%
D4	85,000	-3,448	-3.90%
D5	86,578	-1,870	-2.11%
Total	442,241	Total Dev	9.32%
Ideal	88,448		



Population by Race & Ethnicity

District No.	D1	%	D2	%	D3	%	D4	%	D5	%
Total Pop	88,108		89,309		93,246		85,000		86,578	
SR White	4,011	4.55%	32,913	36.85%	9,575	10.27%	7,020	8.26%	8,310	9.60%
Black	9,762	11.08%	6,727	7.53%	5,055	5.42%	2,660	3.13%	45,182	52.19%
Hisp	77,604	88.08%	43,876	49.13%	78,948	84.67%	75,473	88.79%	34,571	39.93%

Voting Age Population by Race & Ethnicity

District No.	D1	%	D2	%	D3	%	D4	%	D5	%
Total VAP	72,844		77,482		77,752		72,388		68,734	
SR White	2,523	3.46%	28,777	37.14%	7,695	9.90%	5,190	7.17%	7,243	10.54%
Black	8,037	11.03%	5,673	7.32%	4,219	5.43%	2,174	3.00%	34,551	50.27%
Hisp	65,206	89.51%	38,058	49.12%	66,247	85.20%	65,212	90.09%	27,929	40.63%

DE 24-11

Meeting Transcript 1

**Miami City Commission
November 18, 2021
Afternoon Session**

Transcript of excerpt of video recording available at:
<https://www.youtube.com/watch?v=w1qOdmCteM8>

Transcript 1 - Miami City Commission - Nov. 18, 2021 - Afternoon Session

1 justified on the basis of being a coastal district, being a high density district, being an
2 environmentally sensitive district. Steve you had something that you wanted to add.

3 Mr. Cody: No, I wanted, on another subject, but finish your thought.

4 Mr. De Grandy: All right.

5 Commissioner Reyes: And also, one thing that is, I mean, it's also worrisome to District 1
6 and 3 because you have the highest population of non-voters, residents. It is, you have a task in
7 front of you. And I personally will love to preserve the integrity of the core of my district, and I
8 think that you have to start from that.

9 Mr. De Grandy: And Commissioner if I may, as you're giving me your individual
10 guidance, I can, and I think your attorney will tell you, I can only follow guidance that is given to
11 me as a body. And so, if there's three of you that want to maintain the core of existing districts,
12 that's what I do. If there's three of you that want to keep traditional communities together, keep
13 Allapattah, keep Little Havana, keep Wynwood, etcetera, within a district where possible, that's
14 what I do. But as you develop your discussion, please understand I would suggest you make
15 motions as to what criteria you will want to direct me to use, and that's what I'll do.

16 Commissioner Díaz de la Portilla: I think we want both of those things.

17 Commissioner Reyes: That's right.

18 Commissioner Díaz de la Portilla: Yes, so I think, and I'll make a motion to that end. I
19 guess for discussion purposes, we can then change it. That we want to maintain the core
20 constituencies of the districts, and we want to maintain traditional communities, as we know
21 them in Miami. Allapattah is Allapattah. Flagami is Flagami. Wynwood is Wynwood. Overtown
22 is Overtown. Those communities need to be protected. What you don't want to do is you don't
23 want to split them. You don't want to cut them in half. You don't want to dilute their voting

Transcript 1 - Miami City Commission - Nov. 18, 2021 - Afternoon Session

1 strength or their ability to elect one of their own.

2 Commissioner Carollo: You have many that have been cut in half, for instance
3 Shenandoah.

4 Commissioner Díaz de la Portilla: Yeah of course, I'm —

5 Commissioner Carollo: Silver Bluff.

6 Commissione Russell: Wynwood.

7 Commissioner Carollo: Wynwood.

8 Commissioner Díaz de la Portilla: But those are communities that are similar in nature.

9 Commissioner Reyes: Flagami is split in half, Flagami is split.

10 Commissioner Díaz de la Portilla: Flagami is split in half between you and me.

11 Commissioner Carollo: If we could go back to a couple of the pages that you have.

12 Mr. De Grandy: Which ones?

13 Commissioner Carollo: I think there were a couple before this last one that we have here.

14 Mr. De Grandy: Traditional redistricting principles?

15 Commissioner Díaz de la Portilla: I withdraw the part of traditional communities, and I'll
16 leave the part of only core constituencies. How about that? This is a recommended motion, not to
17 debate it now, just out there.

18 Commissioner Russell: You're making a motion at this point?

19 Commissioner Díaz de la Portilla: I'm making a motion.

20 Commissioner Russell: Is there a second for Commissioner Díaz de la Portilla's motion?

21 Commissioner Díaz de la Portilla: I'm making a motion just to preserve core
22 constituencies.

23 Commissioner Carollo: That I think we're all in agreement on.

Transcript 1 - Miami City Commission - Nov. 18, 2021 - Afternoon Session

1 Commissioner Reyes: I second.

2 Commissioner Russell: Seconded my Commissioner Reyes. Keep on discussing.

3 Commissioner Carollo: Can we go back one more?

4 Mr. De Grandy: One more Steve.

5 Commissioner Carollo: One more back if we could. One more.

6 Mr. De Grandy: One more Steve. One more.

7 Commissioner Carollo: No, no, let's go forward.

8 Mr. De Grandy: One with the map or text.

9 Commissioner Carollo: The text.

10 Mr. De Grandy: Text, okay.

11 Commissioner Carollo: You can go forward.

12 Mr. De Grandy: Go forward?

13 Commissioner Carollo: Okay, hold on a minute Steve. Okay, let's go to the next one.

14 Okay.

15 Commissioner Russell: We're drawing, we're drawing it now.

16 Commissioner Carollo: You can hold on for one second. If not I'm going to get you

17 pampers for the next meeting. This is important. Hold it, you're a big boy. Breathe. Minority

18 voters must be politically cohesive. Okay?

19 Mr. De Grandy: Yes sir.

20 Commissioner Carollo: Okay and this to me is one of the most important aspects of what

21 we need to give him instructions on. And I think we all understand why that is important.

22 Minority voters must be politically cohesive. I will make a motion that this will be part of what

23 you use to put the districts together, also. The minority voters must be politically cohesive.

DE 24-31

changes, and show that these alternatives cannot explain the patterns I observe. Finally, Plaintiff's counsel asked me to draw a majority White-CVAP district but was unable to do so due to the geographic distribution of racial groups.

Based on my examination, I reach the conclusion that areas moved from one district to another were done so on the basis of race and that other areas could have been moved without further segregating the districts by race but were rejected by the Commission or not considered at all. I also have observed the Commission's practice of splitting precincts along racial lines. Finally, I note that there are several alternative precincts that could have been moved out of District 2 for population equality reasons that would not have enhanced the racial divisions of districts to the same extent as the Enacted Plan. Most changes to Districts 1, 3, 4 and 5 that did not involve District 2 were unnecessary and can only be understood on the basis of race.

Qualifications

I am an Assistant Professor of Political Science at Baruch College, City University of New York, where I teach courses in American Government, State and Local Politics, Political Economy, Public Policy, and Public Administration. Prior to joining the faculty at Baruch, I taught at St. John's University in Queens, New York and completed a postdoctoral fellowship at The Ohio State University. I received a Ph.D. in political science and social policy from Princeton University in 2016. Both my research and teaching focuses on various aspects of American politics and public policy, particularly at the state and local level. This work includes research on American elections, including publications in top peer-reviewed journals on local elections, minority representation, voting rights, and voting behavior. Further details about my

professional qualifications and experience are listed in the copy of my curriculum vitae attached. I am being compensated for my work on this report at an hourly rate of \$450/hour. No part of my compensation depends on the outcome of this case or on the nature of the opinions that I provide.

Sources and Methodology

In preparing this report, I have relied on my personal knowledge gathered through my years of researching, studying, and publishing. I also utilize the standard methodology that political scientists use when investigating precinct and census data. The 2020 Census provided data on voting-age populations (VAP) by race at the block level that could then be aggregated up to the precinct and split-precinct level. Data on 2019 citizen voting-age population (CVAP) by race provided in the Appendix comes from the 2019 American Community Survey 5-Year Estimates (ACS).

City Commission district maps and incumbent addresses were provided to me by Counsel. Precinct shapefiles and statewide election results were downloaded from the Voting and Election Science Team on Harvard's Dataverse (<https://dataverse.harvard.edu/dataverse/electionscience>). Dr. Moy provided me with election results for the 2020 County Mayor race.

Overview of District Maps Prior to 2022 Enacted Plan

When embarking upon the current round of redistricting, the City of Miami had inherited district maps from 2013 and beyond that exhibited clear patterns of racial segregation. *Table 1*

depicts the VAP by race in all five districts under the 2013 Plan. Majorities tend to be exaggerated in districts (Districts 1, 3, and 4 for Hispanic voters; District 5 for Black voters) while voters of those races tend to be spread out across districts in which they do not hold a majority. This is particularly true of Black voters. The Black VAP is 14.8% in the City of Miami. Only one district (District 5) had equal or greater Black VAP under the 2013 Plan. Under the previous map, District 1 contained 10% Black VAP, District 2 contained 7.7% Black VAP, District 3 contained 5.6% Black VAP, and District 4 contained 2.9% Black VAP. District 5, however, had 53% Black VAP, and is the only district in which Black voters could conceivably have any “voice” in a Commission election.

Table 1: District Racial Compositions Under the 2013 Plan

District	Black VAP	White VAP	Hispanic VAP
1	10.1%	3.0%	91.0%
2	7.7%	34.5%	51.9%
3	5.6%	7.4%	88.5%
4	2.9%	6.0%	91.6%
5	52.9%	7.8%	41.6%

Districts 2 and 5 are the most racially diverse districts in the sense that there is no clear racial supermajority of voters. Unlike District 5, however, District 2 needed to be redrawn substantially in order to satisfy population equality concerns (District 5 needed to grow only somewhat). *Table 2* shows the size of the VAP in districts before and after the most recent round of redistricting. Under the 2013 Plan, District 2 contained 34,540 more residents than the

next largest district. This is equivalent to being more than 40% larger than any of the other districts. As a result, District 2 shrunk considerably under the 2022 Enacted Plan while the other four districts all grew. As we will see, however, District 2 was not the only donor of precincts; all districts except District 3 (the smallest under the 2013 plan) donated precincts or portions of precincts, often receiving different precincts from the very districts they were donating to.

Table 2: Population Before and After Redistricting

District	2013 Plan	2022 Enacted Plan
1	81,449	88,108
2	117,281	93,300
3	80,169	87,658
4	80,601	86,597
5	82,741	86,578

Table 3 depicts the racial VAP composition after redistricting. Overall, Black VAP in District 2 decreased slightly as a percentage of total VAP (from 7.7% to 7.2%), as did Hispanic VAP (from 52% to 49%) after redistricting. This was due to the fact that White VAP increased from 34% to 37% after redistricting. White VAP also increased in District 5 while both Black and Hispanic VAP decreased. On the whole, however, there was no statistical difference between VAP by race before and after redistricting at the district level. There were, however, significant patterns of change at a more granular level, which I will discuss in the next section.

Table 3: District Racial Compositions Under the 2022 Enacted Plan

District	Black VAP	White VAP	Hispanic VAP

1	11.0%	3.5%	89.5%
2	7.2%	37.4%	48.6%
3	5.4%	7.7%	88.3%
4	3.1%	7.6%	89.5%
5	50.3%	10.5%	40.6%

Changes Made Between 2013 and 2022 Plan

District 1

District 1 is a super-majority Hispanic district with a small Black and even smaller White population. The district was third largest by population under the 2013 Plan so, in theory, needed to gain only a few residents. The changes under the 2022 Enacted Plan resulted in District 1 growing both in absolute and relative terms (it is now second largest, after District 2).

Changes made to District 1 occurred in tandem with changes only to District 5. Areas 6 and 8 were moved from District 5 into District 1 while Area 7 was moved out of District 1 and into District 5 (please see *Figure 1*). These swaps appear to be entirely motivated by race. Areas 6 and 8 are less Black than the nearby areas surrounding it that remained in District 5, while the reverse is true of Area 7.

At the precinct level, the portions of precincts that were split during the redistricting and remained in their original district looked significantly different from the portions that were moved. In Area 6, the portion of Precinct 531 that was moved from District 5 to District 1 had lower Black VAP and greater Hispanic VAP compared to the portion that remained in District 5.

In Area 8, Precinct 522 also had a split with lower Black VAP and greater Hispanic VAP that was moved into District 1 in addition to a portion of Precinct 512 that had comparatively lower White VAP. And in Area 7, the portion of Precinct 523 that was moved from District 1 to 5 had greater Black VAP and lower Hispanic VAP compared to the portion that remained in District 1.

Table 4 lists these disparities in greater detail.

Table 4: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Areas 6, 7, and 8

Precinct	District 1 Split	District 5 Split
<i>Area 6</i>		
531	27.2%, 44.9%, 71.1%	62.5%, 2.7%, 38.7%
<i>Area 7</i>		
523	27.4%, 1.8%, 82.0%	40.5%, 0.5%, 65.7%
529	18.7%, 2.7%, 86.6%	13.3%, 13.3%, 73.3%
<i>Area 8</i>		
512	50.0%, 37.5%, 37.5%	61.2%, 1.3%, 41.6%
522	32.8%, 1.1%, 77.0%	60.1%, 2.5%, 41.1%

Because District 5 took on additional precincts from District 2 as was necessary for population equalization purposes, District 5 needed to give precincts to either District 1 or District 3. In this regard, it is understandable why District 5 would have been a net donor to District 1. But the areas that were chosen were deliberately done so on the basis of race. That District 5 also received precincts from District 1 (which were also racially distinct from the

surrounding areas) when this should not have been necessary for equalizing, further bolsters the argument that changes made to District 1 were done so on a racialized basis.

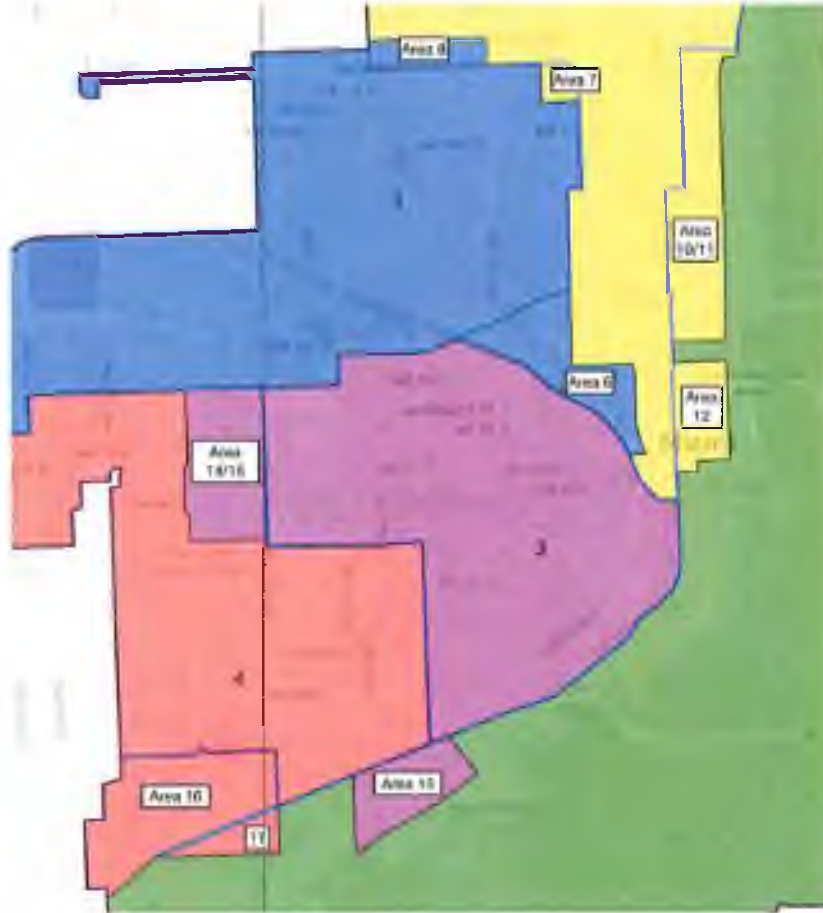


Figure 1: Areas moved between 2013 Plan and 2022 Enacted Plan

District 2

As previously discussed, District 2 is one of the two ethnically and racially diverse Commission districts in the City (District 5 being the other). It was also the largest in terms of population going into the redistricting process and needed to shrink in order to be in compliance with the law. This was accomplished by donating precincts and portions of precincts to Districts 3, 4, and 5. Three areas that were moved from District 2 stand out. The first is Area

10/11 that was given to District 5. This section of donated precincts had a lower White VAP and a greater Hispanic and Black VAP compared to areas that were not moved. This is particularly pronounced among some precincts that were split across District 2 and 5 during the redistricting. Precinct 534A, for instance, was split in such a way that the portion donated to District 5 had nearly 10 percentage points greater Black VAP than the portion that remained in District 2. Precinct 536A saw a split given to District 5 that contained Black VAP that was 45 percentage points higher than the split that stayed in District 2. *Table 5* lists the VAP by race for each of these split precincts.

Area 17, a former section of the southwest part of District 2 directly below US 1, did not substantially differ from the other portions of District 2 surrounding it. It did, however, differ markedly from the racial composition of the receiving District 4, which undercuts the argument that Commissioners were seeking to maintain the core of the Districts' racial compositions. Looking at the split precincts in this area also raises concerns about race-based motivations. *Table 6* lists the areas' two precinct splits and the VAP by race in each district. These precincts were split into sections with very different racial compositions: Precinct 583 gave District 4 a section with a greater percentage of Black and Hispanic voters, while Precinct 584 gave District 4 a much lower percentage of Black voters.

It should be noted, however, that the District 4 split of Precinct 584 contains about 10% of the VAP that the District 2 split contains (235 individuals versus 2,108). This pattern is generally true across all districts and precincts: on average, portions of splits precincts that were moved were one-third the size of the portions that remained in their original 2013 districts.

Table 5: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Areas 10/11

Precinct	District 2 Split	District 5 Split
<i>Area 10/11</i>		
538	8.3%, 31.1%, 54.8%	8.3%, 31.1%, 56.7%
534	6.6%, 24.7%, 60.0%	9.8%, 20.4%, 65.8%
534A	8.3%, 47.3%, 34.2%	17.5%, 28.2%, 42.5%
536A	13.0%, 16.6%, 67.0%	54.8%, 0.0%, 74.2%
984A	7.8%, 23.6%, 61.3%	20.0%, 20.0%, 65.0%
984	7.3%, 35.6%, 48.8%	16.7%, 22.8%, 57.4%

Table 6: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Area 17

Precinct	District 2 Split	District 4 Split
<i>Area 17</i>		
583	5.3%, 50.3%, 41.6%	8.3%, 35.6%, 53.9%
584	34.2%, 21.8%, 42.1%	1.3%, 14.0%, 83.4%

Area 13 is also notable for a number of reasons. The first is the odd and unintuitive shape that this carve-out of District 2 creates. For compactness reasons, it would have made more sense to give District 3 portions of District 2 that were further north and closer to District 5. These portions further north along US 1 could have even been donated to District 3 in addition to Area 13. Instead, however, District 3 took on portions of District 4 (discussed below) that did not make sense strictly for purposes of population equalization. Secondly, while Area

13 does not differ markedly from the surrounding areas in terms of Black VAP, it has considerably lower Hispanic VAP than both the surrounding areas of District 2 and – by quite a bit – of the receiving District 3. Though the split precincts in Area 13 do not markedly differ from one another across districts in terms of VAP by race, the movement of Area 13 had ripple effects in the drawing of other districts that was largely adjudicated by racial concerns. *Table 7* lists these split precincts and how the portions between Districts 2 and 3 differ by racial VAP.

Table 7: Black, White, and Hispanic Voting-age Population In Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Area 13

Precinct	District 2 Split	District 3 Split
<i>Area 13</i>		
546	3.1%, 51.3%, 40.5%	2.8%, 52.4%, 37.6%
582	1.6%, 49.9%, 43.5%	2.5%, 51.7%, 37.7%

District 3

District 3 is the second smallest district by population. As discussed in the previous section, District 3 needed to add portions of other districts in order to address population equalization issues, and did so by taking on areas from District 2 – the largest district in the City – and from District 4.

As discussed above, Area 13 was moved from District 2 to 3 for reasons that appear to be unmotivated by race as the precinct splits are not substantively distinct across district lines. Area 13, however, contains only 1,396 people. This is a relatively small (18.6) percent of the total 7,493 people that were moved into District 3. These 1,396 residents in Area 13 make up

only 1.6% of District 3's overall population of 87,658 under the 2022 Enacted Plan. The bulk of the population that was moved came instead from Area 14/15 that originated in District 4.

Area 14/15 did not strongly differ from the areas immediately surrounding it, either in District 3 or District 4. The two split precincts in this area also did not look different from the split portions that remained in District 4. Area 14/15, however, has a very high Hispanic VAP of 96.2%. This very high proportion of potential Hispanic voters helped to offset the lower proportion of Hispanic voters that were gained by District 3 in Area 13 (37.6% Hispanic VAP). Adding additional portions of District 2 – rather than unnecessarily adopting Area 14/15 from District 4 – would have lowered the overall percentage of Hispanic VAP. It is likely that Area 14/15 was adopted by District 3 in order to balance the addition of Area 13.

Changes to Districts 4 and 5 were discussed in the sections on Districts 1-3.

Alternative explanations

Partisan gerrymander

Partisan gerrymanders are loosely defined as an attempt by a single party in charge of redistricting to maximize the number of seats held by the party. Partisan gerrymanders often occur when the majority party is tasked with drawing the maps and has full control over the district lines. This allows the majority party to draw districts in such a way as to narrowly guarantee the most number of majority-held seats in the legislative body, i.e., create competitive districts that give the majority party a narrow victory while splitting the minority party's voters into as few districts as possible that could grant them a victory.

This is not a viable explanation for what happened during the most recent round of redistricting of the Miami City Commission for a number of reasons. First, City Commission elections are nonpartisan. While it is quite easy to figure out the partisan affiliation of a candidate, there are no partisan primaries nor general elections that are guaranteed to pit candidates of different parties against one another. Second, the redistricting process was under the purview of the entire Commission, not just the “majority party” (in quotations as the Commission is nonpartisan and as such cannot have explicit partisan control), which meant that all Commissioners had at least nominal input on the map. Finally, the 2022 Enacted Plan was approved by a margin of 3-2 with one Democratic Commissioner joining two Republican Commissioners in the majority. Approval of traditional partisan gerrymanders cannot cross party lines as no minority party member would agree to the final product.

Maintaining the partisanship of the district cores

A similar but unrelated alternative explanation to partisan gerrymandering is the idea that the 2022 Enacted Plan was designed to maintain the current partisan makeup of the cores of the districts, i.e., in order to guarantee that a Democrat would always represent District 5 and that a Republican would always represent District 3.

This alternative explanation does not hold water. For moved precincts that were not split and still had geographically contiguous neighboring precincts that remained and could be used for comparison, either partisan voting patterns in both the 2018 gubernatorial election and the 2020 county mayor election looked remarkably similar or the comparison precinct was too small (i.e., only one person voting) to make reasonable inferences.

Additionally, moved precincts – generally speaking – did not look like the cores of the receiving districts. There were other precincts that could have been moved, even if they were not directly nearby to the precincts that were moved (but were geographically contiguous to the receiving district), that would have been preferable for maintaining partisan voting patterns of the adopting or donating district. For example, part of Precinct 548 was moved into District 3 from District 4. Precinct 548 looked nothing like the core of District 3. 59.4% of voters voted for DeSantis (the Republican candidate) in Precinct 548 that was moved, while 41.2% of District 3 voted for DeSantis using the 2013 map. Conversely, 53.4% of District 4 - the giving District - went for DeSantis. A more reasonable precinct to have been moved, had the plan been truly concerned about maintaining core partisanship patterns, would have been Precinct 572, 49.2% of which voted for DeSantis.

As another example, part of Precinct 583 was moved from District 2 to 4. 22% of this precinct voted for DeSantis compared to the overall 53.4% of District 4 and the 29.4% of District 2. A better portion of District 2 to move (which, again, was necessary for population equalization reasons) would have been 546 which went 29.9% for DeSantis. This precinct was split in the 2022 map, with one portion remaining in District 2 and one portion moved to District 3. If the map had truly aimed to preserve core partisanship, it would have made more sense to keep 546 in District 2 (or cede it to District 4) rather than give it to District 3 and instead move 582, 993, and/or 569 to District 3 where partisan voting patterns were far more similar. District 2 could have also donated its north end, which is heavily Democratic (i.e., Precincts 516, 544, 534B or the remaining portions of 999, 538, 534, 534A, 536A, 984A, 984

which each went 25.6%, 24.2%, 24.1% 26.5%, 18.1%, 23.2%, 24%, 14%, 23%, and 23% for DeSantis), and given them to District 5 which is also heavily Democratic.

Keeping incumbents in their districts

I have reviewed the locations of the five incumbents' addresses as given to me by Counsel and as reported on their voting registration, and I have come to the conclusion that no incumbent lives near one another, nor do they live near district boundaries that needed to change for population-equalization reasons, and that this consideration could not have affected the drawing of the district lines.

Maintaining the cores of existing districts

Cores of existing districts were not changed; only boundary areas were affected. That said, there were a number of other boundary precincts and areas that could have made equal or greater sense to have been moved. These have been discussed in previous sections of the report.

Compactness

Visual inspection reveals that the 2022 Enacted Plan is less compact than the 2013 Plan and as such compactness concerns cannot be used as an explanation for redistricting decisions.

Notable features of the 2022 Enacted Plan that stand out as being strangely drawn include splits of Precincts 536A and 534A (District 2) that act as a finger that juts into District 5.

Similarly, splits of Precincts 546 and 582 belonging to District 3 extend past US-1 into District 2

when the rest of District 2's border is contiguous with US-1. The exception to this are splits of Precincts 583 and 584 belonging to District 4, and also appear to be drawn without regard to natural geographic boundaries.

Alternative Map Proposals

A number of alternative maps were proposed but not enacted. All maps tended to shore up existing racial compositions within individual Commission districts, particularly those of Districts 1, 2, and 5. The alternative maps did differ from one another in a number of ways, however, as described below.

A February 7, 2022 draft map

This alternative map (please refer to *Figure 2*) proposed to move Area B from District 2 to 5 and has 32.1% Black VAP, 22% White VAP, and 46.4% Hispanic VAP. This area was proposed to be moved to District 5 in exchange for keeping a small carve out of Area A in District 2. Area A has 14.2% Black VAP, 20.9% White VAP, and 61% Hispanic VAP.

The February 7 draft map also proposed to keep Area D in its 2013 district (District 5) but was instead moved to District 1 under the 2022 Enacted Plan. Area D has 29.9% Black VAP, 3.5% White VAP, and 72.1% Hispanic VAP. In exchange, Area C stayed in District 5. This area is very small with only 647 residents (580 of whom are of voting age) and has 7.6% Black VAP, 27.9% White VAP, and 58.8% Hispanic VAP.

Commissioner Russell's rejected proposal

This map (please see *Figure 3*) would have moved a less Hispanic area into District 3, lowering the District's overall Hispanic share. Areas 13 and 17 from *Figure 1* were not planned to be moved out of District 2 in this proposal, though they eventually were in the 2022 Enacted Plan. These areas are 5.1% Black VAP, 40.8% White VAP, and 49.5% Hispanic VAP. Under this proposal, there was also an area that would be moved from District 2 to District 3 that did not come to pass. This area has 5.6% Black VAP, 40.8% White VAP, and 42.9% Hispanic VAP.

Commissioner Russell's rejected revised proposal

This proposal (*Figure 4*) differed from the original Russell proposal in that the area proposed to be moved from District 2 to District 3 was cut in half. The area that was proposed to remain in District 2 has 4.9% Black VAP, 46.8% White VAP, and 37.6% Hispanic VAP. In comparison, the area that was proposed to continue to move to District 3 has 5.8% Black VAP, 38.9% White VAP, and 44.6% Hispanic VAP.

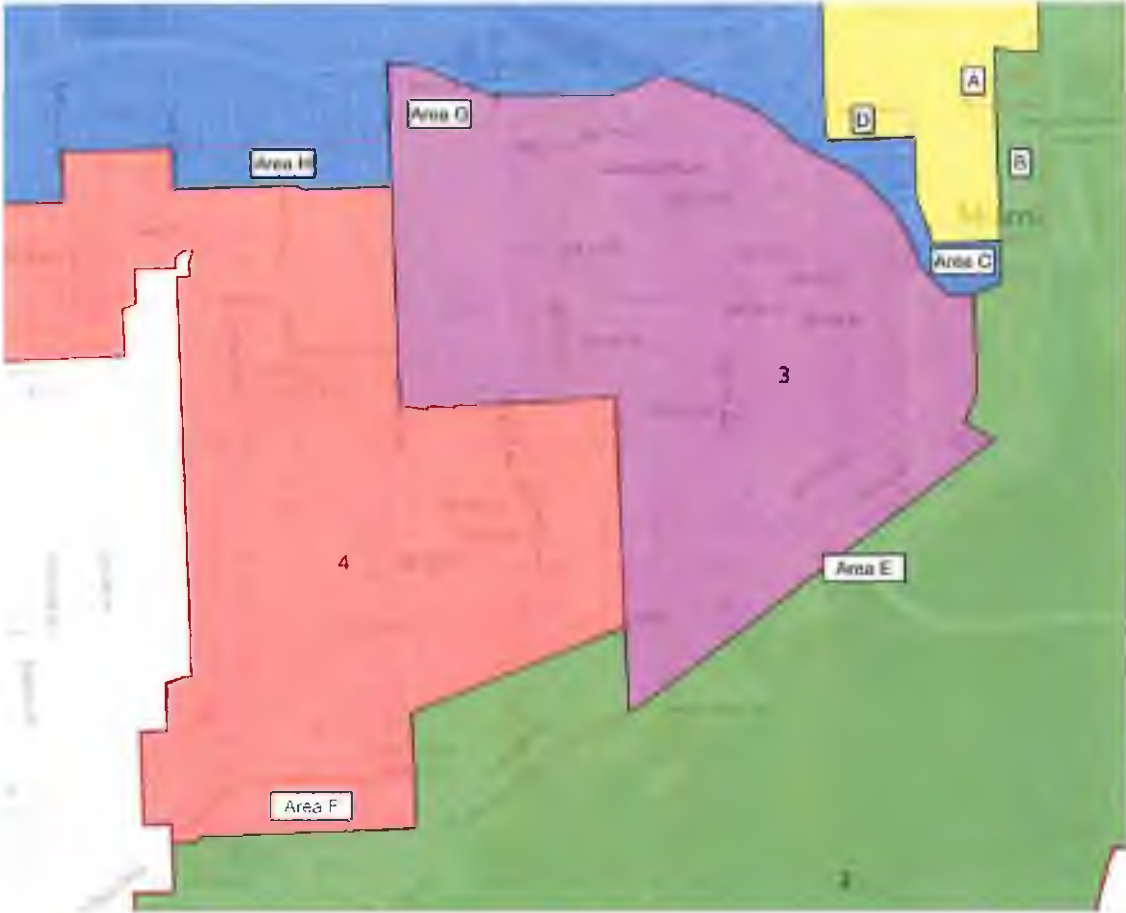


Figure 2: Areas of difference between February 7, 2022 draft map and 2022 Enacted Plan

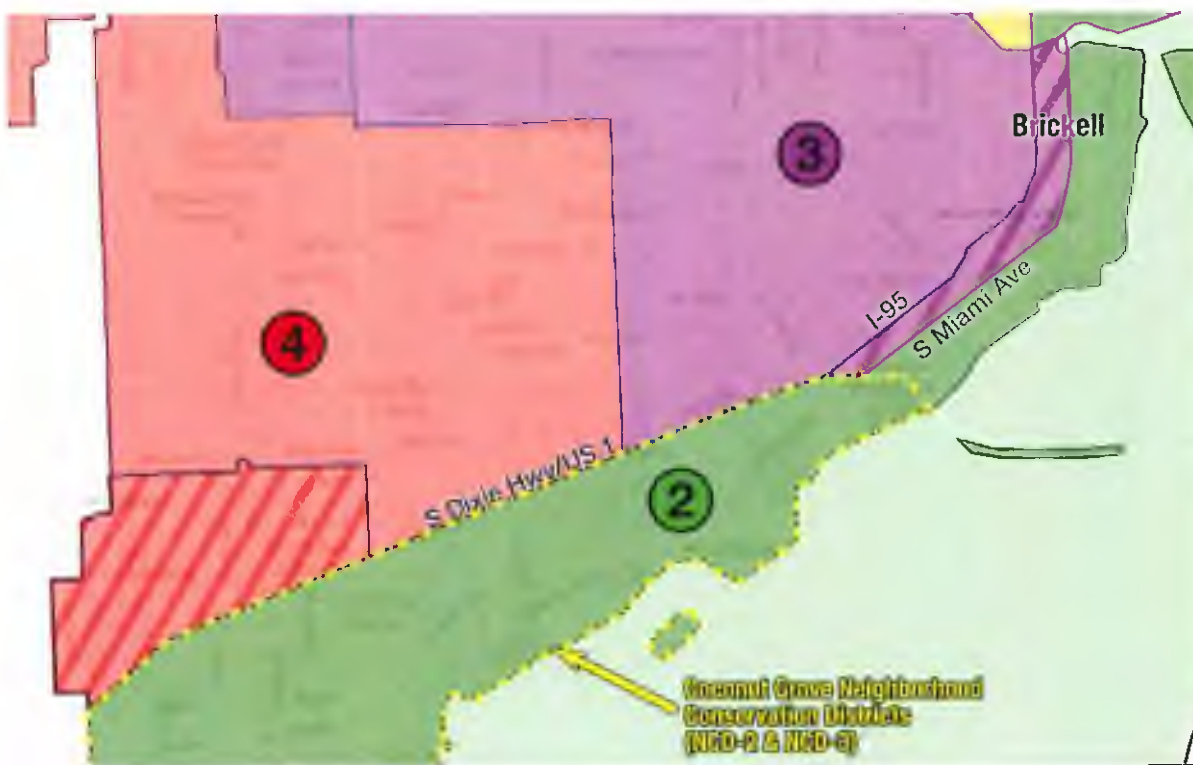


Figure 3: Commissioner Russell's initial proposal

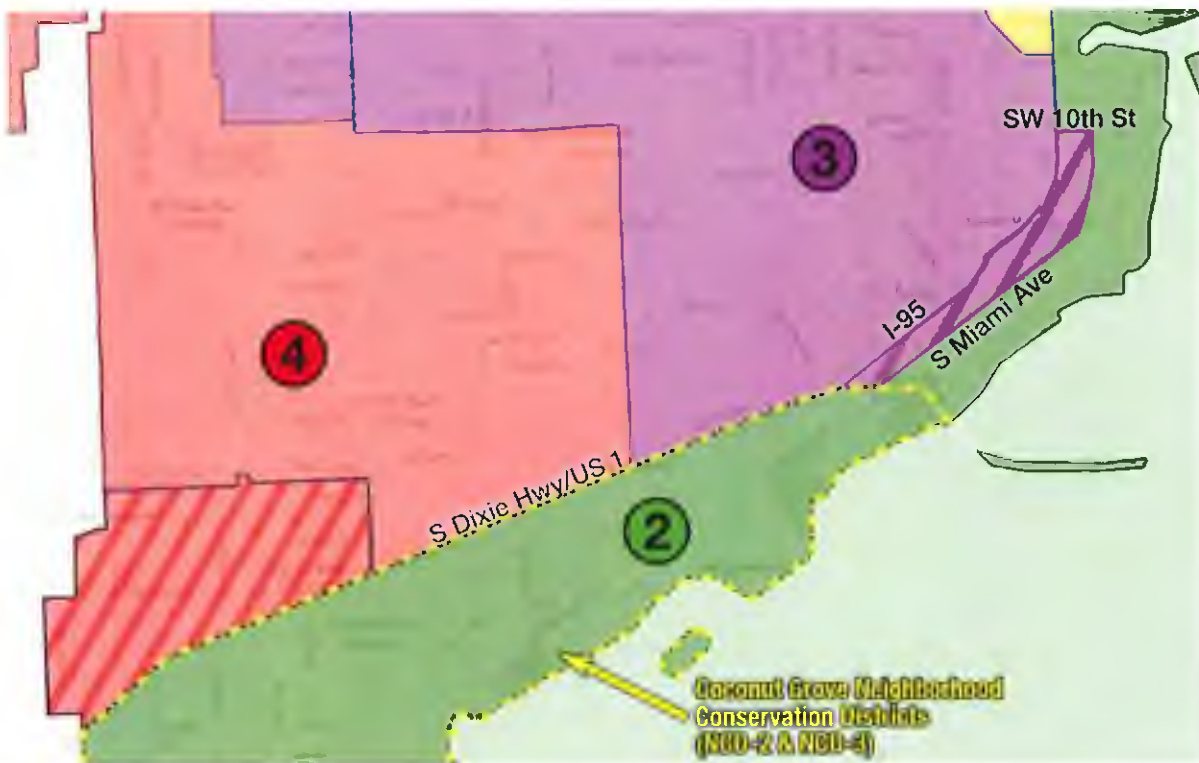


Figure 4: Commissioner Russell's revised proposal

Commissioner Reyes's rejected proposal

This map (Figure 5) proposed to move an area that would have been less Hispanic than the one that was eventually moved. This proposal is similar to the Russell proposals except that it adds in a portion of District 2 to be moved to District 3 that encompasses both Area 13 in Figure 1 and the area that connects Area 13 to the Russell area. This strip has 0.9% Black VAP, 31.4% White VAP, and 61.6% Hispanic VAP. These numbers do not include Area 13.

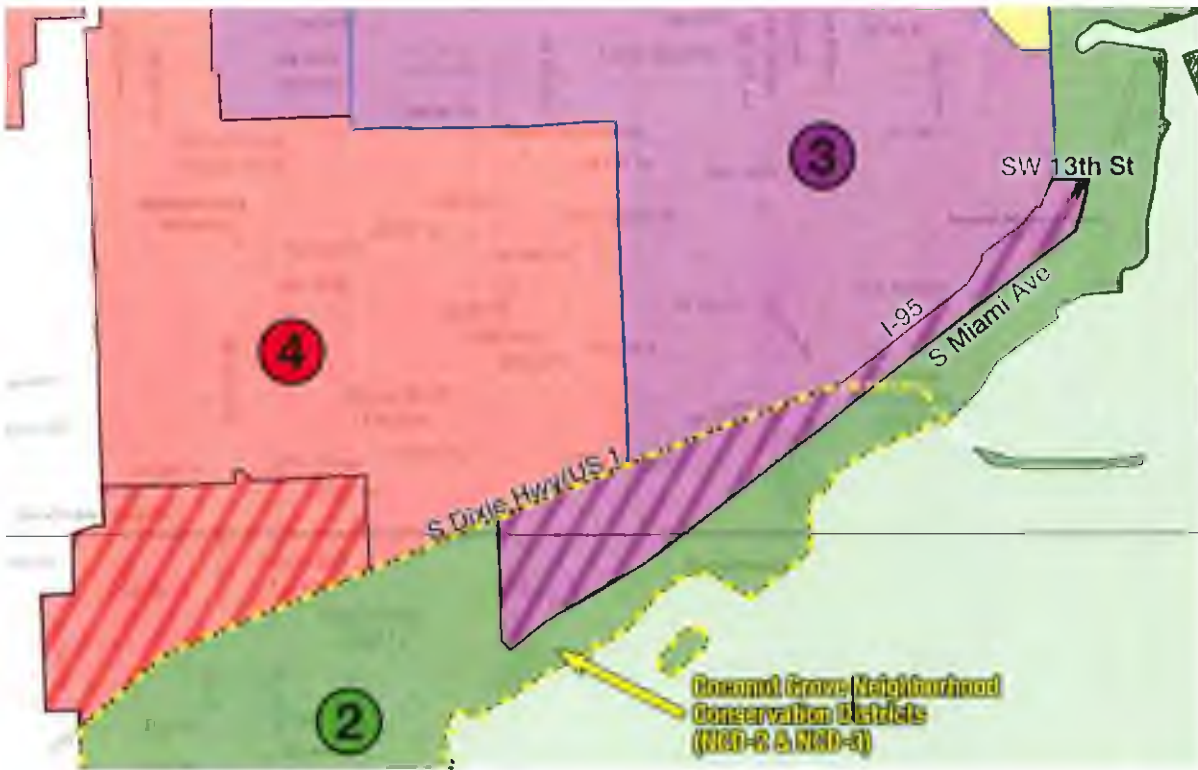


Figure 5: Commissioner Reyes's proposal

Map with a majority White CVAP district

Counsel asked me to attempt to draw a district that contained 50% or more White CVAP but I found it impossible to do so due to the distribution of racial groups across the city.

Conclusion

The 2022 Enacted Plan for the Miami City Commission has been designed around racial and ethnic considerations. While the Commission inherited a 2013 Plan that was already highly segregated by race, many of the changes made during the most recent round of redistricting were also motivated by race. Apart from a small portion of District 2 that was moved into

District 3 that objective demographic data does not demonstrate to be race-based, I found no evidence that any factors other than race and ethnicity affected the drawing of district lines in pursuit of equalizing population across districts.



Dr. Carolyn Abbott, Ph.D.

January 31, 2023, in New York City, NY

Appendix

Demographics of the 2013 Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	81,449	-6,999	-7.9%	91.0%	10.1%	3.0%	86.6%	8.0%	4.8%
2	117,281	+28,833	+32.6%	51.9%	7.7%	34.5%	49.4%	9.5%	38.1%
3	80,169	-8,279	-9.4%	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%
4	80,601	-7,847	-8.9%	91.6%	2.9%	6.0%	90.1%	1.1%	7.5%
5	82,741	-5,707	-6.5%	41.6%	52.9%	7.8%	30.9%	59.4%	8.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the February 7 Draft									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,775	+327	+0.4%	88.7%	10.5%	4.3%	84.8%	8.7%	5.9%
2	88,363	-85	-0.1%	47.8%	7.8%	37.6%	44.7%	10.4%	41.5%
3	87,600	-848	-1.0%	88.4%	5.5%	7.6%	86.6%	3.2%	9.3%
4	90,437	+1,989	+2.3%	88.1%	3.4%	8.7%	86.7%	1.7%	10.2%
5	87,066	-1,382	-1.6%	41.6%	49.8%	10.1%	30.9%	58.7%	8.9%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Feb. 22 Draft/Base Plan/Enacted Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	86.1%	8.2%	5.0%
2	93,300	+4,852	+5.5%	48.6%	7.3%	37.4%	44.4%	8.7%	40.5%
3	87,658	-790	-0.9%	88.3%	5.4%	7.7%	85.6%	3.9%	9.9%
4	86,597	-1,851	-2.1%	89.5%	3.1%	7.6%	89.6%	1.3%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.8%	58.2%	9.5%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Initial Russell Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	89,309	+861	+1.0%	49.1%	7.3%	37.1%	46.0%	9.4%	41.1%
3	93,246	+4,798	+5.4%	85.2%	5.4%	9.9%	84.8%	3.2%	11.1%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Revised Russell Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	91,619	+3,171	+3.6%	48.8%	7.3%	37.4%	46.0%	9.4%	41.1%
3	90,936	+2,488	+2.8%	86.6%	5.4%	8.9%	84.8%	3.2%	11.1%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Reyes Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	92,617	+4,169	+4.7%	48.7%	7.3%	37.2%	45.5%	9.2%	41.7%
3	89,938	+1,490	+1.7%	87.3%	5.3%	8.6%	86.0%	3.3%	9.9%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Comparison of 2013 Plan and Feb. 7 Draft									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
				Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Coconut Grove area moved from D2 to D4	US 1, SW 27th Ave, Day Ave, city limits	Parts of 532, 583, 584, 585, 587	5,071	49.1%	10.1%	37.4%	43.5%	6.5%	46.3%
Golden Pines area moved from D2 to D4	SW 25th St, SW 27th Ave, US 1, city limits	577, 578	10,496	81.8%	3.6%	13.6%	83.9%	3.8%	11.8%
Area moved from D2 to D3	SW 17th Ave, S Miami Ave, SW 15th Rd, SW 1st Ave, I-95, US 1	993, part of 582	1,313	56.2%	2.3%	36.9%	60.3%	0.8%	34.8%
Little Havana area moved from D4 to D3	SW 27th Ave, SW 9th St, SW 17th Ave, SW 12th St	Parts of 572, 574	3,221	91.1%	4.1%	5.6%	85.4%	0.9%	13.0%
Little Havana area moved from D4 to D1	NW 37th Ave, NW 7th St, NW 27th Ave, NW 4th St	Parts of 510, 548	2,510	96.1%	2.2%	2.5%	99.1%	0.0%	0.1%
Little Havana area moved from D1 to D3	Dolphin Expy, NW 22nd Ave, NW 7th St, NW 27th Ave	Part of 545	2,897	96.1%	4.2%	1.8%	98.2%	0.6%	0.8%
Riverside area moved from D5 to D1	Miami River, Dolphin Expy, NW 7th Ave, NW 6th Ave, I-95, SW 2nd St, Metrorail	530, 540, 656, 656A, 985, 990, parts of 531, 655	5,230	70.4%	20.0%	10.6%	62.5%	21.2%	15.3%
Riverside area moved from D2 to D1	Miami River, Metrorail, SW 2nd St, S Miami Ave	Part of 984	2,483	56.7%	6.0%	30.2%	60.0%	7.5%	29.0%
Downtown/Omni/Wynwood/Edge water area moved from D2 to D5		536, 536A, 599, parts of 534, 538, 658A, 984, 984A, 999	9,555	56.9%	10.8%	27.9%	60.5%	11.9%	26.4%
Portion of D1 remaining in D1			78,552	90.8%	10.3%	3.1%	86.3%	8.3%	4.9%
Portion of D2 remaining in D2			88,363	47.8%	7.8%	37.6%	44.7%	10.4%	41.5%
Portion of D3 remaining in D3			80,169	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%
Portion of D4 remaining in D4			74,870	91.5%	2.9%	6.1%	89.9%	1.2%	7.5%
Portion of D5 remaining in D5			77,511	39.4%	55.4%	7.6%	29.1%	61.6%	7.8%

Comparison of Feb. 7 Draft and Base/Enacted Plan									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
				Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Allapattah area moved from D5 to D1	SR 112, NW 12th Ave, NW 36th St, NW 19th Ave	Parts of 512, 522	995	76.6%	33.0%	1.5%	62.8%	34.9%	2.3%
Allapattah area moved from D1 to D5	I-95, NW 32nd St, NW 8th Ave, NW 36th St	Parts of 523, 529	329	66.7%	37.1%	2.1%	50.0%	50.0%	1.4%
Downtown area moved from D5 to D1	I-95, NW 6th St, NW 7th Ave, NW 8th St	Part of 531	794	72.1%	29.9%	3.5%	64.8%	32.6%	0.7%
Riverside area moved from D1 back to D5 (including the Wharf)	Miami River, SW 1st St, I-95, SW 2nd St, S Miami Ave, SW 3rd St, Metrorail	Parts of 655, 656, 984	81	52.6%	40.4%	7.0%	61.5%	15.4%	15.4%
Downtown areas moved from D2 to D5	N/S Miami Ave, SW 2nd St, SE/NE 2nd Ave, NE 8th St; and N Miami Ave, NE 10th St, NE 2nd Ave, Dolphin Expy	982A, parts of 534A, 658A, 984, 984A	2,521	46.4%	32.1%	22.0%	46.1%	33.0%	19.1%
Downtown area moved from D5 back to D2	N Miami Ave, NW 8th St, Metrorail, NE 10th St	Part of 536A	1,638	67.0%	13.0%	16.6%	72.6%	10.7%	15.6%
Riverside area moved from D1 back to D2	Miami River, Metrorail, SW 3rd St, S Miami Ave	Part of 984	2,433	56.7%	5.5%	30.5%	60.0%	5.5%	30.3%
Area moved from D3 back to D2	Alatka St, S Miami Ave, SW 15th Rd, SW 1st Ave, I-95, US 1	993, part of 582	918	62.9%	1.6%	31.3%	57.7%	0.9%	37.1%
Coconut Grove area moved from D2 to D3	US 1, SW 17th Ave, S Baysshore Dr, SW 22nd Ave	Parts of 546, 582	997	36.7%	2.2%	52.8%	36.2%	0.0%	61.7%
Coconut Grove area moved from D4 back to D2	US 1, Bird Ave, SW 27th Ave, Day Ave	Parts of 532, 583, 584, 585, 587	3,474	44.5%	11.5%	40.0%	43.6%	8.0%	44.7%
Little Havana area moved from D3 back to D4	SW 27th Ave, SW 9th St, SW 17th Ave, SW 12th St	Parts of 572, 574	3,221	91.1%	4.1%	5.6%	85.4%	0.9%	13.0%
Little Havana area moved from D4 to D3	SW 8th St, SW/NW 32nd Ave, NW 4th St, NW/SW 27th Ave	Parts of 548, 670	5,026	96.2%	3.0%	2.5%	96.8%	0.4%	2.3%
Little Havana area moved from D1 to D3	NW 4th St, NW 32nd Ave, NW 7th St, NW 27th Ave	Part of 548	1,071	96.1%	3.7%	2.5%	98.2%	0.0%	1.8%
Little Havana area moved from D1 back to D4	NW 4th St, NW 37th Ave, NW 7th St, NW 32nd Ave	Parts of 510, 548	1,439	96.1%	1.1%	2.5%	99.7%	0.0%	0.1%
Little Havana area moved from D3 back to D1	Dolphin Expy, NW 22nd Ave, NW 7th St, NW 27th Ave	Part of 545	2,897	96.1%	4.2%	1.8%	98.2%	0.6%	0.8%
West Grove Triangle moved from D2 to D4 in Feb. 7 Draft and remaining in D4	US 1, SW 27th Ave, Bird Ave	Parts of 583, 584	1,597	59.2%	7.1%	31.7%	43.1%	3.5%	49.6%

Comparison of 2013 Plan and Base/Enacted Plan									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
				Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Allapattah area moved from D5 to D1	SR 112, NW 12th Ave, NW 36th St, NW 19th Ave	Parts of 512, 522	995	76.6%	33.0%	1.5%	62.8%	34.9%	2.3%
Allapattah area moved from D1 to D5	I-95, NW 32nd St, NW 8th Ave, NW 36th St	Parts of 523, 529	329	66.7%	37.1%	2.1%	50.0%	50.0%	1.4%
Downtown area moved from D5 to D1	Miami River, Dolphin Expy, NW 7th Ave, NW 8th St, I-95, SW 1st St	530, 540, 656A, 985, 990, and parts of 531, 656	5,993	70.8%	21.1%	9.7%	62.7%	22.2%	14.1%
Downtown/Omni/Wynwood/Edgewater area moved from D2 to D5	Metrorail, NW/NE 8th St, NE 2nd Ave, SW/SE 2nd St, S Miami Ave, SW 3rd St, and FEC Railway, NW 14th St, NW 1st Ave, NW 22nd St, N Miami Ave, SR 112, Biscayne Blvd, NE 36th St, NE 2nd Ave, NE 10th St	536, 599, 658A, 982A, and parts of 534, 534A, 536A, 538, 984, 984A, 999	10,496	52.8%	15.9%	28.0%	51.5%	21.4%	25.6%
Coconut Grove area moved from D2 to D3	US 1, Alaika St, S Baysshore Dr, Kirk St, SW 22nd Ave	Parts of 546, 582	1,392	37.6%	2.6%	52.1%	47.1%	0.3%	49.9%
Entire Golden Pines/Coconut Grove area moved from D2 to D4	SW 25th, SW 27th Ave, Bird Ave, US 1, city limits	577, 578, and parts of 583, 584	12,093	78.9%	4.0%	15.9%	76.7%	3.8%	18.5%
Little Havana area moved from D4 to D3	SW 8th St, SW/NW 32nd Ave, NW 7th Ave, NW 27th Ave	Parts of 548, 670	6,097	96.2%	3.1%	2.5%	97.1%	0.3%	2.1%
Portion of D1 remaining in D1			81,120	91.1%	10.0%	3.0%	86.7%	7.9%	4.8%
Portion of D2 remaining in D2			93,300	48.6%	7.3%	37.4%	45.6%	9.3%	41.5%
Portion of D3 remaining in D3			80,169	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%
Portion of D4 remaining in D4			74,504	91.3%	2.9%	6.3%	89.6%	1.2%	7.8%
Portion of D5 remaining in D5			75,753	38.5%	56.0%	7.7%	28.3%	62.2%	7.9%

2022 Enacted Plan's Division of the Southeast Overtown/Park West CRA									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
				Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Portion in D1			1,760	74.4%	27.9%	2.4%	67.1%	30.4%	1.6%
Portion in D2 (6-block appendage off NE 2nd Ave)			1,972	61.0%	14.2%	21.0%	70.9%	11.8%	16.1%
Portion in D5			8,072	38.2%	61.0%	4.7%	23.6%	71.2%	4.4%

Miscellaneous Areas									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
				Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Portion of Allapattah in D1	NW 27th Ave, Miami River, Dolphin Expy, NW 7th Ave, NW 22nd St, I-95, NW 32nd St, NW 8th Ave, NW 36th St, NW 12 Ave, SR 112		40,669	86.8%	17.0%	2.9%	78.6%	15.3%	5.3%
Portion of Allapattah in D5	SR 112, I-95, NW 23rd St, NW 8th Ave, NW 36th St, NW 12 Ave		774	54.7%	47.4%	3.1%	49.2%	49.2%	1.6%
Portion of D5 protruding west of I-95	I-95, NW 8th St, NW 7th Ave, NW 22nd St		1,634	39.6%	60.5%	5.1%	38.6%	58.5%	2.5%
Portion of D2 west of SE 2nd Ave by Miami River	SE 2nd Ave, Miami River, Metrorail, SW 3rd St, S Miami Ave, SW 2nd St		2,433	56.7%	5.5%	30.5%	60.0%	7.5%	29.0%
Portion of the North Grove	US 1, SW 22nd Ave, Kirk St, S Bayshore Dr, SW 27th Ave		2,832	36.7%	2.4%	55.0%	29.9%	1.4%	67.7%

Comparison of Initial Russell Plan to Base Plan									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
			Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	I-95, US 1, S Miami Ave, Miami River, Metrorail, SW 1st Ave	568, 668, 993, 996, and part of 541	6,980	42.2%	5.5%	41.5%	37.4%	2.8%	56.2%

Comparison of Revised Russell Plan to Base Plan									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
			Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	I-95, US 1, S Miami Ave, SW 10th St, Metrorail, SW 1st Ave	993 and parts of 668, 996	4,670	44.6%	5.8%	38.9%	37.4%	2.8%	56.2%

Comparison of Reyes Plan to Base Plan									
Area Description	Boundaries	Precincts	Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
			Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	Alatka St, S Miami Ave, SW 13 St, Metrorail, SW 1st Ave, I-95, US 1	993 and parts of 582, 668, 996	2,280	50.8%	3.0%	39.0%	48.0%	6.0%	43.6%

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Academic Positions

Assistant Professor, Department of Political Science, Baruch College - CUNY, 2021 —
Assistant Professor, Department of Government and Politics, St. John's University, 2018 –21
Postdoctoral Research Fellow, John Glenn College of Public Affairs and Department of Political Science, The Ohio State University, 2016 – 18

Education

Ph.D., Politics and Social Policy, Princeton University, 2016
Dissertation: *The Politics of Public Sector Pensions*
Committee: Nolan McCarty, Brandice Canes-Wrone, and Charles Cameron
M.A., Politics, Princeton University, 2013
Fields: American Politics, Formal and Quantitative Methods, Inequality and Public Policy
B.A. Economics and Political Science, with High Honors, Swarthmore College, 2008

Research and teaching interests

American politics, representation and accountability, state and local politics, public budgeting and finance, interest groups and political parties, federalism, inequality, macro political economy.

Publications

Abott, Carolyn and Akheil Singla. (2021). Helping or Hurting? The Financial Costs and Benefits of Municipal Bankruptcy, *Public Administration Review*, 81(3), pp. 428-445.
Abott, Carolyn and Akheil Singla. (2021). Service Solvency and Quality of Life After Municipal Bankruptcy, *Journal of Political Institutions and Political Economy*, 2(2), pp. 249-280.
Abott, Carolyn and Asya Magazinnik. (2020). At-Large Elections and Minority Representation in Local Government, *American Journal of Political Science*, 64(3), pp. 717-733.

Abott, Carolyn, Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz. (2020). School district operational spending and student outcomes: Evidence from tax elections in seven states. *Journal of Public Economics*, 183, 104142.

Abott, Carolyn. (2018). Book review of Michael A. McCarthy, *Dismantling Solidarity: Capitalist Politics and American Pensions since the New Deal* (Ithaca: Cornell University Press, 2017). *Political Science Quarterly*, 133(2), pp. 371-372.

Abott, Carolyn. (2010). Federal Reserve System. *Encyclopedia of United States Political History, Vol. 7: 1976-present*. Ed. Rick Valelly. Washington, DC: CQ Press.

Under Review

Book project: *The Politics of Public Pensions: How Strong Parties and Cooperative Politics Can Save State Government Revisions* submitted.

Available working papers

“Voter Responsiveness to Measures of Local Fiscal Performance” (with Matthew Incantalupo and Akheil Singla)

“A Distaste for Deficits: Voter Opinion and Balanced Budget Laws in the U.S. States”

Research in progress

“Local Electoral Institutions and Fiscal Outcomes in the United States” (with Pengju Zhang)

“The Fiscal Federalism Dimension of the SALT Cap and Its Potential Repeal” (with Rahul Pathak)

“Special District Bankruptcies” (with Pengju Zhang)

Invited talks, presentations, and workshops

“A Distaste for Deficits: Voter Opinion and Balanced Budget Laws in the U.S. States”

Research in Progress Faculty Seminar, Marxe School of Public and International Affairs, Baruch College - CUNY, 2021.

Roundtable on Capital Assets Reporting Standards

Governmental Accounting Standards Board (GASB), 2021.

“Service Solvency and Quality of Life After Municipal Bankruptcy”

Local Political Economy Symposium, Bedrosian Center at Sol Price School of Public Policy, University of Southern California, 2021.

“Municipal Bankruptcy as Policy: Local Fiscal Stress and the Decision to File”[‡]

Public Financial Management Northeastern Workshop, School of Public Affairs and Administration, Rutgers, The State University of New Jersey-Newark, 2020.

"Municipal Bankruptcy as Policy: Local Fiscal Stress and the Decision to File"

Fiscal Policy Series, Federal Reserve Bank of New York, 2019.

"At-Large Elections and Minority Representation in Local Government"

Department of Government and Politics Fall Graduate Colloquium, St. John's University, 2018.

"The Differential Impact of Single-Member and At-Large Voting Districts on Local Democracy: New Tests and Evidence"

Yale Center for the Study of American Politics Annual Conference, Yale University, 2017.

†Canceled due to COVID-19 pandemic.

Conference presentations

Annual Meeting of the American Political Science Association: 2016, 2017, 2022.

Annual Conference of the Association for Budgeting and Financial Management: 2016, 2018, † 2022.†

Annual Public Finance Consortium: 2021.

Annual Meeting of the Southern Political Science Association: 2015, 2016, 2019, 2020,* 2021.

Brookings Municipal Finance Conference: 2020.

Annual State Politics and Policy Conference: 2015, 2020.†

Urban Affairs Association Conference: 2019.†

Annual Conference of the Association for Education Finance and Policy: 2019.†

Annual Conference of the Association for Public Policy Analysis & Management: 2018, 2019.†

Annual Meeting of the Midwest Political Science Association: 2015, 2017.

Public Management Research Conference: 2017.†

†Canceled due to COVID-19 pandemic;*Canceled due to earthquake;†Paper presented by coauthor.

Grants, awards, & fellowships

Faculty Innovation Seed Grant (with Rahul Pathak), Provost's Office, Baruch College, 2022 (\$12,000)

Cycle 53 PSC-CUNY Traditional B Research Award, City University of New York, 2022 (\$6,000)

Travel Grant, APSA Annual Meeting, 2017

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Prestage-Cook Travel Award, SPSA Annual Meeting, 2016

Grant, Graduate Student Travel, Center for the Study of Democratic Politics, Princeton, 2015

Grant, Dean's Fund for Scholarly Travel, Princeton, 2015

Grant (with Nolan McCarty), The Social and Economic Effects of the Great Recession, Russell Sage Foundation, 2012 (\$114,921)

Graduate School Centennial Fellowship in the Humanities and Social Sciences, Department of Politics, Princeton, 2010 - 2015

Honorable Mention, National Science Foundation Graduate Research Fellowships Program, 2010

Teaching experience

Graduate level

Research Methodology and Quantitative Analysis

State and Local Government and Administration

Public Budgeting and Finance

Undergraduate level

Introduction to Public Policy

The Politics of Inequality in the U.S.

Introduction to Public Administration

Research Methods for Political Science and Public Administration

Introduction to American Government

Professional service

Member, Committee to Design the Baruch Public Service Capstone Seminar - 2023-present

Co-chair, Baruch Political Science Department Research Seminar - 2022-present

Member, Baruch Political Science Student Awards Committee - 2022

Member, Baruch Political Science Search Committee in Comparative Politics - 2021

Co-chair, SJU Government & Politics Committee to Redesign the Public Administration Major - 2019-2021

Member, SJU Government & Politics Graduate Education Policy Committee - 2018-2021

Member, SJU Government & Politics Undergraduate Education Policy Committee - 2018-2021

Carolyn B. Abbott

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Referee, *American Journal of Political Science*, *American Political Science Review*, *Economics & Politics*, *Economics Letters*, *Journal of Public Administration Research and Theory*, *National Tax Journal*, *Political Analysis*, *Public Budgeting & Finance*, *Public Finance & Management*

Professional memberships

Association for Public Policy Analysis & Management, American Political Science Association, Midwest Political Science Association, Southern Political Science Association, American Society for Public Administration, Association for Budgeting and Financial Management

Computer skills

R, Stata, L^AT_EX, Bloomberg API, SAS, Matlab, EViews

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Racially Polarized Voting in Miami, Florida

Bryant J. Moy, PhD

February 10, 2023

1 Executive Summary

In this report, I examine past election data from the City of Miami, Florida, to determine whether and the extent to which racially polarized voting exists. Racially polarized voting (RPV) exists if minority voters systematically prefer one candidate and the majority ethnic group preferences another. I examine twenty elections between 2017 to 2021. Of the twenty elections, six were endogenous citywide elections, and fourteen were exogenous elections from the federal, county, or state levels. I conclude the following:

- Racially polarized voting exists in ten of the twenty elections studied.
- For endogenous (municipal) elections, two of six exhibited signs of racially polarized voting. In those contests, the Latino-preferred candidate prevailed over the Anglo-preferred candidate.
- For exogenous elections, eight of the fourteen exhibited signs of racially polarized voting. In five of those eight contests, the Latino-preferred candidate won, blocking either the Anglo-preferred candidate, the Black-preferred candidate or both.
- The Latino-preferred candidate won the majority of polarized races at 70% (7/10). Black- and Anglo-preferred candidates won 50% (4/8) and 33% (3/9) of the polarized contests they were involved in.
- Black and Anglo voters tended to have the same preferred candidates in six of the ten races with racially polarized voting. Alternatively, Black and Latino voters had the same candidate once in polarized races.

2 Background and Qualifications

I am a Data Science Faculty Fellow at the Center for Data Science and a Visiting Assistant Professor in the Wilf Family Department of Politics at New York University.¹ I received a Ph.D. in Political Science from Washington University in St. Louis in 2022. My concentration in graduate school was American Politics and Political Methodology.

My current area of expertise is related to local government, race and ethnic politics, and the use of advanced statistical models to understand political phenomena. My research has been published in the *Journal of Experimental Political Science* and *Political Behavior*. Other writings have appeared in the *Oxford Bibliographies in Political Science* and the *Political Science Educator*.

My research has won the Best Poster Award from the Society of Political Methodology, and I have received the Susan Clarke Young Scholar Award from the Urban and Local Politics Section of the American Political Science Association. In addition, I provide a copy of my curriculum vitae in the Appendix of this report.

1. I have also accepted an appointment as a tenure-track Assistant Professor in the Wilf Family Department of Politics at New York University starting in 2024.

3 Racially Polarized Voting

Racially polarized voting occurs when a minority group votes for one candidate and the dominant racial or ethnic group votes for an opposing candidate. For the City of Miami, Florida, we are interested in three ethnic groups: Anglos, Blacks, and Latinos. Indeed, according to the 2020 Census, Latinos of any race make up 70% of the population, while non-Hispanic whites – Anglos – and non-Hispanic Blacks make up 14% and 12%, respectively.²

I classify the candidates as Latino-, Black-, or Anglo-preferred if there is sufficient evidence that the ethnic group votes in a cohesive block. For this report, I use the 60% threshold of support as a sign of cohesive voting. In other words, if a candidate receives higher than 60% support among members of the same ethnic group, that candidate is that group's preferred candidate. If racially polarized voting exists, I would expect to see the ethnic groups have different preferred candidates in large numbers.

To assess racially polarized voting patterns, I will rely on ecological inference. In the next section, I detail ecological inference and my approach.

4 Methodology: Ecological Inference

Researchers typically examine patterns of racial polarization by inferring individual voting behavior from aggregate data – also known as ecological inference. We infer an individual's voting behavior by examining voting patterns within and between precincts. Ecological inference estimates racial group-level preferences from aggregate precinct data.

I conduct this analysis using two approaches. First, I examine each election and present a bivariate scatterplot between the ethnic composition of the electorate and candidate vote share. In this analysis, each dot represents a precinct. The x-axis will indicate the electorate's composition, and the y-axis will indicate the candidates' vote share. I draw a fitted line and display the correlation coefficient and the corresponding p-value, which will indicate whether the correlation is statistically significant. For a racial group to have a preferred candidate, I expect the fitted line to fall over the 60% threshold of candidate vote share when the precincts are racially homogeneous. The fitted line extrapolates to racially homogeneous precincts even when no observed precinct exists. Second, I run an iterated ecological inference algorithm using *eiCompare*, which estimates a candidate's support among each ethnic group.³ This method is widely accepted to estimate candidate support among ethnic or racial groups (Collingwood et al. 2020; King and Roberts 2016; Lau, Moore, and Kellermann 2020).

Researchers typically use the voting age population or citizen voting age population estimate derived from the U.S. Census and predict the racial composition of voters in a given geographic area (i.e., precincts). Fortunately, Miami-Dade County provides a publicly available count of registered voters by precinct and racial/ethnic group using the information on their voter file.⁴ Using the Miami-Dade County data and voter file is preferable to the U.S. Census and prediction approach because it provides a more accurate measure of the racial composition of the electorate.

5 List of Elections Analyzed and Additional Statistics

I examine twenty elections, including six municipal-level (endogenous) contests and fourteen non-municipal (exogenous) contests. Endogenous elections originate from the city itself. This includes races for City Mayor and City Commissioner. Exogenous races are contests that overlap with Miami precincts but do not originate at the city level. Examples of exogenous races include contests for the President, Governor, and County Mayor. Analyzing exogenous races – alongside endogenous one – are essential because they provide

2. The data comes from the U.S. Census Bureau. The table is entitled, "Hispanic or Latino, and Not Hispanic or Latino by Race" in the Decennial Census.

3. The *eiCompare* (Collingwood et al. 2020) R package relies and builds upon two other packages for ecological inference: "ei" (King and Roberts 2016) and "eiPack" (Lau, Moore, and Kellermann 2020) I include this analysis only for elections where these quantities can be calculated reliably. In all cases, the substantive results from the scatterplots and ecological inference packages are the same.

4. Miami-Dade County's Elections Department Data: <https://www.miamidade.gov/elections/voter-statistics-current-archive.html>

additional information about the nature of racially polarized voting. The exogenous contests examined in this report are similar to the city-level races in that most are non-partisan local contests. Yet, we benefit from the varying levels of competitiveness found in exogenous races. Indeed, most of the endogenous municipal contests were non-competitive. Thus, it is probative to endogenous and exogenous elections.

In my sample of elections, I include all municipal (endogenous) elections from 2017 to 2021. Beyond municipal elections, I include exogenous contests that have sufficient overlap with Miami precincts. In Table 1 I provide a full list of elections analyzed.

Table 2 shows the composition of the 2020 citizen voting age population using the district line from the 2013 plan. Similarly, Table 3 shows the 2020 citizen voting age population using the district lines from the current 2022 enacted plan.

Table 1: List of Elections Analyzed

Year	Election	Endo/Exo	Office
2021	Municipal	Endogenous	City Mayor
2021	Municipal	Endogenous	City Comm. Dist. 3
2021	Municipal	Endogenous	City Comm. Dist. 5
2017	Municipal	Endogenous	City Mayor
2017	Municipal	Endogenous	City Comm. Dist. 3
2017	Municipal	Endogenous	City Comm. Dist. 4
2020	General	Exogenous	Congress, 24
2020	General	Exogenous	County Comm. Dist. 3
2020	General	Exogenous	County Mayor
2020	General	Exogenous	Clerk of the Court
2020	General	Exogenous	President
2020	Primary	Exogenous	County Property Appraiser
2020	Primary	Exogenous	County Judge, Grp. 24
2020	Primary	Exogenous	County Judge, Grp. 9
2020	Primary	Exogenous	Circuit Judge, Grp. 75
2020	Primary	Exogenous	Circuit Judge, Grp. 67
2020	Primary	Exogenous	Circuit Judge, Grp. 65
2020	Primary	Exogenous	Circuit Judge, Grp. 57
2020	Primary	Exogenous	Circuit Judge, Grp. 55
2018	General	Exogenous	Governor

Table 2: Citizen Voting Age Population by District, 2013 Plan

District	Map/Plan	Anglo	Black	Latino
District 1	2013	4.2%	7.6%	87.4%
District 2	2013	36.8%	9.2%	48.7%
District 3	2013	9.5%	4.2%	85.8%
District 4	2013	7.3%	1%	90.8%
District 5	2013	8%	59.8%	32.3%

Table 3: Citizen Voting Age Population by District, 2022 Enacted Plan

District	Map/Plan	Anglo	Black	Latino
District 1	2022	5%	8.1%	86%
District 2	2022	40.4%	8.7%	44%
District 3	2022	9.9%	3.9%	85.6%
District 4	2022	8.2%	1.3%	89.6%
District 5	2022	9%	58.1%	30.8%

Table 4: 2020 Citizen Voting Age Population

City	Anglo	Black	Latino
Miami	14%	17%	67%

6 Does RPV Exist Across Elections?

In this section, I examine twenty races in the City of Miami. The first six are municipal-level endogenous races, including the mayor and city commissioners. The next fourteen races are exogenous and include races for federal office (i.e., Congress and President), county offices (i.e., county commission, county mayor, county judge, and property appraiser), and state government (Governor).

6.1 Election 1: Mayor 2021

The 2021 Miami mayoral contest was between five candidates: Francis Suarez, Max Martinez, Marie Exantus, Anthony Dutrow, and Francisco Pichel. Francis Suarez won the race with overwhelming support by receiving 78.6% of the vote, with the next closest candidate – Max Martinez – receiving only 11.6% of the vote. Figure 1 shows the bivariate relationship between the precinct’s demographic composition and Suarez’s support. First, we can examine the fitted line in the scatterplot and extrapolate the estimated vote share of the candidate if there were homogeneous precincts (i.e., a precinct with all Anglos, Blacks, or Latinos). Across all groups, Suarez would have received higher than 60% of the vote. Second, these results are verified using the ecological inference algorithm to estimate the candidate’s vote share if only one race or ethnic group voted (Collingwood et al. 2020; King and Roberts 2016; Lau, Moore, and Kellermann 2020). Indeed, Francis Suarez is estimated to receive over 70% support from all racial groups.

I find no evidence of racially polarized voting in this election.

Figure 1: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

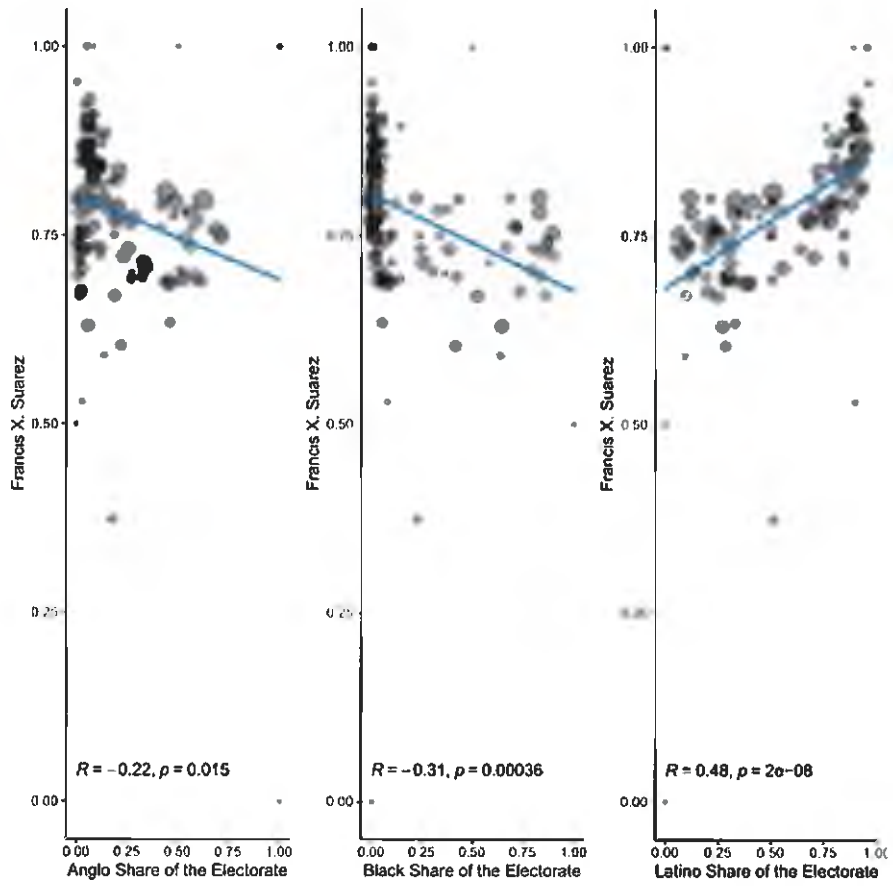
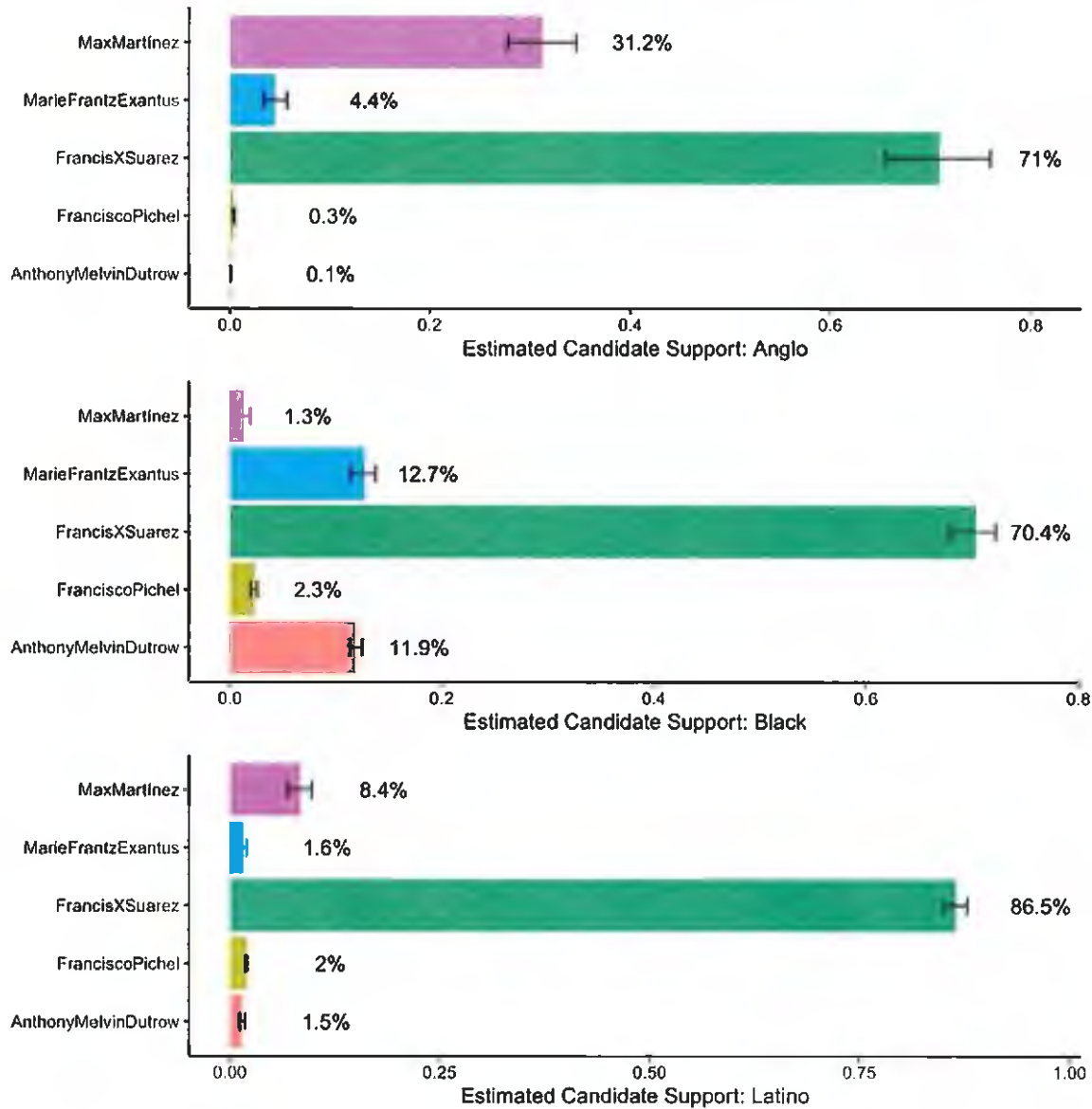


Figure 2: Estimated Candidate Support by Race/Ethnicity

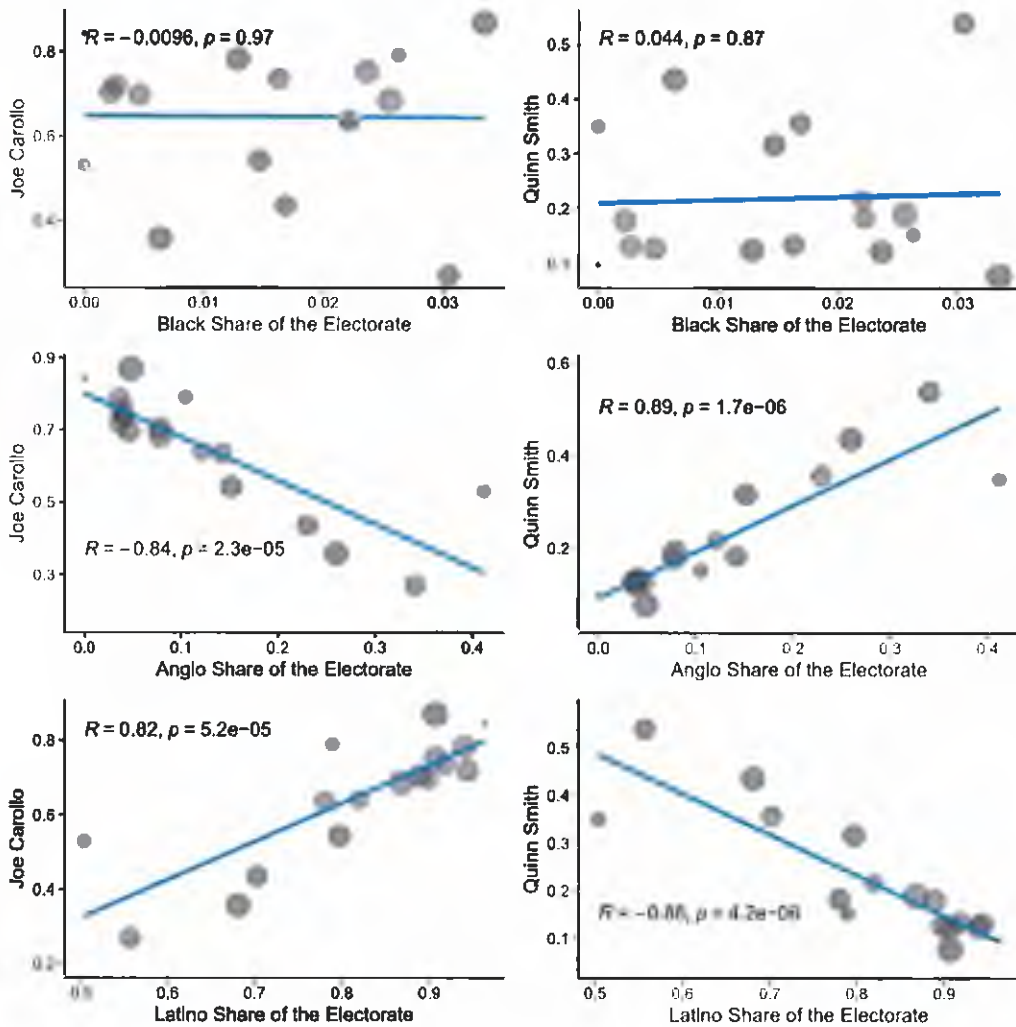


6.2 Election 2: District 3 2021

In 2021, the City of Miami held an election for District 3 City Commissioner between four candidates: Joe Carollo, Andriana Oliva, Quinn Smith, and Miguel Soliman. Joe Carollo won with 64.4% of the vote, while Quinn Smith received the second most votes at 21.8%. Figure 3 depicts the bivariate relationship between the racial composition of the electorate and candidate choice. The Anglo-preferred candidate is Quinn Smith, as shown by the positive relationship between Anglo share of the electorate and Smith vote share. In contrast, as the share of Anglo voters increases, the share of Carollo votes declines. The Latino-preferred candidate is Joe Carollo. As the Latino share of the electorate increases, the share of Carollo votes increase, and the share of Smith votes decrease. I find no relationship between the Black share of the electorate and candidate vote choice. This finding (or lack of one) is driven by the low proportions of Black voters within the commission district. Indeed, the Black share of the electorate is lower than 5% across every precinct in this district.

I find evidence that racially polarized voting exists in this district between Anglos (who preferred Smith) and Latinos (who preferred Carollo). Joe Carollo – the Latino-preferred candidate – won the race.

Figure 3: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

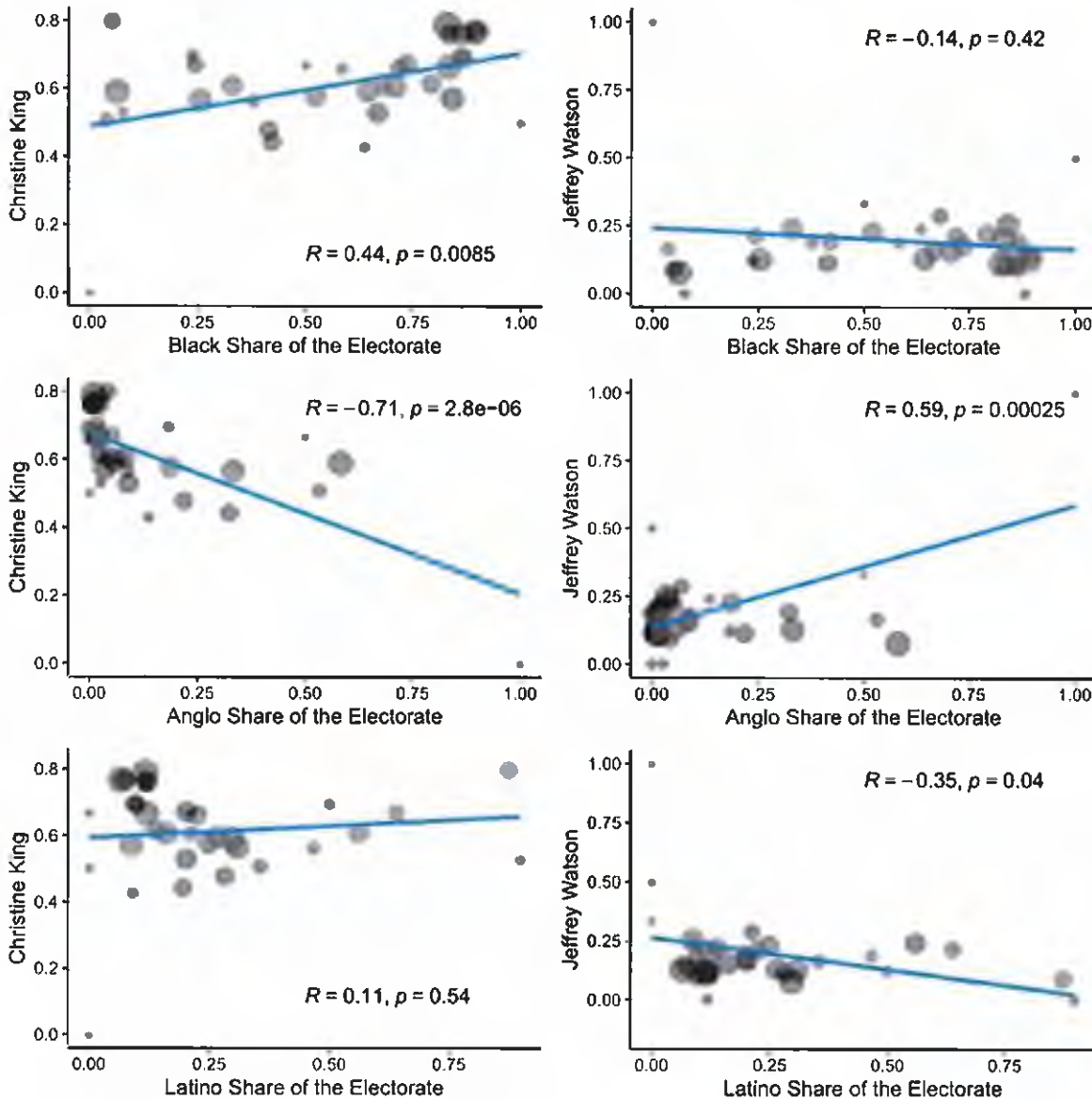


6.3 Election 3: District 5 2021

The City of Miami held an election for District 5 City Commissioner between seven candidates: Francois Alexandre, Zico Fremont, Michael Hepburn, Christine King, Revran Lincoln, Stephanie Thomas, and Jeffrey Watson. Christine King won with 64.92% of the vote, with Jeffrey Watson receiving the second most votes at 15.81%. Figure 4 depicts the bivariate relationship between electorate demographics and candidate vote choice. The Black-preferred candidate and the Latino-preferred candidate was Christine King. I find no evidence that Anglo support for any candidate reached the 60% threshold.

I find no evidence of racially polarized voting in this election.

Figure 4: Scatterplot: Race/Ethnic Composition by Candidate Vote Share



6.4 Election 4: Mayor 2017

Miami held an election for Mayor in 2017 between four candidates: Francis Suarez, Williams Armbrister, Christian Canache, and Cynthia Jaquith. Francis Suarez won with 85.81% of the vote, with Cynthia Jaquith receiving 5.47% of the vote. Figure 5 depicts the bivariate relationship between electorate demographics and candidate choice. Across all racial and ethnic groups, Suarez was the preferred candidate.

I find no evidence of racially polarized voting in this contest.

Figure 5: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

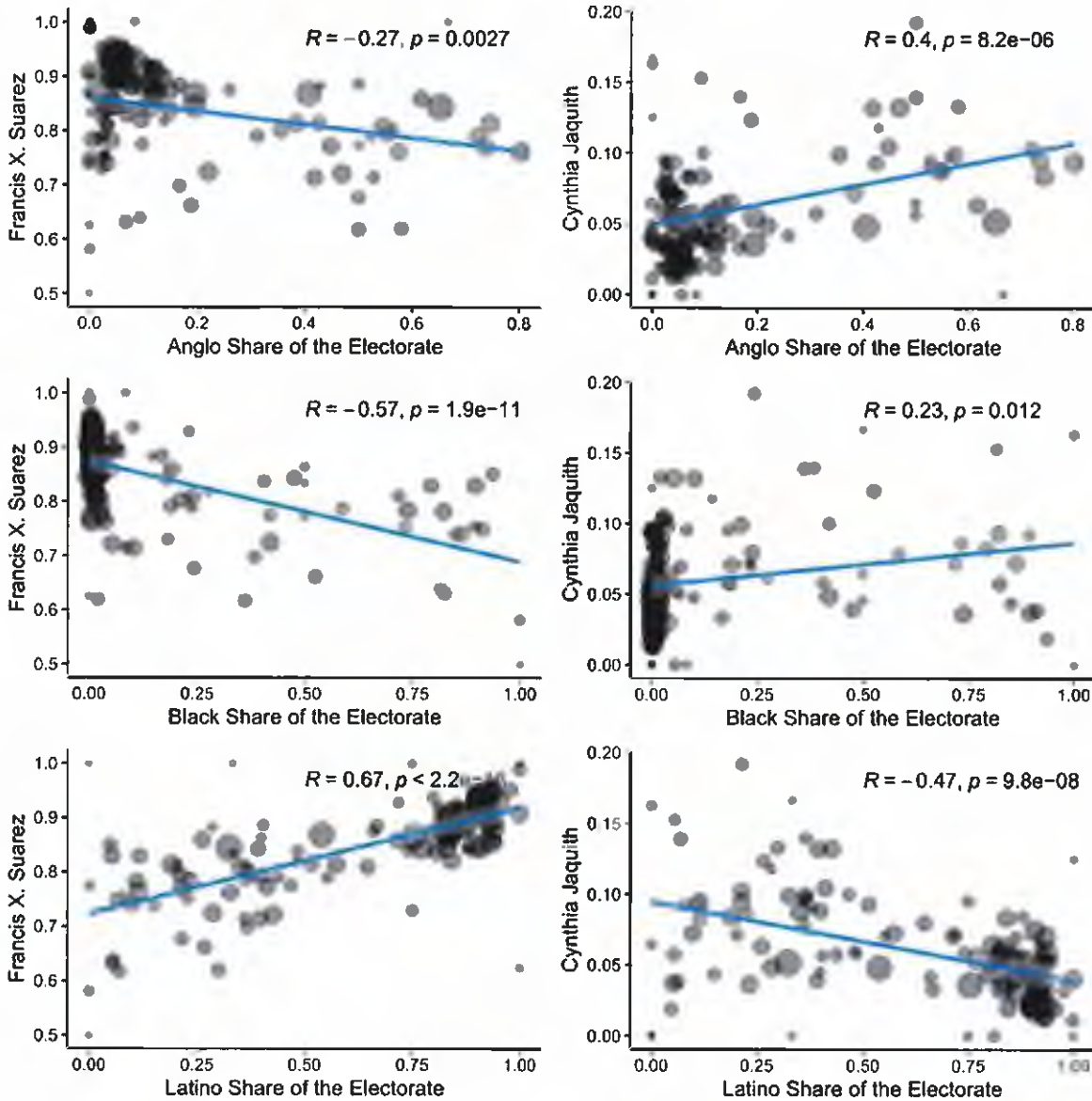
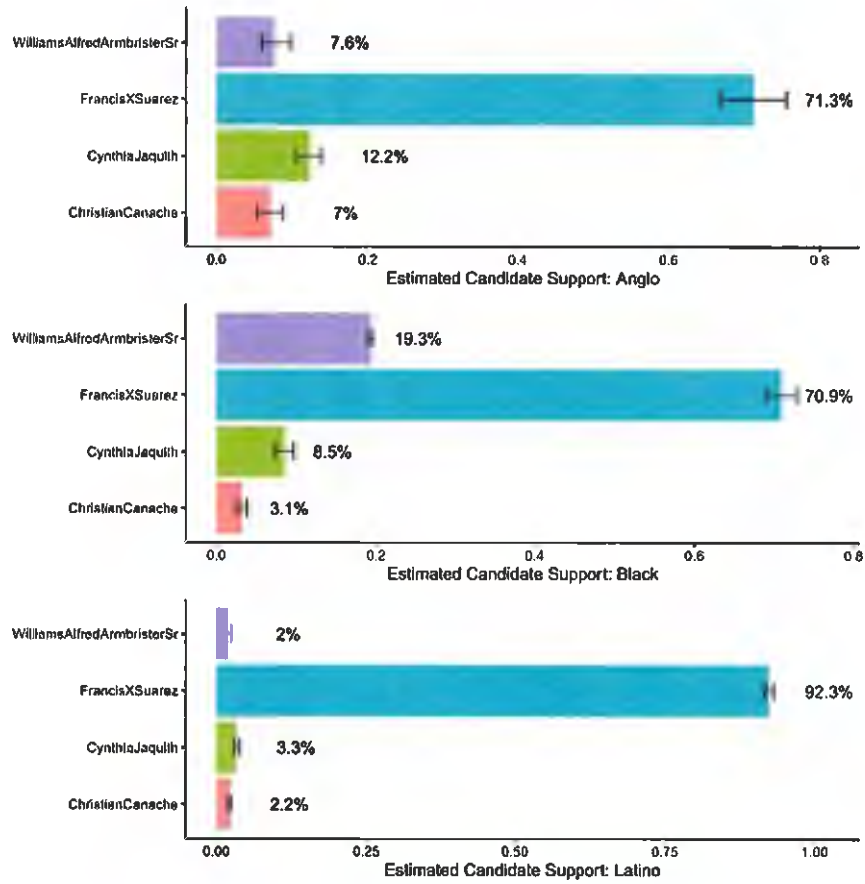


Figure 6: Estimated Candidate Support by Race/Ethnicity



6.5 Election 5: City Commissioner District 3 2017

Miami held an election for District 3 City Commissioner on December 7th between seven candidates. This contest proceeded to a runoff election between Joe Carollo and Alfonzo Leon. I analyze the runoff election. Joe Carollo won with 52.7% of the vote. Alfonzo Leon was the Anglo- and Black-preferred candidate. Both groups were cohesive in their support (95.7% and 99%). The Latino-preferred candidate was Joe Carollo. I estimate the Latino support for Carollo to be 60.8%, which is near the threshold. It's important to note that most precincts in this district had a Latino super-majority. Indeed, no precinct in this district had less than 50% Latino share of the electorate.

I find evidence of racially polarized voting in this contest. The Latino-preferred candidate prevailed.

Figure 7: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

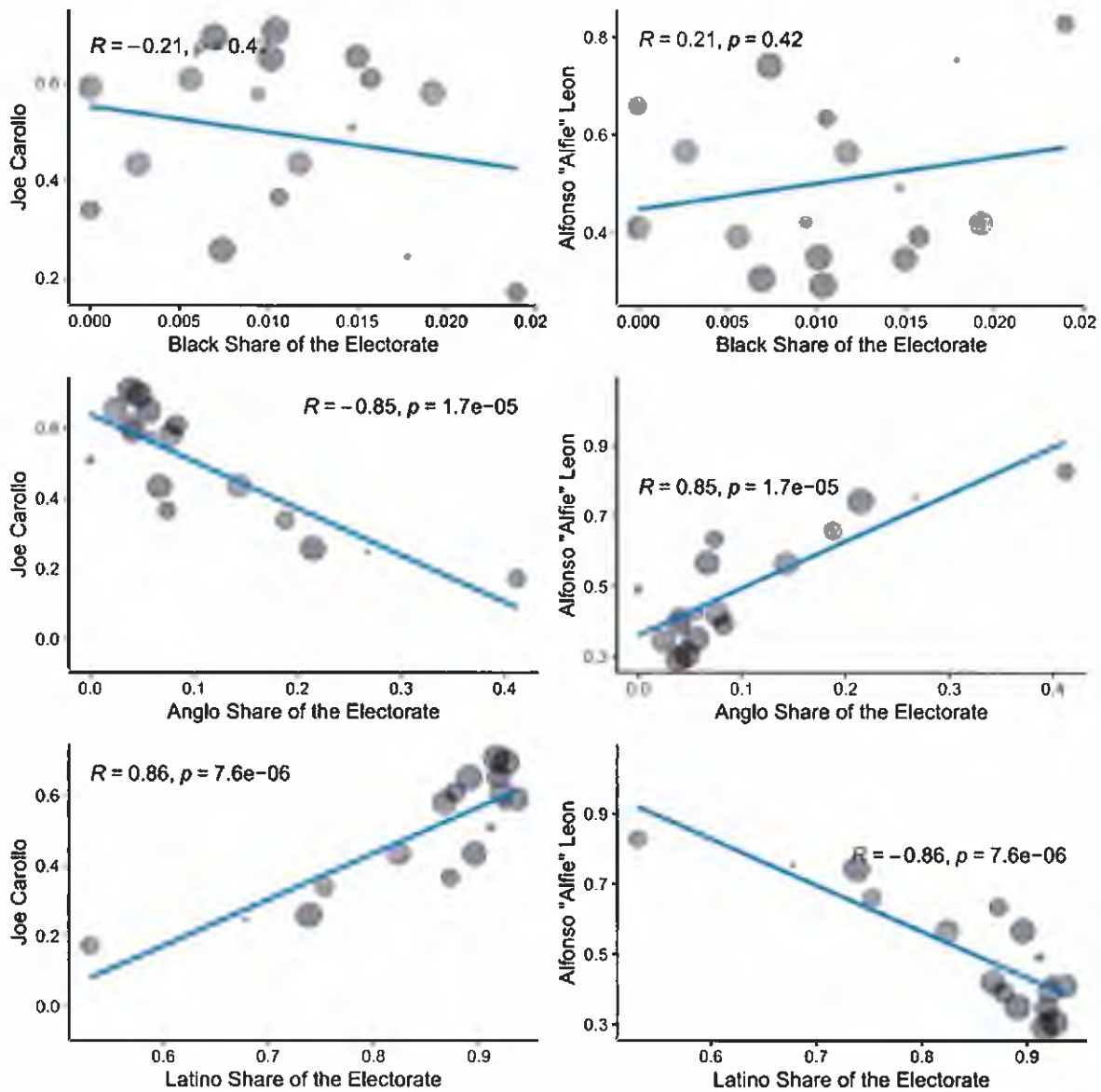
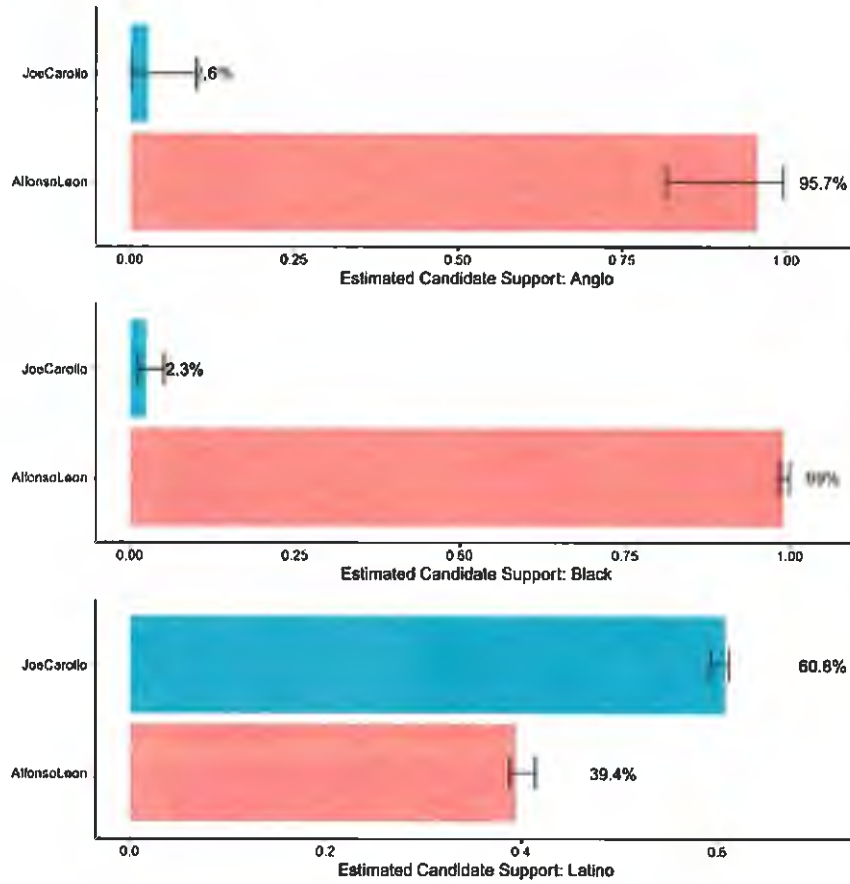


Figure 8: Estimated Candidate Support by Race/Ethnicity

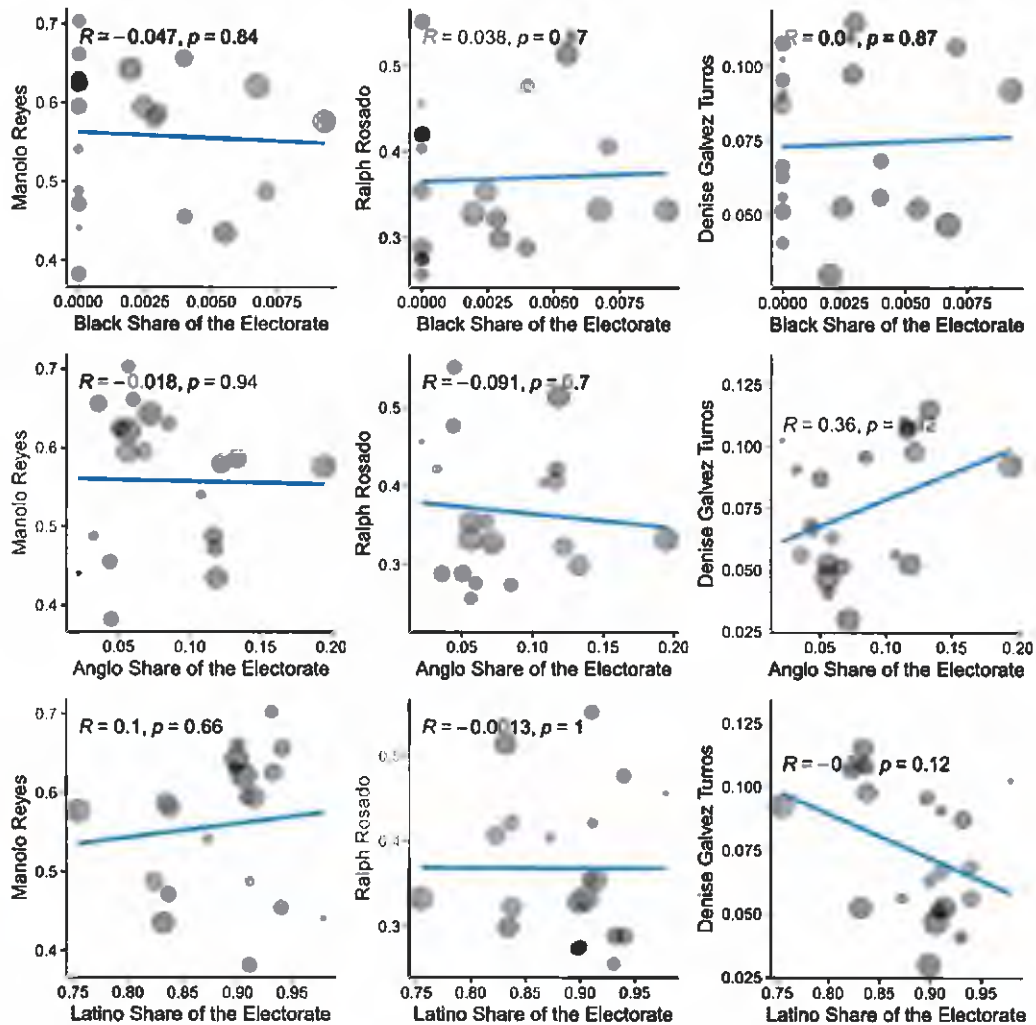


6.6 Election 6: District 4 2017

Miami held an election for District 4 Commissioner between three candidates: Manolo Reyes, Ralph Rosado, and Denise Turros. Manolo Reyes won the election with 56.74% of the vote, with Ralph Rosado receiving the second most votes at 36.15%. Figure 9 depicts the bivariate associations between the racial composition of the electorate and vote choice. No candidates were deeply preferred by any racial group, as shown by the lack of relationships throughout Figure 9. District 4 is a predominantly Latino district with all precincts having more than 70% Latino electorate.

I find no evidence of racially polarized voting in this election.

Figure 9: Scatterplot: Race/Ethnic Composition by Candidate Vote Share



6.7 Election 7: Congress 24 2020

The northern part of Miami sat in Florida's 24th Congressional District prior to the 2022 redistricting. I examine precincts in the City of Miami. In the 2020 election, there were three candidates in the race: Frederica Wilson (Democrat), Lavern Spicer (Republican), and Christina Olivo (Independent). Frederica Wilson was the preferred candidate among Black voters. I do not find evidence that Anglo or Latino voters had a preferred candidate. As Figure 11 shows, support for Frederica Wilson was only greater than 60%

among Black voters, even though all racial groups nominally supported Wilson. While the Miami portion of this congressional district was majority Black, Wilson won the plurality of the votes in both the Anglo and Latino majority precincts. Wilson won Miami precincts with 76.5% of the vote.

I find no evidence of racially polarized voting across the Miami precincts in this election.

Figure 10: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

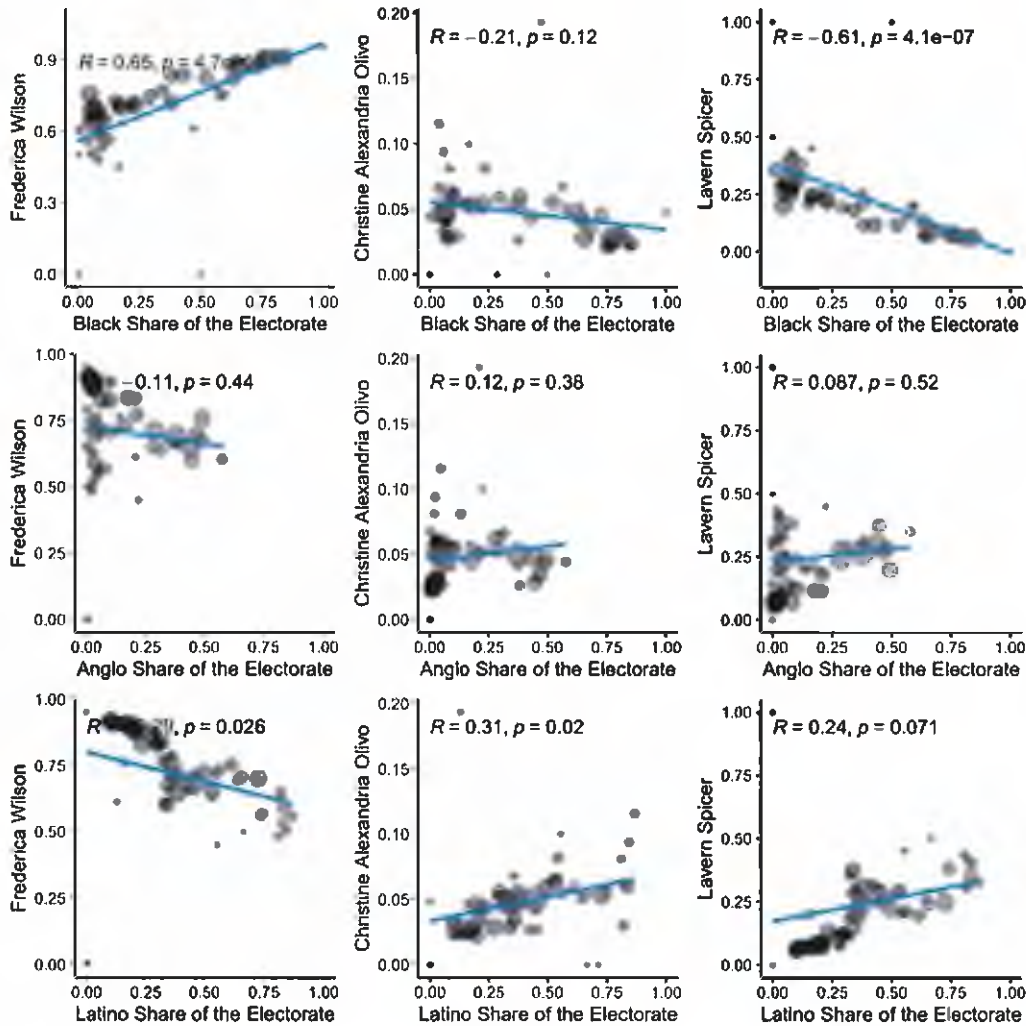
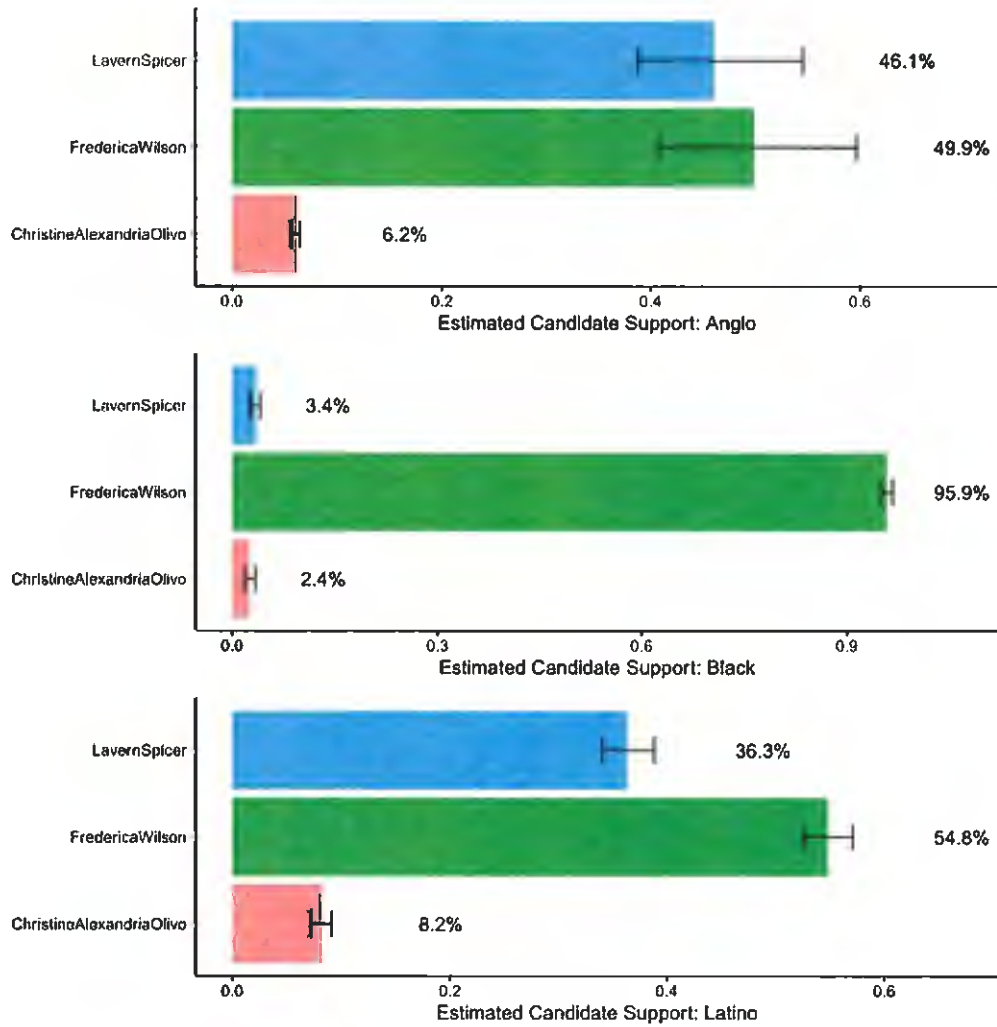


Figure 11: Estimated Candidate Support by Race/Ethnicity



6.8 Election 8: County Commission 3 2020

The exogenous election of County Commissioner District 3 was between Keon Hardemon and Gepsie Metellus. If the election were held in Miami precincts, Hardemon would have won with 66.7%. The Black-preferred and Latino-preferred candidate was Keon Hardemon, and the Anglo-preferred candidate was Gepsie Metellus.

I find evidence that racially polarized voting exists between the Miami precincts of County Commission 3. The Black and Latino preferred candidate (Keon Hardemon) won against the Anglo-preferred candidate (Gepsie Metellus).

Figure 12: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

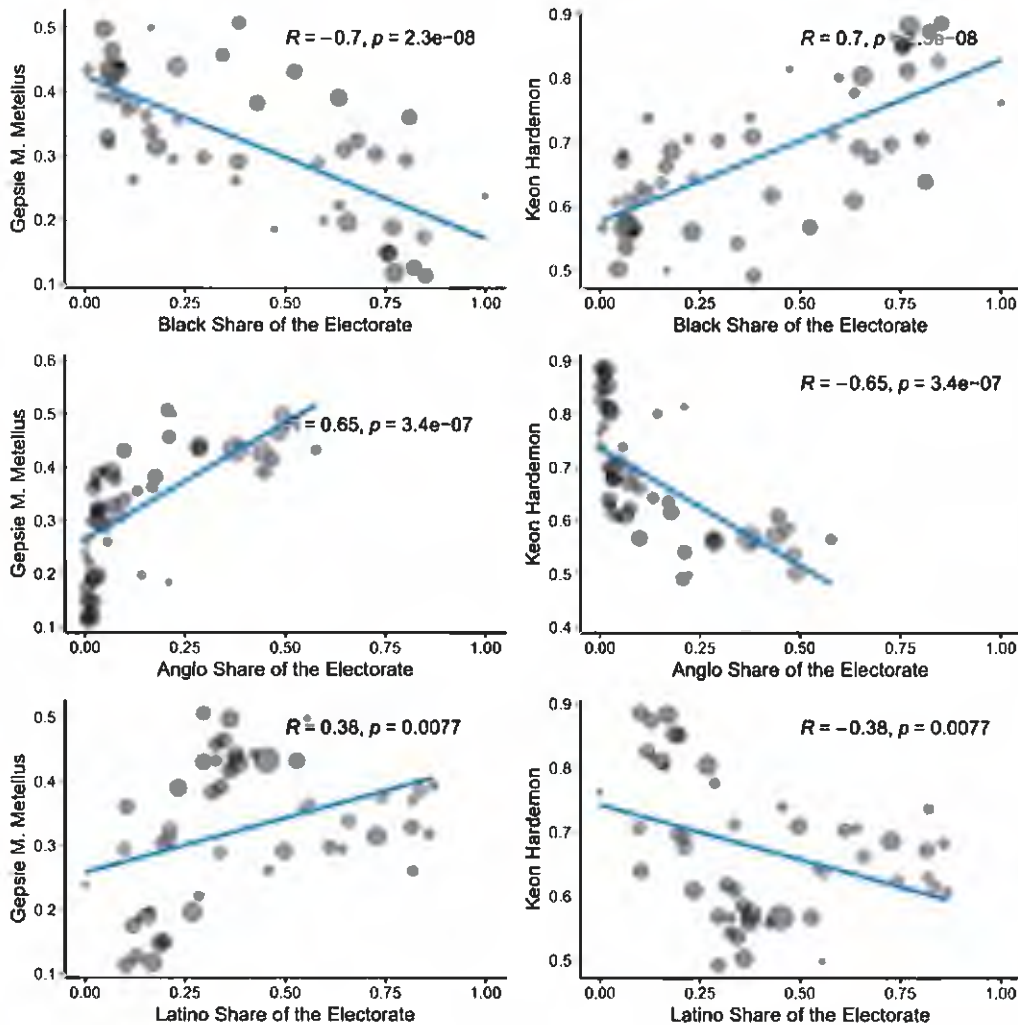
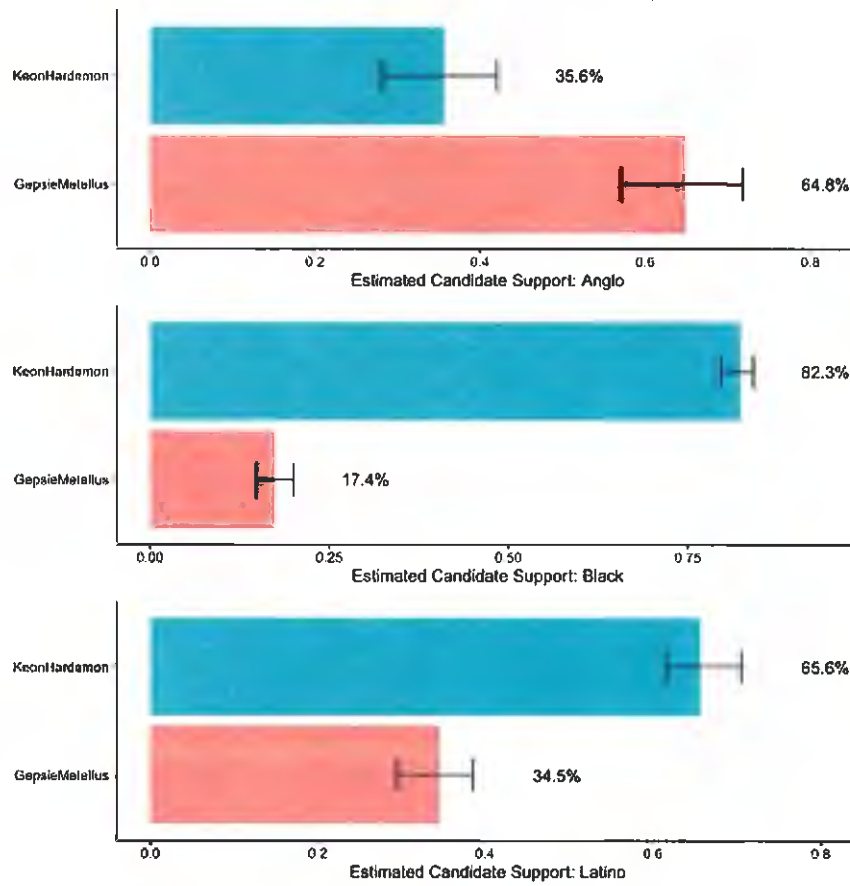


Figure 13: Estimated Candidate Support by Race/Ethnicity



6.9 Election 9: County Mayor 2020

The 2020 Miami-Dade County Mayor race was between five candidates: Daniella Levine Cava, Esteban Bovo, Alex Penelas, Xavier Suarez, and Monique Barley. During the runoff election, Daniella Levine Cava won with 54% of the vote. I analyze the runoff results in the Miami precincts. Figure 14 depicts the bivariate association between the electorate's racial composition and the candidate's vote share. The Black- and Anglo-preferred candidate was Daniella Levine Cava. The Latino-preferred candidate was Esteban Bovo. Latino support for Bovo is estimated near the 60% threshold.

I find evidence of racially polarized voting in this contest. The Black- and Anglo-preferred candidate won.

Figure 14: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

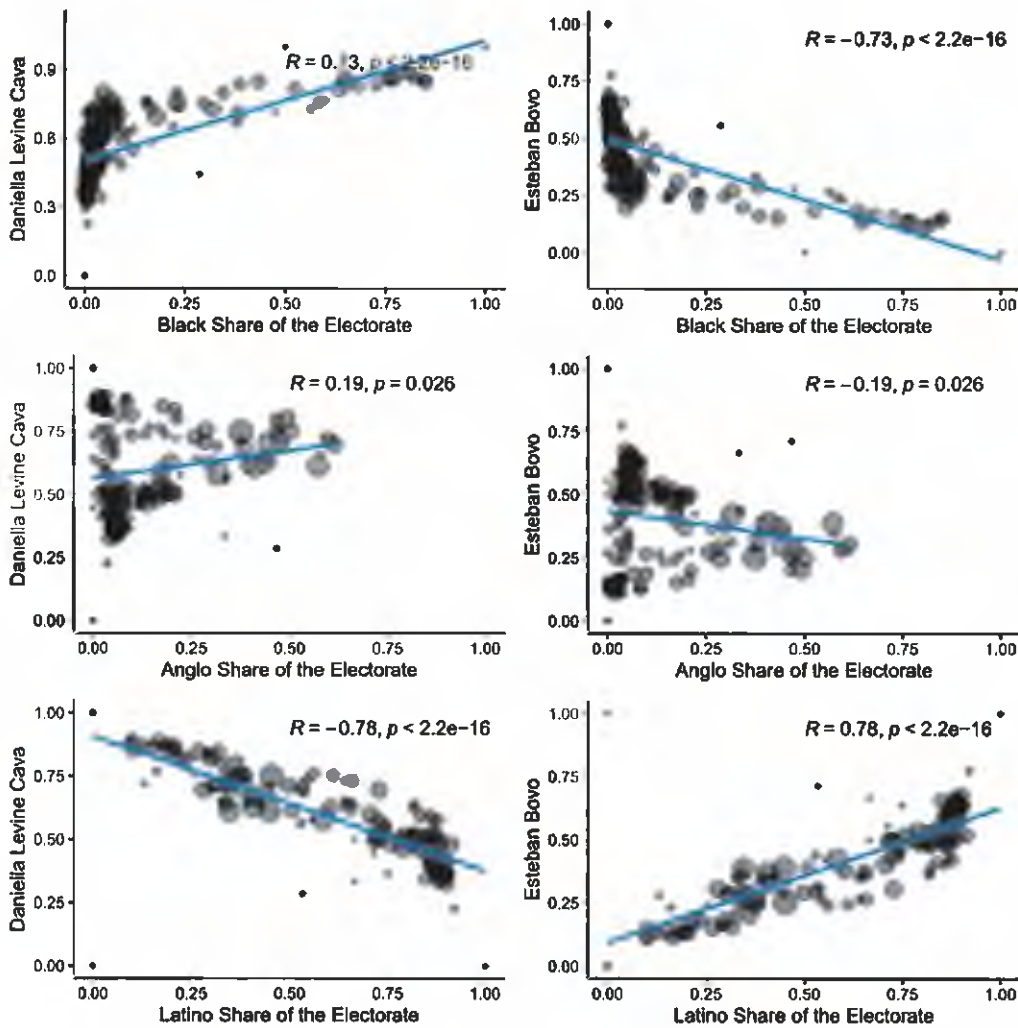
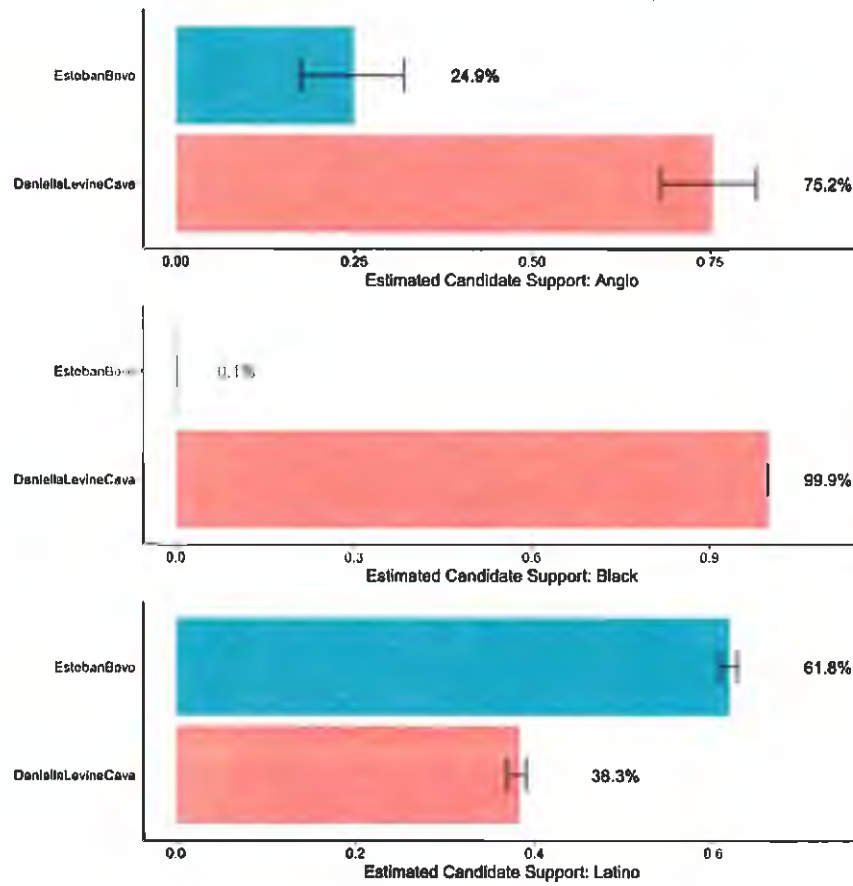


Figure 15: Estimated Candidate Support by Race/Ethnicity



6.10 Election 10: Clerk 2020

The contest for the County Clerk of the Courts was between two candidates: Harvey Ruvin (Democrat) and Rubin Young (Independent). I use Miami precincts in this analysis. Harvey Ruvin won with 76.5% of the vote in Miami precincts. All racial and ethnic groups preferred Harvey Ruvin.

I find no evidence of racially polarized voting in this contest.

Figure 16: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

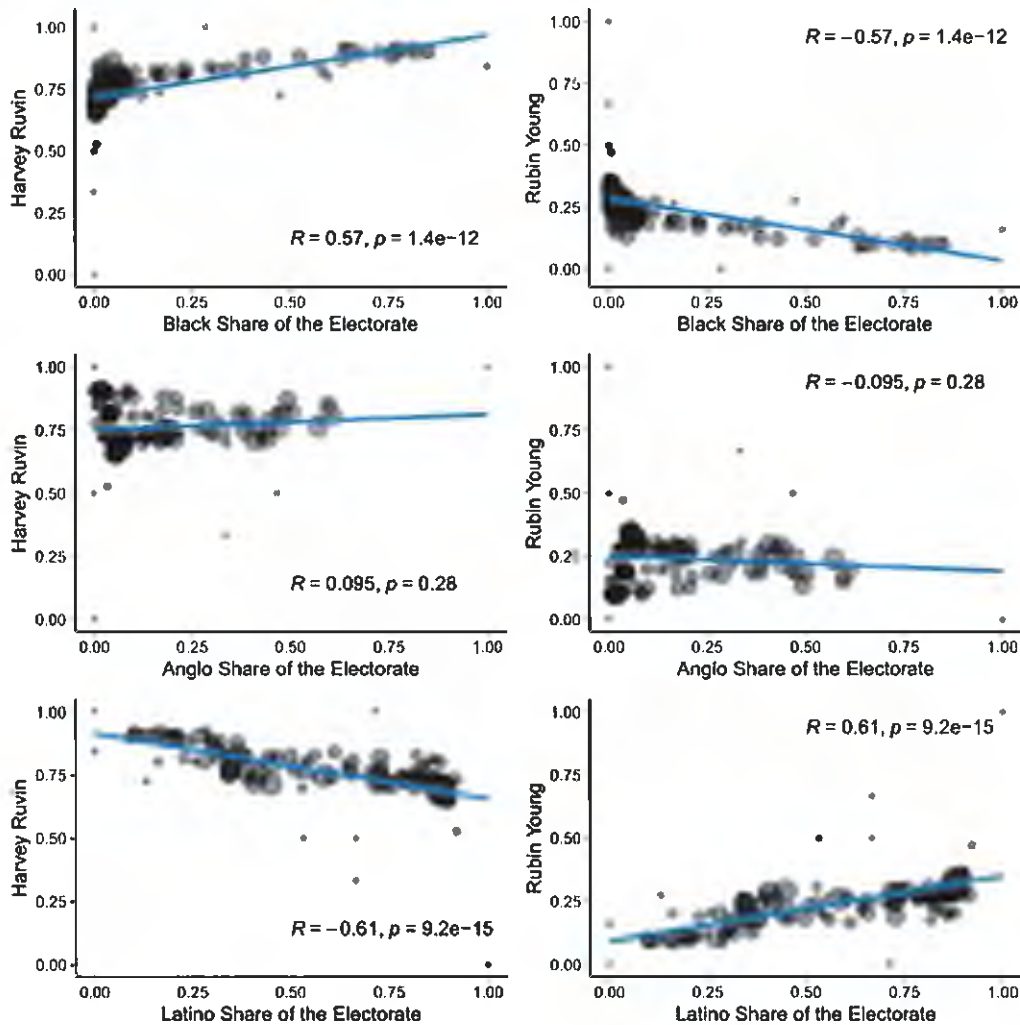
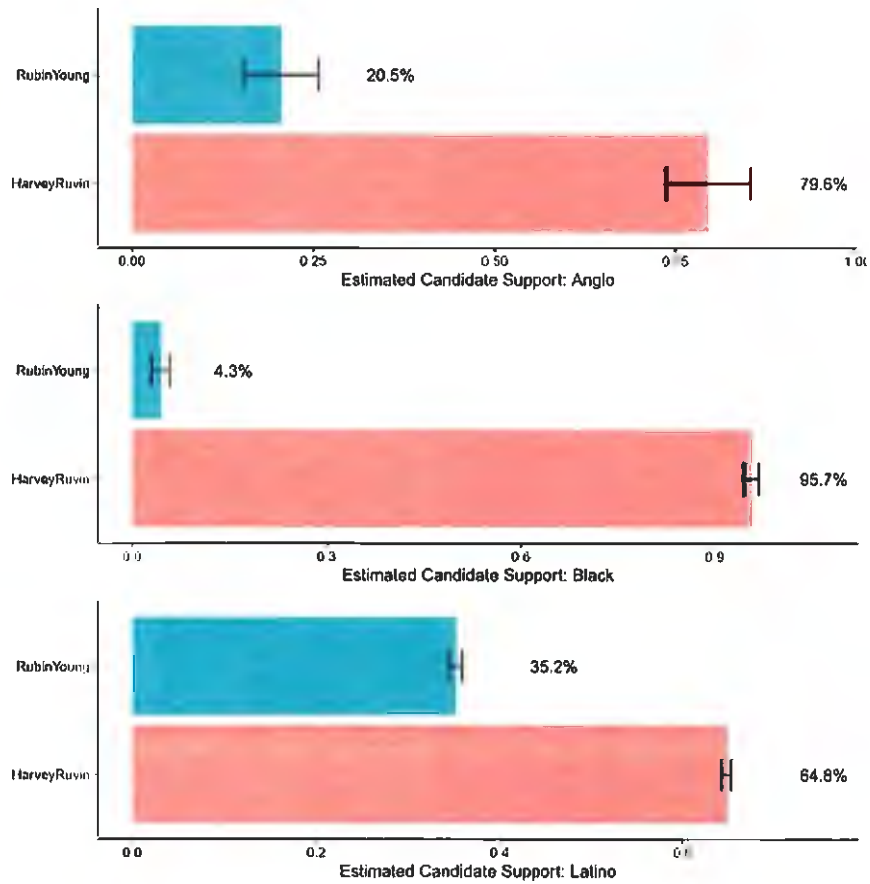


Figure 17: Estimated Candidate Support by Race/Ethnicity



Case No. 23-12472

United States Court of Appeals
for the Eleventh Circuit

CITY OF MIAMI,
Defendant/Appellant,

v.

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MIAMI!DADE BRACH OF THE NAAC ;
C" ARICE COO ER; YANE "IS #A"DES;
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CONTRERAS,

la&nt&ff'/Appellee'.

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APPELLANT'S APPENDIX FOR INITIAL BRIEF
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Attorneys for Defendant/Appellant

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6.11 Election 11: President 2020

The 2020 Presidential race was primarily between Donald Trump (Republican) and Joseph Biden (Democrat). I analyze Miami precincts only. Biden won Miami precincts with 59% of the vote. The Anglo and Black-preferred candidate was Joseph Biden, while the Latino-preferred candidate was Donald Trump. Latino cohesion was near the 60% threshold. Black and Anglo support for Biden was cohesive at an estimated 95% and 80%, respectively.

I find evidence of racially polarized voting in this contest. The Black and Anglo-preferred candidate (Biden) won.

Figure 18: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

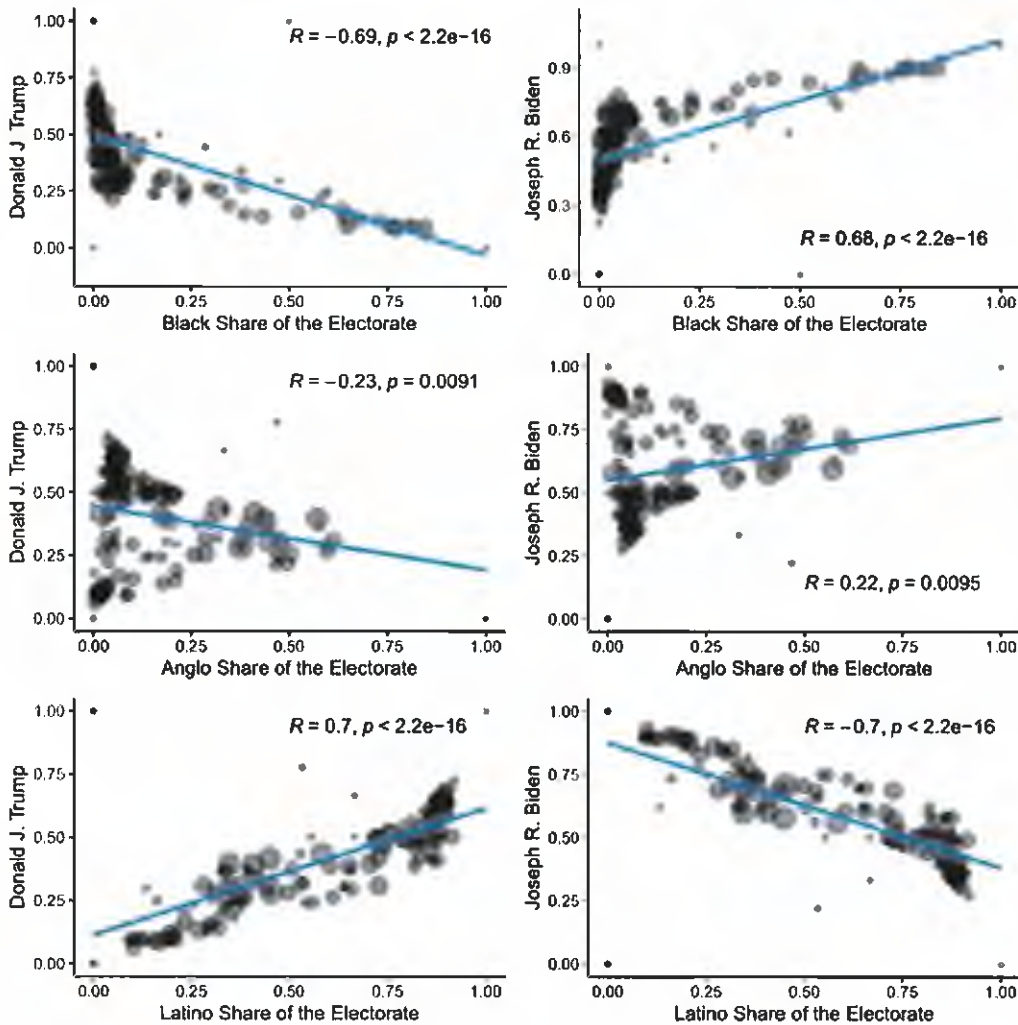
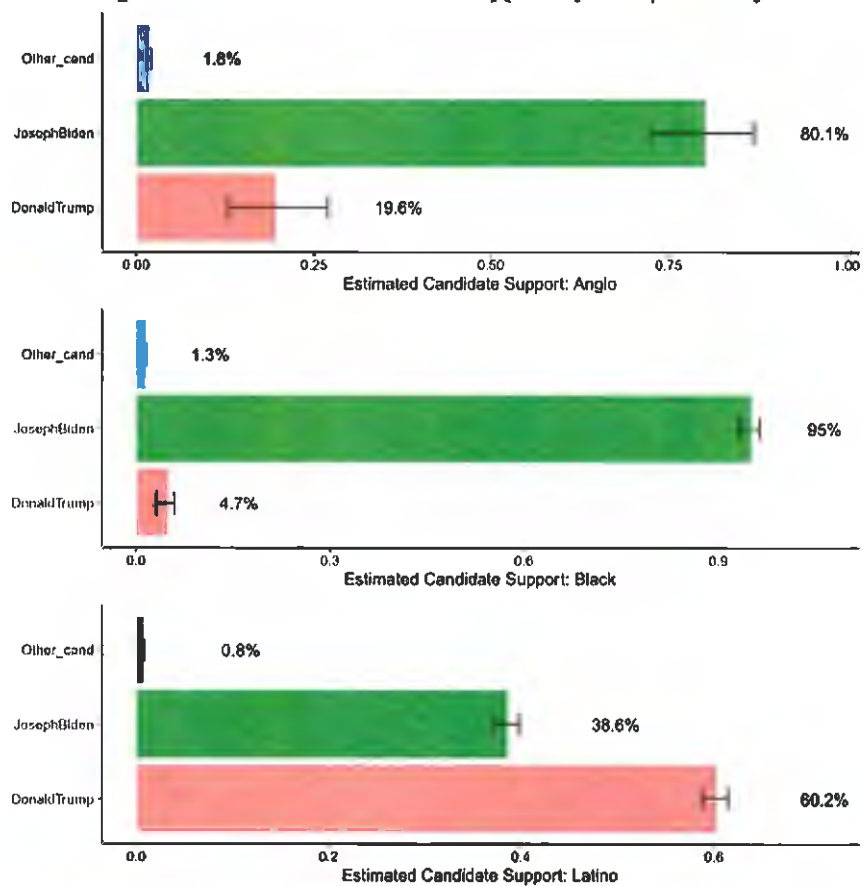


Figure 19: Estimated Candidate Support by Race/Ethnicity



6.12 Election 12: County Property Appraiser 2020

The County Property Appraiser election was between Pedro Garcia and Marisol Zenteno. While the Anglo-preferred candidate was Marisol Zenteno, I fail to find evidence that Latinos or Black greatly preferred either. In other words, while Latinos nominally supported Garcia (58%) and Blacks supported Zenteno (53%), neither Latino nor Black preferred a candidate over 60% (See Figure 21). Zenteno won Miami precincts with 51% of the vote.

I find no evidence of racially polarized voting in this contest.

Figure 20: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

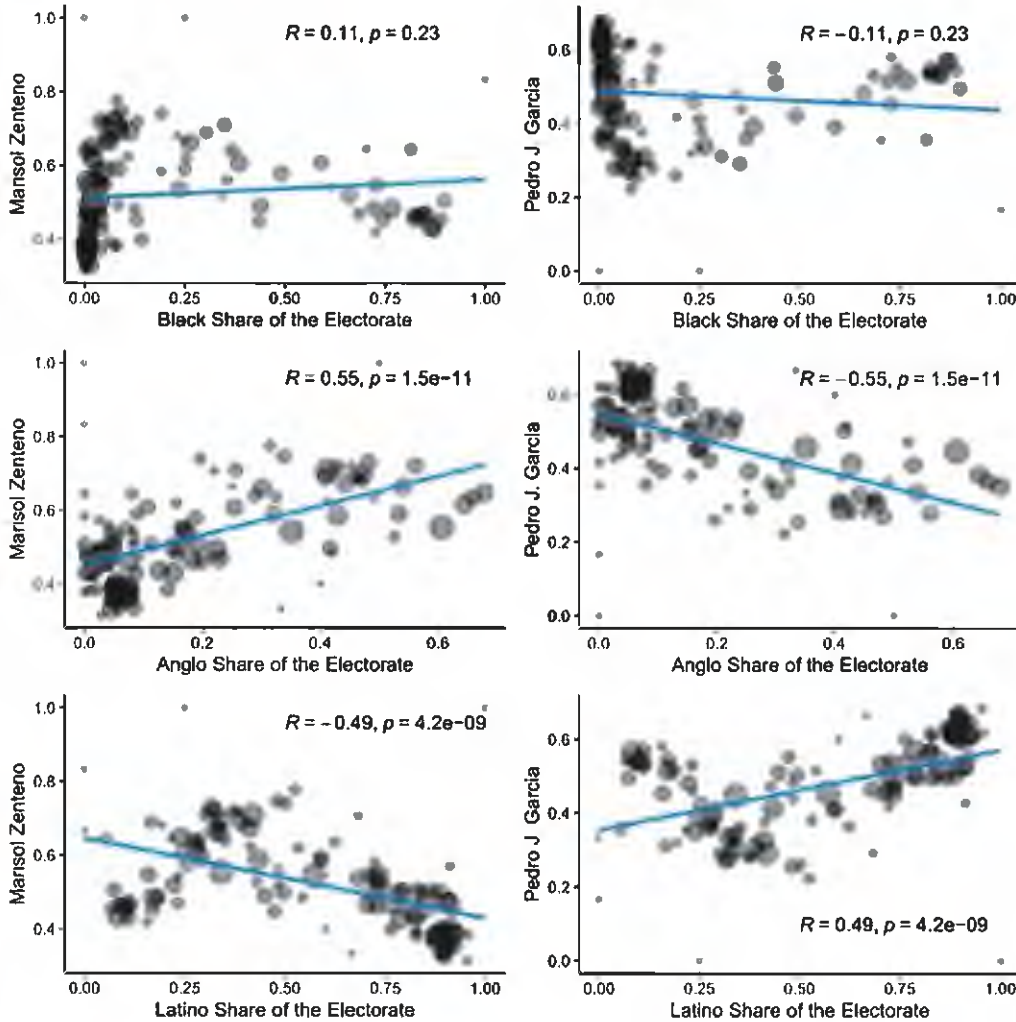
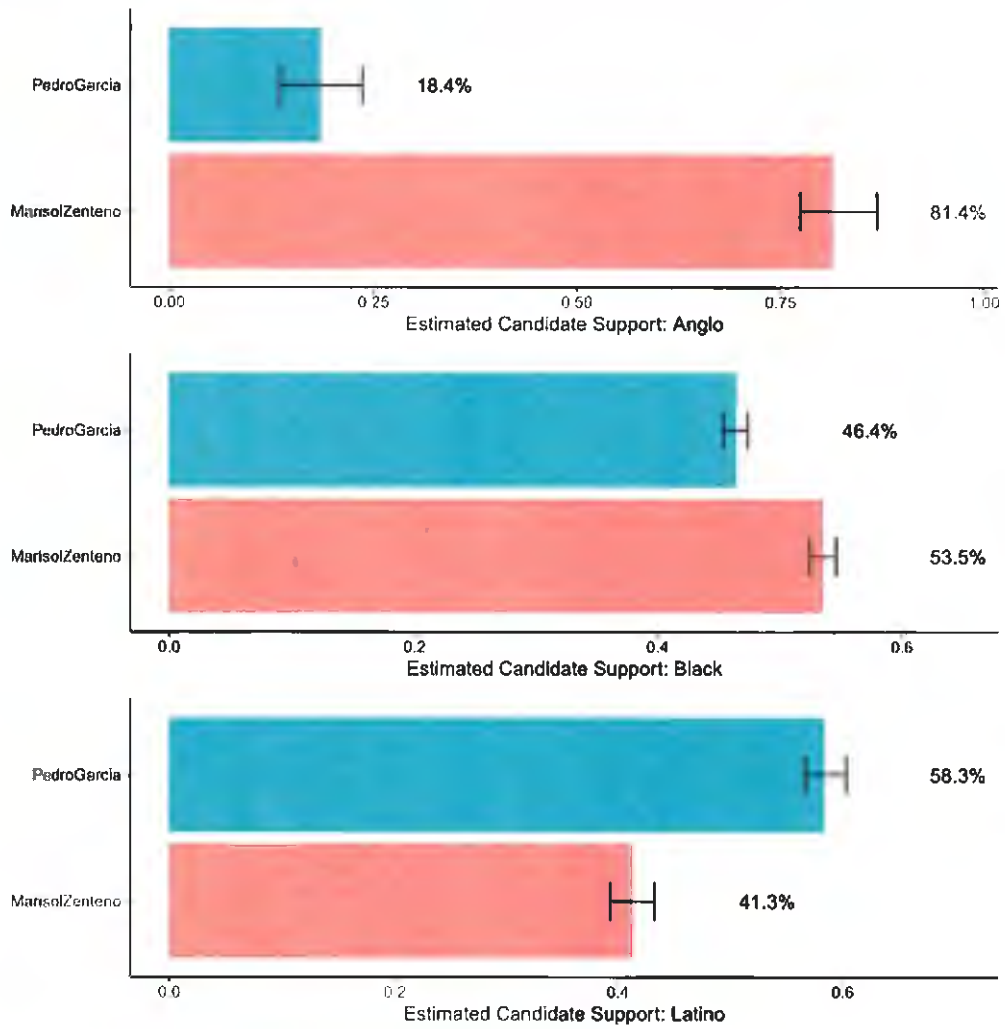


Figure 21: Estimated Candidate Support by Race/Ethnicity



6.13 Election 13: County Judge 24 2020

The County Judge Group 24 election was between Christine Bandin and Shaun Spector. Analyzing Miami precincts only, Christine Bandin won the race with 78% of the vote. Bandin was the preferred candidate by all racial and ethnic groups.

I find no evidence of racially polarized voting in this contest.

Figure 22: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

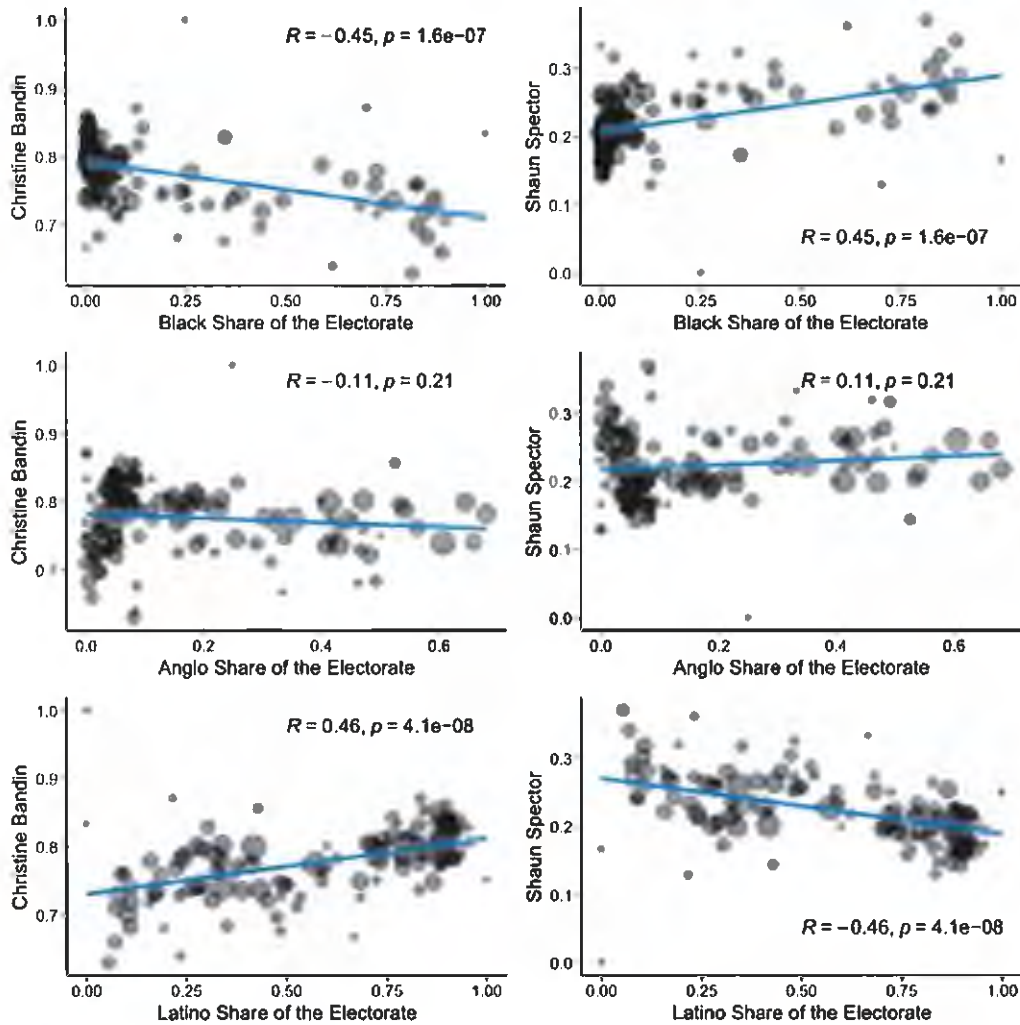
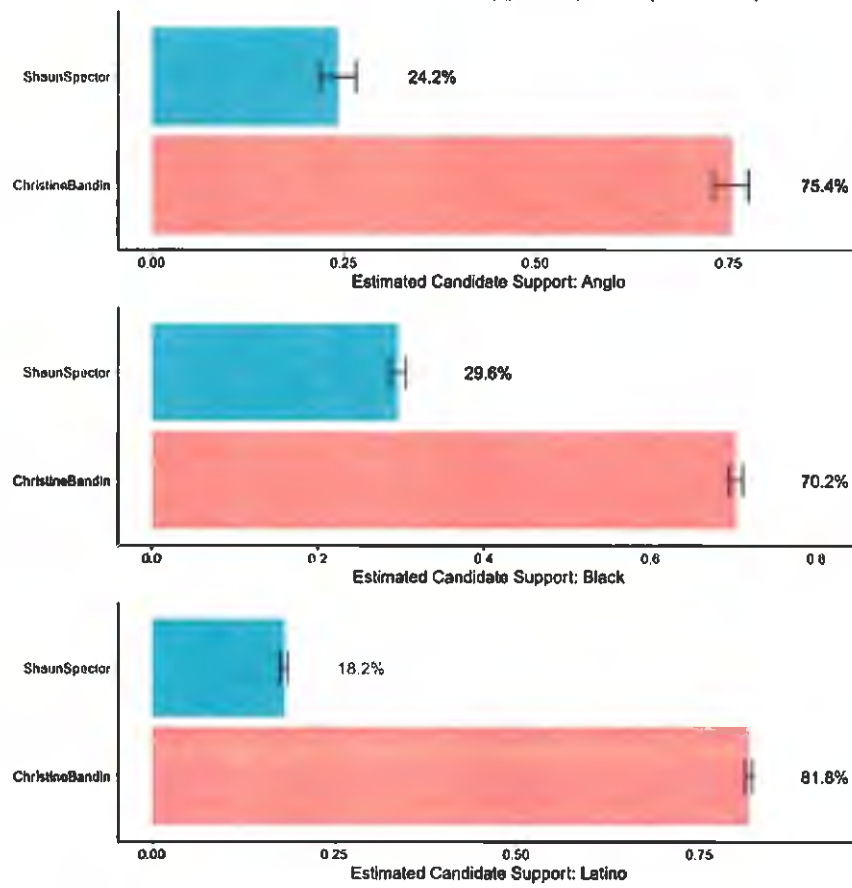


Figure 23: Estimated Candidate Support by Race/Ethnicity



6.14 Election 14: County Judge 9 2020

The County Judge (Group 9) election was between Joseph Mansfield and Miguel Mirabal. In the Miami precincts, Miguel Mirabal won the race with 53% of the vote. The Black and Anglo-preferred candidate was Mansfield, while the Latino-preferred candidate was Mirabal.

I find evidence of racially polarized voting in this contest with the Black and Anglo-preferred candidates losing.

Figure 24: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

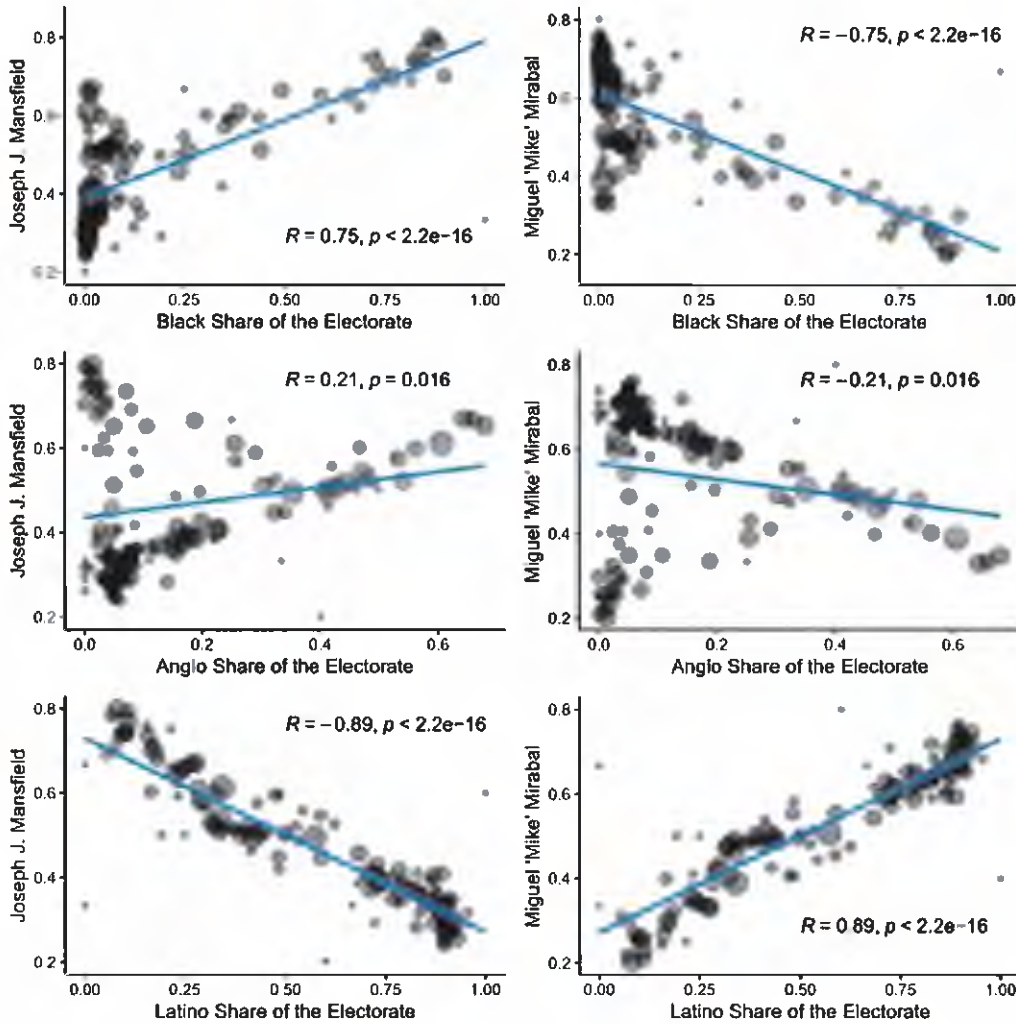
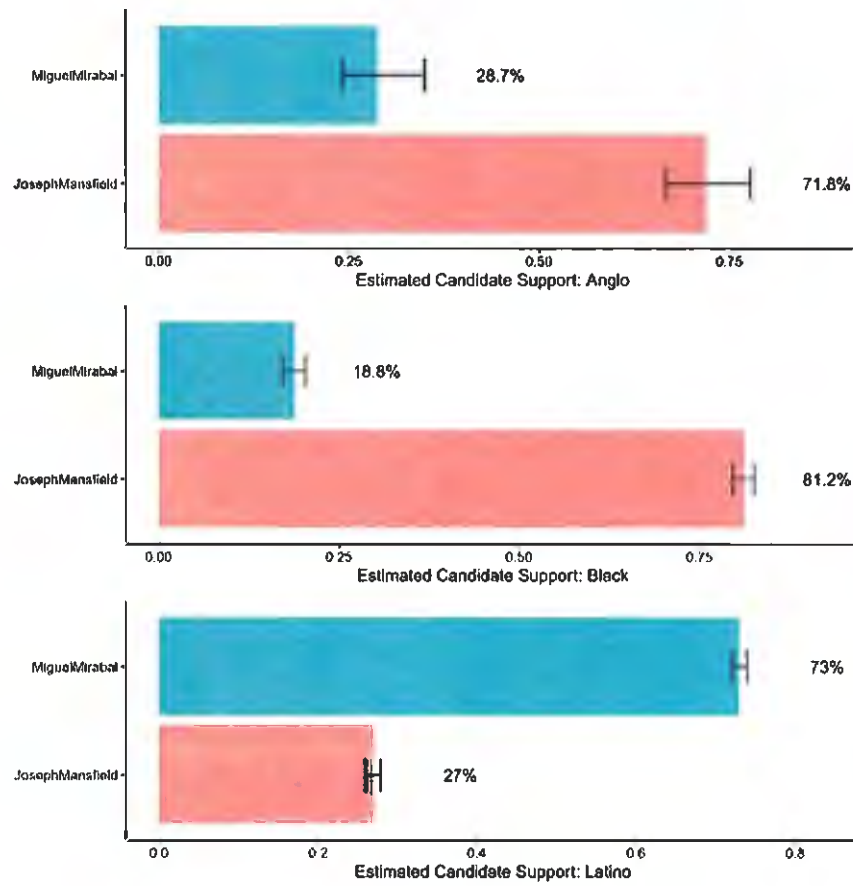


Figure 25: Estimated Candidate Support by Race/Ethnicity



6.15 Election 15: Circuit Judge 75 2020

The Circuit Judge (Group 75) race was between Rosy Aponte and Dava Tunis. Aponte won the Miami precincts with 56% of the vote. I find no clear evidence that Black voters preferred Aponte to Tunis. Aponte support among Black voters was 58%, which is lower than the 60% threshold. The Anglo-preferred candidate was Dava Tunis. The Latino-preferred candidate was Rosy Aponte.

I find evidence of racially polarized voting in this contest. The Latino-preferred candidate won.

Figure 26: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

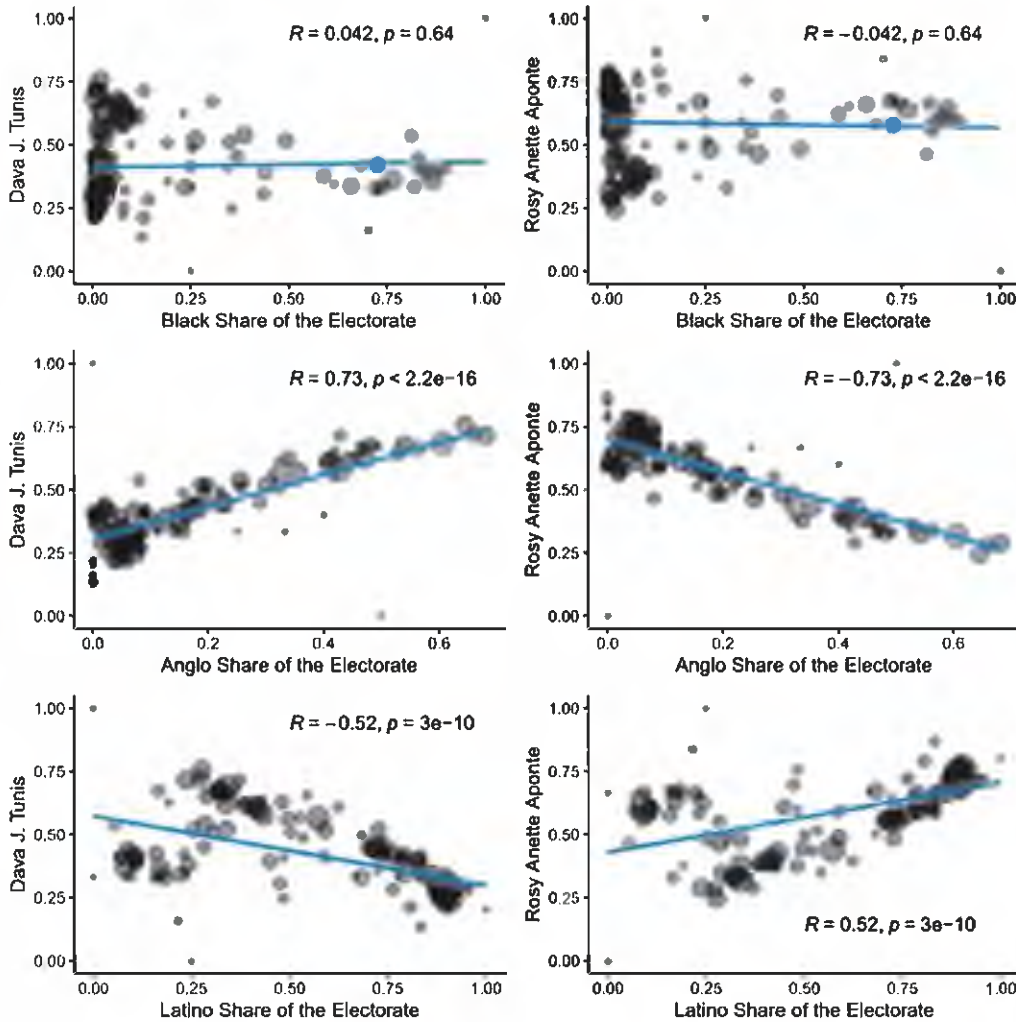
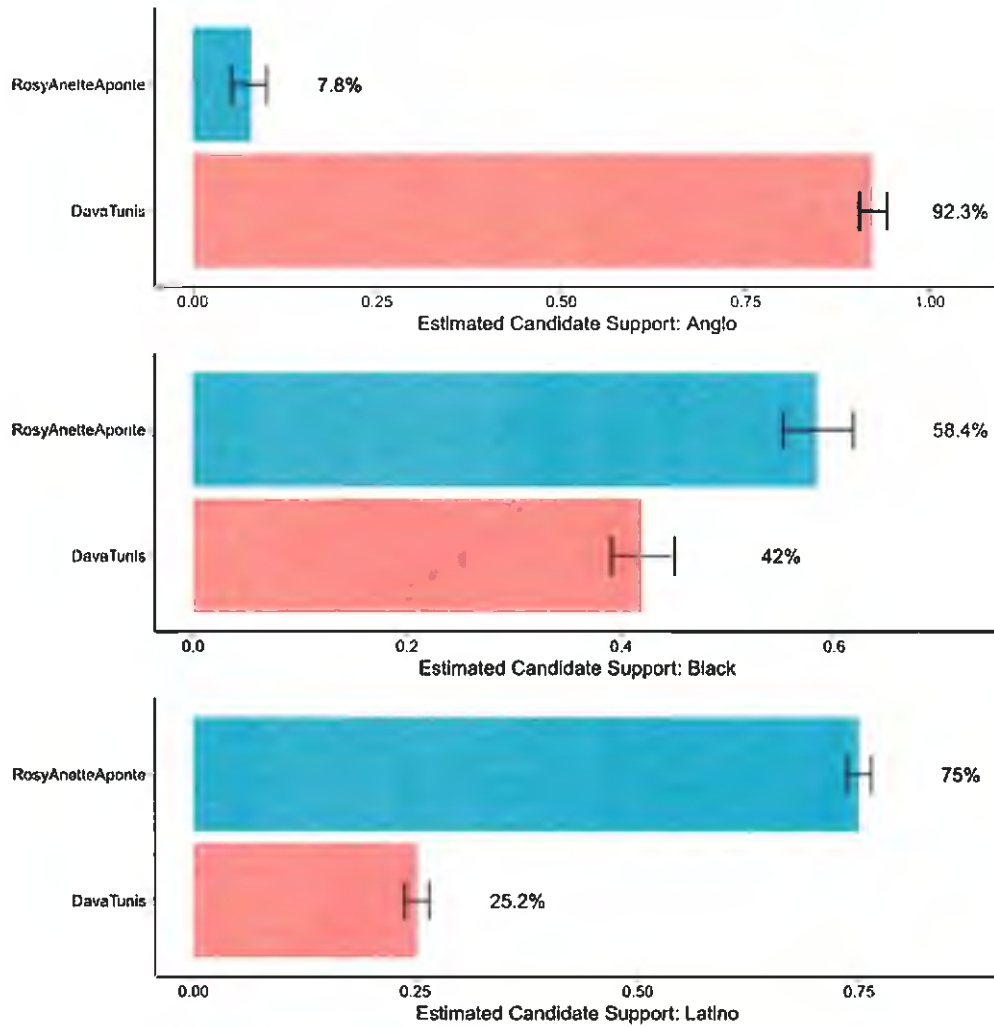


Figure 27: Estimated Candidate Support by Race/Ethnicity



6.16 Election 16: Circuit Judge (Group 67) 2020

The Circuit Judge (Group 67) contest was between Marcia Hansen and Mavel Ruiz. In Miami precincts, Mavel Ruiz won with 56.8% of the vote. The Black-preferred candidate was Hansen, while the Latino-preferred candidate was Ruiz. Anglos slightly preferred Ruiz (55%), but the evidence is inconclusive as it did not reach the threshold of 60%.

I find evidence of racially polarized voting in this contest. The Latino-preferred candidate won.

Figure 28: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

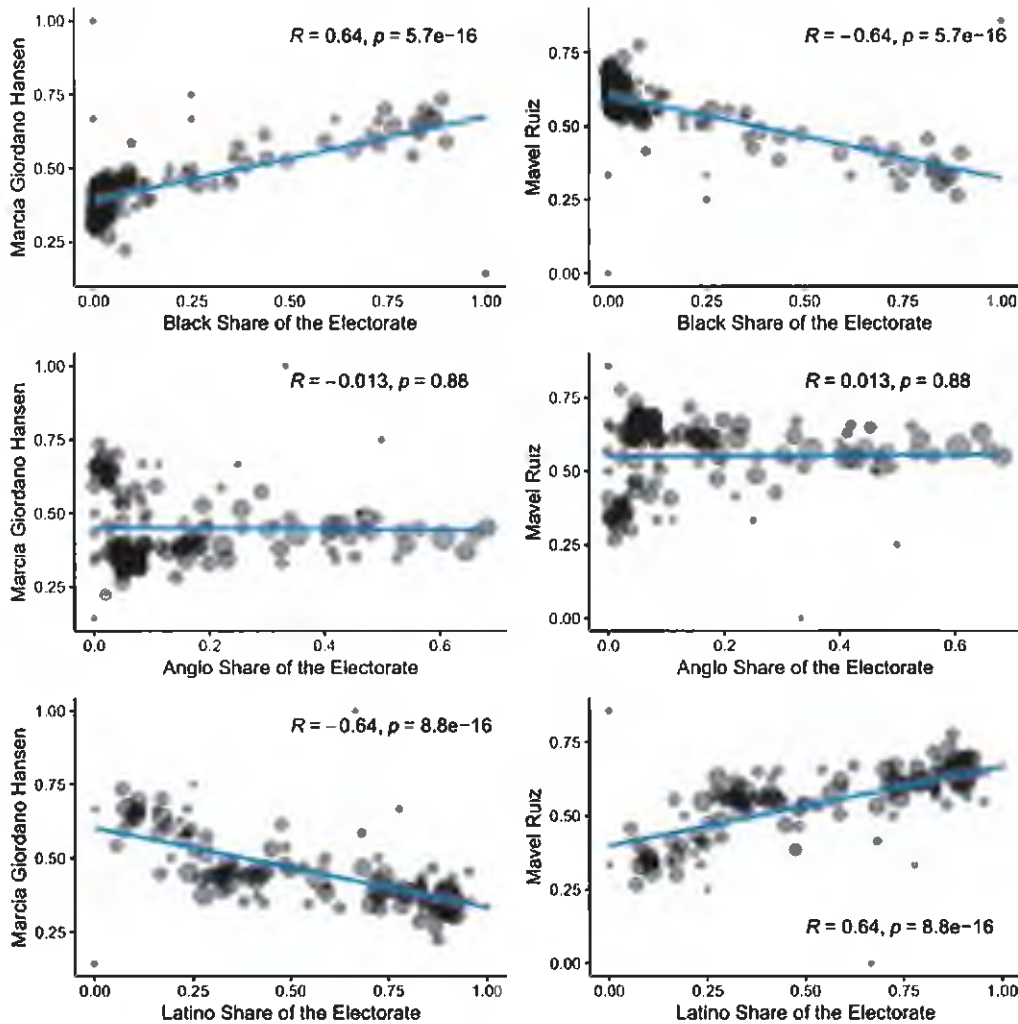
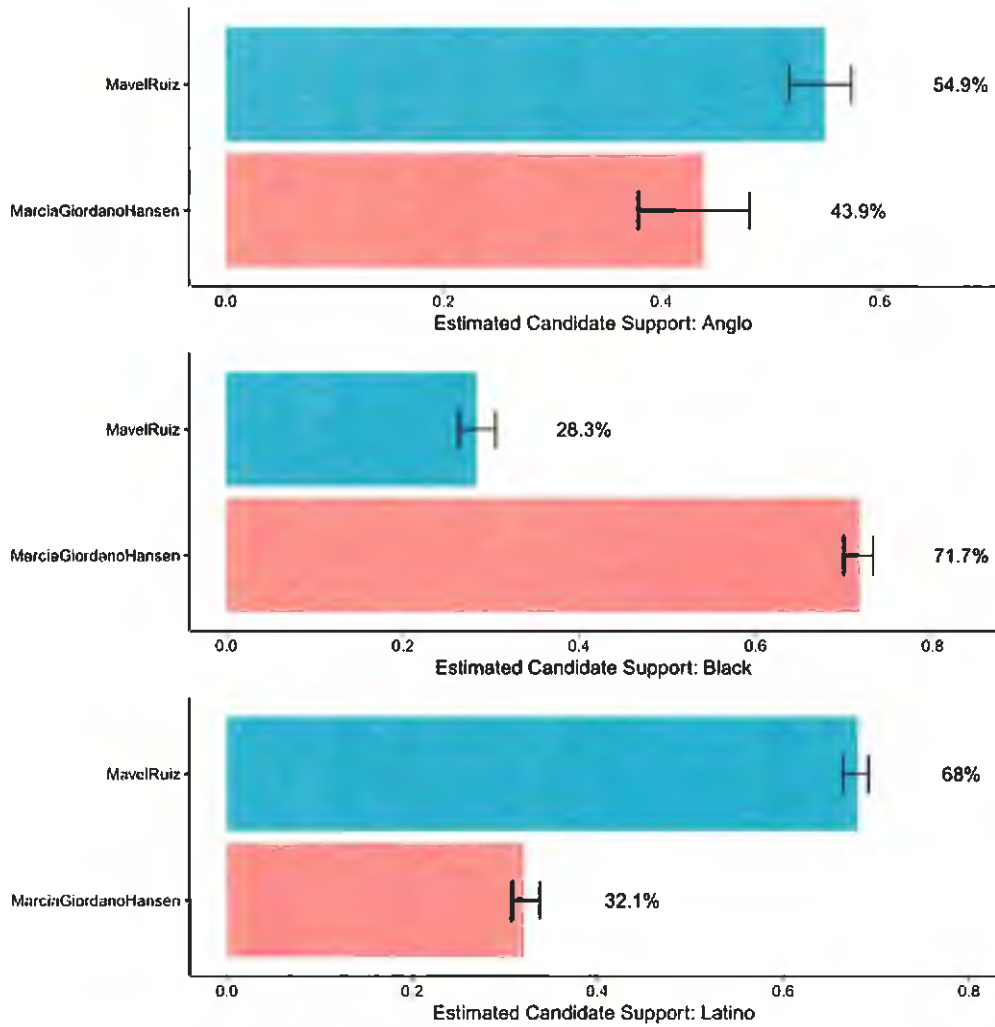


Figure 29: Estimated Candidate Support by Race/Ethnicity



6.17 Election 17: Circuit Judge (Group 65) 2020

The Circuit Judge (Group 65) election was between Denise Martinez-Scanziani and Thomas Rebull. If the contest was held in only Miami precincts, Martinez-Scanziani would have won with 51% of the vote. The Black-preferred candidate was Rebull, winning 59.8% of their vote. I do not find clear evidence that Latinos or Anglos had a preferred candidate. As shown in Figure 31, Anglos supported Rebull at 51.2%, and Latinos preferred Martinez-Scanziani at 56.5%. In all cases, support for the preferred candidate did not reach 60%.

I find no evidence of racially polarized voting in this contest.

Figure 30: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

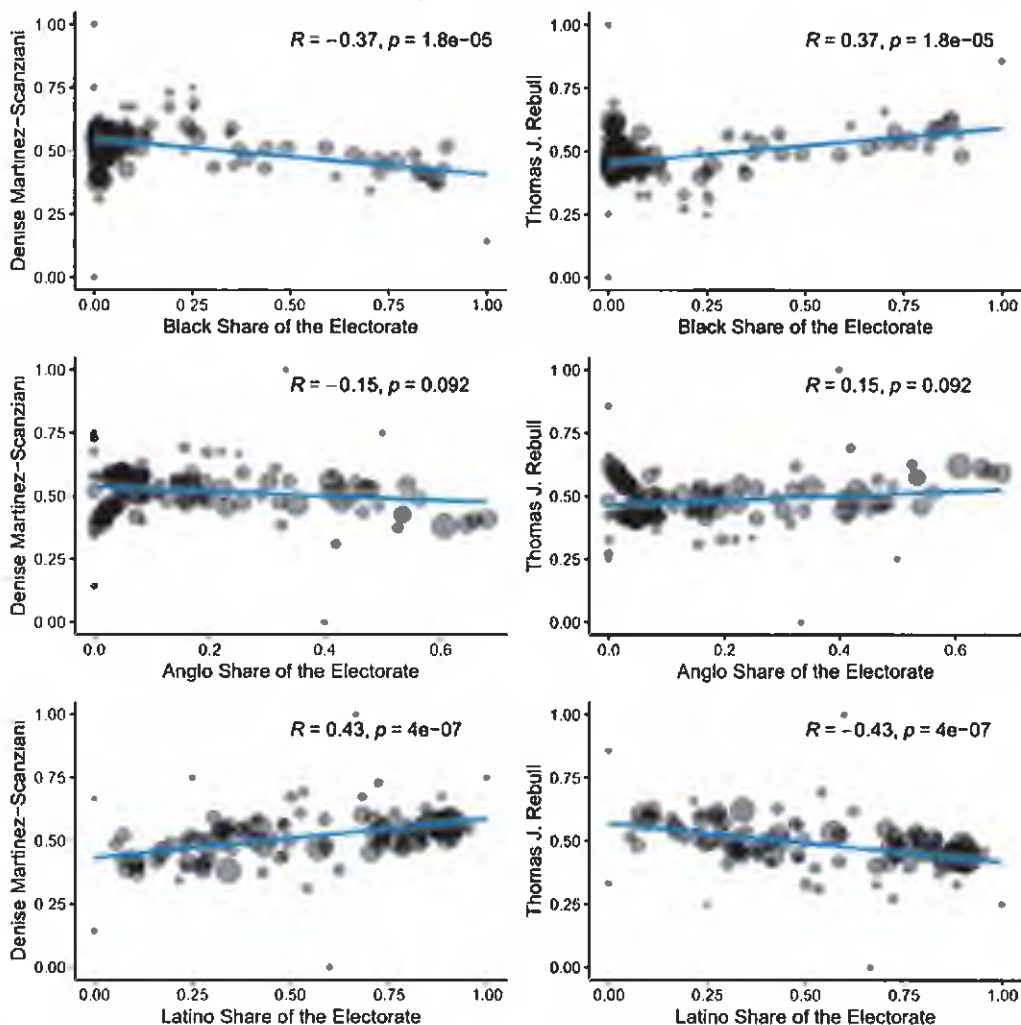
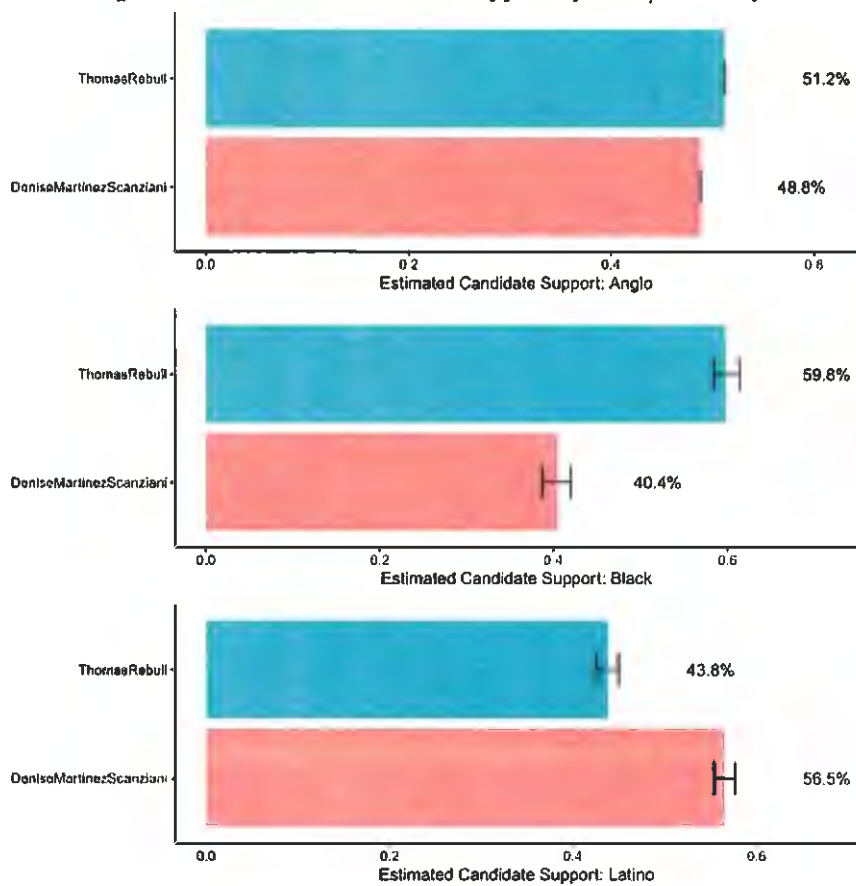


Figure 31: Estimated Candidate Support by Race/Ethnicity



6.18 Election 18: Circuit Judge (Group 57) 2020

The Circuit Judge (Group 57) election was between Carmen Cabarga and Roderick Vereen. Carmen Cabarga won Miami precincts with 56.6% of the vote. The Black and Anglo-preferred candidate was Roderick Vereen, while the Latino-preferred candidate was Carmen Cabarga.

I find evidence of racially polarized voting in this contest. The Latino-preferred candidate won.

Figure 32: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

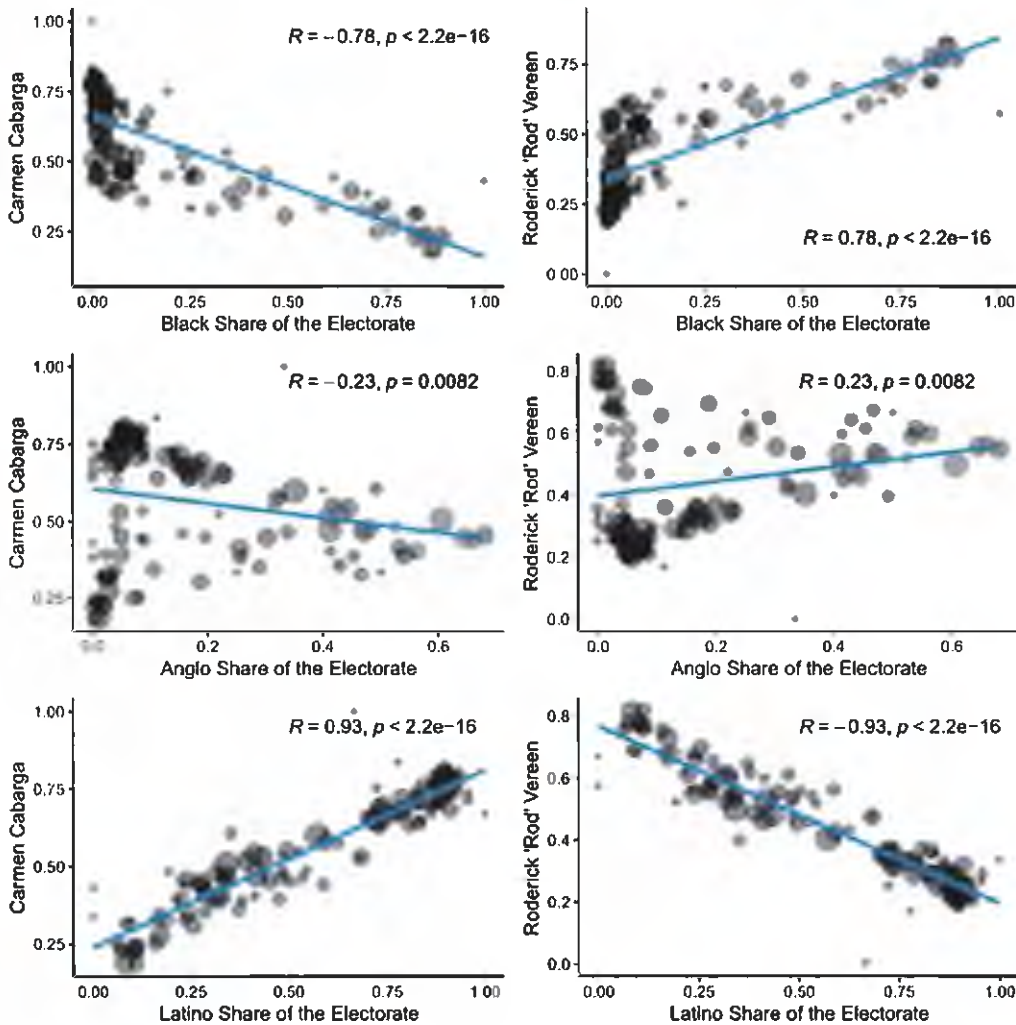
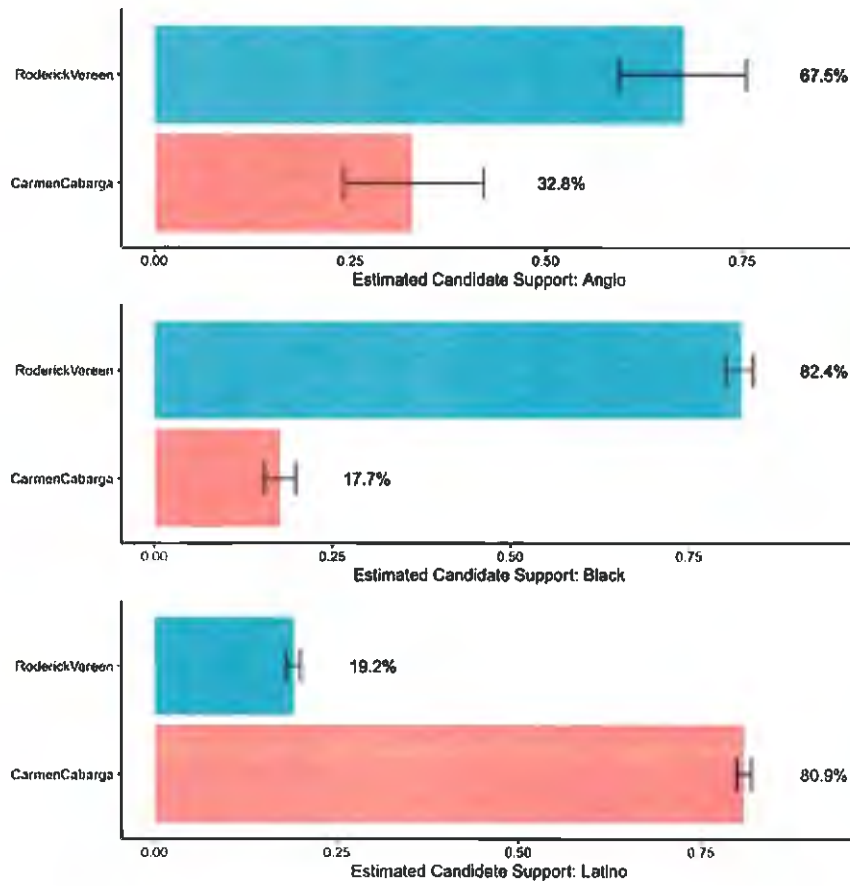


Figure 33: Estimated Candidate Support by Race/Ethnicity



6.19 Election 19: Circuit Judge (Group 55) 2020

The Circuit Judge (Group 55) contest was between Olanike Adebayo and Joe Perkins. Adebayo won Miami precincts with 51.4% of the vote. The Black and Anglo-preferred candidate was Adebayo. While both groups have higher than 60% cohesion in voting, the cohesion rate among Blacks were on the lower end of the spectrum (60.04%). The Latino-preferred candidate was Joe Perkins.

I find evidence of racially polarized voting in this contest. The Black and Anglo-preferred candidate won the Miami precincts.

Figure 34: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

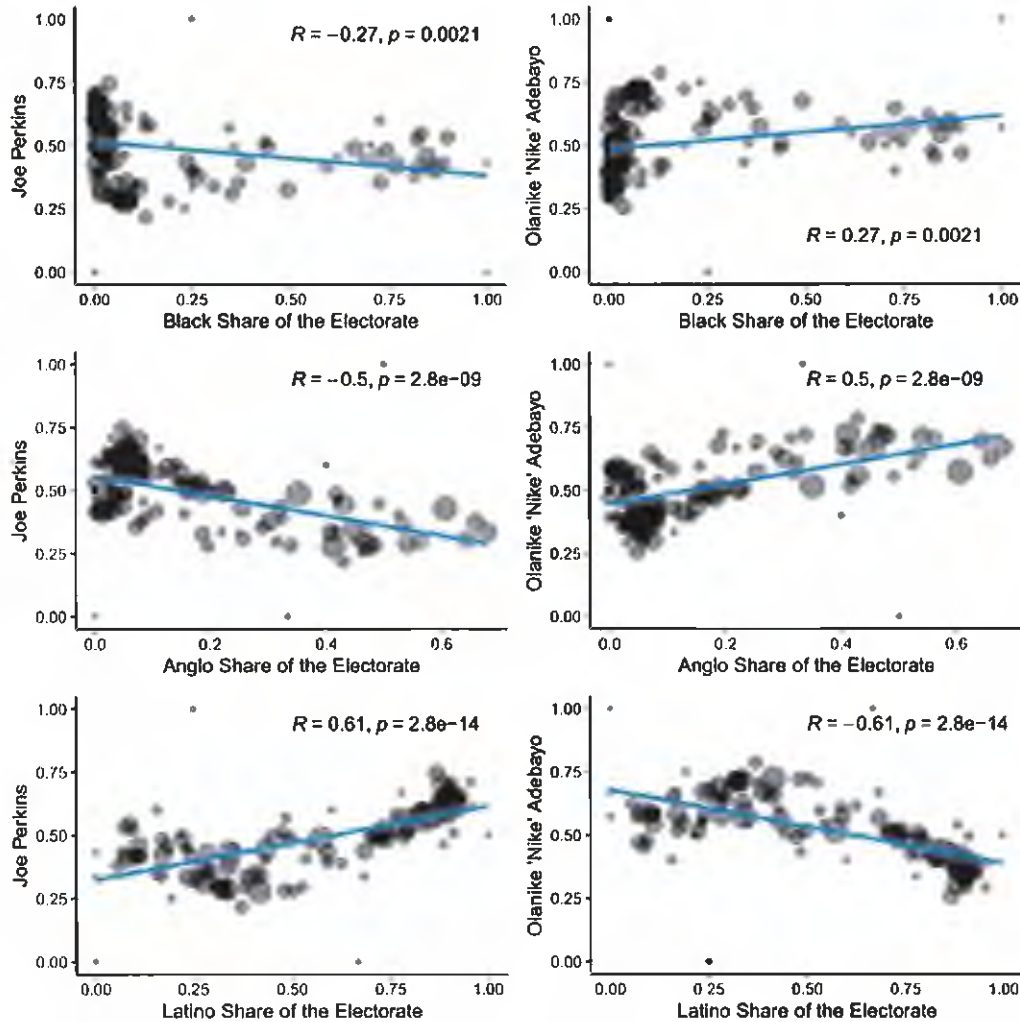
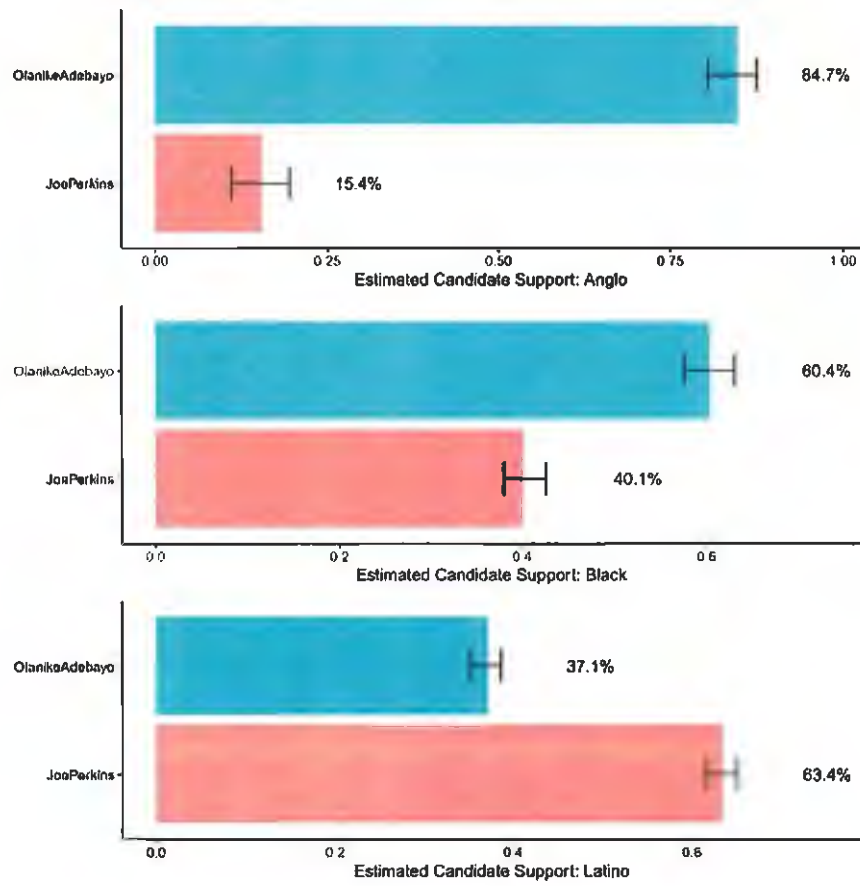


Figure 35: Estimated Candidate Support by Race/Ethnicity



6.20 Election 20: Governor 2018

The 2018 gubernatorial race was primarily between Ron Desantis (R) and Andrew Gillum (D). If the contest was held in only Miami precincts, Gillum would have won with 65% of the vote. In Figure 36, I plot the share of the electorate by ethnicity, and vote shares of the top two vote receiving candidates. There's sufficient evidence that Blacks and Anglos preferred Andrew Gillum to Ron DeSantis. However, Latinos support was split between DeSantis at 52.6% and Gillum at 45.4%. Thus, Latino support was not cohesive.

I find no evidence of racially polarized voting in this contest.

Figure 36: Scatterplot: Race/Ethnic Composition by Candidate Vote Share

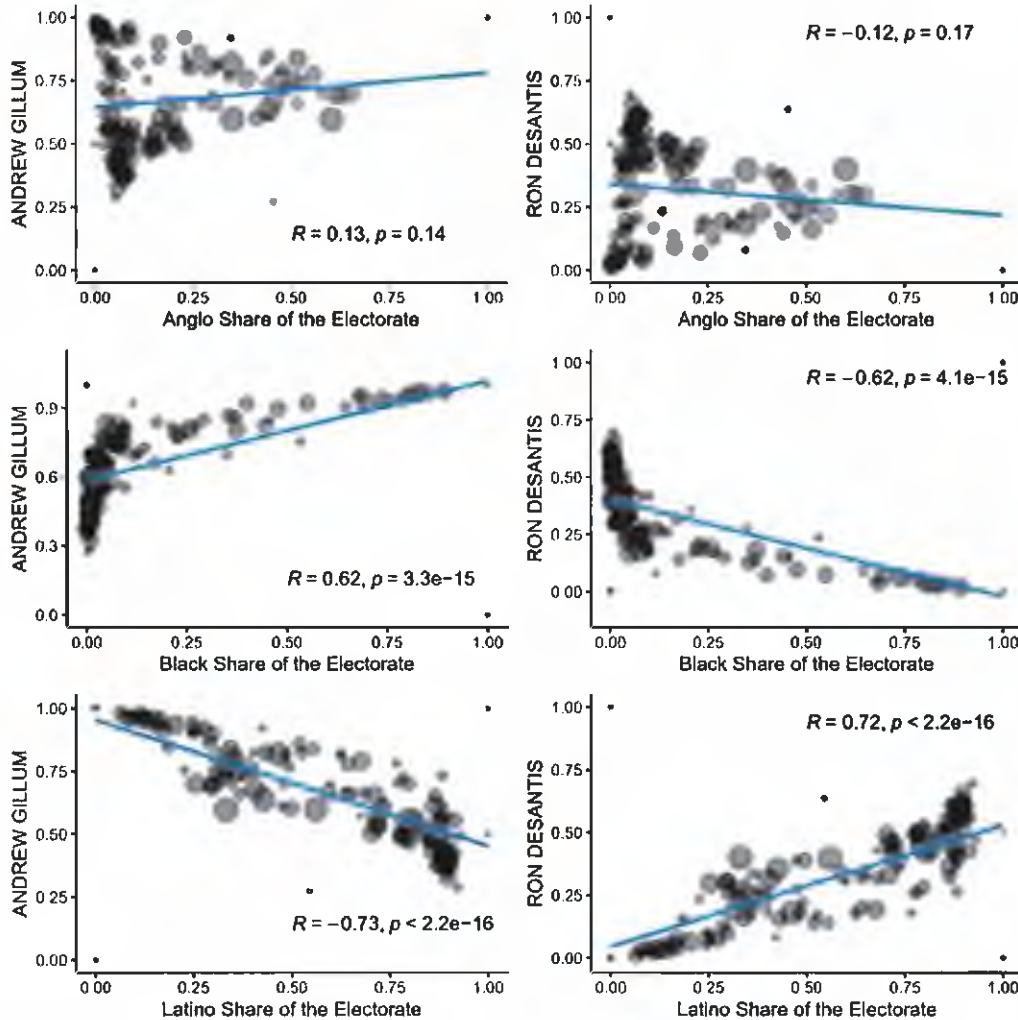
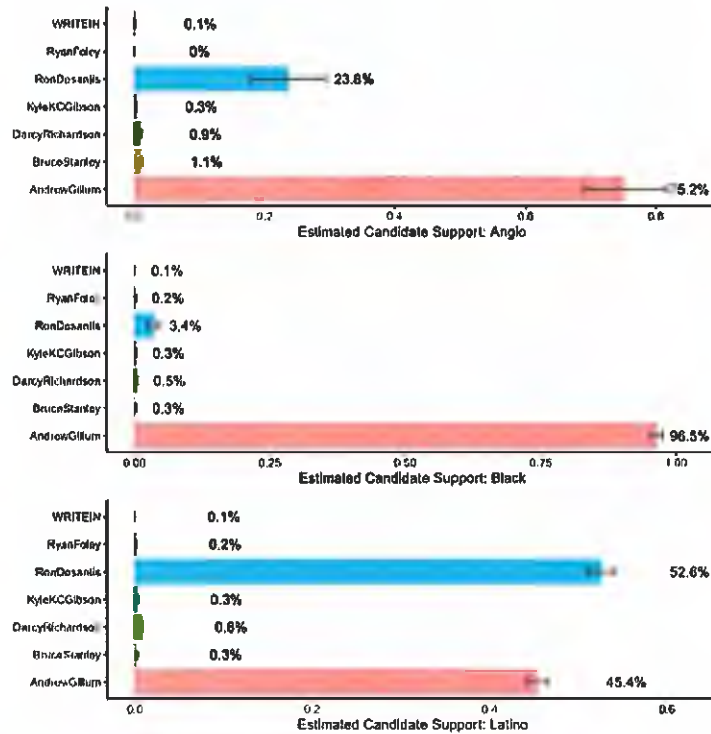


Figure 37: Estimated Candidate Support by Race/Ethnicity



7 Threshold Analysis

The analysis thus far provides evidence of racially polarized voting. With a sample of twenty elections in the City of Miami between 2017 and 2021, I found ten contests showing discernible patterns of racially polarized voting. In this section, I estimate the proportion of Black, Anglo, and Latino registered voters required for their preferred candidate to prevail.

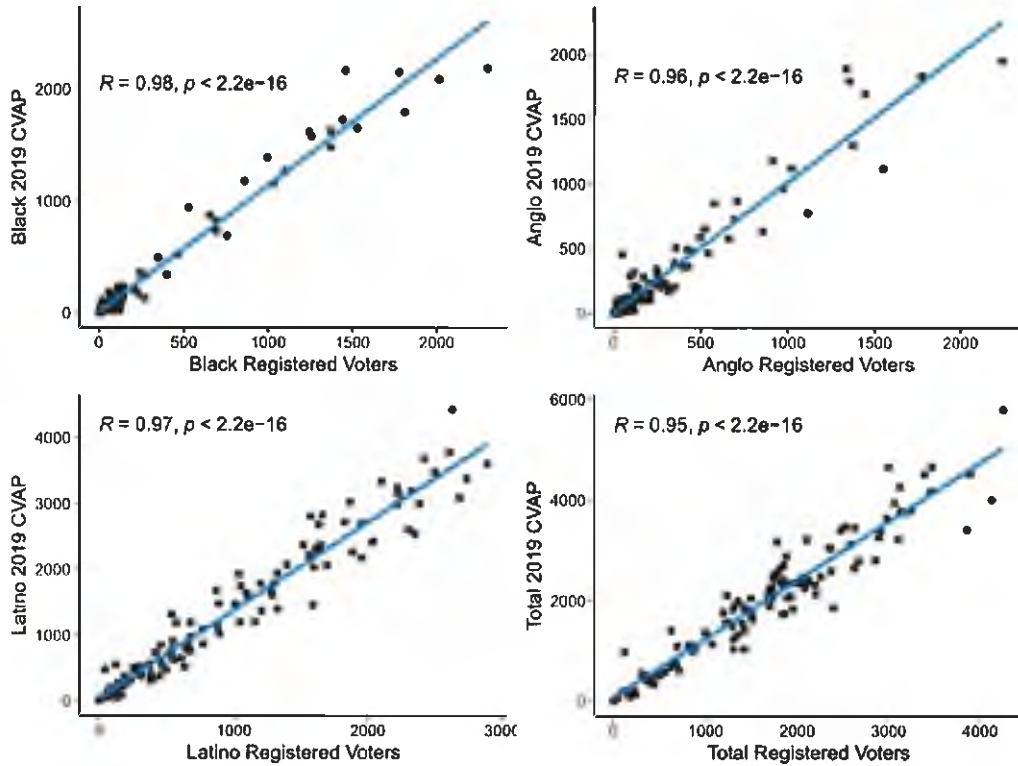
To estimate this threshold proportion, I need turnout by ethnicity, the proportion of registered voters by ethnicity, the estimated support of the group-preferred candidate, and the total number of registered voters in the area. These numbers come from two sources: (1) the turnout rates and the registered voter rate are taken from the voter file, and (2) the estimated support for the group's preferred candidate is derived from ecological inference. Using these quantities, I estimate the proportion of registered voters needed to elect the group-preferred candidate. In other words, this analysis will show how the Black-preferred candidate would have done if the share of Black registered voters varied. I do this analysis for all ethnic groups that have a preferred candidate.

It is important to note that I use registration numbers rather than citizen voting age population. Using registration rates by ethnicity provides a more accurate depiction of racially polarized voting at this level. Generally, the citizen voting age population is less precise at the precinct level, where much of our analysis primarily takes place. For example, a few precincts have more registered voters of a particular race than the estimated citizen voting age population.

In Figure 38, I plot the relationship between the number of registered voters in the precinct and the CVAP. They are correlated between .97 and .98. Furthermore, in Figure 39, I plot the same relationship using the group's share of registered voters and the group's share of CVAP. I again find a high correlation between the variables. Thus, I use the registered voters for my analysis. For reference, if you want to calculate the estimated share of Black CVAP from the Black share of registered voters, you will subtract 0.2 percentage points from the Black share of registered voters. For Anglos, you would subtract two percentage points from the Anglo share of registered voters to estimate the Anglo CVAP. Lastly, to estimate Latino

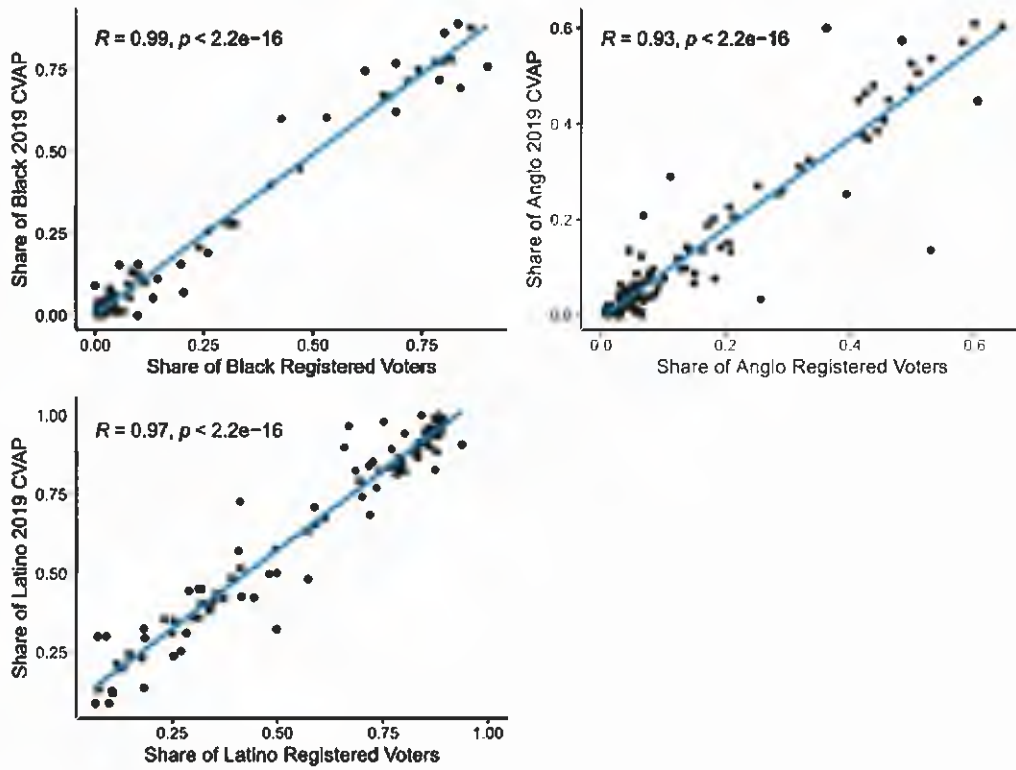
CVAP, you would add seven percentage points to the Latino CVAP.⁵

Figure 38: Registration and 2019 CVAP: Miami Precincts



5. Note that for Latinos, the share of Latino registered voters underestimates the CVAP.

Figure 39: Share of Registered Voters and Share of 2019 CVAP: Miami Precincts



I run and interpret results for the ten contests exhibiting racially polarized voting patterns. For ease and reliability of computation, I estimate the vote share as if only three ethnic groups were voting: Blacks, Anglos, and Latinos.

Interpreting the Threshold Plots. If the contest had a group-preferred candidate, I estimate the proportion of registered voters needed for that candidate to be elected with a majority vote. The x-axis is the group's share of the registered voters. The y-axis is the preferred candidate's estimated vote share. The black line is how the share of registered voters translates to a candidate's vote share. I draw a dashed line across the 50% vote share to indicate when the candidate reaches a majority. I draw a vertical red line at the point where the candidate is elected.

The blue line will show the composition of the voting electorate. For example, the point at which the grey and blue lines intersect should be interpreted as the electorate's composition when their preferred candidate wins. Furthermore, when the blue line is above the black line, the ethnic group's preferred candidate is receiving above-average support from other groups. We expect this to be the case when two groups share the same preferred candidate.

7.1 City Commissioner District 3 2021

The contest for City Commissioner District 3 in 2021 showed patterns of racially polarized voting. The Anglo-preferred candidate was Quinn Smith, while the Latino-preferred candidate was Joe Carollo. Joe Carollo won the contest. Latinos made up 84% of the registered voters in this district. As shown in Figure 40, Latinos would need to be 61% of the registered voters for their preferred candidate (Carollo) to win.

For the Anglo-preferred candidate to prevail, they would need to 48% of the registered voting population (See Figure 41). Anglos are currently 12% in this district. While there is slight evidence that Black's preferred Smith to Carollo, they did not make up a sufficient amount in any precinct to provide reliable results.

Figure 40: Latino-Preferred Candidate Carollo

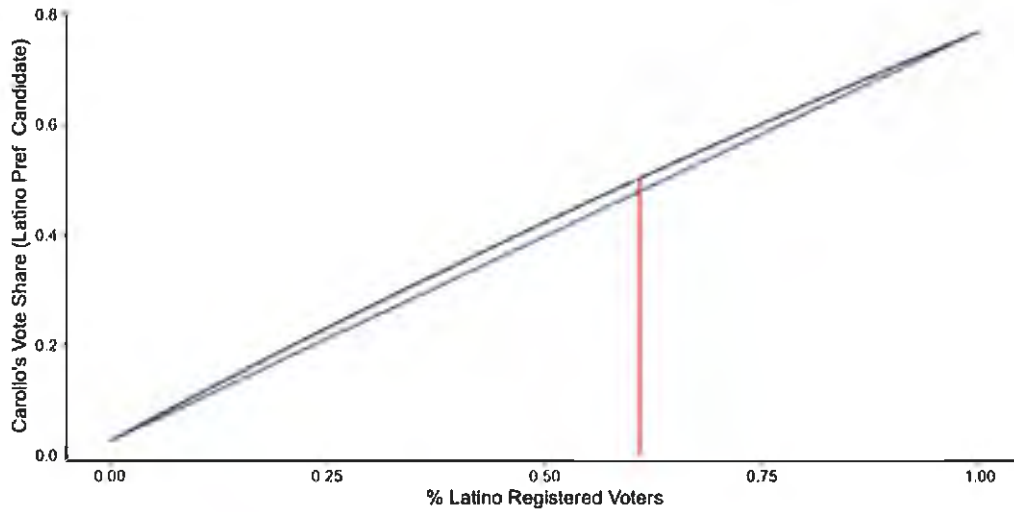
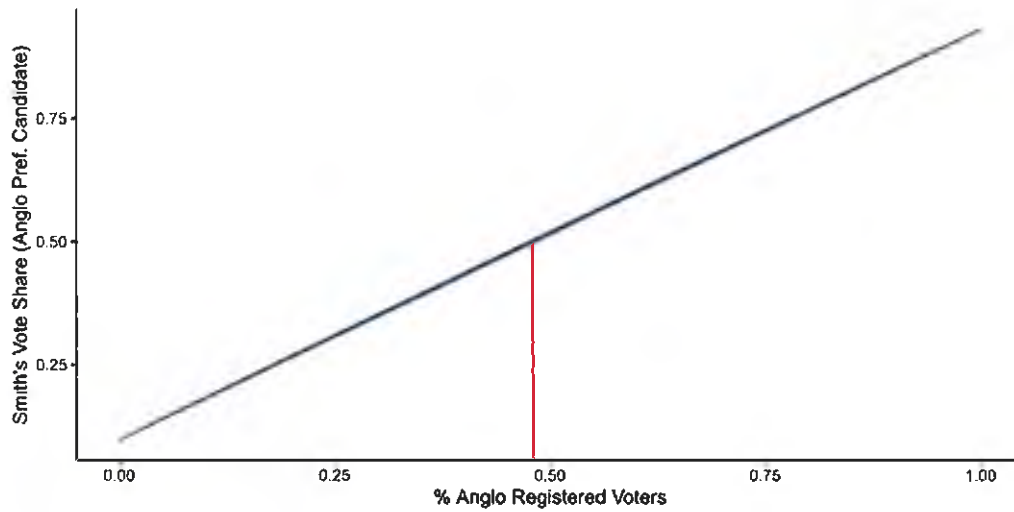


Figure 41: Anglo-Preferred Candidate Smith



7.2 City Commissioner District 3 2017

The contest for City Commissioner District 3 in 2017 showed patterns of racially polarized voting. The Latino-preferred candidate was Joe Carollo, while the Anglo- and Black-preferred candidate was Alfonso Leon. The Latino-preferred candidate prevailed. Latinos make up 79% of the district. As shown in Figure 42, Latinos need to make up about 77% of the registered voters for their candidate to receive 50% of the vote. When the Latino-preferred candidate wins, the Latino share of the electorate is about 83%.

For the Anglo-preferred candidate to prevail, Anglos need to make up 72% of the registered voters (See Figure 43). When the Anglo-preferred candidate wins, the Anglo share of the electorate is 19%. For the Black-preferred candidate to prevail, Blacks need to make up 26% of the registered voters (See Figure 44). When the Black-preferred candidate wins, the Black composition of the electorate is about 10%. This suggests that the Black-preferred candidate has larger than average support from other racial groups. In this case, the Anglo- and Black-preferred candidates are the same.

Figure 42: Latino-Preferred Candidate Carollo

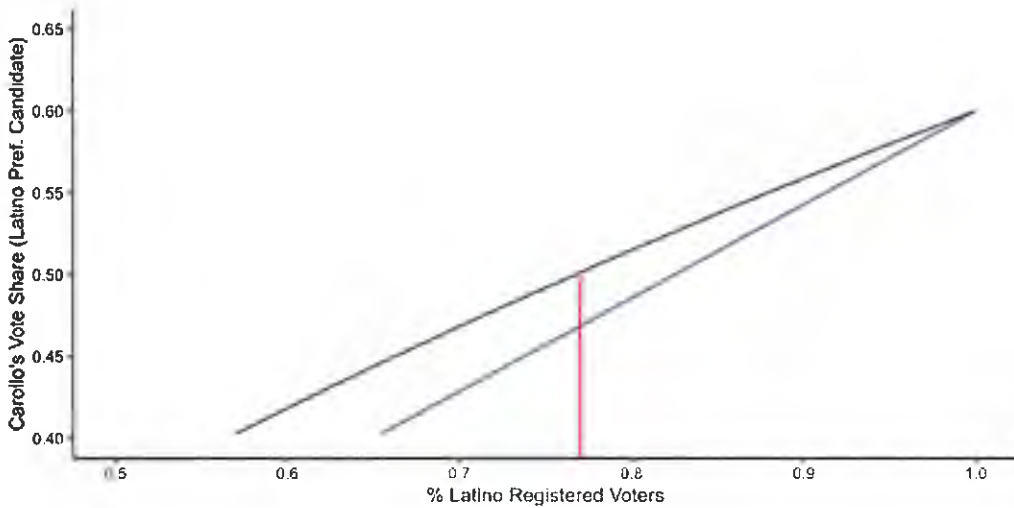


Figure 43: Anglo-Preferred Candidate Leon

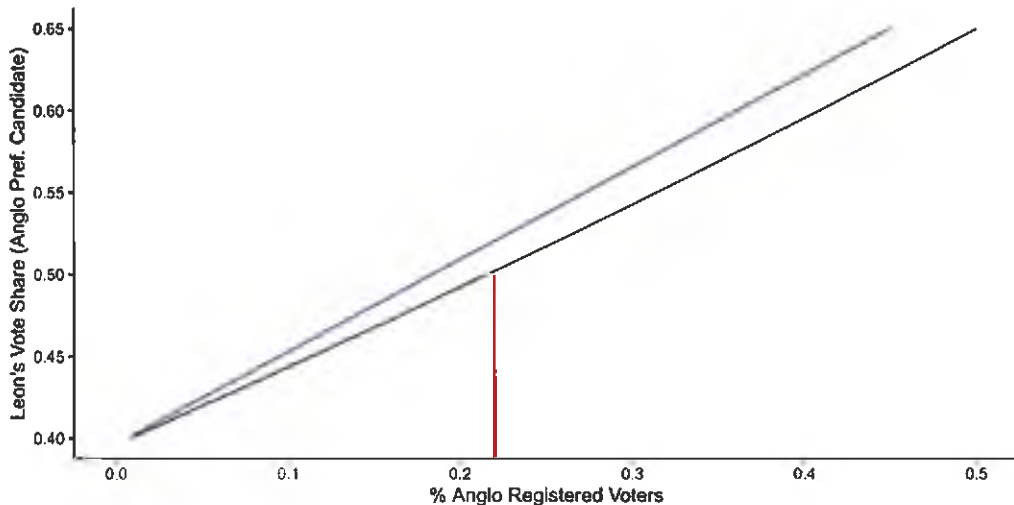
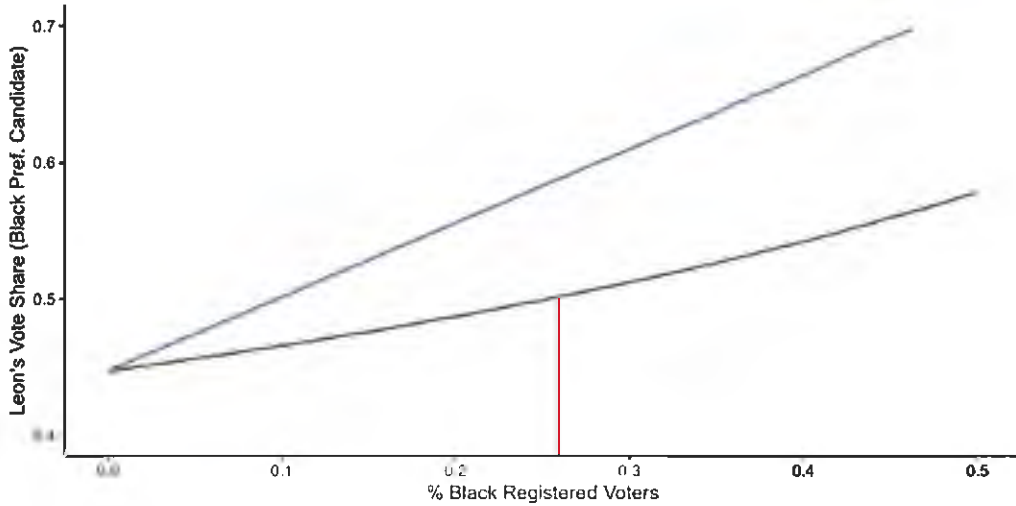


Figure 44: Black-Preferred Candidate Leon



7.3 County Commissioner District 3

The contest for County Commissioner District 3 in 2020 showed patterns of racially polarized voting. The Black-preferred and Latino-preferred candidate was Keon Hardemon. The Anglo-preferred candidate was Gepsie Metellus. Across all levels of Black share and Latino share of registered voters, the Black preferred candidate prevails (See Figures 45 and 46). The Anglo-preferred candidate needs Anglo voters to make up 60% of the registered voter population to win a majority. When the Anglo-preferred candidate wins, they will make up 63% of the voting electorate.

Figure 45: Black-Preferred Candidate

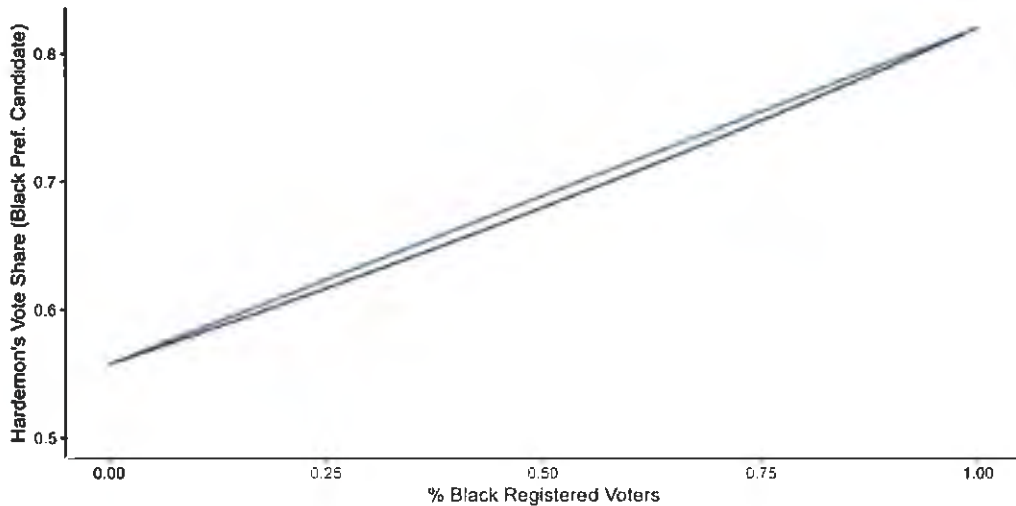


Figure 46: Latino-Preferred Candidate

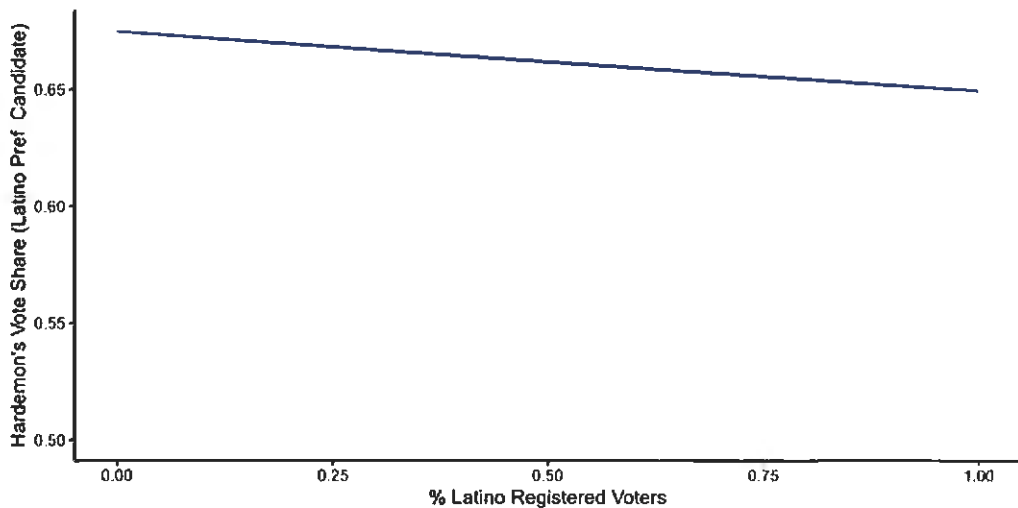
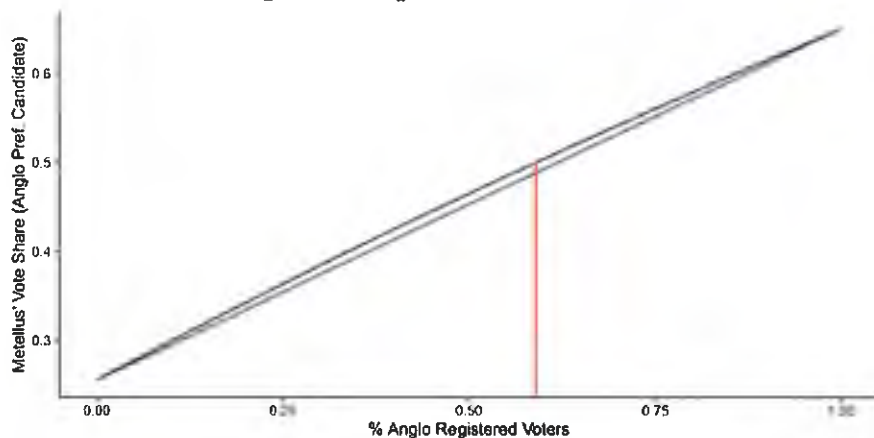


Figure 47: Anglo-Preferred Candidate



7.4 County Mayor 2020

The contest for County Mayor in 2020 showed signs of racially polarized voting. The Black and Anglo-preferred candidate was Levine Cava while the Latino-preferred candidate was Bovo. For the Black-preferred candidate to prevail, Blacks must make up 8% of the registered voter population. Similarly, the Anglo-preferred candidate must make up 2% of the registered voting population to prevail. For the Latino-preferred candidate to prevail, they must make up 74% of the registered voter population.

Figure 48: Black-Preferred Candidate

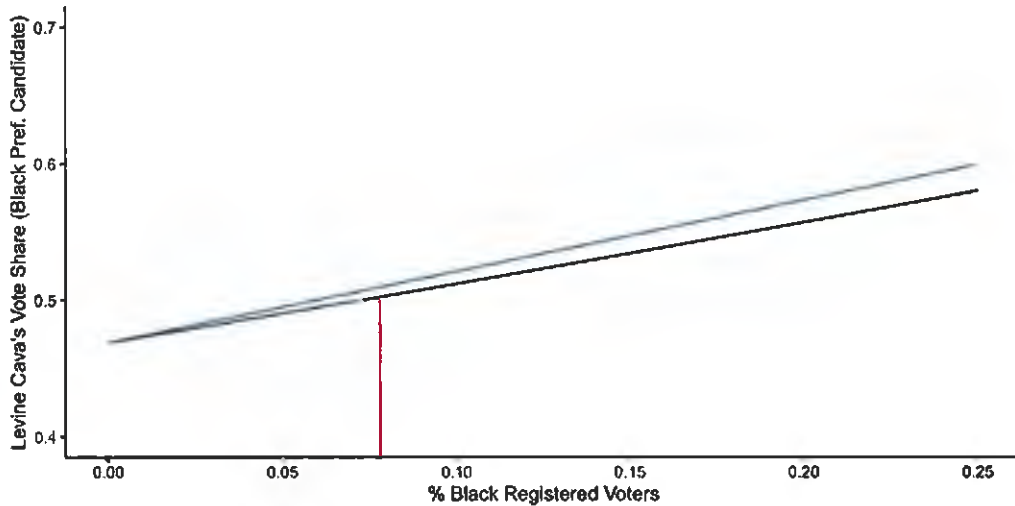


Figure 49: Anglo-Preferred Candidate

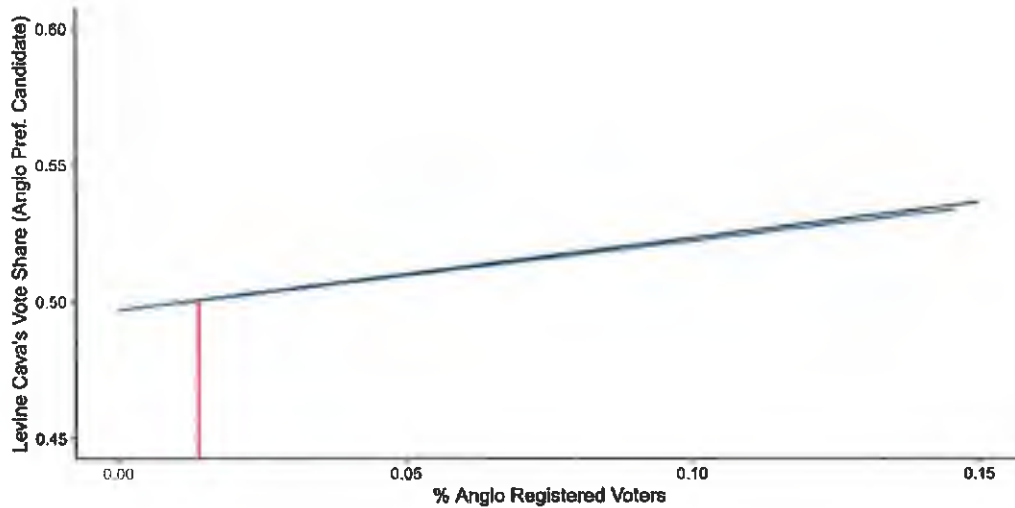
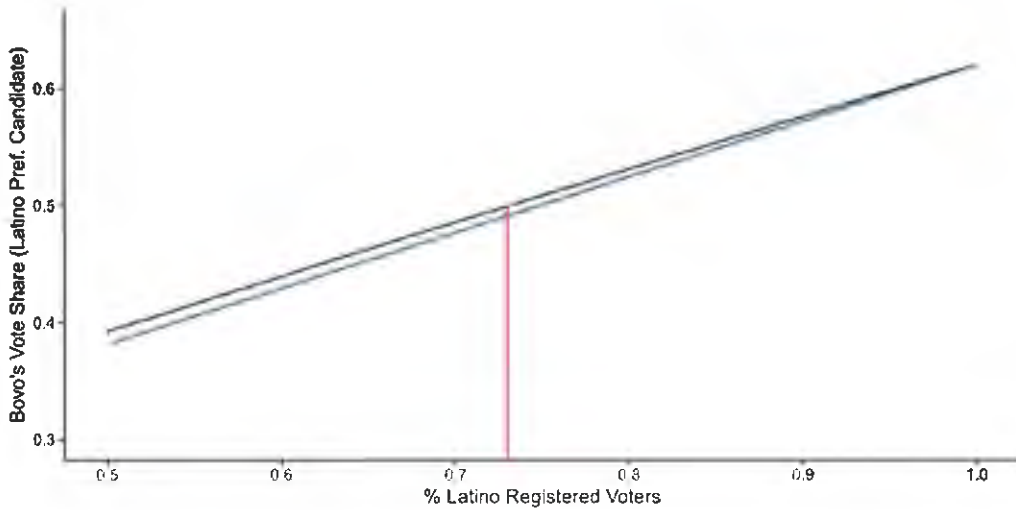


Figure 50: Latino-Preferred Candidate



7.5 Presidential 2020

The Presidential race in 2020 showed signs of racially polarized voting. The Black- and Anglo-preferred candidate was Biden. The Latino-preferred candidate was Trump. For the Black-preferred candidate to win, the Black share of the registered voter population must reach 5%. Similarly, the Anglo share of the registered voter population must reach 4% for the Anglo-preferred candidate to win. For the Latino-preferred candidate to win, Latinos must make up 77% of the registered voter population.

Figure 51: Black-Preferred Candidate

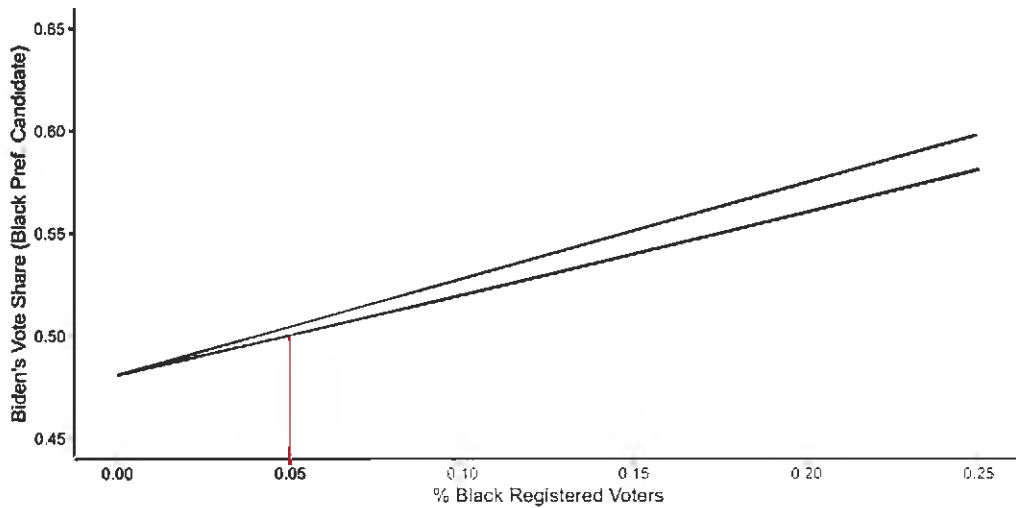


Figure 52: Anglo-Preferred Candidate

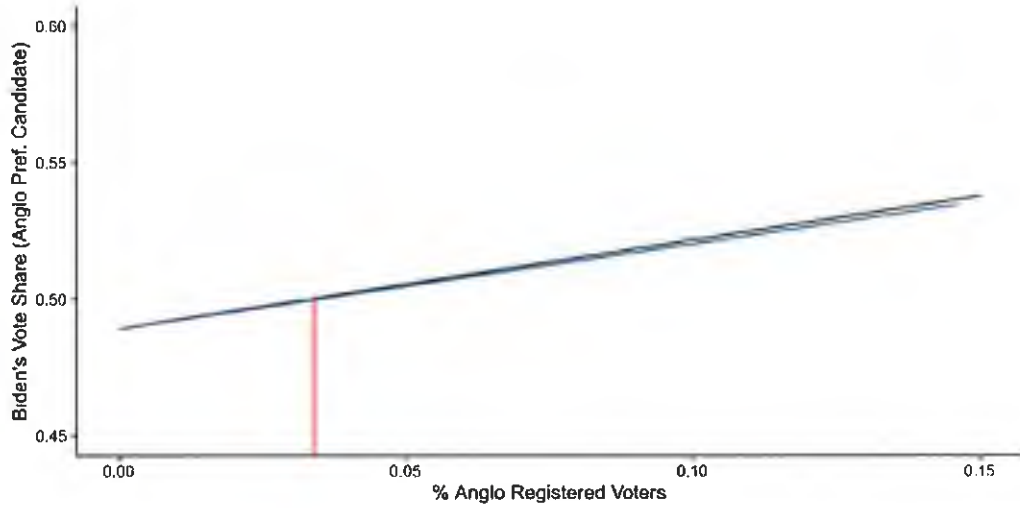
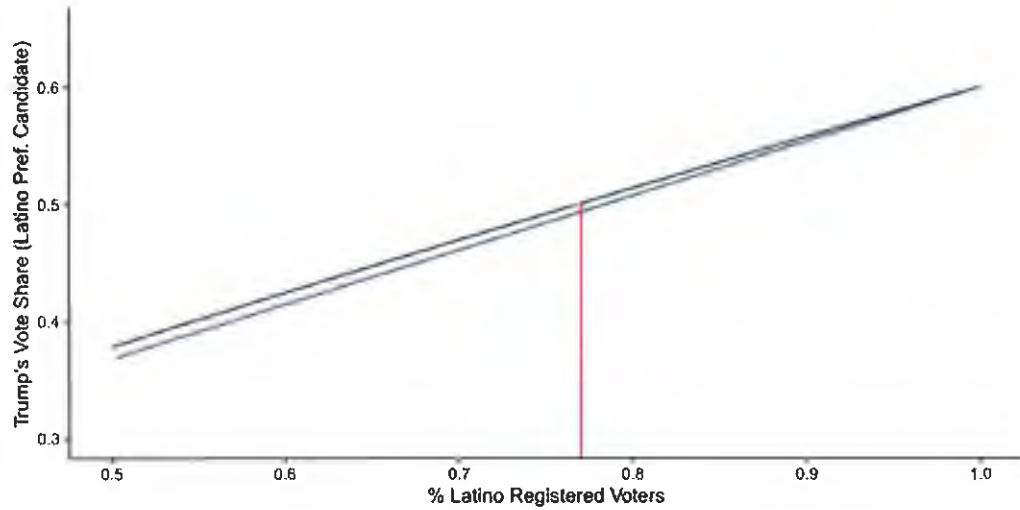


Figure 53: Latino-Preferred Candidate



7.6 County Judge (Group 9) 2020

The County Judge (Group 9) election showed signs of racially polarized voting. The Black and Anglo-preferred candidate was Mansfield. The Latino-preferred candidate was Mirabal. For the Black-preferred candidate to win, the Black share of the registered voter population must reach 30%. Similarly, the Anglo share of the registered voter population must reach 33% for the Anglo-preferred candidate to win. For the Latino-preferred candidate to win, Latinos must make up 77% of the registered voter population.

Figure 54: Black-Preferred Candidate

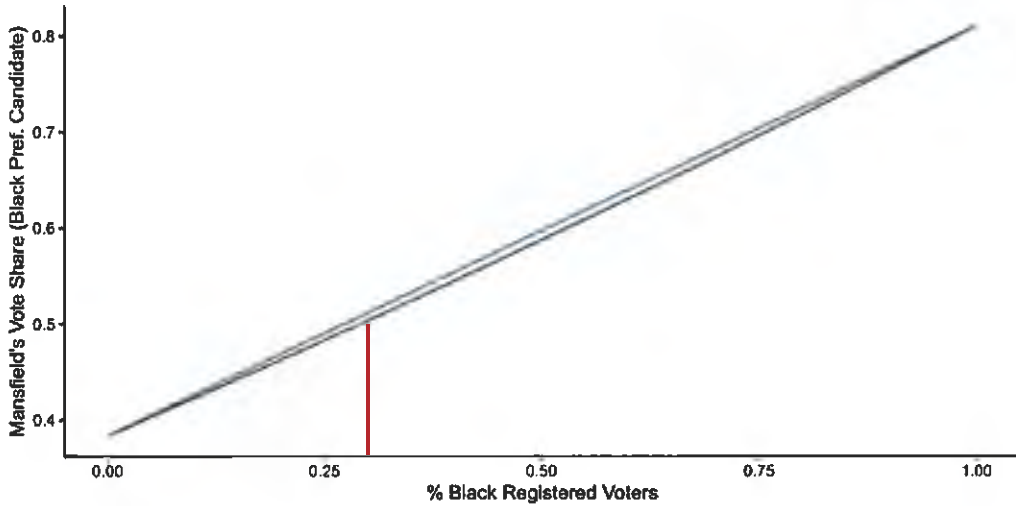


Figure 55: Anglo-Preferred Candidate

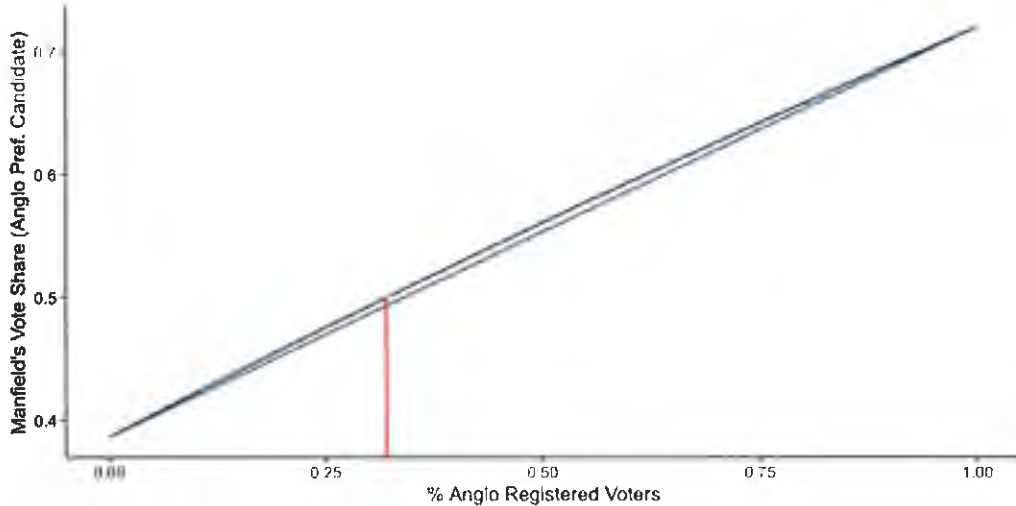
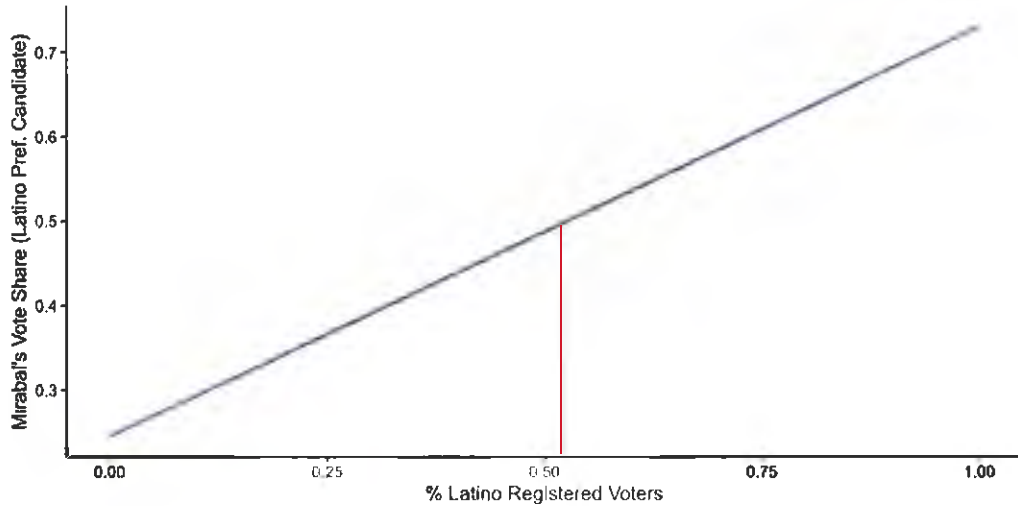


Figure 56: Latino-Preferred Candidate



7.7 Circuit Judge 75

The Circuit Judge (Group 75) contest showed signs of racially polarized voting. The Anglo-preferred candidate was Dava Tunis, and the Latino-preferred candidate was Aponte. While there is suggestive evidence that Black's preferred Aponte to Tunis, the results did not meet the 60% threshold. As such, I analyze the Anglo and Latino composition of the registered population. For the Anglo-preferred candidate to win, the Anglo share of the registered voter population must reach 32%. For the Latino-preferred candidate to win, Latinos must make up 44% of the registered voter population.

Figure 57: Anglo-Preferred Candidate

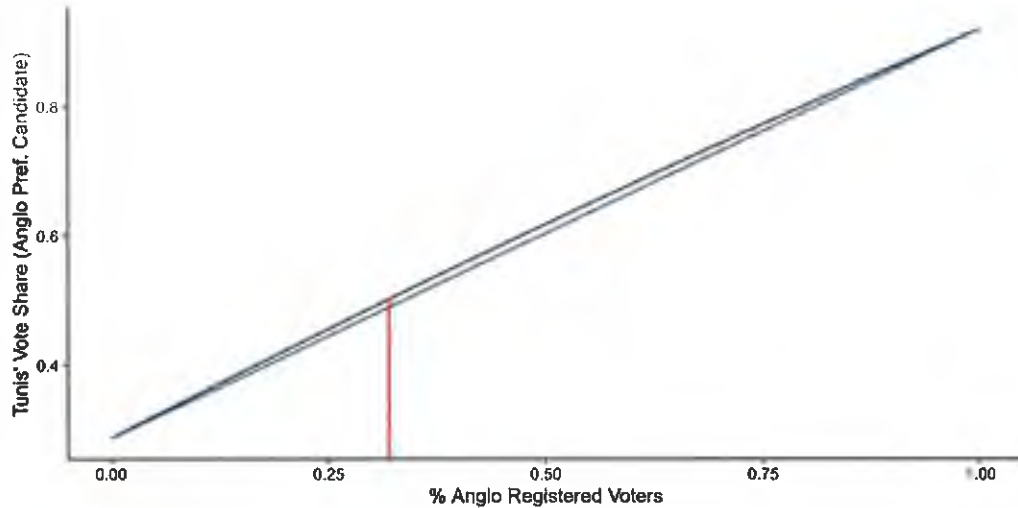
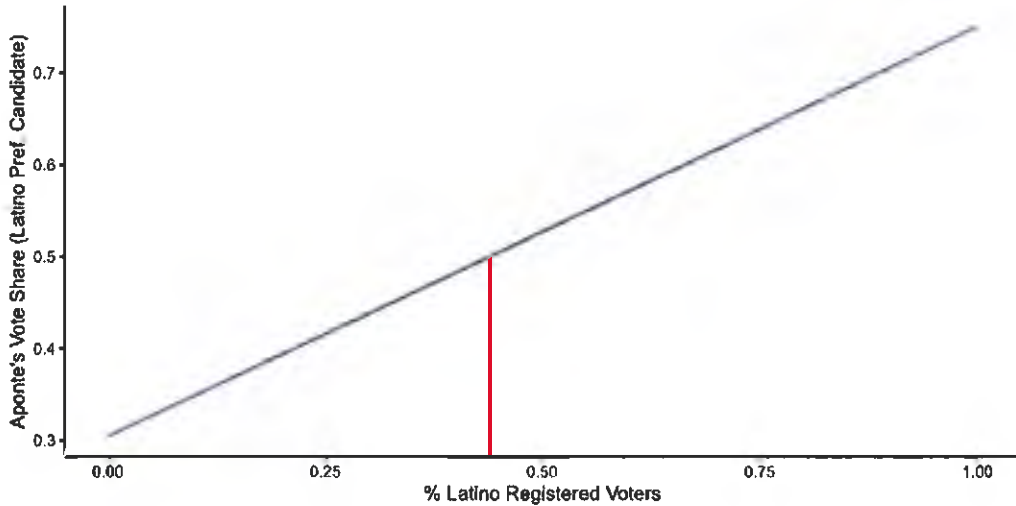


Figure 58: Latino-Preferred Candidate



7.8 Circuit Judge (Group 67) 2020

The Circuit Judge (Group 67) contest showed signs of racially polarized voting. The Black-preferred candidate Marcia Giordano Hansen, while the Latino-preferred candidate was Mavel Ruiz. There's suggestive evidence that Anglo's preferred Ruiz to Hansen, but Anglo cohesion did not reach 60%. For the Black-preferred candidate to prevail, Blacks must make up 43% of the registered population. For the Latino-preferred candidate to win, they must make up 29% of the registered population.

Figure 59: Black-Preferred Candidate

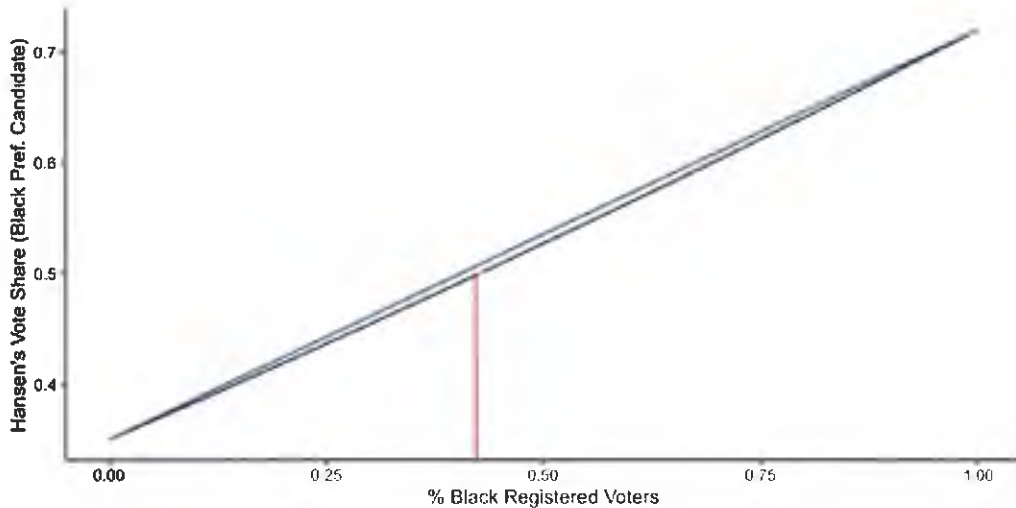
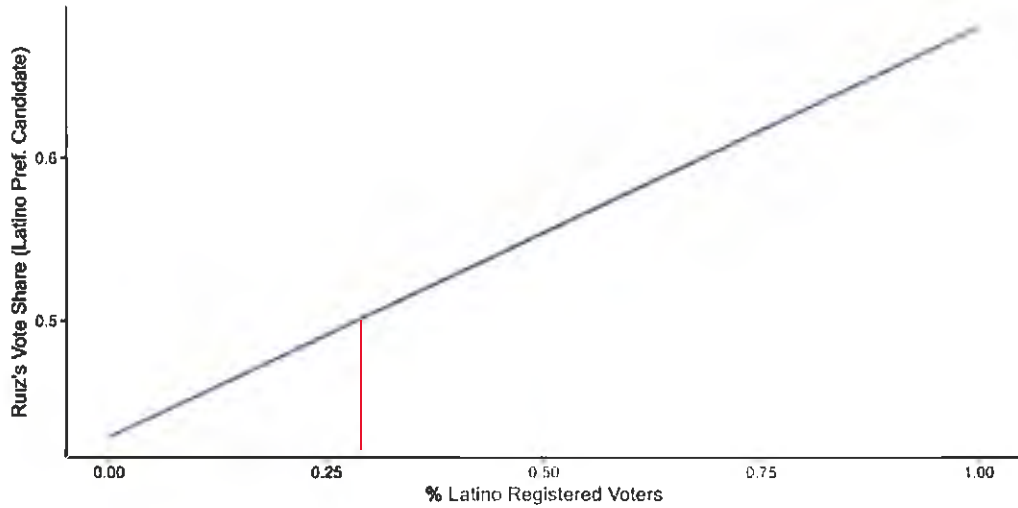


Figure 60: Latino-Preferred Candidate



7.9 Circuit Judge 57

The Circuit Judge (Group 57) contest showed signs of racially polarized voting. The Anglo- and Black-preferred candidate was Vereen, while the Latino-preferred candidate was Cabarga. For the Black-preferred candidate to prevail, Blacks must make up 49% of the registered voter population. For the Anglo-preferred candidate to prevail, Anglos must achieve 38% of the population. For the Latino-preferred candidate to prevail, they must be 44% of the registered voter population.

Figure 61: Black-Preferred Candidate

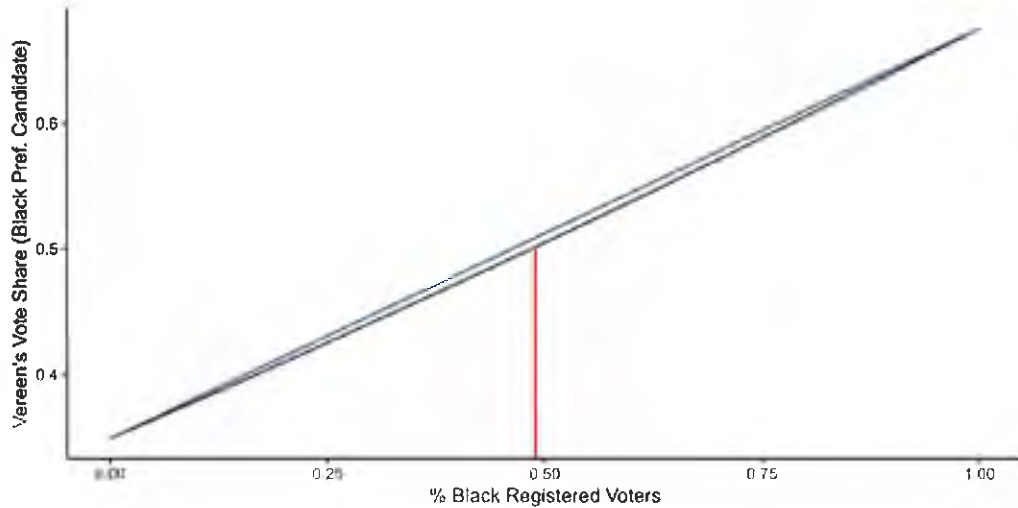


Figure 62: Anglo-Preferred Candidate

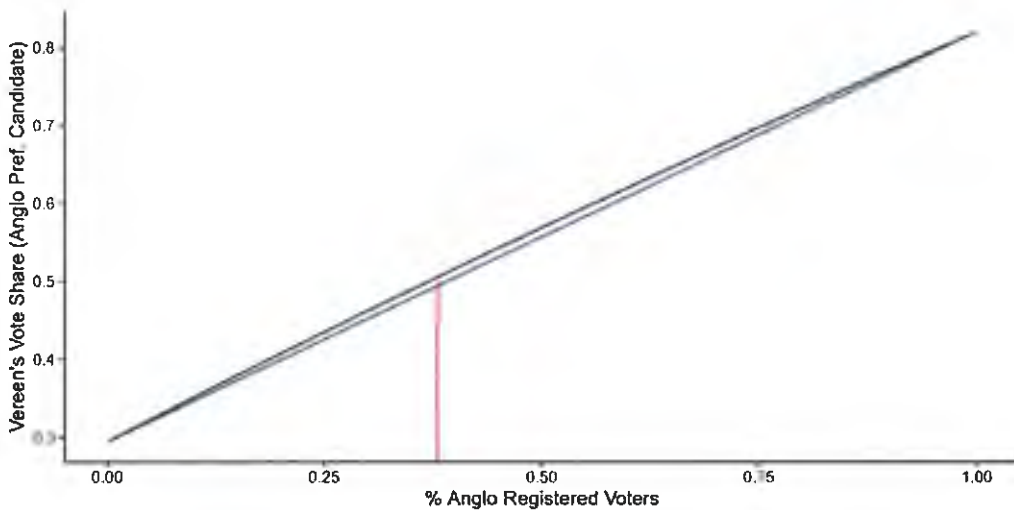
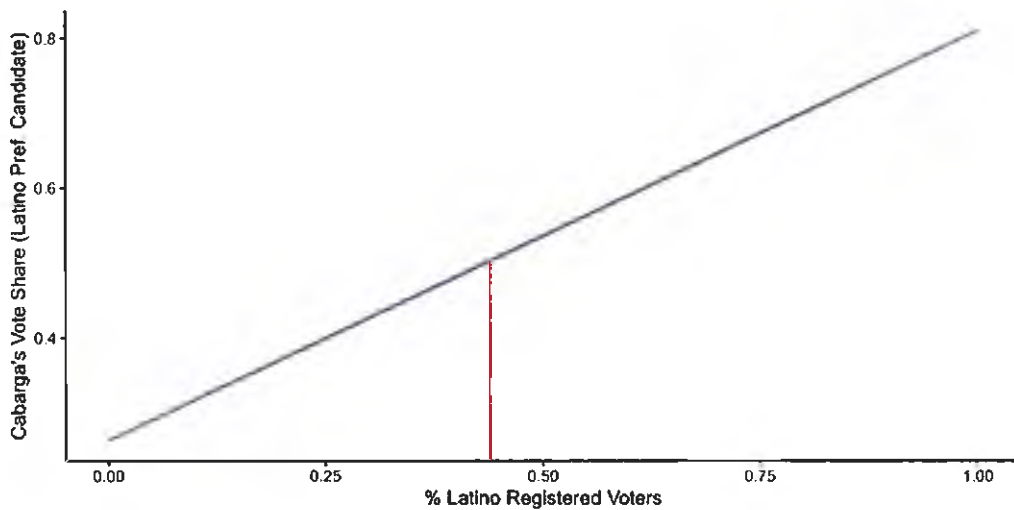


Figure 63: Latino-Preferred Candidate



7.10 Circuit Judge (Group 55)

The Circuit Judge (Group 55) contest showed signs of racially polarized voting. The Black- and Anglo-preferred candidate was Olanike Adebayo, while the Latino-preferred candidate was Joe Perkins.

The Black-preferred candidate prevails when their registration share is 12%. For the Anglo-preferred candidate to win, they must reach 18% of the registered voter population. For the Latino-preferred candidate to prevail, the Latino share of the registered voting population must reach 65%.

Figure 64: Black-Preferred Candidate

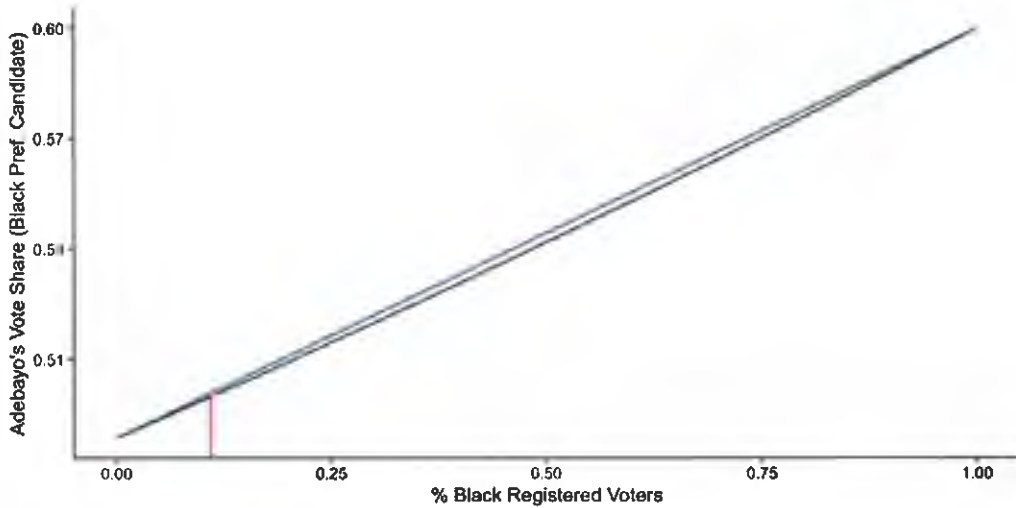


Figure 65: Anglo-Preferred Candidate

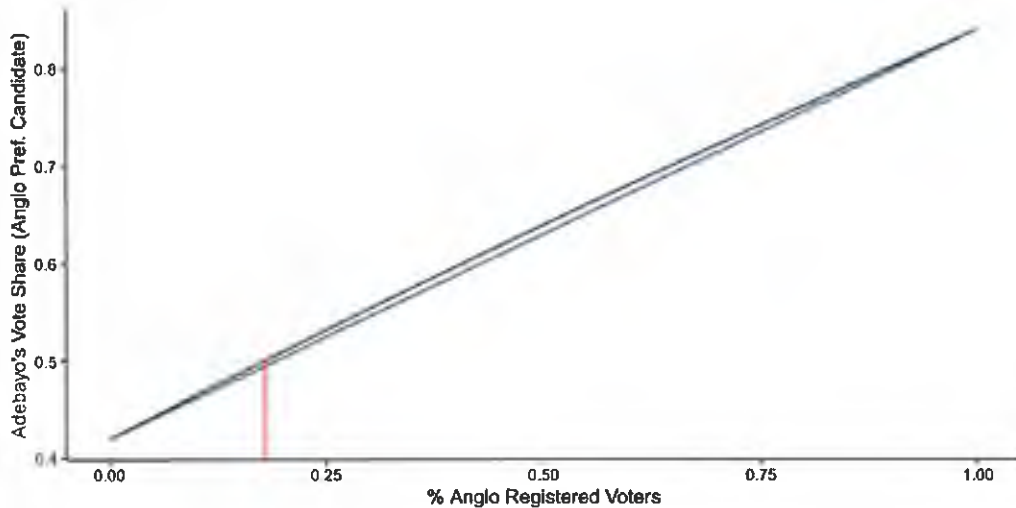
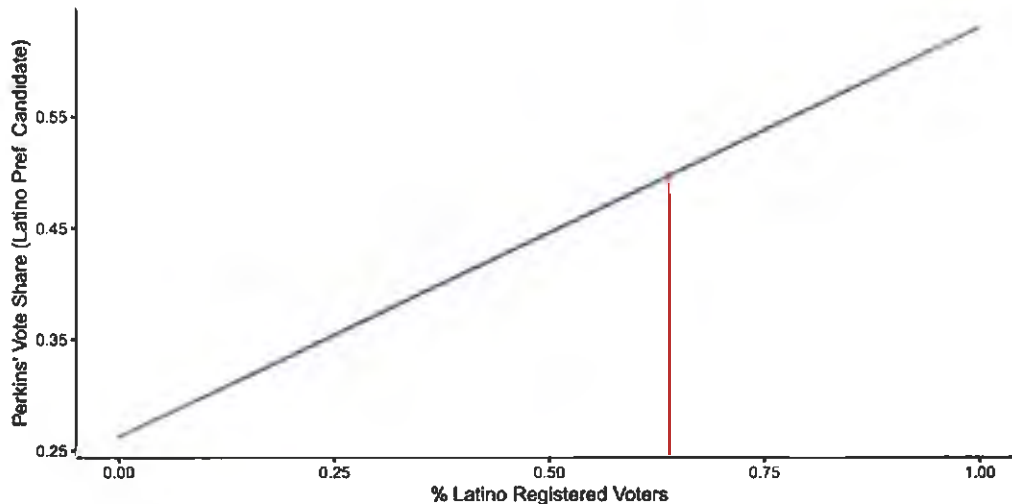


Figure 66: Latino-Preferred Candidate



8 Summary

This report aims to determine whether and to what extent racially polarized voting exists in Miami, Florida. Using data from Miami-Dade County's Elections Department, I examine twenty races between 2017 and 2021. Six of the twenty races were endogenous (municipal elections), and fourteen were exogenous.

I evaluate racially polarized voting using two methods. First, I create bivariate scatterplots between the demographic composition of the turnout and candidate vote share. A group cohesively supports a candidate if their support – in homogenous precincts – reaches 60% or greater. Second, I use ecological inference from the eiPack package to estimate the level of support each candidate received from each racial group. Where the method provides interpretable 95% confidence bands, I display the results. My results are robust across both methods.

I find evidence of racially polarized voting in half of the contests analyzed. One-third (2/6) of the endogenous races can be characterized as racially polarized, while 57% (8/14) of exogenous races were polarized. Of the ten races that exhibited RPV, Latinos prevailed in 70% (7/10) of them. Indeed, Latinos prevailed at a higher rate than Blacks (4/8) and Anglos (3/9).

It is important to note the coalition formation at the local level. Blacks and Anglos preferred the same candidate in six RPV contests. In contrast, only one of the RPV contests saw Blacks and Latinos prefer the same candidate.

Bryant J. Moy, Ph.D.
Date: February 10, 2023

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• *Cum Laude*

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Methodological: Causal Inference, Experimental Design, Computational Methods

PUBLICATIONS

3. Moy, Bryant J. 2021. "Can Social Pressure Induce Responsiveness? An Open Records Field Experiment with Mayoral Offices." *Journal of Experimental Political Science*, 8(2), 117-127. doi: 10.1017/XPS.2020.22
2. Gimpel, Jim, Nathan Lovin, Bryant Moy, and Andrew Reeves. 2020. "The Urban-Rural Gulf in American Political Behavior" *Political Behavior*, 42, 1343-1368. doi: 10.1007/s11109-020-09601-w
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OTHER PUBLICATIONS

1. O'Brochta, William and Bryant J. Moy. 2021. "Department-Level Graduate Student Peer Teaching Workshops." *The Political Science Educator*. 25(1) 6-8.

WORKING PAPERS

3. **Moy, Bryant J.** "Responsiveness in the Patchwork of Local Government"
 - Won Best Poster Award (Applications). PolMeth XXXVIII. July 2021.
2. **Moy, Bryant J.** "Racial Threat and Policy Adoption in Local Government: The Emergence of Criminal Activity Nuisance Ordinances in Ohio Municipalities"
1. **Dasanaike, Noah, Jacob Montgomery, Bryant J. Moy, and Santiago Olivella.** "Small-area estimation using Gaussian Process grouped IRT regression and post-stratification"

INVITED TALKS

3. "Racial Threat and the Emergence of Discriminatory Ordinances." NYU Wagner Research Seminar, Oct 20, 2022
2. "Responsiveness in the Patchwork of Local Government." Junior Americanist Workshop Series (JAWS), December 2021
1. "Responsiveness in the Patchwork of Local Government." The George Rabinowitz Seminar Series, American Politics Research Group. University of North Carolina - Chapel Hill. Oct. 29, 2021.

CONFERENCE PRESENTATION

13. **Moy, Bryant J.** "Racial Threat and the Emergence of Criminal Activity Nuisance Ordinances" Local Political Economy Pre-Conference (LPEC), September 2022
12. **Moy, Bryant J.** "Racial Threat and the Emergence of Criminal Activity Nuisance Ordinances" American Political Science Association, September 2022
11. **Moy, Bryant J.** "Racial Threat and the Emergence of Criminal Activity Nuisance Ordinances" PolMeth XXXIX, July 2022 (Poster)
10. **Moy, Bryant J.** "Racial Threat and the Emergence of Criminal Activity Nuisance Ordinances" Midwest Political Science Association, April 2022
9. **Moy, Bryant J.** "Responsiveness in the Patchwork of Local Government" Southern Political Science Association, January 14, 2022.
8. **Moy, Bryant J.** "The Dynamic City: Responsiveness in Local Government?" American Political Science Association, Oct 1, 2021. (iPoster)
7. **Moy, Bryant J..** "Responsiveness in a Fragmented Local Politics" PolMeth XXXVIII. July 13-16, 2021. (Poster)
6. **Dasanaike, Noah, Jacob Montgomery, Bryant J. Moy, and Santiago Olivella.** "Small-area estimation using Gaussian Process grouped IRT regression and post-stratification" St. Louis Area Methods Meeting (SLAMM) May 7, 2021.
5. **Moy, Bryant J.** "The Limited City: Does Dynamic Responsiveness Exist in Local Government?" Midwest Political Science Association, April 17, 2021.
4. **Moy, Bryant J.** "Can Social Pressure Induce Responsiveness? An Open Records Field Experiment with Mayoral Offices." (Cancelled - COVID) Midwest Political Science Association, 2020.
3. **Rickert, Patrick, Nicholas Waterbury, and Bryant J. Moy.** "Changing Principals: Committee Chair Effectiveness in a Partisan Congress" American Political Science Association. Washington, DC. August 29 - September 1, 2019 (Poster)

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1. Hacker, Hans J., Lisa Bohn, and Bryant J. Moy. "A Grave Responsibility: Teaching Social Justice through an Interdisciplinary, Curricular/Extra-Curricular, Collaborative Experience." Southwestern Social Science Association. April 2015.

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- *Organizer* Political Science Department Film Series. Spring 2014
"Trading Places: In a socioeconomic and race perspective"

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Updated: December 19, 2022

DE 24-33

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

DECLARATION OF CAROLYN DONALDSON

My name is Carolyn Donaldson. I am over the age of 18 and competent to make this declaration.

Pursuant to 28 U.S.C. § 1746 and the laws of the United States, I state the following:

1. I serve as the Vice Chair and Acting Chair of Grove Rights and Community Equity, Inc. (“GRACE”), a local nonpartisan nonprofit community-based membership organization and plaintiff in this matter.
2. GRACE was founded in 2019 as a 501(c)(3) Florida nonprofit community-based membership organization.
3. GRACE’s mission is to advocate for equitable economic development while preserving the historic Black and Bahamian community, culture, and residents of Miami’s West Grove neighborhood, protecting vulnerable Black tenants and homeowners at risk of eviction and displacement, restoring the rights of the wrongfully displaced, and preserving the community, culture, and history of the West Grove and its people.
4. GRACE’s membership includes voters and residents in the City of Miami, most of whom are Black and Bahamian. GRACE members live principally in City Commission Districts 2 and 4.

5. As part of the organization's mission, GRACE, Inc. has consistently advocated for the voting rights of its members, African Americans, and other voters of color in Miami.
6. GRACE is deeply concerned by the new City Commission map's division of the West Grove into Districts 2 and 4. This severing of the community makes it more difficult for GRACE and our members to advocate and organize around the neighborhood issues we care about, and impairs our members' quality of representation.
7. The West Grove has particular needs and issues that benefited from the focused attention of a single commissioner. Further, the West Grove has a deep connection to the rest of Coconut Grove, and uniting the entire neighborhood in a single Commission district would better serve the area's residents, including GRACE's members.
8. GRACE is especially concerned that the West Grove and Coconut Grove more broadly were split into different districts to achieve a particular desired racial balance of the different districts, rather than to serve our neighborhood.
9. The racial gerrymander of the recently enacted City Commission map unfairly classifies Miami residents and GRACE members on the basis of race.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 1st day of February, 2023.

By: _____


Carolyn Donaldson

DE 24-76

2013 Initial Report

Miguel A. De Grandy and Stephen M. Cody,
Redistricting the City of Miami Commission After the 2010 Census

M I G U E L D E G R A N D Y , P A
Redistricting Consultant

SUBMITTED INTO THE
PUBLIC RECORD FOR
ITEM DI 4 ON 06/28/12.

REDISTRICTING THE
CITY OF MIAMI COMMISSION
AFTER THE 2010 CENSUS



Redistricting Timeline, Process, and Legal Primer

Miguel A. De Grandy, Esq. & Stephen M. Cody, J.D.

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12-00704- Submittal- Miguel De Grandy- Redistricting Timeline, Process, and Legal Primer

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Submitted into the public
record in connection with
items DL4 on 06-28-12
Priscilla A. Thompson
City Clerk

Executive Summary

Introduction

In late March of this year, the law firm of Miguel De Grandy, P.A. and Sub-consultant Stephen Cody were engaged by the City of Miami to develop a new Single-Member District Plan for use in City Commission elections beginning in the 2013 election. The purpose of this report is to advise you of the work that we are presently conducting and a suggested timeline and process for future events. As part of this report, we are also providing you with a basic legal primer to familiarize you with the legal issues relevant to the Redistricting Process.

The Need to Redistrict

The 2010 Census revealed that the City of Miami has a total population of 399,457, an increase of 10.2% since 2000. The growth, however, has not been uniform across all five of the City's Commission districts. Dividing the City's population by five produces an "ideal" population for each district of 79,891. Presently, the district with the largest population, District 2, has 96,080 persons, and is 16,189 persons above the ideal. District 5, on the other hand, only has 67,266 residents, which is 12,625 below the ideal population. Taken together, that 28,814 person variance represents a total deviation of 36.06% from the ideal.

Redistricting Criteria

The City Charter only requires that the five members of the City Commission be elected from single-member districts, but does not contain any other express redistricting criteria. Neither the Florida Constitution nor Florida Statutes contain explicit redistricting requirements that apply to municipalities.

The traditional redistricting criteria considered by a body as it reapportions itself includes the use of natural or man-made geographic boundaries, contiguity, compactness, maintaining the core of existing districts to avoid voter disruption and confusion, and maintaining communities of interest together, such as traditional neighborhoods, business districts, and coastal or environmentally sensitive areas, among others.

Process and Timeline

The Consultants have begun to gather demographic data and election information. They have met with County Elections and Housing Department officials, together with City staff from the Planning Department and the Community Redevelopment Agency. They have also met with

each of the Commissioners to brief them on issues that confront the City during this reapportionment cycle.

There are a number of policy issues that need to be determined by the Commission, including which redistricting criteria will be emphasized, whether public meetings will be held before any draft plans are prepared, whether future growth patterns should be factored into the redistricting, and whether a single draft plan or multiple plans should be prepared.

Given the Commission's direction on these process matters, it is anticipated that the redistricting of the City of Miami will be completed by the end of November 2012.

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items 01.4 on 06-28-12
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Miguel De Grandy, PA

Redistricting the Commission

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items DI.4 on 06-28-12
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Process And Commission Direction

We have requested that the City Manager's Office place an item on the City Commission's Agenda during the month of June to allow us an opportunity to make a presentation regarding legal issues relevant to the redistricting process, current population disparity, and to seek policy guidance from the Commission on several issues. While individual meetings with each Commissioner provided us with valuable input, as legal counsel we can only act as directed by the majority of Commissioners acting as a legislative body. At the June meeting, we will be seeking policy direction from the Commission on a number of issues.

Redistricting Standards

The Courts have recognized and accepted many redistricting standards, also referred to as "Traditional Redistricting Principles", that are employed in crafting a redistricting plan. Different jurisdictions utilize some or all of these standards, and may prohibit use of other standards that are otherwise accepted by the courts. For example, recently the citizens of the State of Florida enacted amendments to the Florida Constitution which prohibit the Florida Legislature from creating a state legislative or congressional plan to be drawn with the intent to favor or disfavor a political party or an incumbent. These amendments also direct that districts shall not be drawn with the intent or result of denying or abridging equal opportunity of racial or language minorities to participate in the political process. The amendments further require that districts shall consist of contiguous territory, be as nearly equal in population as is practicable, that districts shall be compact and shall – where feasible – utilize existing political and geographical boundaries. (Art. III §§ 20 & 21, Fla. Const.) County and municipal governments are not subject to these standards. In the "Legal Standards for Redistricting" section set forth below, we provide additional information regarding redistricting standards for your consideration.

Direction Regarding Conducting Public Hearings

Although citizens' participation in the redistricting process is not constitutionally required, many jurisdictions have elected to use workshops and public hearing opportunities in order to obtain input from the electors of the jurisdiction. Workshops prior to crafting a proposed reapportionment plan may be useful to obtain citizen input regarding communities of interest and other relevant issues regarding why different areas of the City should remain together in one district. The Commission should decide whether public hearings or workshops will be utilized in this redistricting process. During the last redistricting cycle, the City Commission directed legal

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counsel to conduct three public hearings: one in the North; one in the Central area; and one in the Southern area of the city. Approximately 75 residents participated in these hearings.

Utilization of Data to Forecast Growth

During the last redistricting cycle, data from the Planning Department and other sources was utilized to forecast residential growth in the different areas of the City. This data impacted decisions as to whether to overpopulate or underpopulate particular districts in anticipation of different rates of residential growth within each district. This approach is not constitutionally mandated. As will be discussed further below, local jurisdictions do have some discretion to deviate from the ideal population in each district for a rational purpose. However, the ability to deviate is limited. We anticipate that a plan that factors in potential residential growth in different areas of the City will produce a larger overall deviation and require more movement of residents *vis-à-vis* the current district lines than a plan which does not factor in projected growth.

Number of Draft Plans to Present to the Commission:

Once all relevant data is analyzed and legal principles are applied, there may be many different approaches to drafting a redistricting plan that are constitutional and compliant with the federal Voting Rights Act (discussed further below). In the case of the City of Miami, the main challenge will be to rebalance the populations of Districts 2 and 5. Of course, there are different methodologies to accomplish this result. The Commission should decide whether to direct legal counsel to draft one plan for the Commission's consideration or provide two or more draft plans which may involve different approaches and methodologies to accomplish a rebalancing of population. Normally, the more alternatives presented, the more difficult it is to ultimately arrive at a final result. Therefore, your redistricting counsel recommends that the Commission consider directing counsel to provide either one plan or, at most, two for the Commission's consideration. Of course, whether one or two plans are presented for the Commission's consideration, it will always be within the providence of the Commission as the governing body to direct its legal counsel to make any changes that it deems appropriate. In such circumstance, legal counsel will advise the Commission as to any legal consequences resulting from such proposed change. To be clear, legal counsel's role is not to make policy decisions, only to present a draft plan and inform the Commission on legal issues relevant to such plan or any proposed changes.

In summary, below are the issues on which we will be seeking policy direction from the Commission:

- *Whether the districts should be drawn within the deviations permitted by law or whether they should be drawn to approximate population equality*
- *Whether Districts 1, 3, and 4, whose population deviations are already within the legally acceptable ranges, should be left in their current configuration or whether their populations should also be rebalanced.*
- *Whether District 5 should be intentionally overpopulated and District 2 should be underpopulated within the deviations permitted by law to account for expected population changes over the next decade.*
- *Whether the proposed plan should attempt to preserve the core of existing districts in order to minimize potential voter confusion.*
- *Whether the proposed plan should use natural and man-made features, to the extent possible, as the boundaries of the districts.*
- *Whether the proposed plan should attempt to keep communities of interest intact, to the extent that it is feasible.*
- *Whether a meeting or meetings should be held to gather input on the factors that the public feels are important before a proposed map is created.*
- *Whether a single proposed map should be prepared and presented to the Commission, or whether there should be multiple maps.*

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Current Work and On-Going Analysis

Throughout the last two months, we have been meeting with City and County officials to obtain information relevant to our work. In that regard, we have met with the Miami-Dade County Elections Supervisor, Penelope Townsley, and her staff to address several issues, including request for elections data in a format that will allow for review of relevant issues, including polarized voting patterns. We are also coordinating with Ms. Townsley's staff to ensure a smooth transition of election plans. Ms. Townsley informed us that the Elections Department will not conduct the process of re-precincting until 2013. Therefore, the need to minimize the precinct splits in the current precinct plan is no longer a primary goal. Nevertheless, we will continue to interface with her staff as we develop a plan or plans, so that the Elections Department can integrate the City's proposed plans into their re-precincting process.

We have also met with the City of Miami Planning Director, Francisco Garcia, and his staff to obtain information regarding zoning applications, permits, MUSP's and other information which will facilitate forecasting residential growth in the different areas of the City in order to incorporate this information into our analysis as we seek to balance the populations of each individual district. We have also met with Peiter Bockweg of the CRA, and Miami-Dade County's Housing Department Director Greg Fortner to obtain further information in that regard.

We have completed initial meetings with each member of the City Commission. As you know, during these meetings, we provided preliminary information regarding the process and sought input from you regarding traditional neighborhoods in your district and other issues relevant to our analysis.

Our firm and consultant Stephen Cody are continuing the process of data gathering and data analysis. This process will take several months to complete. At that time, we will have internal conclusions regarding polarized voting patterns in the community, demographics for each district and other information relevant to our work.

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City of Miami 2010

The Population Snapshot

The United States Constitution provides: "Representation and direct Taxes shall be apportioned among the several States which may be included within this Union, according to their respective Numbers The actual Enumeration shall be made within three Years after the first Meeting of the Congress of the United States, and within every subsequent Term of ten Years, in such Manner as they shall by Law direct."

The "actual Enumeration" referenced in the Constitution was conducted on April 1, 2010, giving a "demographic snapshot" of the nation. The snapshot of the City of Miami revealed that the population of the City had grown by 36,982 or 10.2% over the past decade to 399,457. The demographic breakdown of the City's population is shown in the table below.

DEMOGRAPHIC GROUP	% OF POP.
White	72.6%
Black / African American	19.2%
American Indian / Alaska Native	0.3%
Asian	1.0%
Native Hawaiian / Other Pacific Islander	(Less than 0.1%)
Two or More Races	2.7

Hispanics are counted in the Census as an ethnic group, rather than a race. In 2010, there were 279,620 Hispanics residing in the City of Miami, representing 70.0% of the City's population. By contrast, the non-Hispanic White population of the City was only 47,535, which was just 11.9% of the City's population and for the first Census, made up a smaller percentage of the population than the Black population.

In addition, people who identified themselves as from the West Indies comprised 21.1% of the population of District 5, but only 4.99% in District 2, and less than 2% in the remaining districts. The bulk of the City's Haitian population was also concentrated in District 5, where they made up 17.46% of the population, but less than 3% in the other districts.

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Population of Existing Districts

The map included at the end of this section shows the boundaries of the present City Commission districts. The face of the map also includes the population of those districts and the number of residents which either exceeds or is less than the ideal. The table below shows the population breakdown for each of the five districts.

DIST.	POP. 2010	ACTUAL DEV.	% DEV.	% NON BLACK HISP	% NON HISP BLACK	% NON HISP WHITE
1	77,741	-2,150	-2.69%	82.20%	6.34%	4.54
2	96,080	16,189	20.26%	50.40%	12.57%	31.85
3	77,690	-2,201	-2.76%	86.65%	1.40%	7.21
4	80,680	789	0.99%	89.83%	0.49%	6.66
5	67,266	-12,625	-15.80%	19.84%	71.59%	3.74
TOTAL	399,457	28,814	36.06%			

With a total deviation of 36.06%, the present districting plan is malapportioned and could not be sustained if a court challenge was brought before the next election cycle.

The City's Census Challenge

The City of Miami recently filed a challenge to the results of the 2010 Census with the Census Bureau, joining five other jurisdictions in Florida challenging parts of the official population count. It has been reported that city leaders and experts on the Census believe the actual number of Miami residents is much higher, blaming the low count on chronically under-reporting undocumented immigrants, and on a couple of new problems unique to Miami: the inability of Census takers to get past security guards at many of the new condo towers that line Brickell Avenue, downtown Miami and even Midtown Miami, and a flood of new families that arrived from Haiti after the January 2010 earthquake and who may have avoided the count out of fear of reprisals and deportation.

We have not reviewed the City's challenge and offer no opinion of the chances of its ultimate success. We have attempted to obtain a copy of the challenge filed by the City with the Census Bureau. However, once a challenge is filed which includes address information, it becomes con-

fidential under Title 13 of the United States Code and can only be released by the jurisdiction's submitting authority. (Under the current Census Bureau regulations, the "submitting authority" for the City of Miami is Mayor Tomas Regalado.) Moreover, we have contacted the Census Bureau and were told that, given the size of the City's challenge, they could not estimate when their review would conclude.

Nevertheless, the City may proceed with its redistricting while the appeal is pending. Even if the appeal ultimately has some success and census numbers are changed, it will not affect the validity of the redistricting plan. *See, Dean v. Leake*, 550 F. Supp.2d 594 (E.D.N.C. 2008).

In *Dean*, Plaintiffs had filed an action alleging – among other things – that because the North Carolina census numbers had been revised after an appeal, the North Carolina General Assembly's had a duty to use the corrected census data in its Redistricting Plan, and failure to do so violated the Equal Protection Clause of the United States Constitution.

The court in *Dean* conducted an extensive analysis of federal precedents including Supreme Court cases and concluded that federal law does not impose a duty to use corrected census data for redistricting. *Id.* at 603. The court also reviewed cases which stand for the proposition that use of corrected census data may be permissible in limited circumstances. However, the court cited to several United States Supreme Court precedents which stand for the proposition that the legislative body has wide discretion in proceeding with the task of redistricting and that its use of official census data – even if thereafter corrected – is wholly appropriate. *Id.* 603-04.

Most of the cases dealing with this issue presented a factual scenario in which census data corrections had already been made. As it regards the City, its appeal is still pending and there is no set time limitation for the Census Bureau's consideration of the City's challenge. Therefore, because of the need to allow sufficient time for the County Department of Elections to re-precinct the City; the fact that the redistricting plan must be enacted before qualifying for the 2013 elections, and because a delay in proceeding with redistricting may trigger a court challenge, your redistricting counsel recommends that the Commission continue with the process of redistricting.

Moreover, although the current timeline envisions final presentation of a redistricting plan for the Commission's consideration in December – well before the qualifying date for the 2013 elections – the City must account for the possibility that any enacted plan may be challenged in court. Therefore, the proper and prudent course of action is to complete redistricting well ahead of the qualifying dates for the next election to allow sufficient time to resolve any challenge that may be lodged against the new plan.

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City of Miami Commission Districts

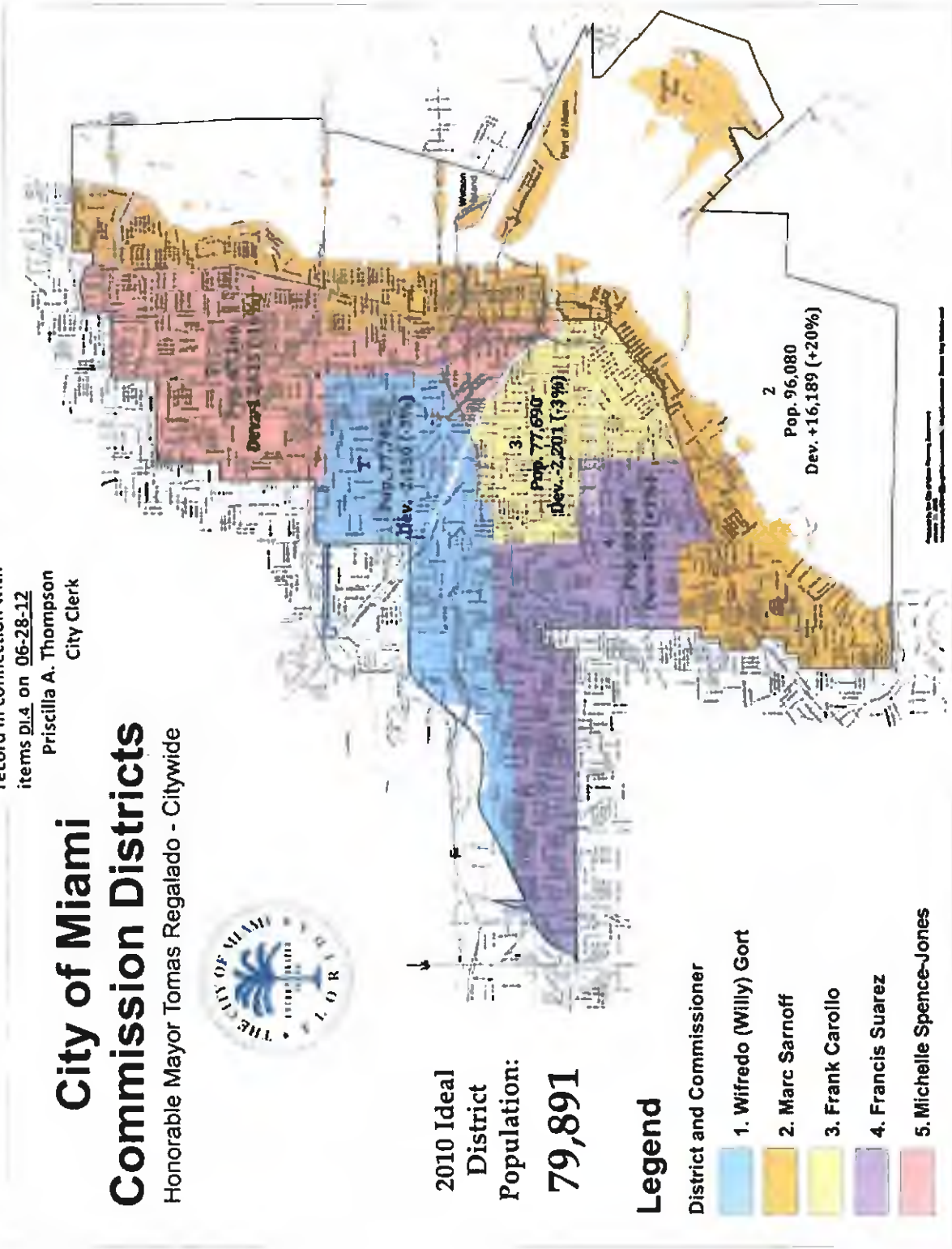
Honorable Mayor Tomas Regalado - Citywide



2010 Ideal District Population:
79,891

Legend

District and Commissioner
1. Wilfredo (Willy) Gort
2. Marc Sarnoff
3. Frank Carollo
4. Francis Suarez
5. Michelle Spence-Jones



Miguel De Grandy, PA

Redistricting the Commission

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Legal Standards for Redistricting

The law governing redistricting combines a myriad of legal principles from a series of different sources, including the United States Constitution and Federal Statutes, all as interpreted by a number of key court rulings. As a result, the rules can often seem confusing and worse, may even seem contradictory.

A comprehensive exposition of every aspect of the law in this area could easily occupy several volumes. In this report, we have tried to summarize the important principles of redistricting in one coherent and, hopefully, easy to understand document. This primer is meant to be a tool to provide the members of the Commission with a working knowledge of the most important terms and concepts they will need to effectively participate in enacting a new Single-Member District Plan.

The rules of redistricting can be summarized with three basic principles:

- Each Commission district must contain a roughly proportional number of residents within the deviation permitted under case law;
- The City must not engage in racial gerrymandering; and
- The new Commission districts must not dilute votes of minority communities.

Below we have divided the discussion of these issues into two sections. The first section discusses the constitutional mandate to reapportion and the acceptable population deviations permitted under the law. The second section deals with the role of race in the redistricting process, including a discussion regarding the Federal Voting Rights Act and its interplay with regard to the Equal Protection Clause of the United States Constitution.

I. Constitutional Mandate to Redistrict and Reapportion

Engaging in redistricting legislative districts is required by the United States Constitution if the current districts are otherwise malapportioned. In regard to the current status of the City's districting plan, its overall deviation of approximately 36% (with the least populated district at 16% below the ideal population and the largest at 20% above) requires the City to engage in a redistricting process to rebalance the population among the different districts.

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A) Historical Perspective on Redistricting: United States Constitution

The concepts of “reapportionment” and “redistricting” are distinct. Reapportionment refers to the process of proportionally reassigning a given number of seats in the United States House of Representatives to apportion districts among the different states based on an established formula, or to reformulate a district plan after the number of districts either increases or decreases. Redistricting refers to the process of changing the boundaries of any given legislative district. This primer will focus on redistricting. However, it may be beneficial to briefly provide a historical perspective to give background and context to the City’s upcoming process.

The “Great Compromise” of our constitutional system of government was our Founding Fathers’ creation of a bi-cameral legislature, with the House of Representatives comprised of a set number of members proportionately distributed among the states according to their population. As a result, the United States Constitution requires a reapportionment of the House of Representatives to distribute each of the House of Representative’s 435 seats between the states and to equalize population between districts within each state. Specifically, Article I, Section 2, CL. 3 of the United States Constitution states: “Representatives...shall be apportioned among the several states according to their respective numbers.” It further requires that: “[t]he actual Enumeration...be made within three years after the first meeting of the Congress of the United States and within every subsequent term of ten years in such manner as they shall by law direct.” Section II of the 14th Amendment further states that “Representatives shall be apportioned among several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed.”

In furtherance of the constitutional mandate to reapportion, the United States Congress adopted the Census Act, 13 USC § 1, *et. seq.* The Census Act delegates the authority to the Secretary of Commerce to “take a decennial census of population as of the first day of April of such year.” See 13 U.S.C. § 141(a). It further requires that the Department of Commerce complete a population tabulation for each state and report to the President of the United States the results by December 31st of the census year. See 13 U.S.C. § 141(b). The President must then report to Congress, using the information provided by the Secretary, the number of representatives to which each state would be entitled.

Although the Census was created as a vehicle to determine congressional apportionment, the data is utilized by virtually every state and local jurisdiction that engages in the process of redistricting.

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By April 1st of the year following the Census enumeration, the Secretary of Commerce provides a detailed population report to the Governor and the Majority and Minority Leaders of each House of the state legislatures. These reports provide the basis for federal, state and local government decennial redistricting plans. It contains census maps and electronic files breaking down population data by blocks, census tracts, voting districts, and the corporate limits of towns, cities and counties. The information also generally contains population totals by race, Hispanic origin and voting age.

B) Court Imposed Requirement To Redistrict; Population Differences Amongst Districts.

As discussed above, the mandate to reapportion congressional districts is derived from Article I, Section 2 of the United States Constitution. However, the duty of state, local and municipal governments to redistrict arises from the Equal Protection Clause of the 14th Amendment of the United States Constitution. This distinction is significant because, as will be discussed below, different rules apply with respect to equalizing population of congressional and state or local government districting plans.

1) The Obligation to Redistrict

The City Commission is obligated to redistrict based on the judicially recognized principle commonly referred to as "one person, one vote". *Baker v. Carr*, 369 U.S. 186 (1962); *Reynolds v. Sims*, 377 U.S. 533 (1964). These cases address the practice in several states – as was the case in *Baker* and *Reynolds* – of maintaining districts for legislative offices that were substantially different in population, such as an urban district containing 250,000 people electing one representative to the state House of Representatives, and a rural House district in the same state containing only 75,000 people. The Supreme Court concluded that these wide variations among district populations resulted in each vote in the district with the smaller population carrying more weight than a vote in the larger district.

In *Reynolds*, the United States Supreme Court held that the 14th Amendment required that seats in state legislatures be redistricted on a population basis. In its now famous words, the Supreme Court concluded:

[T]he basic principle of representative government remains and must remain, unchanged – the weight of a citizen's vote cannot be made to depend on where he lives, population is, of necessity, the starting point for consideration and the controlling criterion for judgment in a legislative apportionment controversies. ... The Equal Protection Clause demands no less than substantially equal state

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legislative representation for all citizens, of all places as well as of all races. We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both Houses of a bicameral state legislature must be apportioned on a population basis. (377 U.S. at 567-688.)

The Court in *Reynolds* went on to conclude that decennial redistricting was a rational approach to re-adjust legislative representation to take into consideration population shifts and growth. *Id.* at 584. The Court declared that any less frequent re-adjustment would be constitutionally suspect.

In *Avery v. Midland County*, 390 U.S. 474 (1968), the United States Supreme Court applied the *Reynolds* decision to local governments. The Court concluded "that the Constitution permits no substantial variation from equal population in drawing districts for units of local government having general governmental powers of the entire geographic area served by the body."

2) Population Deviation

During this redistricting process, you may hear and read repeated references to the concept of "deviation". In order to determine the degree of deviation of a district one must first divide the total population of the jurisdiction by the number of districts. The resulting number is known as the "ideal population". Any variance from the ideal population number is generally referred to as a deviation. For example, if a district has a plus 20% deviation, it means that the population of the district is 20% greater than the "ideal" population.

Another way the deviation is discussed is by comparing the lowest populated and highest populated district to obtain the "maximum deviation", which may also be referred to as the "overall deviation". For example, in the case of the City of Miami, the most populated district (District 2) is at a plus 20% deviation, and the most underpopulated district (District 5) is at a minus 16% deviation. Therefore, the overall deviation of the current plan is 36%.

As briefly discussed above, the requirement to reapportion Congressional districts and redistrict state and local districts is derived from different sections of the Constitution. As such, there are different requirements regarding population deviation that flow directly from those different sections of the constitution.

In *Wesberry v. Sander*, 376 U.S. 1 (1964), the United States Supreme Court ruled that "the command of Art. I §2, that representatives be chosen 'by the people of the several states' means that as nearly as is practicable, one man's vote in a Congressional election is to be worth as much as the others." 376 U.S. at 7-8. Therefore, as a rule of thumb, the population deviation among the largest and smallest district in a Congressional Plan (the overall deviation) is usually plus or mi-

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nus a single voter. The recently enacted Florida congressional reapportionment plan reached that level of population equality, with 22 of the districts having an ideal population of 696,345, and five districts with one less resident each.

For state legislative and local government districts, the courts have permitted a greater population deviation among districts. As the Supreme Court observed in *Reynolds*, all that is necessary when drafting state legislative districts (or local government districts; see *Avery*) is achieving "substantial equality of population among the various districts". 377 U.S. at 579. The phrase "substantial equality of population" has come to generally mean that a legislative or local government plan will not be held to violate the Equal Protection clause if the maximum deviation between the smallest and largest district is less than 10%. *Chapman v. Meier*, 420 U.S. 1 (1975); *Connor v. Finch*, 431 U.S. 407 (1977); *Brown v. Thompson*, 462 U.S. 835,842-43 (1983) ("Our decisions have established, as a general matter, that an apportionment plan with a maximum population deviation under 10% falls within this category of minor deviations."); *Voinovich v. Quilter*, 507 U.S. 156 (1993).

In at least two cases, *Mahan v. Howell*, 410 U.S. 315 (1973) and *Voinovich*, the U.S. Supreme Court upheld state legislative redistricting plans with a deviation between the smallest and largest districts of more than 10%. In *Mahan*, the U.S. Supreme Court upheld Virginia's House of Delegates redistricting plan that had a deviation between the smallest and largest districts of 16%. The Supreme Court determined that the General Assembly's desire to preserve political subdivision boundaries justified the deviation among districts. In *Voinovich*, the Supreme Court reversed a decision of the lower court holding Ohio's state legislative plan unconstitutional because the overall deviation of the Ohio House of Representative's was 13.81% and the overall deviation of the Ohio Senate Plan was 10.54%. The Court determined that preservation of the boundaries of political subdivisions was a "rational state policy" that in the instant case justified an overall deviation in excess of 10%.

These cases were decided based on facts unique to the particular case. However, the most accepted and best practice is to develop a plan that stays within the "bright line" standards in the other leading cases (less than 10% overall deviation), and where possible, seek to craft districts as close to the ideal population as possible.

Deviation between districts should only be considered when there is good cause or a rational basis and the deviation furthers an important governmental objective such as preserving traditional neighborhoods, preserving communities of interest and utilizing natural or man-made boundaries that have historical or other significance.

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In the City's previous redistricting process, our firm developed a plan with less than 10% overall deviation, and the report accompanying the plan made note of the governmental objective and rational basis for deviations in each of the districts. The plan was never challenged. The same methodology will be employed during this redistricting cycle.

II. Race, Language Minorities, and Reapportionment

Federal and state case law almost universally recognizes that "reapportionment is primarily the duty and responsibility of the state through its legislature or other body, rather than the (federal) court." *Chapman v. Meir*, 420 U.S. 1, 27 (1975). Therefore, the courts are careful to respect a state's or local government's redistricting decisions, unless those decisions violate the Constitution or the law. *Voinovich*, 507 U.S. at 146. See also *Perry v. Perez*, 565 U.S. ____ (2012). Generally, the courts have intervened in the redistricting choices of local governments for two reasons: (A) to cure violations of the Equal Protection Clause of the 14th Amendment; or (B) To remedy violations of the Federal Voting Rights Act.

After the 1990 Census, the United States Supreme Court was called upon to decide a series of cases regarding the role of the Equal Protection Clause and race in the reapportionment process. *Hunt v. Cromartie*, 526 U.S. 541 (1999); *Abrams v. Johnson*, 521 U.S. 74 (1997); *Bush v. Vera*, 517 U.S. 952 (1996); *Shaw v. Hunt*, 517 U.S. 899 (1996) (*Shaw II*); *Miller v. Johnson*, 515 U.S. 900 (1995); *Johnson v. De Grandy*, 512 U.S. 1997 (1994); *Shaw v. Reno*, 509 U.S. 630 (1993) (*Shaw I*). Generally, in these cases, the Supreme Court held that when race was the predominant factor in the creation of a district, the creation of that district was subject to "strict scrutiny" review by the Courts and would, in most circumstances, violate the Equal Protection Clause.

"Strict scrutiny" is the most stringent legal standard applied to the judicial review of a state act alleged to violate the Constitution. Strict scrutiny is one of the three basic levels of judicial review applied to allegedly unconstitutional state action. (Rational basis review, intermediate review, and strict scrutiny review.) These three different levels of judicial review are used by the courts to balance the competing interest of the individual and the state often reflected in the case law, and is a recognition of the fact that the protections afforded by the Constitution are not absolute. The courts will apply a more stringent standard of review depending on how close the alleged impairment of a constitutional right is to the core of the protections afforded by that right.

For example, a law that prohibits anyone under 16 years of age from driving an automobile may create different rights for distinct classes of individuals, but it does not violate the Equal Protection Clause because the law need only be rationally related to a legitimate state interest of pro-

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protecting the safety of motorists. On the other hand, a hypothetical law that benefits or disadvantages a distinct group of individuals on the basis of race or national origin must usually be narrowly tailored to serve a compelling state interest. In other words, the state must have a very substantial reason for adopting the law and the scope of the law may not have broader effects than what is necessary to resolve the circumstances giving rise to the law. Strict scrutiny is a very high standard that is rarely satisfied.

The Equal Protection Clause, in and of itself, does not prohibit the creation of districts where the crafters were conscious of the race of the minority of voters in the district. *Vera*, 517 U.S. at 972. However, the Supreme Court has clearly held that the Equal Protection Clause does demand the application of strict scrutiny when race constitutes the principal reason or the predominant factor for the shape of the particular district.

On the other hand, the Federal Voting Rights Act (discussed in more detail below) prohibits any practice which “interact[ing] with social and historical conditions, impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters.” See *Voinovich*, 507 U.S. at 146; *Grove v. Emison*, 507 U.S. 25.

Therefore, reconciling these two competing legal principles, it can be said that a redistricting plan may be *race-conscious* to the extent necessary to comply with the Federal Voting Rights Act, but not *race-driven*, (where race is the overriding or predominant factor in the creation of a district).

A) Predominant Factor Test; Race-Neutral Justifications

The Supreme Court has articulated various formulations of the “Predominant Factor” Test. Legislative action to establish new legislative districts is subject to strict scrutiny if:

Redistricting legislation... is so extremely irregular on its face that it rationally can be viewed only as an effort to segregate the races for purposes of voting, without regard for traditional redistricting principles. *Shaw I*, 509, U.S. at 642

Race for its own sake, and not other districting principles, was the legislature’s dominant and controlling rationale in drawing its district lines. *Miller*, 514 U.S. at 916

The legislature subordinated traditional neutral redistricting principles ... to racial considerations. *Miller*, 515 U.S. at 916.

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The state has relied on race in substantial disregard of customary and traditional redistricting practices. *Miller*, 515 U.S. at 928 (O'Connor, J., *concurring*.)

In *Hunt v. Cromartie*, 526 U.S. 541 (1999), the Court addressed the issue of whether a majority-minority district may escape strict scrutiny review if the state can establish that the shape of the district was predominantly the result of non-racial factors, which factors also happen to have a strong correlation with race. In that case, the district court granted Summary Judgment, despite the fact that at the hearing the state presented evidence in the form of three affidavits delineating the state's contention that factors other than race explained the shape of the district; namely, political gerrymandering to create a strong Democratic district. These affidavits maintained that in drawing the district "they attempted to protect incumbents, to adhere to traditional redistricting criteria, and to preserve the existing partisan balance in the State's congressional delegation." *Id.* at 549. In addition, the State presented an expert's affidavit analyzing the actual voting patterns throughout the district and in the areas bordering the district. The expert concluded that race had a direct correlation with voting patterns and political identification. The Court held that Summary Judgment was inappropriate because the Legislature's motivation was a material factual question that was in dispute at the District Court. In order to apply the strict scrutiny review, the Court required a finding that race was the "predominant factor" motivating the Legislature's districting scheme. *Id.* at 551. The Court recognized that a state may "engage in constitutional political gerrymandering, even if it so happens that the most loyal Democrats happen to be black Democrats and even if the state were conscious of that fact." *Id.* (emphasis in original)

Because the legislative body's intent or motivation in adopting a given plan is often the central issue in a redistricting judicial dispute, it is important that the Commission – as the governing body of the City - understand the significance of these issues. This is why – prior to commencing the process of drafting the plans – our firm will seek policy directives from you as to which traditional redistricting standards you wish to have utilized or emphasized in creation of the new single-member district plan. Our firm will be conscious of racial and language minority issues so far as is necessary to determine applicability and compliance with the Federal Voting Rights Act, but will be guided by policy directives provided by the Commission, utilizing those race-neutral criteria as the main considerations in crafting the Plan.

B) Compelling Interest and Narrow Tailoring

The U.S. Supreme Court has articulated concrete standards to determine if the states or local government's redistricting plan survives strict scrutiny review. The Court has found a compelling state interest in either of two circumstances: (i) remedying past discrimination; or (ii) com-

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plying with the Federal Voting Rights Act. In order for a plan or district that is drawn predominantly for racial considerations to survive, the jurisdiction must prove the following: (i) that the discrimination it seeks to remedy is specific and identifiable; and (ii) that it has a "strong basis in evidence" to conclude that remedial action was necessary before it corrected the problem in this way.

Even if the state or local government can prove that it has a compelling state interest in drawing a plan in this manner, courts still require that the remedy (i.e. the majority-minority district) must be narrowly tailored. In that regard, the jurisdiction must prove that it "employs sound redistricting principles and...the affected racial groups residential patterns afford the opportunity of creating districts in which they will be in the majority." *Shaw I*, 509 U.S. at 657 (internal quotation marks omitted).

C) Race Neutral/Traditional Redistricting Criteria

The courts have encouraged state and local governments to use traditional redistricting principles in designing legislative districts. However, the use of these traditional redistricting principles is not mandated by the courts. The U.S. Supreme Court has repeatedly stated that a compact and "regular looking" district is not a federal constitutional requirement. *Gaffney v. Cummings*, 412 U.S. 735, 752 n18 (1973) (A district's "compactness or attractiveness has never been held to constitute an independent federal requirement.") In *Shaw I*, the court acknowledged that a compact district shape was "not...constitutionally required". 509 U.S. at 647, and in *Bush v. Vera*, 517 U.S. 964, the court concluded that "irregular district lines" could be drawn for incumbency protection and "to allocate seats proportionally to major political parties". In Justice Kennedy's concurring opinion in *Vera*, he stated "[d]istricts not drawn for impermissible reasons or according to impermissible criteria may take any shape, even a bizarre one." 517 U.S. at 999.

Therefore, if the shape of the district can only be explained in terms of race, it is constitutionally suspect and subject to strict scrutiny. However, if the shape of the district can be explained by traditional redistricting principles or other race-neutral criteria, the courts are unlikely to declare the district unconstitutional.

As stated above, in our upcoming presentation before the Commission, counsel will solicit policy direction from the Commission in the form of a Resolution as to what neutral or traditional redistricting principles the Commission wants utilized in crafting the draft redistricting plan for the Commission's consideration. Some of the factors that courts have generally identified as Traditional Redistricting principles include:

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- The use of natural or man-made geographic boundaries, i.e. a river, a major expressway, major roads such as section lines, roads, or the boundaries of traditional neighborhoods;
- Contiguity;
- Compactness;
- Maintaining the core of existing districts to avoid voter disruption and confusion; and
- Maintaining communities of interest together, i.e., single-family residential, high-density residential areas, traditional neighborhoods, business districts, coastal or environmentally sensitive areas, etc.

During the City's last redistricting cycle, the Commission identified the following as initial policy considerations that were utilized when drafting the 2002-2003 Redistricting Plan:

- That the draft plan(s) preserve, where possible, the integrity of historical and traditional neighborhoods;
- That the draft plan(s) maintain – wherever possible – similar boundaries to ensure that citizens can remain familiar with current voting districts and precinct locations;
- That the draft plan(s) contain rational and –wherever possible – man-made and natural boundaries, with the caveat that they should not emphasize boundaries that have had an unfortunate connotation of segregation in the past (i.e. the railroad);
- That the draft plan(s) attempt –wherever possible – to “nest” City Commission District 5 in County Commission District 3 for purposes of providing a more rational combination of services between the County and the City; and
- That the draft plan(s) attempt – wherever possible – to include whole precincts into a district. (Note that, as a result of the Election Department's decision not to re-precinct until 2013, the following current precinct lines may not serve a useful purpose.)

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D) The Federal Voting Rights Act of 1965:

Section 2 of the Federal Voting Rights Act of 1965 prohibits any state or political subdivision from imposing a "voting qualification or prerequisite to voting or standard, practice or procedure...in a manner which results in the denial or abridgment of the right to vote on account of race or color." 42 USC §1973. In 1982, the VRA was amended to include language minorities. Moreover, in 1982, reacting to the narrow interpretation of the VRA by the U.S. Supreme Court (requiring proof of discriminatory intent), Congress also amended the VRA to require only proof of a discriminatory result based on the totality of the circumstances.

The U.S. Supreme Court has recognized the manipulation of district lines during a Redistricting process can be the basis for a claim that the voting strength of politically cohesive minority voters has been diluted. Vote dilution may happen as a result of fragmenting the minority voters among several districts where the majority can routinely out-vote the minority voters, unnecessarily packing the minority voters into one or a small number of districts to minimize their influence in the neighboring districts. See *Voinovich*, 507 U.S. at 146; *Grove*, 507 U.S. at 25. Thus, Section 2 prohibits creation of district lines where the result, "interact[ing] with social and historical conditions, impairs the ability of a protected class to elect its candidate of choice on an equal basis with other voters."

In the case of *Thornburg v. Gingles*, 478 U.S. 30 (1986), the Court held that three threshold conditions are required prior to establishing that a districting plan violates Section 2 of the VRA:

- The size and geographic compactness of the minority population must be such as to enable the creation of a single-member district in which the minority group can elect a candidate of its choice;
- The minority population is a politically cohesive group; and
- The majority population votes as block to defeat the minority group's preferred candidate.

If the plaintiff in a case brought under Section 2 establishes that the challenged district meets these three criteria, then the court will move on to examine the "totality of the circumstances" to determine if the practice in question results in the dilution of the electoral power of the minority population. If the plaintiff fails to establish the existence of the three factors, the court does not need to go any further and the Section 2 claim fails as a matter of law. See *Bartlett v. Strickland*, 556 U.S. 1, 7 (2009).

In order to ensure compliance with the VRA and minimize the probability of legal liability to the City, an analysis of the *Gingles* factors will be made throughout the process of crafting a proposed districting plan. The last redistricting cycle, legal counsel concluded that the *Gingles* factors were evident within the City. We will again compile and review data of previous elections and other factors to determine whether polarized voting is still evident within the City.

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Summary

We hope that as you worked your way through this primer, many of your initial questions about the reapportionment and redistricting process have been answered. Perhaps, this primer has also stimulated a number of other questions regarding the process. We look forward to working with you to address these questions. As mentioned before, this primer is by no means the definitive, exhaustive source on this area of the law, but it is intended to serve as a reference tool for understanding certain basic redistricting and reapportionment concepts. In addition to familiarizing yourself with those basic concepts, as you proceed in this historic process, it will serve you well to keep in mind the three basic rules outlined at the beginning of this primer. Those rules form the baseline of what is needed to ensure that the redistricting plans adopted by the City of Miami can withstand judicial scrutiny.

During our upcoming presentation before the Commission, we will provide more demographic data for your consideration, and will be seeking policy guidance from you that will become our "rules" for developing the City's new single member district plan. Your consultants have a wealth of experience and substantive knowledge in this field. However, our role is to reflect the Commission's policy objectives in the form of a proposed redistricting plan, and to advise the Commission of the legal consequences, if any, of particular changes or configurations of the plan. Therefore, we will be looking to the Commission to provide the policy directives that will guide us in preparing and presenting a final product for your consideration.

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DE 24-78

2013 Final Report

**Miguel A. De Grandy, Pablo Tamayo, and Stephen M. Cody,
*Final Report Regarding the Proposed Redistricting Plan***

M I G U E L D E G R A N D Y , P A
Redistricting Consultants

FINAL REPORT REGARDING
THE PROPOSED REDISTRICTING PLAN



Presented to the
City of Miami City Commission

Miguel A. De Grandy, Esq., Pablo Tamayo, Esq.,
& Stephen M. Cody, J.D.

800 Douglas Road, Suite 850, Coral Gables, FL 33134

Telephone: (305) 444-7737 • Fax: (305) 443-2616 • www.DeGrandyLaw.com

Introduction

On February 14, 2013, your redistricting consultants presented a Proposed Redistricting Plan to the City Commission at its Commission meeting. During that public meeting, several citizens made presentations regarding their desire to maintain the entire Upper East Side within one district. The City of Miami Commission deferred consideration of the Proposed Redistricting Plan to provide an opportunity for these residents, and any other residents interested in the process, to provide additional input.

In compliance with the directives of the City Commission, your redistricting consultants held two public hearings. One was held at Legion Memorial Park on February 21, 2013. The second was held at Miami City Hall on March 4, 2013.

On or about March 6, 2013, your redistricting consultants provided the City Commission with a written Supplementary Report to the City of Miami Commission Regarding the Public Hearings on the Proposed Redistricting Plan. On March 14, 2013, the redistricting consultants made an oral presentation to the City Commission outlining the relevant parts of the written report and providing proposed alternatives for the City Commission's consideration. During this public meeting, the City Commission provided an additional opportunity for any residents to address the Commission regarding the plan.

Changes to the Proposed Redistricting Plan

Once the public hearing was closed, the City Commission engaged in discussion and debate regarding the Proposed Plan. As a result of that discussion, the City Commission directed that four additional changes be made to the Proposed Redistricting Plan. The four changes are described below. All of the changes are consistent with traditional Redistricting principles and the Commission's policy directives.

Modification of the Boundary of the Shorecrest Traditional Neighborhood

Consistent with some of the public testimony that was presented, the City Commission directed that the redistricting consultants modify the boundaries of Subarea 6 in the Proposed Plan in order to shift the Southern boundary of the Shorecrest traditional neighborhood from 79th Street South to the Little River. Both the public testimony and some of the maps that can be found in the public record identify the Little River as the Southern boundary of the Shorecrest traditional neighborhood. In the Proposed Plan, Subarea 6 moves in its entirety from District 2 to District 5. Therefore, this change is consistent with maintaining the entire traditional neighborhood of Shorecrest within one district.

Elimination of Movement of Subarea 12

Subarea 12 was originally moved from District 5 to District 1 in furtherance of the directive of the City Commission to use well-recognized man-made and natural boundaries to define the districts. The original movement had the result of shifting the boundary between both districts in an easterly direction to coincide with I-95. During the Commission discussion, it was noted that part of that movement had the effect of taking a portion of the Southeast Overtown/Park West CRA out of District 5, which would be inconsistent with the Commission's directive to try to maintain the Southeast Overtown/Park West CRA as a Community of Interest within District 5. There was additional discussion regarding the fact that this area was also part of historic Overtown, and therefore should remain together in District 5 with the rest of the Overtown area.

As noted by the redistricting consultants, there are often competing principles that must be balanced in the process of Redistricting. In that regard, it is the Commission's prerogative to determine the correct balance of these competing principles. The decision to eliminate the movement of Subarea 12 is consistent with the Commission's directive to maintain traditional (historic) neighborhoods within one district, and to maintain the Southeast Overtown/Park West CRA as a community of interest within one district, to the best extent possible.

Inclusion of Additional Historic Overtown Area Into District 5

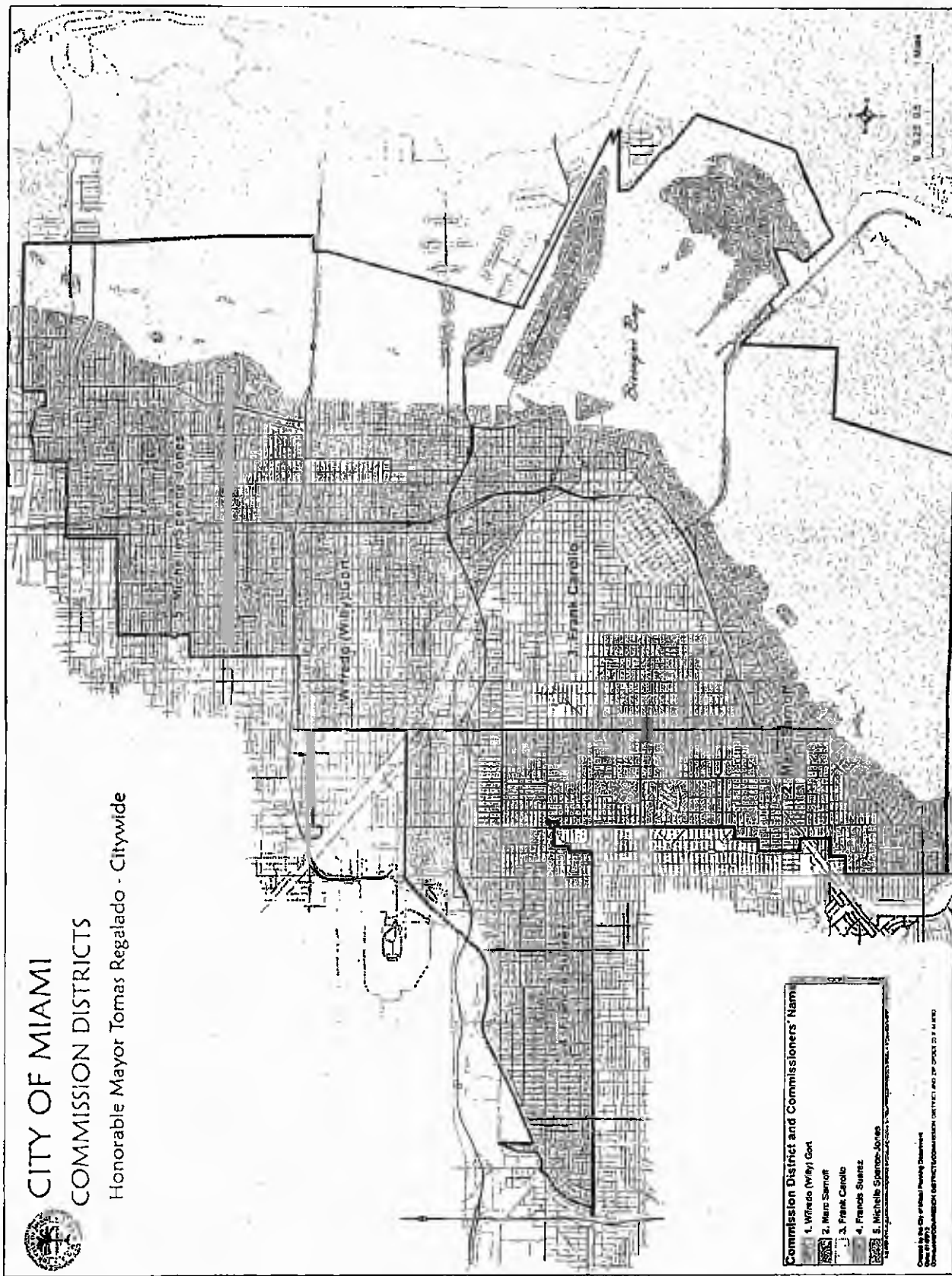
During the discussion it was also noted that there was an additional area east of Proposed Subarea 13, that also encompassed the area known as historic Overtown. This additional area is bounded by Northwest 22nd Street to the North and 14th Street to the South, the proposed boundary of Subarea 13 to the West and Northwest 1st Avenue to the East.

Initially, redistricting consultants had shifted the existing border only slightly to the east in Subarea 13 to coincide with the boundaries of the Omni CRA. However, the Commission determined that in this instance, the policy directive to keep traditional (historic) neighborhoods within one district would override the policy directive of maintaining as much of the Omni CRA as possible as a "community of interest" in District 2. This policy directive – which resulted in shifting the border of Subarea 13 for two additional blocks in an easterly direction – is consistent with the policy directive of the Commission to maintain traditional neighborhoods within one district.

Shifting Additional Population to District 3

During the discussion, there was a suggestion made to put additional population into District 3 in order to further reduce the overall deviation. In that regard, a direction was given to shift part of the southeastern boundary of District 3 from the Metrorail line to Brickell Avenue using 13th Street as a northern boundary and 15th Road as a southern boundary. This shift resulted in lowering the overall deviation and therefore furthers the equal protection objective of the 14th Amendment of the United States Constitution.

On the following page is a map showing the current districts with the Modified Proposed Plan as a red-line overlay. In addition, there are tables which provide relevant demographic data and deviation percentages. None of the minor changes described above affected the previous analysis of the plan with regard to its constitutionality and its compliance with the Voting Rights Act.



Miguel De Grandy, P.A.

Modifications to the Proposed Plan

The table below summarizes the population breakdown of the Modified Proposed Redistricting Plan.

DIST	POP 2010	DEVIATION	DEVIATION	%BLACK	HISPANIC	WHITE
1	78,031	-1,860	-2.33%	12.53	82.23	4.54
2	79,862	-29	-0.04%	10.29	51.24	34.96
3	78,343	-1,548	-1.94%	5.24	86.43	7.43
4	82,338	2,447	3.06%	2.65	89.81	6.68
5	80,883	992	1.24%	69.65	23.15	5.99
Total	399,457		5.39%			

The table below summarizes the voting age population of the Modified Proposed Redistricting Plan.

DIST	VAP 2010	%BLACK	HISPANIC	WHITE
1	62,536	12.34	83.6	3.38
2	69,454	9.93	51.29	35.26
3	64,163	5.32	87.62	6.17
4	69,022	2.67	90.99	5.47
5	60,836	67.36	24.62	6.74

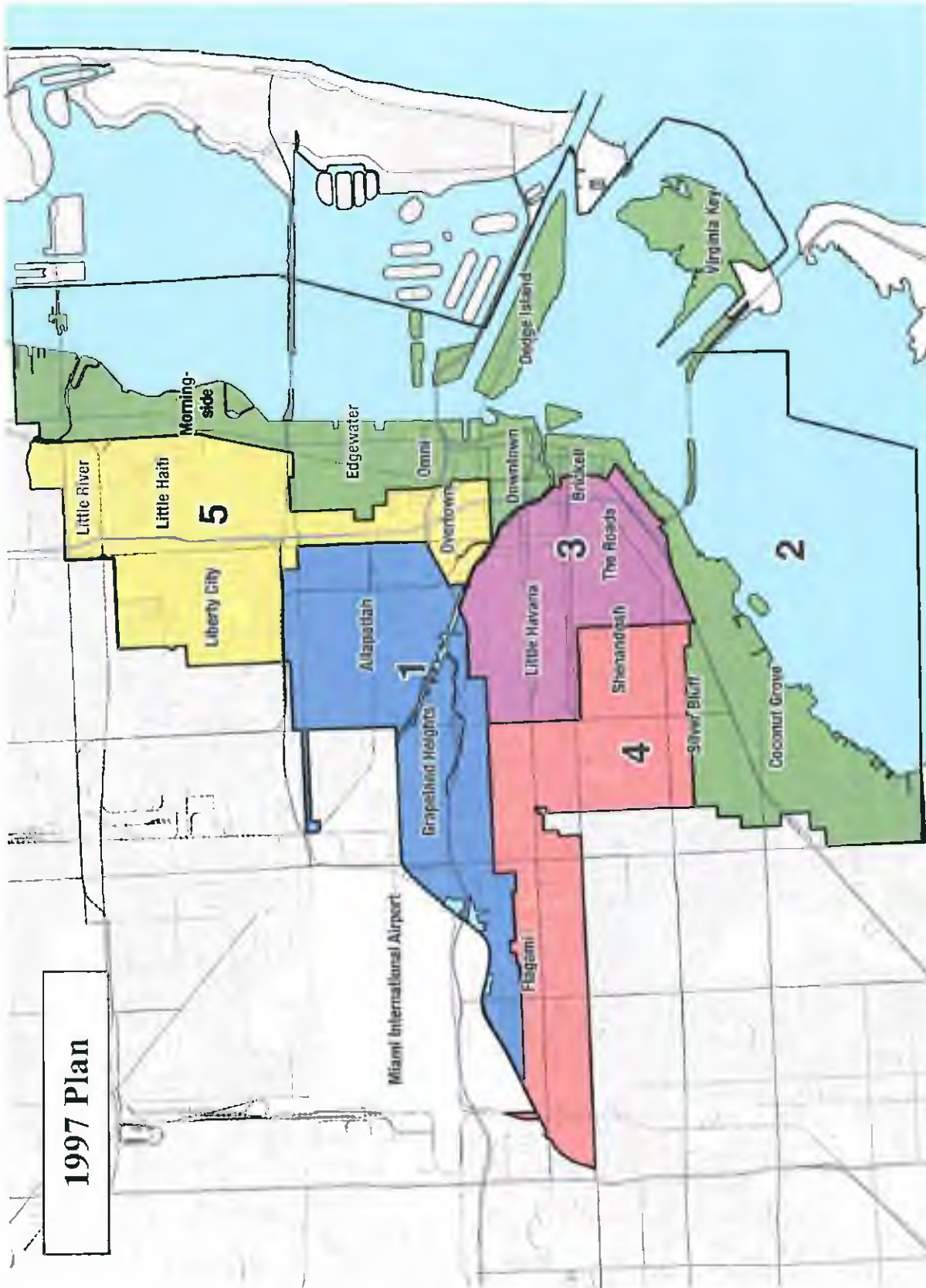
The Modified Proposed Redistricting Plan reduces overall deviation from 36.65 percent to 5.39 percent. Consistent with the requirements of the Voting Rights Act and the cases decided under it, it maintains a compact district with a politically cohesive African-American population and voting age population majority. Election analysis run shows that the candidates preferred by African American voters which were identified in the prior report, "Report on the Status of Redistricting and Proposed Redistricting Plan" would also receive sufficient support from those voters to win in the new district. Thus, it is anticipated that District 5, as reconfigured, will permit African-American voters to elect their candidate of choice.

The Modified Proposed Redistricting Plan also maintains three districts which have solid Hispanic population and voting age population majorities and a fourth district that is also majority Hispanic population and VAP.

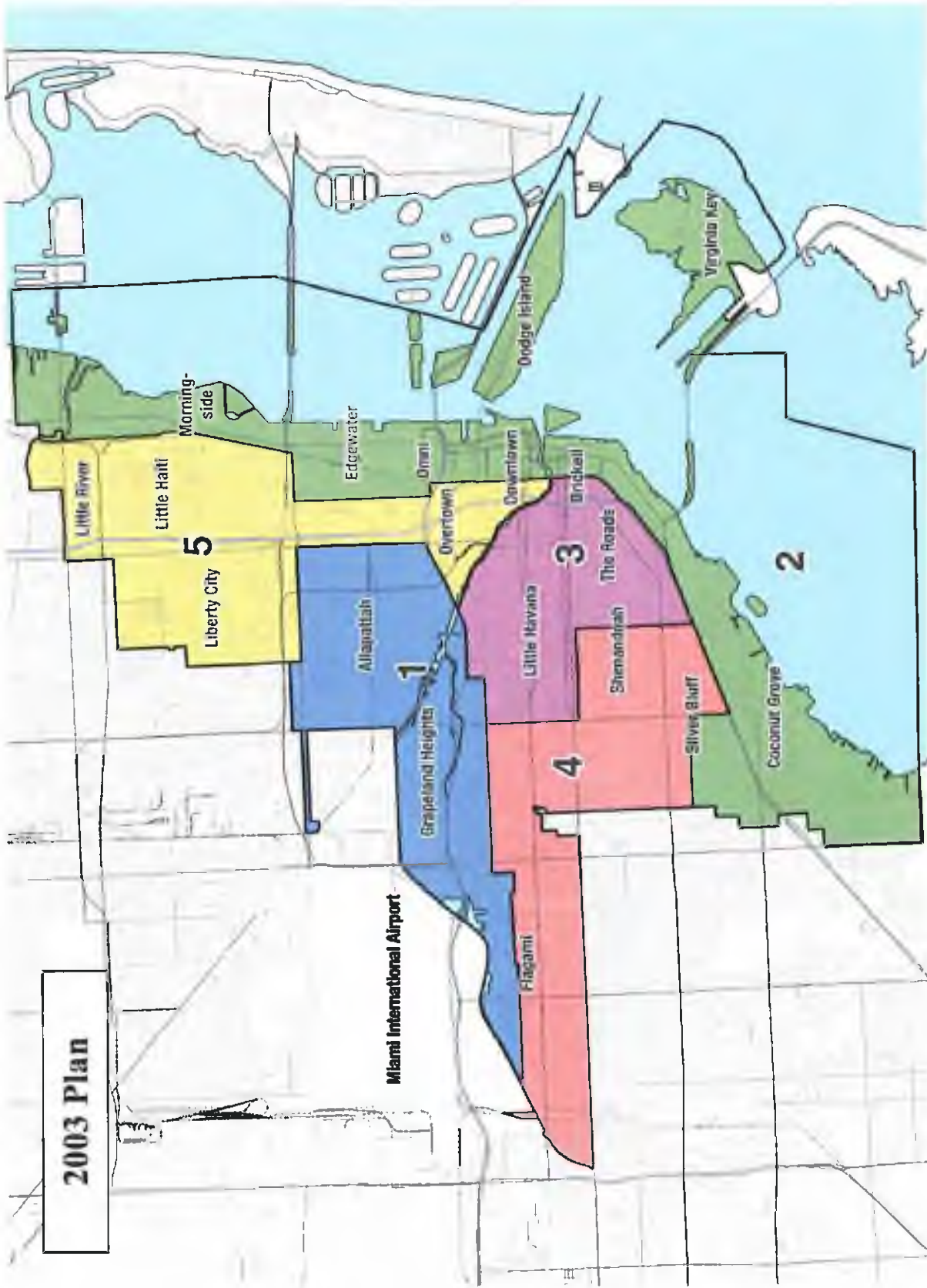
Conclusion

In summary, on April 11, 2013, the City Commission will be presented with a resolution that will contain metes and bounds descriptions of the proposed plan as revised on March 14th, as well as graphic depictions of each district, for its consideration and adoption. Adoption of this Resolution will resolve the current malapportionment issue that exists in the City's current districts and result in enactment of a new Redistricting Plan that is constitutional, consistent with well-recognized traditional redistricting principles, and compliant with the federal Voting Rights Act.

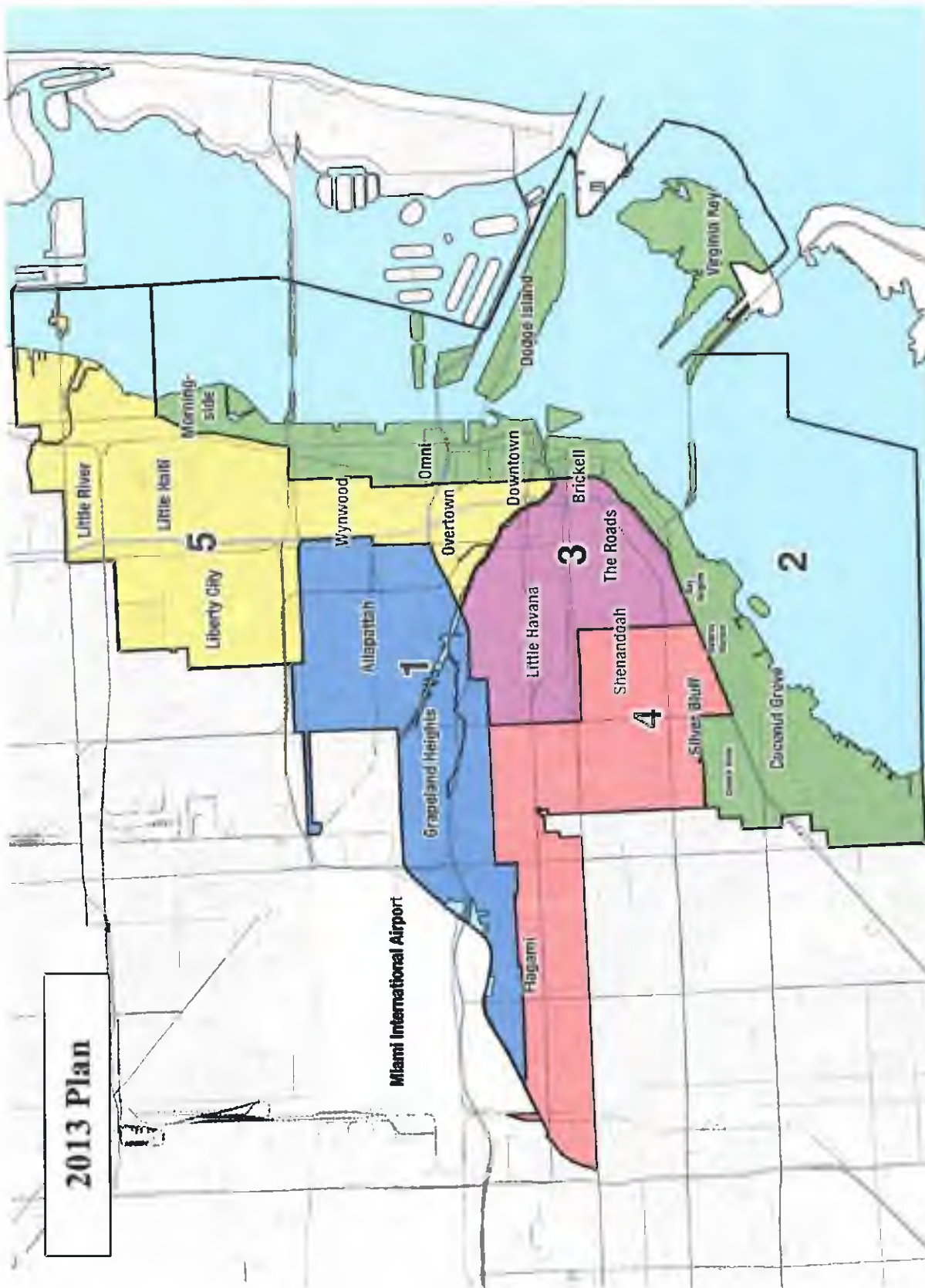
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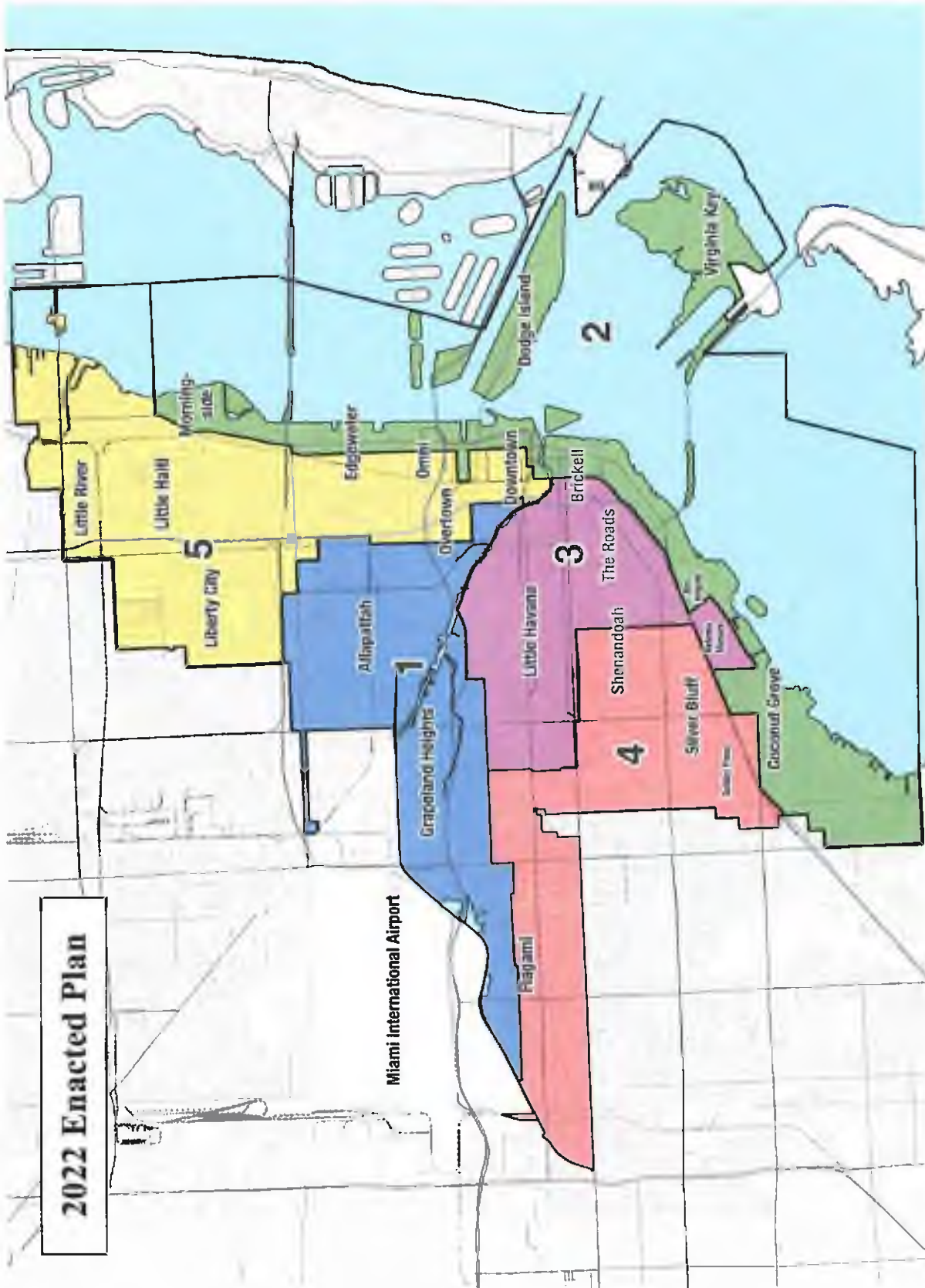
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DE 24-82



DE 24-83



2022 Enacted Plan

DE 24-93

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	Miami-Dade County					
	WHITE	258,563	93,623	79,890	80,454	4,596
	BLACK	236,333	185,047	7,309	41,819	2,158
	HISPANIC	911,715	247,114	333,628	315,791	15,182
	OTHER	120,776	40,214	21,617	57,237	1,708
	WHITE MALE	129,207	40,534	42,749	43,474	2,450
	BLACK MALE	102,093	74,919	4,264	21,745	1,165
	HISPANIC MALE	396,702	97,397	152,084	140,591	6,630
	OTHER MALE	40,620	13,220	8,138	18,564	698
	WHITE FEMALE	126,021	51,915	36,337	35,668	2,101
	BLACK FEMALE	130,427	107,319	2,947	19,187	974
	HISPANIC FEMALE	496,063	143,955	176,429	167,254	8,425
	OTHER FEMALE	46,263	18,664	8,045	18,888	666
	SEX UNSPECIFIED	59,927	18,054	11,442	29,897	534
	AGE 18-25	159,770	60,017	31,222	64,228	4,303
	AGE 26-30	122,192	47,645	23,996	48,055	2,496
	AGE 31-35	133,198	51,257	28,990	50,477	2,474
	AGE 36-40	126,315	46,448	29,562	48,054	2,251
	AGE 41-45	114,364	41,318	27,954	43,166	1,926
	AGE 46-50	120,666	40,003	35,243	43,364	2,056
	AGE 51-55	126,435	42,603	40,085	41,871	1,876
	AGE 56-60	136,808	48,002	46,110	40,760	1,936
	AGE 61-65	120,010	47,361	38,551	32,687	1,411
	AGE 66- Up	367,599	141,338	140,723	82,623	2,915
	TOTAL	1,527,387	565,998	442,444	495,301	23,644

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	Sunkist Grove Annexation				
	WHITE	0	0	0	0	0
	BLACK	0	0	0	0	0
	HISPANIC	0	0	0	0	0
	OTHER	0	0	0	0	0
	WHITE MALE	0	0	0	0	0
	BLACK MALE	0	0	0	0	0
	HISPANIC MALE	0	0	0	0	0
	OTHER MALE	0	0	0	0	0
	WHITE FEMALE	0	0	0	0	0
	BLACK FEMALE	0	0	0	0	0
	HISPANIC FEMALE	0	0	0	0	0
	OTHER FEMALE	0	0	0	0	0
	SEX UNSPECIFIED	0	0	0	0	0
	AGE 18-25	0	0	0	0	0
	AGE 26-30	0	0	0	0	0
	AGE 31-35	0	0	0	0	0
	AGE 36-40	0	0	0	0	0
	AGE 41-45	0	0	0	0	0
	AGE 46-50	0	0	0	0	0
	AGE 51-55	0	0	0	0	0
	AGE 56-60	0	0	0	0	0
	AGE 61-65	0	0	0	0	0
	AGE 66- Up	0	0	0	0	0
	TOTAL	0	0	0	0	0

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Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	North Miami Annexation					
WHITE		14	6	6	2	0
BLACK		346	282	6	55	3
HISPANIC		52	28	8	15	1
OTHER		28	18	0	9	1
WHITE MALE		6	1	4	1	0
BLACK MALE		169	130	5	34	0
HISPANIC MALE		23	9	4	9	1
OTHER MALE		8	4	0	4	0
WHITE FEMALE		8	5	2	1	0
BLACK FEMALE		175	150	1	21	3
HISPANIC FEMALE		27	17	4	6	0
OTHER FEMALE		13	12	0	1	0
SEX UNSPECIFIED		11	6	0	4	1
AGE 18-25		41	22	3	13	3
AGE 26-30		38	28	0	10	0
AGE 31-35		32	26	0	6	0
AGE 36-40		34	23	0	10	1
AGE 41-45		32	20	1	11	0
AGE 46-50		22	17	1	4	0
AGE 51-55		30	24	1	5	0
AGE 56-60		49	38	2	8	1
AGE 61-65		40	32	2	6	0
AGE 66- Up		122	104	10	8	0
TOTAL		440	334	20	81	5

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Rcps	NPA	Other
	District	Little Gables Annexation				
	WHITE	384	170	101	104	9
	BLACK	24	14	3	7	0
	HISPANIC	1,085	346	373	346	20
	OTHER	105	32	23	49	1
	WHITE MALE	192	74	53	62	3
	BLACK MALE	12	6	2	4	0
	HISPANIC MALE	470	131	151	176	12
	OTHER MALE	35	5	10	20	0
	WHITE FEMALE	191	95	48	42	6
	BLACK FEMALE	12	8	1	3	0
	HISPANIC FEMALE	595	207	218	162	8
	OTHER FEMALE	43	22	7	13	1
	SEX UNSPECIFIED	48	14	10	24	0
	AGE 18-25	102	44	25	33	0
	AGE 26-30	104	49	11	43	1
	AGE 31-35	166	56	43	60	7
	AGE 36-40	138	51	31	54	2
	AGE 41-45	136	49	26	55	6
	AGE 46-50	134	56	35	40	3
	AGE 51-55	108	42	24	42	0
	AGE 56-60	146	48	51	44	3
	AGE 61-65	148	62	44	42	0
	AGE 66- Up	416	105	210	93	8
	TOTAL	1,598	562	500	506	30

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	North Miami Beach Annexation					
WHITE		1,317	365	549	393	10
BLACK		710	553	14	134	9
HISPANIC		518	216	132	165	5
OTHER		361	119	90	145	7
WHITE MALE		664	170	277	209	8
BLACK MALE		309	232	9	64	4
HISPANIC MALE		214	73	60	80	1
OTHER MALE		159	49	43	63	4
WHITE FEMALE		639	190	267	180	2
BLACK FEMALE		390	313	4	68	5
HISPANIC FEMALE		293	139	67	83	4
OTHER FEMALE		139	62	25	52	0
SEX UNSPECIFIED		99	25	33	38	3
AGE 18-25		307	108	83	107	9
AGE 26-30		283	117	71	91	4
AGE 31-35		314	110	99	104	1
AGE 36-40		261	112	76	69	4
AGE 41-45		183	65	55	60	3
AGE 46-50		156	64	43	49	0
AGE 51-55		181	70	61	49	1
AGE 56-60		219	102	53	62	2
AGE 61-65		253	141	50	59	3
AGE 66- Up		749	364	194	187	4
TOTAL		2,906	1,253	785	837	31

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Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	High Pines-Ponce CG Annexation				
	WHITE	1,238	567	331	318	22
	BLACK	25	10	6	9	0
	HISPANIC	953	245	405	287	16
	OTHER	207	72	34	96	5
	WHITE MALE	594	222	179	182	11
	BLACK MALE	17	5	5	7	0
	HISPANIC MALE	400	80	184	130	6
	OTHER MALE	89	25	21	40	3
	WHITE FEMALE	634	341	149	133	11
	BLACK FEMALE	8	5	1	2	0
	HISPANIC FEMALE	541	162	218	151	10
	OTHER FEMALE	83	37	11	33	2
	SEX UNSPECIFIED	57	17	8	32	0
	AGE 18-25	288	94	93	93	8
	AGE 26-30	155	60	49	44	2
	AGE 31-35	156	67	30	52	7
	AGE 36-40	198	60	51	80	7
	AGE 41-45	179	64	49	66	0
	AGE 46-50	223	67	60	87	9
	AGE 51-55	219	61	87	70	1
	AGE 56-60	212	66	80	64	2
	AGE 61-65	216	76	81	54	5
	AGE 66- Up	577	279	196	100	2
	TOTAL	2,423	894	776	710	43

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Northeast-Dade MAC					
WHITE		4,482	1,821	1,081	1,522	58
BLACK		921	629	41	238	13
HISPANIC		4,689	1,811	926	1,889	63
OTHER		1,187	364	184	624	15
WHITE MALE		2,164	777	589	771	27
BLACK MALE		379	231	25	116	7
HISPANIC MALE		1,951	677	436	821	17
OTHER MALE		415	122	79	204	10
WHITE FEMALE		2,250	1,019	479	723	29
BLACK FEMALE		522	383	14	119	6
HISPANIC FEMALE		2,633	1,096	477	1,014	46
OTHER FEMALE		487	182	71	231	3
SEX UNSPECIFIED		478	138	62	274	4
AGE 18-25		1,176	452	197	497	30
AGE 26-30		836	321	143	355	17
AGE 31-35		930	373	173	370	14
AGE 36-40		845	332	138	366	9
AGE 41-45		882	288	157	431	6
AGE 46-50		908	300	174	426	8
AGE 51-55		983	336	211	425	11
AGE 56-60		986	398	197	380	11
AGE 61-65		928	398	206	312	12
AGE 66- Up		2,804	1,427	635	711	31
TOTAL		11,279	4,625	2,232	4,273	149

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District					
	Cnty Comm 01					
	WHITE	5,846	2,347	1,579	1,803	117
	BLACK	61,749	50,107	1,458	9,714	470
	HISPANIC	40,406	13,445	11,497	14,751	713
	OTHER	8,742	3,908	914	3,809	111
	WHITE MALE	2,721	955	826	882	58
	BLACK MALE	25,529	19,548	811	4,930	240
	HISPANIC MALE	17,487	5,266	5,378	6,553	290
	OTHER MALE	2,828	1,301	370	1,106	51
	WHITE FEMALE	3,048	1,372	728	890	58
	BLACK FEMALE	35,209	29,786	630	4,569	224
	HISPANIC FEMALE	22,020	7,877	5,919	7,806	418
	OTHER FEMALE	3,352	1,848	313	1,156	35
	SEX UNSPECIFIED	4,546	1,853	473	2,183	37
	AGE 18-25	13,286	7,263	1,076	4,690	257
	AGE 26-30	10,194	5,620	896	3,512	166
	AGE 31-35	11,182	6,194	1,234	3,592	162
	AGE 36-40	10,448	5,801	1,324	3,178	145
	AGE 41-45	9,086	5,272	1,088	2,597	129
	AGE 46-50	8,900	5,065	1,320	2,394	121
	AGE 51-55	9,233	5,517	1,385	2,221	110
	AGE 56-60	9,763	6,006	1,539	2,122	96
	AGE 61-65	8,994	5,877	1,295	1,742	80
	AGE 66- Up	25,653	17,189	4,291	4,028	145
	TOTAL	116,743	69,807	15,448	30,077	1,411

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 02					
WHITE		5,424	2,433	1,304	1,596	91
BLACK		59,606	47,238	1,710	10,141	517
HISPANIC		31,578	12,538	7,348	11,222	470
OTHER		8,118	3,639	669	3,728	82
WHITE MALE		2,732	1,094	724	865	49
BLACK MALE		25,882	19,454	1,033	5,124	271
HISPANIC MALE		14,073	5,101	3,639	5,089	244
OTHER MALE		2,756	1,277	277	1,175	27
WHITE FEMALE		2,620	1,307	565	707	41
BLACK FEMALE		32,758	27,073	657	4,787	241
HISPANIC FEMALE		16,778	7,148	3,553	5,854	223
OTHER FEMALE		3,072	1,706	231	1,090	45
SEX UNSPECIFIED		4,052	1,688	352	1,993	19
AGE 18-25		11,790	6,608	730	4,237	215
AGE 26-30		9,381	5,377	624	3,252	128
AGE 31-35		9,906	5,811	824	3,126	145
AGE 36-40		9,178	5,525	697	2,806	150
AGE 41-45		7,643	4,651	710	2,183	99
AGE 46-50		7,012	4,278	775	1,870	89
AGE 51-55		7,519	4,762	839	1,837	81
AGE 56-60		8,620	5,588	1,106	1,838	88
AGE 61-65		8,799	6,116	968	1,663	52
AGE 66- Up		24,877	17,132	3,757	3,875	113
TOTAL		104,726	65,848	11,031	26,687	1,160

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 03					
WHITE		16,333	6,944	3,184	5,854	351
BLACK		43,621	35,292	1,184	6,796	349
HISPANIC		36,692	15,229	7,273	13,675	515
OTHER		8,704	3,642	818	4,110	134
WHITE MALE		8,878	3,374	1,892	3,402	210
BLACK MALE		19,354	14,773	745	3,643	193
HISPANIC MALE		16,574	6,423	3,557	6,364	230
OTHER MALE		3,194	1,281	371	1,476	66
WHITE FEMALE		7,250	3,483	1,253	2,376	138
BLACK FEMALE		23,633	20,039	426	3,015	153
HISPANIC FEMALE		19,402	8,502	3,608	7,014	278
OTHER FEMALE		3,340	1,696	305	1,294	45
SEX UNSPECIFIED		3,719	1,534	302	1,847	36
AGE 18-25		10,304	5,523	702	3,878	201
AGE 26-30		10,734	5,677	1,055	3,850	152
AGE 31-35		12,628	6,797	1,270	4,360	201
AGE 36-40		10,881	5,928	1,097	3,687	169
AGE 41-45		8,643	4,796	846	2,858	143
AGE 46-50		7,628	4,148	943	2,424	113
AGE 51-55		7,510	4,352	934	2,141	83
AGE 56-60		8,085	4,961	1,061	1,970	93
AGE 61-65		7,879	5,241	938	1,628	72
AGE 66- Up		21,055	13,683	3,612	3,638	122
TOTAL		105,350	61,107	12,459	30,435	1,349

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 04					
WHITE		54,510	18,781	15,766	18,991	972
BLACK		6,942	4,726	312	1,784	120
HISPANIC		42,388	14,932	9,995	16,812	649
OTHER		11,652	3,459	2,171	5,815	207
WHITE MALE		26,902	8,025	8,403	9,977	497
BLACK MALE		3,191	1,986	192	942	71
HISPANIC MALE		18,279	5,901	4,681	7,423	274
OTHER MALE		4,380	1,188	939	2,171	82
WHITE FEMALE		26,784	10,494	7,163	8,665	462
BLACK FEMALE		3,646	2,664	117	816	49
HISPANIC FEMALE		23,197	8,710	5,165	8,952	370
OTHER FEMALE		4,801	1,720	812	2,183	86
SEX UNSPECIFIED		4,307	1,209	772	2,270	56
AGE 18-25		9,300	3,198	1,900	3,939	263
AGE 26-30		7,313	2,636	1,450	3,047	180
AGE 31-35		8,532	3,104	1,738	3,523	167
AGE 36-40		8,975	3,057	1,862	3,887	169
AGE 41-45		9,022	2,892	1,869	4,098	163
AGE 46-50		9,708	3,172	2,146	4,219	171
AGE 51-55		10,198	3,367	2,468	4,219	144
AGE 56-60		10,407	3,758	2,667	3,809	173
AGE 61-65		9,822	3,680	2,592	3,406	144
AGE 66- Up		32,213	13,034	9,551	9,254	374
TOTAL		115,492	41,898	28,244	43,402	1,948

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 05					
WHITE		28,389	9,979	7,022	10,799	589
BLACK		3,412	2,049	246	1,054	63
HISPANIC		62,166	19,284	19,620	22,307	955
OTHER		9,479	3,036	1,551	4,729	163
WHITE MALE		15,935	4,931	4,292	6,352	360
BLACK MALE		1,917	1,046	145	684	42
HISPANIC MALE		27,581	7,979	8,923	10,227	452
OTHER MALE		3,711	1,126	680	1,832	73
WHITE FEMALE		12,105	4,905	2,668	4,307	225
BLACK FEMALE		1,442	970	96	355	21
HISPANIC FEMALE		33,349	10,886	10,402	11,566	495
OTHER FEMALE		3,567	1,332	591	1,585	59
SEX UNSPECIFIED		3,835	1,171	642	1,979	43
AGE 18-25		7,789	2,767	1,467	3,345	210
AGE 26-30		9,851	3,574	1,892	4,166	219
AGE 31-35		10,895	3,869	2,074	4,726	226
AGE 36-40		9,548	3,299	1,842	4,243	164
AGE 41-45		7,864	2,603	1,601	3,506	154
AGE 46-50		7,596	2,412	1,814	3,228	142
AGE 51-55		7,889	2,546	2,046	3,158	139
AGE 56-60		8,426	2,678	2,548	3,052	148
AGE 61-65		7,439	2,574	2,215	2,540	110
AGE 66- Up		26,149	8,026	10,940	6,925	258
TOTAL		103,446	34,348	28,439	38,889	1,770

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 06					
WHITE		15,447	5,679	5,396	4,117	255
BLACK		1,094	591	110	380	13
HISPANIC		90,331	21,595	38,927	28,401	1,408
OTHER		7,325	1,948	1,838	3,421	118
WHITE MALE		7,523	2,436	2,750	2,204	133
BLACK MALE		594	289	57	238	10
HISPANIC MALE		38,868	8,535	17,109	12,572	652
OTHER MALE		2,157	564	602	946	45
WHITE FEMALE		7,791	3,206	2,610	1,858	117
BLACK FEMALE		482	291	50	138	3
HISPANIC FEMALE		49,602	12,537	21,249	15,078	738
OTHER FEMALE		2,531	795	646	1,054	36
SEX UNSPECIFIED		4,641	1,159	1,194	2,228	60
AGE 18-25		9,822	2,908	2,563	4,068	283
AGE 26-30		7,599	2,259	2,059	3,096	185
AGE 31-35		8,835	2,562	2,634	3,449	190
AGE 36-40		8,369	2,274	2,658	3,276	161
AGE 41-45		7,403	1,956	2,350	2,957	140
AGE 46-50		8,255	1,983	3,079	3,038	155
AGE 51-55		9,110	2,121	3,769	3,080	140
AGE 56-60		10,714	2,551	4,773	3,240	150
AGE 61-65		9,428	2,609	4,157	2,545	117
AGE 66- Up		34,660	8,590	18,229	7,568	273
TOTAL		114,197	29,813	46,271	36,319	1,794

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 07					
WHITE		48,126	19,881	14,240	13,246	759
BLACK		5,947	4,410	260	1,210	67
HISPANIC		77,417	19,934	30,113	26,036	1,334
OTHER		12,353	4,124	2,297	5,728	204
WHITE MALE		23,386	8,201	7,559	7,232	394
BLACK MALE		2,607	1,767	154	649	37
HISPANIC MALE		33,348	7,509	13,567	11,688	584
OTHER MALE		4,313	1,302	928	1,998	85
WHITE FEMALE		23,986	11,370	6,524	5,736	356
BLACK FEMALE		3,224	2,555	104	536	29
HISPANIC FEMALE		42,669	12,040	16,156	13,732	741
OTHER FEMALE		5,045	2,027	886	2,048	84
SEX UNSPECIFIED		5,260	1,577	1,031	2,598	54
AGE 18-25		16,565	5,804	4,248	6,033	480
AGE 26-30		10,852	3,975	2,750	3,867	260
AGE 31-35		11,045	4,053	2,741	4,034	217
AGE 36-40		11,156	3,750	2,892	4,316	198
AGE 41-45		10,710	3,358	3,024	4,127	201
AGE 46-50		11,400	3,116	3,678	4,407	199
AGE 51-55		12,216	3,422	4,383	4,226	185
AGE 56-60		12,804	3,676	5,039	3,926	163
AGE 61-65		11,564	3,871	4,391	3,150	152
AGE 66- Up		35,529	13,324	13,764	8,132	309
TOTAL		143,843	48,349	46,910	46,220	2,364

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 08					
WHITE		28,389	9,589	10,576	7,719	505
BLACK		13,888	10,164	588	2,948	188
HISPANIC		74,404	20,998	24,957	27,033	1,416
OTHER		10,383	3,570	1,838	4,826	149
WHITE MALE		13,982	3,934	5,696	4,095	257
BLACK MALE		6,166	4,151	344	1,571	100
HISPANIC MALE		32,957	8,139	12,038	12,151	629
OTHER MALE		3,579	1,185	732	1,599	63
WHITE FEMALE		14,080	5,551	4,780	3,504	245
BLACK FEMALE		7,492	5,856	233	1,316	87
HISPANIC FEMALE		40,021	12,392	12,553	14,299	777
OTHER FEMALE		4,251	1,771	707	1,710	63
SEX UNSPECIFIED		4,529	1,338	874	2,280	37
AGE 18-25		15,659	5,533	3,268	6,407	451
AGE 26-30		10,412	3,706	2,261	4,211	234
AGE 31-35		11,617	3,876	3,044	4,444	253
AGE 36-40		11,894	3,794	3,284	4,589	227
AGE 41-45		11,418	3,811	3,096	4,306	205
AGE 46-50		11,328	3,523	3,644	3,940	221
AGE 51-55		11,392	3,571	3,931	3,711	179
AGE 56-60		11,147	3,752	4,043	3,173	179
AGE 61-65		9,077	3,372	3,170	2,420	115
AGE 66- Up		23,117	9,383	8,217	5,323	194
TOTAL		127,064	44,321	37,959	42,526	2,258

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Cnty Comm 09					
WHITE		10,402	3,498	3,506	3,218	180
BLACK		31,041	24,618	852	5,325	246
HISPANIC		66,875	19,696	21,445	24,570	1,164
OTHER		9,214	3,471	1,408	4,226	109
WHITE MALE		4,974	1,398	1,862	1,614	100
BLACK MALE		12,781	9,539	457	2,659	126
HISPANIC MALE		29,175	7,657	10,264	10,770	484
OTHER MALE		2,850	1,076	517	1,214	43
WHITE FEMALE		5,318	2,066	1,617	1,557	78
BLACK FEMALE		17,729	14,673	386	2,553	117
HISPANIC FEMALE		36,116	11,507	10,820	13,119	670
OTHER FEMALE		3,585	1,674	520	1,352	39
SEX UNSPECIFIED		4,995	1,688	768	2,497	42
AGE 18-25		14,890	6,301	2,171	6,041	377
AGE 26-30		10,588	4,525	1,705	4,173	185
AGE 31-35		11,620	4,934	2,318	4,198	170
AGE 36-40		10,605	4,382	2,279	3,741	203
AGE 41-45		9,221	3,823	2,063	3,200	135
AGE 46-50		9,708	3,841	2,521	3,188	158
AGE 51-55		9,558	3,912	2,726	2,787	133
AGE 56-60		10,161	4,332	2,848	2,866	115
AGE 61-65		8,657	4,205	2,143	2,220	89
AGE 66- Up		22,520	11,027	6,437	4,922	134
TOTAL		117,532	51,283	27,211	37,339	1,699

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 10					
WHITE		15,519	5,321	5,989	3,964	245
BLACK		1,288	725	133	412	18
HISPANIC		108,144	23,859	48,587	33,897	1,801
OTHER		8,238	2,043	2,181	3,905	109
WHITE MALE		7,348	2,170	2,969	2,089	120
BLACK MALE		601	294	71	227	9
HISPANIC MALE		46,348	9,287	21,386	14,892	783
OTHER MALE		2,542	642	709	1,148	43
WHITE FEMALE		8,018	3,100	2,972	1,823	123
BLACK FEMALE		661	419	59	174	9
HISPANIC FEMALE		59,653	14,007	26,507	18,131	1,008
OTHER FEMALE		3,017	876	854	1,245	42
SEX UNSPECIFIED		4,996	1,151	1,363	2,446	36
AGE 18-25		12,267	3,350	3,484	5,012	421
AGE 26-30		9,224	2,614	2,647	3,769	194
AGE 31-35		9,989	2,669	3,107	3,998	215
AGE 36-40		9,630	2,276	3,409	3,777	168
AGE 41-45		8,893	2,075	3,271	3,403	144
AGE 46-50		9,889	2,037	4,195	3,469	188
AGE 51-55		10,688	2,158	4,905	3,431	194
AGE 56-60		12,578	2,733	5,971	3,678	196
AGE 61-65		10,848	2,706	5,029	2,967	146
AGE 66- Up		39,183	9,330	20,872	8,674	307
TOTAL		133,189	31,948	56,890	42,178	2,173

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 11					
WHITE		11,824	3,526	4,584	3,491	223
BLACK		3,746	2,481	201	1,013	51
HISPANIC		105,903	25,678	41,248	37,124	1,853
OTHER		10,187	2,872	2,078	5,122	115
WHITE MALE		5,724	1,488	2,353	1,771	112
BLACK MALE		1,656	997	106	521	32
HISPANIC MALE		46,043	9,879	18,896	16,474	794
OTHER MALE		3,394	925	749	1,676	44
WHITE FEMALE		5,962	1,996	2,190	1,667	109
BLACK FEMALE		2,033	1,459	89	466	19
HISPANIC FEMALE		57,639	15,156	21,730	19,711	1,042
OTHER FEMALE		3,814	1,310	781	1,678	45
SEX UNSPECIFIED		5,389	1,345	1,216	2,783	45
AGE 18-25		15,250	4,468	3,834	6,478	470
AGE 26-30		10,232	3,178	2,496	4,325	233
AGE 31-35		10,368	2,860	3,023	4,285	200
AGE 36-40		10,082	2,588	3,130	4,181	183
AGE 41-45		9,799	2,412	3,329	3,902	156
AGE 46-50		11,263	2,431	4,480	4,159	193
AGE 51-55		12,137	2,642	5,065	4,233	197
AGE 56-60		13,068	3,103	5,488	4,259	218
AGE 61-65		10,660	2,890	4,281	3,363	126
AGE 66- Up		28,798	7,984	12,984	7,564	266
TOTAL		131,660	34,557	48,111	46,750	2,242

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 12					
WHITE		8,209	2,345	2,773	2,954	137
BLACK		1,608	966	104	511	27
HISPANIC		84,773	20,307	30,809	32,296	1,361
OTHER		8,092	2,186	1,738	4,055	113
WHITE MALE		4,259	1,087	1,493	1,602	77
BLACK MALE		799	429	69	284	17
HISPANIC MALE		37,155	8,100	14,060	14,422	573
OTHER MALE		2,436	651	584	1,154	47
WHITE FEMALE		3,847	1,238	1,254	1,295	60
BLACK FEMALE		779	523	34	212	10
HISPANIC FEMALE		45,749	11,693	16,217	17,064	775
OTHER FEMALE		2,913	919	608	1,342	44
SEX UNSPECIFIED		4,742	1,164	1,104	2,439	35
AGE 18-25		11,997	3,449	2,667	5,533	348
AGE 26-30		8,046	2,376	1,914	3,577	179
AGE 31-35		8,032	2,292	2,199	3,392	149
AGE 36-40		7,632	1,906	2,227	3,369	130
AGE 41-45		7,702	1,918	2,162	3,507	115
AGE 46-50		9,223	2,053	2,996	4,042	132
AGE 51-55		9,596	2,152	3,482	3,823	139
AGE 56-60		10,112	2,331	3,883	3,752	146
AGE 61-65		7,857	2,011	3,070	2,675	101
AGE 66- Up		22,482	5,316	10,823	6,144	199
TOTAL		102,682	25,804	35,424	39,816	1,638

Christina White

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Cnty Comm 13					
WHITE		8,300	2,289	3,628	2,246	137
BLACK		2,225	1,554	148	496	27
HISPANIC		89,473	18,986	41,575	27,387	1,525
OTHER		6,943	1,698	1,944	3,230	71
WHITE MALE		3,968	1,011	1,747	1,146	64
BLACK MALE		948	599	78	255	16
HISPANIC MALE		38,318	7,365	18,483	11,835	635
OTHER MALE		1,917	459	600	838	20
WHITE FEMALE		4,268	1,262	1,859	1,074	73
BLACK FEMALE		1,242	933	65	233	11
HISPANIC FEMALE		49,221	11,135	22,424	14,784	878
OTHER FEMALE		2,244	640	704	869	31
SEX UNSPECIFIED		4,815	1,123	1,335	2,325	32
AGE 18-25		10,581	2,714	3,075	4,465	327
AGE 26-30		7,472	1,949	2,215	3,132	176
AGE 31-35		8,112	1,995	2,738	3,207	172
AGE 36-40		7,541	1,679	2,816	2,870	176
AGE 41-45		6,601	1,551	2,495	2,420	135
AGE 46-50		8,376	1,728	3,610	2,869	169
AGE 51-55		8,982	1,863	4,086	2,895	138
AGE 56-60		10,493	2,325	5,066	2,941	161
AGE 61-65		8,605	2,018	4,222	2,264	101
AGE 66- Up		30,175	6,705	16,970	6,295	205
TOTAL		106,941	24,527	47,295	33,359	1,760

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	Fontainblue Lakes CDD					
District						
WHITE		45	15	10	19	1
BLACK		3	2	1	0	0
HISPANIC		423	100	124	197	2
OTHER		53	12	10	30	1
WHITE MALE		32	9	6	16	1
BLACK MALE		1	1	0	0	0
HISPANIC MALE		193	41	64	88	0
OTHER MALE		20	4	6	10	0
WHITE FEMALE		13	6	4	3	0
BLACK FEMALE		2	1	1	0	0
HISPANIC FEMALE		221	56	59	104	2
OTHER FEMALE		23	6	4	12	1
SEX UNSPECIFIED		19	5	1	13	0
AGE 18-25		69	16	22	30	1
AGE 26-30		44	15	9	19	1
AGE 31-35		59	16	15	28	0
AGE 36-40		55	15	16	23	1
AGE 41-45		52	14	10	28	0
AGE 46-50		60	10	18	32	0
AGE 51-55		60	11	18	31	0
AGE 56-60		38	7	12	19	0
AGE 61-65		25	4	7	14	0
AGE 66- Up		62	21	18	22	1
TOTAL		524	129	145	246	4

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Cutler Cay CDD					
WHITE		286	78	115	86	7
BLACK		117	83	4	29	1
HISPANIC		522	97	217	196	12
OTHER		112	41	23	46	2
WHITE MALE		142	34	64	39	5
BLACK MALE		54	37	2	14	1
HISPANIC MALE		241	37	101	97	6
OTHER MALE		44	13	8	21	2
WHITE FEMALE		140	44	48	46	2
BLACK FEMALE		60	45	1	14	0
HISPANIC FEMALE		271	59	112	95	5
OTHER FEMALE		48	18	12	18	0
SEX UNSPECIFIED		37	12	11	13	1
AGE 18-25		161	49	40	64	8
AGE 26-30		81	22	27	30	2
AGE 31-35		61	20	20	18	3
AGE 36-40		55	12	19	24	0
AGE 41-45		85	25	26	33	1
AGE 46-50		111	30	45	34	2
AGE 51-55		129	31	50	47	1
AGE 56-60		113	30	36	45	2
AGE 61-65		86	21	33	30	2
AGE 66- Up		155	59	63	32	1
TOTAL		1,037	299	359	357	22

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District	South Dade Venture CDD				
	WHITE	465	132	172	154	7
	BLACK	744	512	44	174	14
	HISPANIC	2,733	812	806	1,067	48
	OTHER	361	115	57	184	5
	WHITE MALE	220	48	89	79	4
	BLACK MALE	320	199	25	88	8
	HISPANIC MALE	1,237	332	401	481	23
	OTHER MALE	110	38	22	48	2
	WHITE FEMALE	240	83	80	74	3
	BLACK FEMALE	410	305	18	81	6
	HISPANIC FEMALE	1,434	462	393	554	25
	OTHER FEMALE	143	57	23	61	2
	SEX UNSPECIFIED	189	47	28	113	1
	AGE 18-25	607	218	104	273	12
	AGE 26-30	353	111	77	152	13
	AGE 31-35	445	163	99	176	7
	AGE 36-40	522	191	130	192	9
	AGE 41-45	556	205	137	206	8
	AGE 46-50	431	140	112	170	9
	AGE 51-55	391	147	111	126	7
	AGE 56-60	301	124	91	83	3
	AGE 61-65	236	82	66	84	4
	AGE 66- Up	461	190	152	117	2
	TOTAL	4,303	1,571	1,079	1,579	74

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Lakes by Bay South CDD					
WHITE		568	181	184	185	18
BLACK		451	309	20	115	7
HISPANIC		2,455	754	689	961	51
OTHER		328	130	44	145	9
WHITE MALE		288	71	101	108	8
BLACK MALE		193	111	9	69	4
HISPANIC MALE		1,071	297	351	404	19
OTHER MALE		106	47	16	42	1
WHITE FEMALE		272	107	82	73	10
BLACK FEMALE		255	195	11	46	3
HISPANIC FEMALE		1,350	449	331	538	32
OTHER FEMALE		151	67	13	64	7
SEX UNSPECIFIED		116	30	23	62	1
AGE 18-25		471	176	89	193	13
AGE 26-30		339	124	84	122	9
AGE 31-35		424	145	111	152	16
AGE 36-40		487	153	123	199	12
AGE 41-45		482	166	109	195	12
AGE 46-50		436	144	104	181	7
AGE 51-55		335	118	90	123	4
AGE 56-60		260	96	78	84	2
AGE 61-65		208	82	60	65	1
AGE 66- Up		360	170	89	92	9
TOTAL		3,802	1,374	937	1,406	85

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Majorca Isles CDD					
WHITE		36	10	6	20	0
BLACK		720	524	14	172	10
HISPANIC		157	62	29	62	4
OTHER		80	33	5	42	0
WHITE MALE		15	6	2	7	0
BLACK MALE		281	183	8	84	6
HISPANIC MALE		72	23	15	33	1
OTHER MALE		27	12	1	14	0
WHITE FEMALE		20	4	4	12	0
BLACK FEMALE		428	332	6	86	4
HISPANIC FEMALE		81	37	13	28	3
OTHER FEMALE		30	16	4	10	0
SEX UNSPECIFIED		38	16	1	21	0
AGE 18-25		135	73	5	54	3
AGE 26-30		102	57	6	37	2
AGE 31-35		143	83	9	51	0
AGE 36-40		144	87	9	46	2
AGE 41-45		122	82	4	32	4
AGE 46-50		101	73	4	24	0
AGE 51-55		81	56	5	18	2
AGE 56-60		53	38	1	13	1
AGE 61-65		44	27	4	13	0
AGE 66- Up		68	53	7	8	0
TOTAL		993	629	54	296	14

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dem	Rep	NPA	Other
District	Stonegate CDD					
WHITE		20	5	6	8	1
BLACK		55	38	2	15	0
HISPANIC		135	47	32	54	2
OTHER		9	3	1	5	0
WHITE MALE		8	1	4	3	0
BLACK MALE		21	14	2	5	0
HISPANIC MALE		68	20	19	28	1
OTHER MALE		3	1	0	2	0
WHITE FEMALE		12	4	2	5	1
BLACK FEMALE		32	23	0	9	0
HISPANIC FEMALE		66	26	13	26	1
OTHER FEMALE		5	2	0	3	0
SEX UNSPECIFIED		4	2	1	1	0
AGE 18-25		39	17	7	14	1
AGE 26-30		24	9	3	12	0
AGE 31-35		22	8	7	7	0
AGE 36-40		21	14	0	7	0
AGE 41-45		23	7	5	10	1
AGE 46-50		18	5	4	8	1
AGE 51-55		18	9	6	3	0
AGE 56-60		12	4	2	6	0
AGE 61-65		13	6	2	5	0
AGE 66- Up		29	14	5	10	0
TOTAL		219	93	41	82	3

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Hemingway Point CDD					
WHITE		51	18	15	17	1
BLACK		100	67	1	30	2
HISPANIC		425	105	141	172	7
OTHER		55	22	9	21	3
WHITE MALE		25	7	8	10	0
BLACK MALE		49	31	1	16	1
HISPANIC MALE		198	44	72	81	1
OTHER MALE		21	7	4	8	2
WHITE FEMALE		25	10	7	7	1
BLACK FEMALE		49	34	0	14	1
HISPANIC FEMALE		223	59	68	90	6
OTHER FEMALE		21	10	4	7	0
SEX UNSPECIFIED		20	10	2	7	1
AGE 18-25		88	35	14	37	2
AGE 26-30		37	8	10	16	3
AGE 31-35		72	21	15	36	0
AGE 36-40		94	20	25	47	2
AGE 41-45		90	30	25	34	1
AGE 46-50		60	22	15	20	3
AGE 51-55		63	23	24	15	1
AGE 56-60		47	20	12	14	1
AGE 61-65		23	6	7	10	0
AGE 66- Up		57	27	19	11	0
TOTAL		631	212	166	240	13

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Coconut Grove Village Council					
WHITE		7,544	3,514	1,549	2,342	139
BLACK		1,570	1,285	46	224	15
HISPANIC		4,829	1,607	1,349	1,784	89
OTHER		1,361	524	163	650	24
WHITE MALE		3,752	1,504	880	1,300	68
BLACK MALE		688	523	24	131	10
HISPANIC MALE		2,085	600	660	785	40
OTHER MALE		502	172	64	253	13
WHITE FEMALE		3,711	1,970	658	1,012	71
BLACK FEMALE		858	742	22	89	5
HISPANIC FEMALE		2,658	979	669	961	49
OTHER FEMALE		572	250	71	242	9
SEX UNSPECIFIED		478	190	59	227	2
AGE 18-25		1,128	536	158	388	46
AGE 26-30		1,063	495	183	363	22
AGE 31-35		1,428	665	213	520	30
AGE 36-40		1,565	688	244	609	24
AGE 41-45		1,330	561	211	527	31
AGE 46-50		1,169	448	236	466	19
AGE 51-55		1,286	510	289	469	18
AGE 56-60		1,302	549	302	433	18
AGE 61-65		1,194	548	280	352	14
AGE 66- Up		3,839	1,930	991	873	45
TOTAL		15,304	6,930	3,107	5,000	267

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Mia Gardens Dist 1					
WHITE		379	148	110	113	8
BLACK		7,970	6,658	171	1,087	54
HISPANIC		5,892	1,936	1,859	2,008	89
OTHER		1,051	460	110	464	17
WHITE MALE		181	67	55	56	3
BLACK MALE		3,403	2,698	103	571	31
HISPANIC MALE		2,601	763	901	902	35
OTHER MALE		350	162	40	139	9
WHITE FEMALE		194	80	54	55	5
BLACK FEMALE		4,443	3,864	64	493	22
HISPANIC FEMALE		3,154	1,133	919	1,048	54
OTHER FEMALE		356	197	35	121	3
SEX UNSPECIFIED		610	238	79	287	6
AGE 18-25		1,720	940	141	608	31
AGE 26-30		1,315	728	132	434	21
AGE 31-35		1,382	762	191	409	20
AGE 36-40		1,290	721	184	370	15
AGE 41-45		1,165	681	154	314	16
AGE 46-50		1,155	646	180	312	17
AGE 51-55		1,203	746	188	253	16
AGE 56-60		1,346	847	239	252	8
AGE 61-65		1,114	752	150	202	10
AGE 66- Up		3,600	2,378	691	517	14
TOTAL		15,292	9,202	2,250	3,672	168

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Mia Gardens Dist 2					
WHITE		563	244	151	156	12
BLACK		14,239	11,290	369	2,447	133
HISPANIC		2,391	1,043	515	794	39
OTHER		1,491	796	84	592	19
WHITE MALE		247	99	69	74	5
BLACK MALE		5,858	4,327	212	1,248	71
HISPANIC MALE		972	390	239	330	13
OTHER MALE		499	271	39	178	11
WHITE FEMALE		310	144	80	79	7
BLACK FEMALE		8,124	6,774	155	1,136	59
HISPANIC FEMALE		1,362	621	266	449	26
OTHER FEMALE		616	386	33	190	7
SEX UNSPECIFIED		694	360	26	304	4
AGE 18-25		2,175	1,363	95	681	36
AGE 26-30		1,676	1,058	75	521	22
AGE 31-35		1,863	1,213	110	513	27
AGE 36-40		1,794	1,217	114	440	23
AGE 41-45		1,480	1,028	85	352	15
AGE 46-50		1,386	984	71	310	21
AGE 51-55		1,445	1,089	81	260	15
AGE 56-60		1,432	1,091	100	224	17
AGE 61-65		1,432	1,128	82	213	9
AGE 66- Up		4,001	3,202	306	475	18
TOTAL		18,684	13,373	1,119	3,989	203

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Mia Gardens Dist 3					
WHITE		262	113	48	96	5
BLACK		13,765	11,379	300	2,004	82
HISPANIC		2,307	843	539	884	41
OTHER		1,036	537	67	417	15
WHITE MALE		114	49	27	35	3
BLACK MALE		5,768	4,530	163	1,032	43
HISPANIC MALE		1,016	341	254	404	17
OTHER MALE		351	181	27	136	7
WHITE FEMALE		145	62	20	61	2
BLACK FEMALE		7,794	6,693	135	927	39
HISPANIC FEMALE		1,250	483	280	463	24
OTHER FEMALE		401	273	23	103	2
SEX UNSPECIFIED		531	260	25	240	6
AGE 18-25		2,028	1,295	89	616	28
AGE 26-30		1,580	1,000	90	475	15
AGE 31-35		1,683	1,123	96	444	20
AGE 36-40		1,529	1,004	107	400	18
AGE 41-45		1,383	1,006	70	291	16
AGE 46-50		1,356	958	103	282	13
AGE 51-55		1,332	1,014	81	228	9
AGE 56-60		1,375	1,112	75	185	3
AGE 61-65		1,366	1,124	72	164	6
AGE 66- Up		3,738	3,236	171	316	15
TOTAL		17,370	12,872	954	3,401	143

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Mia Gardens Dist 4					
WHITE		328	129	76	114	9
BLACK		11,394	9,513	231	1,576	74
HISPANIC		5,037	1,680	1,349	1,929	79
OTHER		1,237	510	114	607	6
WHITE MALE		143	57	37	46	3
BLACK MALE		4,623	3,650	131	803	39
HISPANIC MALE		2,170	629	658	854	29
OTHER MALE		381	176	45	157	3
WHITE FEMALE		180	72	38	64	6
BLACK FEMALE		6,558	5,697	96	731	34
HISPANIC FEMALE		2,761	1,013	664	1,035	49
OTHER FEMALE		411	228	30	152	1
SEX UNSPECIFIED		768	310	71	383	4
AGE 18-25		2,345	1,399	148	766	32
AGE 26-30		1,718	1,016	114	574	14
AGE 31-35		1,788	1,045	161	561	21
AGE 36-40		1,691	1,024	174	468	25
AGE 41-45		1,401	906	132	344	19
AGE 46-50		1,296	838	166	279	13
AGE 51-55		1,376	889	181	294	12
AGE 56-60		1,431	1,003	151	271	6
AGE 61-65		1,264	917	137	203	7
AGE 66- Up		3,686	2,795	406	466	19
TOTAL		17,996	11,832	1,770	4,226	168

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Miami Dist 1					
WHITE		2,175	732	679	723	41
BLACK		3,069	2,309	139	589	32
HISPANIC		30,108	9,836	9,880	9,953	439
OTHER		2,389	722	420	1,218	29
WHITE MALE		1,075	328	337	388	22
BLACK MALE		1,391	970	84	319	18
HISPANIC MALE		12,949	3,915	4,402	4,433	199
OTHER MALE		702	218	148	327	9
WHITE FEMALE		1,080	400	333	328	19
BLACK FEMALE		1,618	1,296	54	254	14
HISPANIC FEMALE		16,545	5,697	5,340	5,274	234
OTHER FEMALE		818	320	141	344	13
SEX UNSPECIFIED		1,561	455	279	814	13
AGE 18-25		3,466	1,394	478	1,502	92
AGE 26-30		3,092	1,186	479	1,364	63
AGE 31-35		3,108	1,189	591	1,273	55
AGE 36-40		2,697	1,035	594	1,031	37
AGE 41-45		2,223	851	477	854	41
AGE 46-50		2,276	787	616	831	42
AGE 51-55		2,560	857	775	889	39
AGE 56-60		3,236	1,115	1,037	1,027	57
AGE 61-65		2,932	1,134	893	870	35
AGE 66- Up		12,151	4,051	5,178	2,842	80
TOTAL		37,741	13,599	11,118	12,483	541

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Miami Dist 2					
WHITE		22,438	8,363	5,321	8,310	444
BLACK		3,463	2,439	143	824	57
HISPANIC		20,039	6,401	4,791	8,519	328
OTHER		5,744	1,982	818	2,844	100
WHITE MALE		12,131	3,847	3,222	4,807	255
BLACK MALE		1,789	1,110	89	551	39
HISPANIC MALE		9,163	2,646	2,388	3,980	149
OTHER MALE		2,397	710	396	1,241	50
WHITE FEMALE		10,042	4,397	2,058	3,402	185
BLACK FEMALE		1,622	1,292	53	259	18
HISPANIC FEMALE		10,536	3,648	2,337	4,373	178
OTHER FEMALE		2,320	945	306	1,033	36
SEX UNSPECIFIED		1,682	589	224	850	19
AGE 18-25		3,642	1,372	689	1,484	97
AGE 26-30		6,091	2,264	1,242	2,466	119
AGE 31-35		7,270	2,655	1,339	3,131	145
AGE 36-40		6,208	2,197	1,163	2,740	108
AGE 41-45		4,714	1,722	819	2,078	95
AGE 46-50		4,201	1,390	846	1,887	78
AGE 51-55		4,075	1,390	894	1,728	63
AGE 56-60		3,932	1,381	985	1,504	62
AGE 61-65		3,319	1,264	811	1,187	57
AGE 66- Up		8,232	3,550	2,285	2,292	105
TOTAL		51,684	19,185	11,073	20,497	929

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Miami Dist 3					
WHITE		4,553	1,766	1,165	1,525	97
BLACK		1,150	722	85	322	21
HISPANIC		28,176	8,891	9,208	9,682	395
OTHER		2,603	860	410	1,301	32
WHITE MALE		2,436	819	686	873	58
BLACK MALE		606	349	45	197	15
HISPANIC MALE		12,167	3,538	4,129	4,331	169
OTHER MALE		849	270	146	417	16
WHITE FEMALE		2,070	926	471	634	39
BLACK FEMALE		529	364	37	122	6
HISPANIC FEMALE		15,393	5,145	4,923	5,103	222
OTHER FEMALE		942	370	165	397	10
SEX UNSPECIFIED		1,488	457	266	755	10
AGE 18-25		3,352	1,241	547	1,470	94
AGE 26-30		3,257	1,240	569	1,366	82
AGE 31-35		3,245	1,247	557	1,384	57
AGE 36-40		2,659	961	535	1,117	46
AGE 41-45		2,220	749	500	926	45
AGE 46-50		2,317	751	579	947	40
AGE 51-55		2,479	812	722	908	37
AGE 56-60		2,944	952	945	1,002	45
AGE 61-65		2,736	956	859	896	25
AGE 66- Up		11,273	3,330	5,055	2,814	74
TOTAL		36,482	12,239	10,868	12,830	545

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Miami Dist 4					
WHITE		5,433	2,057	1,528	1,730	118
BLACK		568	338	47	170	13
HISPANIC		35,611	9,178	14,212	11,603	618
OTHER		2,933	841	654	1,398	40
WHITE MALE		2,683	912	803	908	60
BLACK MALE		283	151	23	103	6
HISPANIC MALE		15,441	3,686	6,281	5,178	296
OTHER MALE		940	258	243	420	19
WHITE FEMALE		2,682	1,112	716	799	55
BLACK FEMALE		272	177	23	66	6
HISPANIC FEMALE		19,498	5,291	7,729	6,159	319
OTHER FEMALE		1,066	357	234	465	10
SEX UNSPECIFIED		1,678	470	387	803	18
AGE 18-25		3,751	1,214	837	1,587	113
AGE 26-30		3,182	1,047	715	1,331	89
AGE 31-35		3,867	1,322	929	1,529	87
AGE 36-40		3,568	1,110	894	1,482	82
AGE 41-45		2,907	863	719	1,265	60
AGE 46-50		3,150	829	1,086	1,167	68
AGE 51-55		3,495	904	1,285	1,243	63
AGE 56-60		3,944	998	1,624	1,265	57
AGE 61-65		3,490	1,015	1,418	1,011	46
AGE 66- Up		13,191	3,112	6,934	3,021	124
TOTAL		44,545	12,414	16,441	14,901	789

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Miami Dist 5					
WHITE		6,181	2,687	1,048	2,312	134
BLACK		25,307	20,581	696	3,823	207
HISPANIC		12,771	5,634	2,160	4,810	167
OTHER		3,699	1,589	264	1,777	69
WHITE MALE		3,400	1,307	645	1,365	83
BLACK MALE		11,243	8,679	437	2,016	111
HISPANIC MALE		5,876	2,444	1,097	2,257	78
OTHER MALE		1,339	536	124	646	33
WHITE FEMALE		2,699	1,346	393	912	48
BLACK FEMALE		13,706	11,618	251	1,743	94
HISPANIC FEMALE		6,632	3,075	1,022	2,448	87
OTHER FEMALE		1,406	738	94	551	23
SEX UNSPECIFIED		1,655	747	105	783	20
AGE 18-25		4,911	2,741	281	1,792	97
AGE 26-30		5,360	2,938	487	1,869	66
AGE 31-35		6,205	3,556	520	2,036	93
AGE 36-40		5,008	2,927	400	1,610	71
AGE 41-45		3,861	2,330	310	1,156	65
AGE 46-50		3,259	1,989	308	918	44
AGE 51-55		3,335	2,161	316	823	35
AGE 56-60		3,656	2,519	332	773	32
AGE 61-65		3,513	2,593	290	600	30
AGE 66- Up		8,848	6,736	924	1,144	44
TOTAL		47,958	30,491	4,168	12,722	577

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	24th Congressional District					
WHITE		87,846	32,819	22,819	30,577	1,631
BLACK		161,526	129,002	4,356	26,806	1,362
HISPANIC		115,335	44,110	25,720	43,747	1,758
OTHER		35,138	13,934	4,275	16,389	540
WHITE MALE		44,828	14,801	12,520	16,617	890
BLACK MALE		69,357	52,285	2,589	13,763	720
HISPANIC MALE		50,957	17,989	12,301	19,867	800
OTHER MALE		12,861	4,970	1,889	5,769	233
WHITE FEMALE		41,754	17,589	10,002	13,439	724
BLACK FEMALE		89,618	74,805	1,719	12,465	629
HISPANIC FEMALE		61,918	25,164	12,988	22,820	946
OTHER FEMALE		13,961	6,633	1,589	5,530	209
SEX UNSPECIFIED		14,578	5,625	1,573	7,241	139
AGE 18-25		39,139	20,263	3,739	14,352	785
AGE 26-30		33,002	17,444	3,317	11,708	533
AGE 31-35		37,641	20,017	4,319	12,699	606
AGE 36-40		36,202	18,935	4,265	12,438	564
AGE 41-45		31,900	16,450	3,969	10,993	488
AGE 46-50		30,714	15,654	4,440	10,165	455
AGE 51-55		31,778	16,893	4,806	9,680	399
AGE 56-60		33,348	18,796	5,311	8,828	413
AGE 61-65		32,224	19,263	4,947	7,703	311
AGE 66- Up		93,888	56,147	18,054	18,950	737
TOTAL		399,845	219,865	57,170	117,519	5,291

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	26th Congressional District					
WHITE		24,620	7,713	8,810	7,657	440
BLACK		13,382	10,034	595	2,612	141
HISPANIC		222,650	55,356	87,681	75,922	3,691
OTHER		20,566	5,713	4,643	9,957	253
WHITE MALE		12,311	3,458	4,543	4,077	233
BLACK MALE		6,127	4,244	359	1,439	85
HISPANIC MALE		96,812	21,947	39,796	33,498	1,571
OTHER MALE		6,095	1,692	1,532	2,776	95
WHITE FEMALE		12,057	4,191	4,194	3,465	207
BLACK FEMALE		7,049	5,645	226	1,123	55
HISPANIC FEMALE		120,914	32,058	46,419	40,353	2,084
OTHER FEMALE		7,002	2,323	1,626	2,952	101
SEX UNSPECIFIED		12,842	3,257	3,031	6,460	94
AGE 18-25		28,866	8,597	6,682	12,731	856
AGE 26-30		21,213	6,555	5,098	9,084	476
AGE 31-35		22,790	6,793	6,217	9,334	446
AGE 36-40		21,201	5,898	6,331	8,548	424
AGE 41-45		19,337	5,400	5,753	7,831	353
AGE 46-50		22,574	5,678	7,848	8,652	396
AGE 51-55		23,795	6,048	8,977	8,406	364
AGE 56-60		26,829	7,120	10,808	8,495	406
AGE 61-65		22,169	6,591	8,888	6,413	277
AGE 66- Up		72,437	20,135	35,125	16,650	527
TOTAL		281,218	78,816	101,729	96,148	4,525

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	27th Congressional District				
	WHITE	103,689	39,926	32,101	29,905	1,757
	BLACK	25,723	19,390	1,027	5,040	266
	HISPANIC	285,908	73,376	113,442	94,316	4,774
	OTHER	35,425	11,502	6,818	16,557	548
	WHITE MALE	51,519	16,834	17,266	16,491	928
	BLACK MALE	11,525	7,982	570	2,821	152
	HISPANIC MALE	123,532	28,555	50,703	42,152	2,122
	OTHER MALE	12,146	3,690	2,582	5,642	232
	WHITE FEMALE	50,806	22,550	14,533	12,913	810
	BLACK FEMALE	13,741	11,078	441	2,111	111
	HISPANIC FEMALE	156,834	43,210	61,116	49,896	2,612
	OTHER FEMALE	14,066	5,487	2,650	5,717	212
	SEX UNSPECIFIED	16,557	4,801	3,523	8,067	166
	AGE 18-25	44,958	15,521	10,855	17,245	1,337
	AGE 26-30	35,683	12,564	8,505	13,801	813
	AGE 31-35	38,491	13,304	9,534	14,867	786
	AGE 36-40	36,289	11,654	9,730	14,256	649
	AGE 41-45	32,510	10,179	9,095	12,653	583
	AGE 46-50	34,288	9,606	11,344	12,710	628
	AGE 51-55	36,530	10,319	13,335	12,303	573
	AGE 56-60	40,051	11,511	15,795	12,182	563
	AGE 61-65	35,321	11,720	13,488	9,662	451
	AGE 66- Up	116,620	37,815	51,707	26,136	962
	TOTAL	450,745	144,194	153,388	145,818	7,345

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	28th Congressional District					
WHITE		42,408	13,165	16,160	12,315	768
BLACK		35,702	26,621	1,331	7,361	389
HISPANIC		287,822	74,272	106,785	101,806	4,959
OTHER		29,647	9,065	5,881	14,334	367
WHITE MALE		20,549	5,441	8,420	6,289	399
BLACK MALE		15,084	10,408	746	3,722	208
HISPANIC MALE		125,401	28,906	49,284	45,074	2,137
OTHER MALE		9,518	2,868	2,135	4,377	138
WHITE FEMALE		21,404	7,585	7,608	5,851	360
BLACK FEMALE		20,019	15,791	561	3,488	179
HISPANIC FEMALE		156,397	43,523	55,906	54,185	2,783
OTHER FEMALE		11,234	4,221	2,180	4,689	144
SEX UNSPECIFIED		15,950	4,371	3,315	8,129	135
AGE 18-25		46,807	15,636	9,946	19,900	1,325
AGE 26-30		32,294	11,082	7,076	13,462	674
AGE 31-35		34,276	11,143	8,920	13,577	636
AGE 36-40		32,623	9,961	9,236	12,812	614
AGE 41-45		30,617	9,289	9,137	11,689	502
AGE 46-50		33,090	9,065	11,611	11,837	577
AGE 51-55		34,332	9,343	12,967	11,482	540
AGE 56-60		36,580	10,575	14,196	11,255	554
AGE 61-65		30,296	9,787	11,228	8,909	372
AGE 66- Up		84,654	27,241	35,837	20,887	689
TOTAL		395,579	123,123	130,157	135,816	6,483

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	North Miami Dist 1					
WHITE		2,051	794	517	688	52
BLACK		1,848	1,327	73	413	35
HISPANIC		2,764	1,043	619	1,044	58
OTHER		691	275	85	322	9
WHITE MALE		1,067	360	299	377	31
BLACK MALE		774	505	44	205	20
HISPANIC MALE		1,259	413	330	488	28
OTHER MALE		270	117	44	106	3
WHITE FEMALE		959	427	213	299	20
BLACK FEMALE		1,040	801	29	195	15
HISPANIC FEMALE		1,451	611	273	537	30
OTHER FEMALE		269	118	27	120	4
SEX UNSPECIFIED		265	87	35	140	3
AGE 18-25		812	341	105	339	27
AGE 26-30		732	361	86	267	18
AGE 31-35		782	375	105	282	20
AGE 36-40		640	271	88	270	11
AGE 41-45		550	260	80	203	7
AGE 46-50		654	274	128	235	17
AGE 51-55		631	265	129	222	15
AGE 56-60		639	276	144	200	19
AGE 61-65		585	296	123	162	4
AGE 66- Up		1,329	720	306	287	16
TOTAL		7,354	3,439	1,294	2,467	154

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	North Miami Dist 2					
WHITE		1,324	566	317	411	30
BLACK		2,548	1,891	88	542	27
HISPANIC		2,483	1,017	477	943	46
OTHER		684	295	62	310	17
WHITE MALE		665	257	175	222	11
BLACK MALE		1,146	813	49	267	17
HISPANIC MALE		1,074	402	233	418	21
OTHER MALE		254	108	25	114	7
WHITE FEMALE		637	304	139	175	19
BLACK FEMALE		1,355	1,051	36	258	10
HISPANIC FEMALE		1,359	590	238	506	25
OTHER FEMALE		292	146	28	108	10
SEX UNSPECIFIED		257	98	21	138	0
AGE 18-25		725	347	76	287	15
AGE 26-30		624	334	45	229	16
AGE 31-35		672	357	66	234	15
AGE 36-40		630	348	53	217	12
AGE 41-45		553	278	59	204	12
AGE 46-50		512	268	78	154	12
AGE 51-55		582	297	88	190	7
AGE 56-60		591	297	104	184	6
AGE 61-65		604	346	93	156	9
AGE 66- Up		1,546	897	282	351	16
TOTAL		7,039	3,769	944	2,206	120

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	North Miami Dist 3					
WHITE		487	240	88	149	10
BLACK		5,105	3,846	165	1,043	51
HISPANIC		1,515	658	256	578	23
OTHER		669	326	39	297	7
WHITE MALE		249	113	45	85	6
BLACK MALE		2,276	1,637	101	511	27
HISPANIC MALE		649	253	134	251	11
OTHER MALE		209	110	15	83	1
WHITE FEMALE		230	125	39	62	4
BLACK FEMALE		2,738	2,152	61	503	22
HISPANIC FEMALE		828	390	118	308	12
OTHER FEMALE		301	166	17	112	6
SEX UNSPECIFIED		296	124	18	152	2
AGE 18-25		880	489	43	327	21
AGE 26-30		730	424	33	267	6
AGE 31-35		729	407	46	260	16
AGE 36-40		703	428	37	228	10
AGE 41-45		584	361	36	181	6
AGE 46-50		555	353	35	160	7
AGE 51-55		596	400	42	146	8
AGE 56-60		629	439	51	133	6
AGE 61-65		663	479	62	118	4
AGE 66- Up		1,707	1,290	163	247	7
TOTAL		7,776	5,070	548	2,067	91

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	North Miami Dist 4					
WHITE		410	206	95	105	4
BLACK		6,531	5,177	182	1,112	60
HISPANIC		2,394	1,065	473	825	31
OTHER		731	340	50	332	9
WHITE MALE		191	92	51	46	2
BLACK MALE		2,922	2,208	113	570	31
HISPANIC MALE		1,060	445	225	376	14
OTHER MALE		258	125	22	108	3
WHITE FEMALE		215	113	44	56	2
BLACK FEMALE		3,501	2,891	66	516	28
HISPANIC FEMALE		1,275	595	240	424	16
OTHER FEMALE		271	159	16	91	5
SEX UNSPECIFIED		373	160	23	187	3
AGE 18-25		1,069	616	48	383	22
AGE 26-30		788	500	33	241	14
AGE 31-35		932	576	60	285	11
AGE 36-40		914	592	51	251	20
AGE 41-45		805	513	61	222	9
AGE 46-50		647	396	71	172	8
AGE 51-55		715	459	76	176	4
AGE 56-60		813	559	88	159	7
AGE 61-65		850	648	69	130	3
AGE 66- Up		2,533	1,929	243	355	6
TOTAL		10,066	6,788	800	2,374	104

Christina White

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	Community Council 2					
WHITE		8,192	3,208	2,166	2,704	114
BLACK		9,662	7,306	263	1,982	111
HISPANIC		10,066	4,049	1,898	3,990	129
OTHER		3,269	1,269	445	1,499	56
WHITE MALE		3,957	1,347	1,167	1,384	59
BLACK MALE		3,967	2,804	139	973	51
HISPANIC MALE		4,294	1,548	894	1,804	48
OTHER MALE		1,162	421	202	512	27
WHITE FEMALE		4,116	1,822	967	1,275	52
BLACK FEMALE		5,536	4,379	119	978	60
HISPANIC FEMALE		5,560	2,426	975	2,078	81
OTHER FEMALE		1,377	646	168	545	18
SEX UNSPECIFIED		1,220	439	141	626	14
AGE 18-25		3,339	1,566	395	1,301	77
AGE 26-30		2,646	1,281	318	992	55
AGE 31-35		3,059	1,474	452	1,086	47
AGE 36-40		2,715	1,308	375	1,002	30
AGE 41-45		2,441	1,126	356	928	31
AGE 46-50		2,395	1,134	345	891	25
AGE 51-55		2,555	1,209	447	867	32
AGE 56-60		2,639	1,394	384	831	30
AGE 61-65		2,524	1,381	416	702	25
AGE 66- Up		6,874	3,958	1,283	1,575	58
TOTAL		31,189	15,832	4,772	10,175	410

Christina White

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	Community Council 5					
WHITE		3,898	1,267	1,478	1,078	75
BLACK		4,548	3,536	148	825	39
HISPANIC		39,018	10,617	13,983	13,647	771
OTHER		3,714	1,198	717	1,765	34
WHITE MALE		1,855	549	716	555	35
BLACK MALE		1,906	1,385	88	414	19
HISPANIC MALE		16,926	4,151	6,472	5,999	304
OTHER MALE		1,129	376	247	496	10
WHITE FEMALE		2,006	706	753	507	40
BLACK FEMALE		2,576	2,103	57	397	19
HISPANIC FEMALE		21,257	6,220	7,295	7,283	459
OTHER FEMALE		1,337	513	266	544	14
SEX UNSPECIFIED		2,186	615	432	1,120	19
AGE 18-25		5,465	1,801	1,147	2,331	186
AGE 26-30		3,938	1,297	889	1,652	100
AGE 31-35		4,418	1,379	1,143	1,804	92
AGE 36-40		4,164	1,184	1,242	1,648	90
AGE 41-45		3,855	1,171	1,108	1,496	80
AGE 46-50		4,493	1,222	1,563	1,627	81
AGE 51-55		4,676	1,386	1,622	1,596	72
AGE 56-60		5,014	1,568	1,885	1,483	78
AGE 61-65		4,117	1,433	1,469	1,156	59
AGE 66- Up		11,036	4,176	4,257	2,522	81
TOTAL		51,178	16,618	16,326	17,315	919

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District					
	Community Council 7					
	WHITE	1,895	900	404	543	48
	BLACK	1,726	1,313	50	344	19
	HISPANIC	1,753	731	306	681	35
	OTHER	560	257	78	214	11
	WHITE MALE	911	377	198	310	26
	BLACK MALE	756	531	28	184	13
	HISPANIC MALE	790	303	174	296	17
	OTHER MALE	184	82	31	67	4
	WHITE FEMALE	966	515	204	225	22
	BLACK FEMALE	941	767	20	148	6
	HISPANIC FEMALE	914	405	128	363	18
	OTHER FEMALE	249	133	34	78	4
	SEX UNSPECIFIED	222	87	21	111	3
	AGE 18-25	497	252	39	191	15
	AGE 26-30	466	231	54	164	17
	AGE 31-35	534	282	69	177	6
	AGE 36-40	505	278	47	168	12
	AGE 41-45	426	216	49	150	11
	AGE 46-50	471	231	58	168	14
	AGE 51-55	459	241	59	155	4
	AGE 56-60	490	245	79	153	13
	AGE 61-65	517	289	95	127	6
	AGE 66- Up	1,569	936	289	329	15
	TOTAL	5,934	3,201	838	1,782	113

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Community Council 8					
WHITE		2,937	1,358	673	850	56
BLACK		47,644	38,800	1,228	7,277	339
HISPANIC		22,631	8,748	5,454	8,096	333
OTHER		5,505	2,485	468	2,499	53
WHITE MALE		1,474	599	385	463	27
BLACK MALE		20,581	15,883	739	3,773	186
HISPANIC MALE		10,097	3,589	2,684	3,655	169
OTHER MALE		1,866	896	182	770	18
WHITE FEMALE		1,427	739	282	377	29
BLACK FEMALE		26,372	22,385	478	3,358	151
HISPANIC FEMALE		12,019	4,965	2,650	4,242	162
OTHER FEMALE		1,970	1,118	151	677	24
SEX UNSPECIFIED		2,907	1,217	272	1,403	15
AGE 18-25		9,001	5,260	536	3,069	136
AGE 26-30		7,065	4,231	461	2,297	76
AGE 31-35		7,643	4,696	576	2,270	101
AGE 36-40		7,003	4,369	508	2,022	104
AGE 41-45		5,655	3,597	492	1,497	69
AGE 46-50		5,334	3,354	592	1,322	66
AGE 51-55		5,584	3,714	603	1,221	46
AGE 56-60		6,445	4,325	772	1,286	62
AGE 61-65		6,599	4,750	679	1,126	44
AGE 66- Up		18,386	13,095	2,602	2,612	77
TOTAL		78,717	51,391	7,823	18,722	781

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District	Community Council 10				
	WHITE	13,198	3,912	5,482	3,609	195
	BLACK	1,145	639	126	368	12
	HISPANIC	132,227	28,354	59,881	41,872	2,120
	OTHER	9,344	2,177	2,560	4,479	128
	WHITE MALE	6,530	1,763	2,753	1,909	105
	BLACK MALE	550	262	70	210	8
	HISPANIC MALE	57,026	11,131	26,403	18,557	935
	OTHER MALE	2,688	625	796	1,220	47
	WHITE FEMALE	6,539	2,113	2,681	1,658	87
	BLACK FEMALE	565	359	53	149	4
	HISPANIC FEMALE	72,532	16,493	32,628	22,252	1,159
	OTHER FEMALE	3,209	862	965	1,335	47
	SEX UNSPECIFIED	6,269	1,473	1,699	3,034	63
	AGE 18-25	15,293	4,192	4,320	6,303	478
	AGE 26-30	10,535	2,905	2,977	4,430	223
	AGE 31-35	11,545	3,037	3,607	4,665	236
	AGE 36-40	10,984	2,574	3,830	4,372	208
	AGE 41-45	10,431	2,339	3,889	4,049	154
	AGE 46-50	12,152	2,370	5,297	4,273	212
	AGE 51-55	13,172	2,456	6,093	4,399	224
	AGE 56-60	15,010	3,055	7,218	4,485	252
	AGE 61-65	12,376	2,836	5,903	3,489	148
	AGE 66- Up	44,413	9,317	24,914	9,862	320
	TOTAL	155,914	35,082	68,049	50,328	2,455

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Community Council 11					
WHITE		17,318	5,814	6,357	4,842	305
BLACK		4,789	3,187	289	1,255	58
HISPANIC		118,206	30,018	44,243	41,834	2,111
OTHER		12,176	3,555	2,433	6,048	140
WHITE MALE		8,240	2,335	3,275	2,481	149
BLACK MALE		2,141	1,286	160	662	33
HISPANIC MALE		51,257	11,588	20,218	18,542	909
OTHER MALE		4,201	1,181	929	2,037	54
WHITE FEMALE		8,884	3,403	3,034	2,294	153
BLACK FEMALE		2,586	1,875	122	564	25
HISPANIC FEMALE		64,531	17,727	23,367	22,250	1,187
OTHER FEMALE		4,701	1,681	909	2,059	52
SEX UNSPECIFIED		5,941	1,497	1,308	3,084	52
AGE 18-25		16,637	4,909	4,109	7,082	537
AGE 26-30		11,988	3,753	2,954	5,009	272
AGE 31-35		12,355	3,514	3,604	4,992	245
AGE 36-40		11,938	3,166	3,609	4,958	205
AGE 41-45		11,314	2,947	3,645	4,514	208
AGE 46-50		12,713	2,969	4,745	4,795	204
AGE 51-55		13,562	3,199	5,402	4,748	213
AGE 56-60		15,051	3,782	6,161	4,872	236
AGE 61-65		12,686	3,713	4,865	3,948	160
AGE 66- Up		34,244	10,622	14,228	9,060	334
TOTAL		152,489	42,574	53,322	53,979	2,614

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	District					
	Community Council 12					
	WHITE	22,297	8,978	7,498	5,472	349
	BLACK	2,400	1,627	142	596	35
	HISPANIC	52,117	12,769	22,358	16,076	914
	OTHER	6,165	2,013	1,351	2,696	105
	WHITE MALE	10,623	3,618	3,841	2,987	177
	BLACK MALE	1,089	676	83	311	19
	HISPANIC MALE	22,180	4,762	9,989	7,042	387
	OTHER MALE	2,205	668	536	958	43
	WHITE FEMALE	11,476	5,293	3,603	2,411	169
	BLACK FEMALE	1,276	930	57	273	16
	HISPANIC FEMALE	29,047	7,774	12,093	8,659	521
	OTHER FEMALE	2,640	1,025	553	1,020	42
	SEX UNSPECIFIED	2,439	639	593	1,178	29
	AGE 18-25	8,239	2,513	2,591	2,848	287
	AGE 26-30	6,315	2,133	1,834	2,201	147
	AGE 31-35	6,435	2,150	1,825	2,320	140
	AGE 36-40	6,496	1,887	2,095	2,392	122
	AGE 41-45	6,160	1,750	2,080	2,228	102
	AGE 46-50	6,511	1,562	2,559	2,264	126
	AGE 51-55	6,901	1,668	3,010	2,109	114
	AGE 56-60	7,453	1,966	3,331	2,075	81
	AGE 61-65	6,917	2,162	2,930	1,726	99
	AGE 66- Up	21,552	7,596	9,094	4,677	185
	TOTAL	82,979	25,387	31,349	24,840	1,403

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	Community Council 14				
	WHITE	11,040	3,489	4,308	3,052	191
	BLACK	16,959	13,524	495	2,809	131
	HISPANIC	50,979	13,899	18,132	18,044	904
	OTHER	6,971	2,535	1,230	3,129	77
	WHITE MALE	5,456	1,459	2,314	1,580	103
	BLACK MALE	7,246	5,403	277	1,494	72
	HISPANIC MALE	22,492	5,552	8,690	7,874	376
	OTHER MALE	2,284	812	425	1,016	31
	WHITE FEMALE	5,459	1,997	1,953	1,425	84
	BLACK FEMALE	9,408	7,883	214	1,254	57
	HISPANIC FEMALE	27,308	7,983	9,152	9,652	521
	OTHER FEMALE	2,752	1,243	478	1,002	29
	SEX UNSPECIFIED	3,537	1,112	661	1,734	30
	AGE 18-25	9,907	3,759	1,912	3,955	281
	AGE 26-30	6,925	2,681	1,339	2,773	132
	AGE 31-35	7,595	2,887	1,809	2,782	117
	AGE 36-40	7,014	2,506	1,867	2,508	133
	AGE 41-45	6,200	2,205	1,676	2,217	102
	AGE 46-50	6,954	2,267	2,224	2,326	137
	AGE 51-55	7,521	2,618	2,444	2,351	108
	AGE 56-60	8,091	2,999	2,693	2,292	107
	AGE 61-65	6,906	3,001	2,031	1,802	72
	AGE 66- Up	18,833	8,523	6,170	4,026	114
	TOTAL	85,949	33,447	24,165	27,034	1,303

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CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Community Council 15					
WHITE		4,190	1,343	1,389	1,377	81
BLACK		13,220	10,284	383	2,414	139
HISPANIC		34,382	10,683	9,878	13,204	617
OTHER		4,091	1,467	595	1,973	56
WHITE MALE		2,004	538	745	677	44
BLACK MALE		5,493	4,018	211	1,202	62
HISPANIC MALE		15,064	4,116	4,808	5,871	269
OTHER MALE		1,210	436	230	519	25
WHITE FEMALE		2,135	790	635	673	37
BLACK FEMALE		7,508	6,098	164	1,170	76
HISPANIC FEMALE		18,576	6,274	4,911	7,049	342
OTHER FEMALE		1,535	691	203	622	19
SEX UNSPECIFIED		2,353	811	338	1,185	19
AGE 18-25		7,812	3,295	1,023	3,321	173
AGE 26-30		5,339	2,241	828	2,179	91
AGE 31-35		5,993	2,415	1,168	2,305	105
AGE 36-40		5,716	2,213	1,229	2,159	115
AGE 41-45		5,105	2,067	1,107	1,858	73
AGE 46-50		4,886	1,976	1,219	1,586	105
AGE 51-55		4,516	1,876	1,203	1,364	73
AGE 56-60		4,361	1,941	1,117	1,245	58
AGE 61-65		3,460	1,668	866	891	35
AGE 66- Up		8,694	4,085	2,484	2,060	65
TOTAL		55,883	23,777	12,245	18,968	893

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CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District					
	Community Council 16					
	WHITE	357	99	116	134	8
	BLACK	3	2	0	1	0
	HISPANIC	53	7	20	22	4
	OTHER	43	11	8	23	1
	WHITE MALE	187	43	68	72	4
	BLACK MALE	1	1	0	0	0
	HISPANIC MALE	23	3	9	8	3
	OTHER MALE	14	2	5	7	0
	WHITE FEMALE	169	55	48	62	4
	BLACK FEMALE	2	1	0	1	0
	HISPANIC FEMALE	28	4	10	13	1
	OTHER FEMALE	19	7	2	9	1
	SEX UNSPECIFIED	13	3	2	8	0
	AGE 18-25	24	7	7	8	2
	AGE 26-30	12	1	4	6	1
	AGE 31-35	16	6	1	8	1
	AGE 36-40	19	4	6	8	1
	AGE 41-45	25	2	6	17	0
	AGE 46-50	24	9	7	8	0
	AGE 51-55	39	9	12	18	0
	AGE 56-60	41	10	13	17	1
	AGE 61-65	44	9	14	20	1
	AGE 66- Up	212	62	74	70	6
	TOTAL	456	119	144	180	13

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CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Countywide					
WHITE		256,718	92,612	79,547	79,998	4,561
BLACK		236,167	184,921	7,306	41,784	2,156
HISPANIC		910,550	246,481	333,394	315,511	15,164
OTHER		119,430	39,596	21,445	56,704	1,685
WHITE MALE		128,332	40,104	42,566	43,231	2,431
BLACK MALE		102,025	74,872	4,262	21,727	1,164
HISPANIC MALE		396,206	97,141	151,981	140,460	6,624
OTHER MALE		40,057	12,977	8,058	18,333	689
WHITE FEMALE		125,077	51,350	36,183	35,459	2,085
BLACK FEMALE		130,330	107,241	2,946	19,170	973
HISPANIC FEMALE		495,416	143,590	176,303	167,110	8,413
OTHER FEMALE		45,532	18,314	7,958	18,606	654
SEX UNSPECIFIED		59,826	18,000	11,426	29,868	532
AGE 18-25		159,500	59,886	31,185	64,126	4,303
AGE 26-30		121,898	47,466	23,964	47,977	2,491
AGE 31-35		132,761	51,016	28,944	50,334	2,467
AGE 36-40		125,939	46,259	29,517	47,920	2,243
AGE 41-45		114,005	41,118	27,904	43,064	1,919
AGE 46-50		120,286	39,787	35,201	43,247	2,051
AGE 51-55		126,028	42,385	40,019	41,762	1,862
AGE 56-60		136,378	47,794	46,032	40,626	1,926
AGE 61-65		119,629	47,170	38,471	32,583	1,405
AGE 66- Up		366,411	140,723	140,447	82,342	2,899
TOTAL		1,522,865	563,610	441,692	493,997	23,566

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:County					
WHITE		3,225	1,630	672	857	66
BLACK		425	312	15	88	10
HISPANIC		2,334	1,162	524	598	50
OTHER		2,118	964	292	817	45
WHITE MALE		1,624	737	381	465	41
BLACK MALE		189	121	13	48	7
HISPANIC MALE		1,025	474	251	279	21
OTHER MALE		886	372	139	354	21
WHITE FEMALE		1,565	876	283	381	25
BLACK FEMALE		231	188	2	38	3
HISPANIC FEMALE		1,275	671	266	310	28
OTHER FEMALE		1,124	539	142	422	21
SEX UNSPECIFIED		183	90	26	63	4
AGE 18-25		509	252	78	173	6
AGE 26-30		523	302	69	142	10
AGE 31-35		744	408	91	231	14
AGE 36-40		705	354	95	239	17
AGE 41-45		683	362	93	218	10
AGE 46-50		678	360	84	220	14
AGE 51-55		750	366	147	217	20
AGE 56-60		768	350	166	235	17
AGE 61-65		698	338	160	184	16
AGE 66- Up		2,044	976	520	501	47
TOTAL		8,102	4,068	1,503	2,360	171

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Aventura					
WHITE		12,642	4,219	3,792	4,411	220
BLACK		740	475	45	200	20
HISPANIC		7,500	2,438	1,554	3,407	101
OTHER		2,214	611	418	1,154	31
WHITE MALE		5,738	1,556	1,906	2,173	103
BLACK MALE		353	201	33	107	12
HISPANIC MALE		3,049	887	708	1,412	42
OTHER MALE		797	187	191	408	11
WHITE FEMALE		6,696	2,604	1,832	2,144	116
BLACK FEMALE		378	267	12	91	8
HISPANIC FEMALE		4,280	1,497	826	1,900	57
OTHER FEMALE		965	333	167	451	14
SEX UNSPECIFIED		836	211	134	483	8
AGE 18-25		1,425	422	335	638	30
AGE 26-30		1,139	359	235	519	26
AGE 31-35		1,349	430	292	600	27
AGE 36-40		1,497	448	344	680	25
AGE 41-45		1,560	388	366	775	31
AGE 46-50		1,772	497	396	850	29
AGE 51-55		1,848	511	456	855	26
AGE 56-60		1,938	582	510	799	47
AGE 61-65		1,927	648	501	749	29
AGE 66- Up		8,641	3,458	2,374	2,707	102
TOTAL		23,096	7,743	5,809	9,172	372

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CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	City:Bal Harbour					
WHITE		1,449	322	575	526	26
BLACK		30	13	5	10	2
HISPANIC		372	93	118	158	3
OTHER		229	35	62	128	4
WHITE MALE		679	127	288	249	15
BLACK MALE		15	4	4	6	1
HISPANIC MALE		158	39	51	68	0
OTHER MALE		82	14	28	39	1
WHITE FEMALE		744	188	281	264	11
BLACK FEMALE		15	9	1	4	1
HISPANIC FEMALE		207	53	66	85	3
OTHER FEMALE		90	17	14	57	2
SEX UNSPECIFIED		90	12	27	50	1
AGE 18-25		141	29	55	54	3
AGE 26-30		112	21	40	49	2
AGE 31-35		110	19	40	51	0
AGE 36-40		125	22	41	59	3
AGE 41-45		116	20	36	58	2
AGE 46-50		118	30	31	52	5
AGE 51-55		161	38	53	66	4
AGE 56-60		183	34	66	80	3
AGE 61-65		177	31	69	72	5
AGE 66- Up		837	219	329	281	8
TOTAL		2,080	463	760	822	35

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District	City:Bay Harbor Islands					
WHITE		1,795	678	494	586	37
BLACK		66	35	5	26	0
HISPANIC		1,261	481	238	521	21
OTHER		354	114	70	159	11
WHITE MALE		863	282	272	293	16
BLACK MALE		30	16	3	11	0
HISPANIC MALE		502	173	97	224	8
OTHER MALE		123	36	24	60	3
WHITE FEMALE		917	389	218	290	20
BLACK FEMALE		35	18	2	15	0
HISPANIC FEMALE		732	293	139	287	13
OTHER FEMALE		145	55	24	62	4
SEX UNSPECIFIED		129	46	28	50	5
AGE 18-25		339	116	81	128	14
AGE 26-30		238	67	62	101	8
AGE 31-35		279	77	68	125	9
AGE 36-40		282	87	77	112	6
AGE 41-45		302	103	55	139	5
AGE 46-50		358	137	67	147	7
AGE 51-55		341	126	84	126	5
AGE 56-60		318	132	65	117	4
AGE 61-65		283	107	79	95	2
AGE 66- Up		736	356	169	202	9
TOTAL		3,476	1,308	807	1,292	69

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Biscayne Park					
WHITE		889	442	170	261	16
BLACK		217	145	5	59	8
HISPANIC		767	355	145	258	9
OTHER		231	102	21	102	6
WHITE MALE		443	202	83	149	9
BLACK MALE		99	61	3	32	3
HISPANIC MALE		337	140	59	131	7
OTHER MALE		92	30	9	50	3
WHITE FEMALE		437	236	85	110	6
BLACK FEMALE		116	82	2	27	5
HISPANIC FEMALE		415	207	85	121	2
OTHER FEMALE		105	60	7	36	2
SEX UNSPECIFIED		60	26	8	24	2
AGE 18-25		184	83	24	67	10
AGE 26-30		101	50	15	35	1
AGE 31-35		158	88	14	51	5
AGE 36-40		220	112	20	84	4
AGE 41-45		214	110	30	72	2
AGE 46-50		224	102	30	87	5
AGE 51-55		236	111	42	81	2
AGE 56-60		191	85	41	61	4
AGE 61-65		156	77	29	48	2
AGE 66- Up		420	226	96	94	4
TOTAL		2,104	1,044	341	680	39

Christina White

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dem	Rep	NPA	Other
District	City:Cutler Bay					
WHITE		6,987	2,446	2,440	1,976	125
BLACK		2,781	2,032	119	598	32
HISPANIC		16,619	4,558	5,639	6,091	331
OTHER		2,507	926	410	1,129	42
WHITE MALE		3,395	958	1,321	1,057	59
BLACK MALE		1,241	833	63	333	12
HISPANIC MALE		7,264	1,683	2,703	2,733	145
OTHER MALE		904	325	163	395	21
WHITE FEMALE		3,515	1,463	1,101	885	66
BLACK FEMALE		1,501	1,179	53	250	19
HISPANIC FEMALE		9,034	2,782	2,847	3,222	183
OTHER FEMALE		1,046	449	155	425	17
SEX UNSPECIFIED		992	290	201	493	8
AGE 18-25		3,215	1,130	669	1,314	102
AGE 26-30		2,163	747	518	846	52
AGE 31-35		2,615	838	735	981	61
AGE 36-40		2,737	854	758	1,073	52
AGE 41-45		2,589	828	684	1,027	50
AGE 46-50		2,588	784	828	928	48
AGE 51-55		2,630	834	874	883	39
AGE 56-60		2,613	870	931	774	38
AGE 61-65		2,197	837	743	587	30
AGE 66- Up		5,547	2,240	1,868	1,381	58
TOTAL		28,894	9,962	8,608	9,794	530

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Coral Gables					
WIIITE		14,049	5,622	4,365	3,832	230
BLACK		769	532	21	210	6
HISPANIC		17,133	4,234	7,322	5,312	265
OTHER		3,087	1,032	533	1,461	61
WHITE MALE		6,756	2,273	2,311	2,049	123
BLACK MALE		321	197	14	106	4
HISPANIC MALE		7,310	1,562	3,193	2,440	115
OTHER MALE		1,009	315	216	457	21
WHITE FEMALE		6,966	3,215	1,986	1,661	104
BLACK FEMALE		405	300	7	96	2
HISPANIC FEMALE		9,520	2,589	4,037	2,745	149
OTHER FEMALE		1,189	460	211	486	32
SEX UNSPECIFIED		1,561	509	266	774	12
AGE 18-25		4,947	1,837	1,242	1,762	106
AGE 26-30		2,565	940	683	876	66
AGE 31-35		2,464	905	609	897	53
AGE 36-40		2,465	817	660	947	41
AGE 41-45		2,499	748	735	977	39
AGE 46-50		2,606	706	840	1,012	48
AGE 51-55		2,857	763	1,105	953	36
AGE 56-60		3,012	766	1,289	914	43
AGE 61-65		2,707	853	1,154	659	41
AGE 66- Up		8,915	3,085	3,924	1,817	89
TOTAL		35,038	11,420	12,241	10,815	562

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Doral					
WHITE		3,916	963	1,246	1,652	55
BLACK		651	361	37	239	14
HISPANIC		25,637	6,366	6,566	12,307	398
OTHER		2,792	706	450	1,599	37
WHITE MALE		2,141	446	738	925	32
BLACK MALE		332	173	19	132	8
HISPANIC MALE		11,549	2,576	3,191	5,600	182
OTHER MALE		941	242	175	509	15
WHITE FEMALE		1,708	506	494	685	23
BLACK FEMALE		306	184	18	98	6
HISPANIC FEMALE		13,526	3,644	3,272	6,395	215
OTHER FEMALE		1,103	332	177	578	16
SEX UNSPECIFIED		1,389	293	214	875	7
AGE 18-25		4,350	1,293	856	2,099	102
AGE 26-30		2,837	910	610	1,265	52
AGE 31-35		2,664	771	635	1,211	47
AGE 36-40		2,665	653	623	1,359	30
AGE 41-45		3,196	733	701	1,713	49
AGE 46-50		3,873	842	946	2,039	46
AGE 51-55		3,757	847	1,016	1,843	51
AGE 56-60		3,323	755	917	1,601	50
AGE 61-65		2,128	497	607	996	28
AGE 66- Up		4,202	1,095	1,388	1,670	49
TOTAL		32,996	8,396	8,299	15,797	504

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dents	Reps	NPA	Other
District	City:El Portal					
WHITE		363	211	54	89	9
BLACK		575	446	15	105	9
HISPANIC		440	221	65	148	6
OTHER		146	83	12	50	1
WHITE MALE		203	109	29	61	4
BLACK MALE		262	184	12	62	4
HISPANIC MALE		238	108	35	90	5
OTHER MALE		52	30	4	17	1
WHITE FEMALE		156	100	23	28	5
BLACK FEMALE		300	252	3	40	5
HISPANIC FEMALE		200	113	29	57	1
OTHER FEMALE		67	45	7	15	0
SEX UNSPECIFIED		46	20	4	22	0
AGE 18-25		102	60	7	33	2
AGE 26-30		92	50	7	30	5
AGE 31-35		143	85	17	39	2
AGE 36-40		178	97	15	64	2
AGE 41-45		160	89	10	55	6
AGE 46-50		157	90	16	50	1
AGE 51-55		148	87	16	40	5
AGE 56-60		124	88	12	23	1
AGE 61-65		114	86	9	19	0
AGE 66- Up		306	229	37	39	1
TOTAL		1,524	961	146	392	25

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	City:Florida City					
WHITE		375	131	111	127	6
BLACK		3,103	2,462	79	540	22
HISPANIC		2,629	985	578	1,023	43
OTHER		480	199	43	233	5
WHITE MALE		170	53	49	64	4
BLACK MALE		1,194	898	37	247	12
HISPANIC MALE		1,098	374	263	444	17
OTHER MALE		118	56	15	47	0
WHITE FEMALE		202	78	62	60	2
BLACK FEMALE		1,854	1,527	41	276	10
HISPANIC FEMALE		1,474	583	305	560	26
OTHER FEMALE		176	93	15	64	4
SEX UNSPECIFIED		301	115	24	161	1
AGE 18-25		972	506	70	376	20
AGE 26-30		783	414	78	279	12
AGE 31-35		783	438	78	256	11
AGE 36-40		642	355	75	204	8
AGE 41-45		526	289	77	156	4
AGE 46-50		533	311	65	153	4
AGE 51-55		391	217	69	101	4
AGE 56-60		471	312	61	94	4
AGE 61-65		435	297	55	81	2
AGE 66- Up		1,051	638	183	223	7
TOTAL		6,587	3,777	811	1,923	76

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	City:Golden Beach					
WHITE		486	159	158	161	8
BLACK		2	1	0	1	0
HISPANIC		189	31	69	86	3
OTHER		71	8	13	50	0
WHITE MALE		236	66	76	91	3
BLACK MALE		0	0	0	0	0
HISPANIC MALE		93	13	35	43	2
OTHER MALE		26	2	6	18	0
WHITE FEMALE		240	90	79	66	5
BLACK FEMALE		2	1	0	1	0
HISPANIC FEMALE		94	18	34	41	1
OTHER FEMALE		23	6	4	13	0
SEX UNSPECIFIED		34	3	6	25	0
AGE 18-25		121	30	38	49	4
AGE 26-30		70	17	13	37	3
AGE 31-35		47	7	15	23	2
AGE 36-40		33	11	8	14	0
AGE 41-45		44	9	12	23	0
AGE 46-50		68	17	19	31	1
AGE 51-55		71	19	28	24	0
AGE 56-60		77	24	21	31	1
AGE 61-65		72	20	34	18	0
AGE 66- Up		145	45	52	48	0
TOTAL		748	199	240	298	11

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Rcps	NPA	Other
District	City:Hialeah Gardens					
WHITE		439	102	214	117	6
BLACK		58	28	15	15	0
HISPANIC		10,627	2,305	4,584	3,557	181
OTHER		842	189	223	425	5
WHITE MALE		182	39	91	49	3
BLACK MALE		33	11	11	11	0
HISPANIC MALE		4,652	933	2,055	1,595	69
OTHER MALE		200	42	54	101	3
WHITE FEMALE		253	61	122	67	3
BLACK FEMALE		25	17	4	4	0
HISPANIC FEMALE		5,692	1,312	2,420	1,850	110
OTHER FEMALE		249	47	79	122	1
SEX UNSPECIFIED		679	162	200	314	3
AGE 18-25		1,301	291	336	633	41
AGE 26-30		899	217	256	402	24
AGE 31-35		881	209	280	379	13
AGE 36-40		775	166	300	294	15
AGE 41-45		726	158	258	292	18
AGE 46-50		915	195	374	333	13
AGE 51-55		1,069	206	501	345	17
AGE 56-60		1,221	255	565	385	16
AGE 61-65		965	224	478	253	10
AGE 66- Up		3,214	703	1,688	798	25
TOTAL		11,966	2,624	5,036	4,114	192

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Hialeah					
WHITE		5,191	1,401	2,226	1,481	83
BLACK		992	606	96	280	10
HISPANIC		95,493	20,606	43,913	29,475	1,499
OTHER		7,433	1,731	2,177	3,439	86
WHITE MALE		2,388	601	1,026	721	40
BLACK MALE		478	269	47	155	7
HISPANIC MALE		40,726	8,059	19,371	12,658	638
OTHER MALE		1,835	408	637	763	27
WHITE FEMALE		2,751	788	1,179	741	43
BLACK FEMALE		496	329	44	120	3
HISPANIC FEMALE		52,534	11,987	23,780	15,927	840
OTHER FEMALE		2,144	562	708	842	32
SEX UNSPECIFIED		5,756	1,340	1,620	2,748	48
AGE 18-25		10,380	2,632	2,745	4,677	326
AGE 26-30		7,225	1,820	2,027	3,196	182
AGE 31-35		7,725	1,820	2,576	3,170	159
AGE 36-40		7,200	1,589	2,610	2,838	163
AGE 41-45		6,136	1,415	2,320	2,303	98
AGE 46-50		7,682	1,591	3,199	2,740	152
AGE 51-55		8,287	1,713	3,737	2,702	135
AGE 56-60		10,312	2,278	4,788	3,108	138
AGE 61-65		8,736	2,161	4,085	2,382	108
AGE 66- Up		35,422	7,325	20,324	7,556	217
TOTAL		109,109	24,344	48,412	34,675	1,678

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Homestead					
WHITE		5,639	1,670	2,055	1,796	118
BLACK		7,330	5,343	284	1,608	95
HISPANIC		21,343	6,763	5,821	8,377	382
OTHER		2,732	956	396	1,345	35
WHITE MALE		2,704	652	1,095	894	63
BLACK MALE		3,072	2,066	165	783	58
HISPANIC MALE		9,365	2,598	2,834	3,760	173
OTHER MALE		853	304	164	372	13
WHITE FEMALE		2,886	1,005	942	885	54
BLACK FEMALE		4,140	3,191	116	796	37
HISPANIC FEMALE		11,537	4,020	2,899	4,410	208
OTHER FEMALE		1,091	464	153	459	15
SEX UNSPECIFIED		1,395	431	188	767	9
AGE 18-25		5,097	1,990	702	2,287	118
AGE 26-30		3,530	1,363	585	1,506	76
AGE 31-35		4,038	1,508	866	1,581	83
AGE 36-40		3,990	1,514	909	1,486	81
AGE 41-45		3,698	1,439	822	1,372	65
AGE 46-50		3,323	1,248	818	1,210	47
AGE 51-55		3,011	1,174	835	952	50
AGE 56-60		2,791	1,154	806	792	39
AGE 61-65		2,215	917	603	660	35
AGE 66- Up		5,349	2,425	1,610	1,278	36
TOTAL		37,044	14,732	8,556	13,126	630

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	City:Indian Creek Village					
WHITE		41	7	18	16	0
BLACK		0	0	0	0	0
HISPANIC		12	1	6	5	0
OTHER		11	3	2	6	0
WHITE MALE		23	2	11	10	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		4	0	2	2	0
OTHER MALE		6	2	1	3	0
WHITE FEMALE		17	5	6	6	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		8	1	4	3	0
OTHER FEMALE		4	1	1	2	0
SEX UNSPECIFIED		2	0	1	1	0
AGE 18-25		12	3	4	5	0
AGE 26-30		2	1	1	0	0
AGE 31-35		6	1	1	4	0
AGE 36-40		4	1	2	1	0
AGE 41-45		3	0	2	1	0
AGE 46-50		1	0	1	0	0
AGE 51-55		3	0	1	2	0
AGE 56-60		8	1	2	5	0
AGE 61-65		9	1	5	3	0
AGE 66- Up		16	3	7	6	0
TOTAL		64	11	26	27	0

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District Demographic Analysis

CloseDate		<u>Total</u>				
District	City:Key Biscayne	Voters	Dems	Reps	NPA	Other
WHITE		2,922	943	875	1,056	48
BLACK		34	13	6	15	0
HISPANIC		4,548	993	1,425	2,059	71
OTHER		668	171	120	364	13
WHITE MALE		1,412	379	455	562	16
BLACK MALE		15	3	2	10	0
HISPANIC MALE		2,003	354	672	945	32
OTHER MALE		201	45	43	107	6
WHITE FEMALE		1,464	557	412	463	32
BLACK FEMALE		18	10	4	4	0
HISPANIC FEMALE		2,447	619	734	1,056	38
OTHER FEMALE		262	81	49	128	4
SEX UNSPECIFIED		350	72	55	219	4
AGE 18-25		1,046	299	270	453	24
AGE 26-30		548	170	131	233	14
AGE 31-35		418	119	106	188	5
AGE 36-40		414	104	98	206	6
AGE 41-45		543	108	126	301	8
AGE 46-50		758	143	176	427	12
AGE 51-55		864	193	229	427	15
AGE 56-60		764	169	246	336	13
AGE 61-65		708	187	226	285	10
AGE 66- Up		2,108	628	818	637	25
TOTAL		8,172	2,120	2,426	3,494	132

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City: Miami Beach					
WHITE		24,206	9,409	5,536	8,795	466
BLACK		1,729	1,043	108	548	30
HISPANIC		19,269	6,912	5,076	6,991	290
OTHER		5,286	1,755	878	2,554	99
WHITE MALE		13,370	4,672	3,305	5,118	275
BLACK MALE		992	543	75	352	22
HISPANIC MALE		8,869	3,057	2,361	3,309	142
OTHER MALE		2,191	702	384	1,058	47
WHITE FEMALE		10,479	4,599	2,165	3,529	186
BLACK FEMALE		716	485	33	190	8
HISPANIC FEMALE		10,027	3,710	2,649	3,521	147
OTHER FEMALE		2,029	763	342	891	33
SEX UNSPECIFIED		1,815	587	284	919	25
AGE 18-25		3,058	1,136	605	1,231	86
AGE 26-30		3,335	1,255	609	1,392	79
AGE 31-35		4,344	1,663	810	1,774	97
AGE 36-40		4,849	1,775	863	2,122	89
AGE 41-45		4,568	1,600	838	2,037	93
AGE 46-50		4,464	1,585	852	1,951	76
AGE 51-55		4,730	1,773	961	1,926	70
AGE 56-60		4,633	1,816	1,112	1,627	78
AGE 61-65		4,057	1,631	971	1,387	68
AGE 66- Up		12,452	4,885	3,977	3,441	149
TOTAL		50,490	19,119	11,598	18,888	885

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Medley					
WHITE		40	7	14	19	0
BLACK		3	1	1	1	0
HISPANIC		609	103	278	217	11
OTHER		47	14	15	17	1
WHITE MALE		26	6	8	12	0
BLACK MALE		3	1	1	1	0
HISPANIC MALE		262	38	136	83	5
OTHER MALE		15	3	7	4	1
WHITE FEMALE		14	1	6	7	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		334	60	139	129	6
OTHER FEMALE		11	3	1	7	0
SEX UNSPECIFIED		34	13	10	11	0
AGE 18-25		59	12	11	34	2
AGE 26-30		41	7	7	25	2
AGE 31-35		43	18	8	16	1
AGE 36-40		31	3	13	13	2
AGE 41-45		21	7	6	7	1
AGE 46-50		28	3	12	13	0
AGE 51-55		56	5	20	31	0
AGE 56-60		60	7	26	24	3
AGE 61-65		64	10	30	24	0
AGE 66- Up		296	53	175	67	1
TOTAL		699	125	308	254	12

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dem	Rep	NPA	Other
	District					
	City: Miami Gardens					
	WHITE	1,532	634	385	479	34
	BLACK	47,368	38,840	1,071	7,114	343
	HISPANIC	15,627	5,502	4,262	5,615	248
	OTHER	4,815	2,303	375	2,080	57
	WHITE MALE	685	272	188	211	14
	BLACK MALE	19,652	15,205	609	3,654	184
	HISPANIC MALE	6,759	2,123	2,052	2,490	94
	OTHER MALE	1,581	790	151	610	30
	WHITE FEMALE	829	358	192	259	20
	BLACK FEMALE	26,919	23,028	450	3,287	154
	HISPANIC FEMALE	8,527	3,250	2,129	2,995	153
	OTHER FEMALE	1,784	1,084	121	566	13
	SEX UNSPECIFIED	2,603	1,168	201	1,214	20
	AGE 18-25	8,268	4,997	473	2,671	127
	AGE 26-30	6,289	3,802	411	2,004	72
	AGE 31-35	6,716	4,143	558	1,927	88
	AGE 36-40	6,304	3,966	579	1,678	81
	AGE 41-45	5,429	3,621	441	1,301	66
	AGE 46-50	5,193	3,426	520	1,183	64
	AGE 51-55	5,356	3,738	531	1,035	52
	AGE 56-60	5,584	4,053	565	932	34
	AGE 61-65	5,176	3,921	441	782	32
	AGE 66- Up	15,025	11,611	1,574	1,774	66
	TOTAL	69,342	47,279	6,093	15,288	682

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	City: Miami					
WHITE		40,780	15,605	9,741	14,600	834
BLACK		33,557	26,389	1,110	5,728	330
HISPANIC		126,705	39,940	40,251	44,567	1,947
OTHER		17,368	5,994	2,566	8,538	270
WHITE MALE		21,725	7,213	5,693	8,341	478
BLACK MALE		15,312	11,259	678	3,186	189
HISPANIC MALE		55,596	16,229	18,297	20,179	891
OTHER MALE		6,227	1,992	1,057	3,051	127
WHITE FEMALE		18,573	8,181	3,971	6,075	346
BLACK FEMALE		17,747	14,747	418	2,444	138
HISPANIC FEMALE		68,604	22,856	21,351	23,357	1,040
OTHER FEMALE		6,552	2,730	940	2,790	92
SEX UNSPECIFIED		8,064	2,718	1,261	4,005	80
AGE 18-25		19,122	7,962	2,832	7,835	493
AGE 26-30		20,982	8,675	3,492	8,396	419
AGE 31-35		23,695	9,969	3,936	9,353	437
AGE 36-40		20,140	8,230	3,586	7,980	344
AGE 41-45		15,925	6,515	2,825	6,279	306
AGE 46-50		15,203	5,746	3,435	5,750	272
AGE 51-55		15,944	6,124	3,992	5,591	237
AGE 56-60		17,712	6,965	4,923	5,571	253
AGE 61-65		15,990	6,962	4,271	4,564	193
AGE 66- Up		53,695	20,779	20,376	12,113	427
TOTAL		218,410	87,928	53,668	73,433	3,381

Christina White

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	City: Miami Lakes					
WHITE		3,088	853	1,368	819	48
BLACK		518	352	39	117	10
HISPANIC		16,129	3,112	8,049	4,675	293
OTHER		1,221	294	345	568	14
WHITE MALE		1,528	389	685	434	20
BLACK MALE		221	127	22	66	6
HISPANIC MALE		7,067	1,194	3,650	2,099	124
OTHER MALE		421	102	127	186	6
WHITE FEMALE		1,540	459	676	377	28
BLACK FEMALE		291	220	17	50	4
HISPANIC FEMALE		8,774	1,845	4,286	2,474	169
OTHER FEMALE		466	134	129	197	6
SEX UNSPECIFIED		648	141	209	296	2
AGE 18-25		2,276	500	868	838	70
AGE 26-30		1,610	429	558	593	30
AGE 31-35		1,752	441	650	629	32
AGE 36-40		1,701	370	673	618	40
AGE 41-45		1,524	335	603	547	39
AGE 46-50		1,839	346	863	595	35
AGE 51-55		1,905	345	969	565	26
AGE 56-60		2,245	436	1,244	528	37
AGE 61-65		1,788	376	994	399	19
AGE 66- Up		4,316	1,033	2,379	867	37
TOTAL		20,956	4,611	9,801	6,179	365

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	City:North Miami Beach					
WHITE		4,659	1,623	1,420	1,538	78
BLACK		8,185	6,149	290	1,671	75
HISPANIC		7,704	3,055	1,558	2,978	113
OTHER		2,467	925	293	1,211	38
WHITE MALE		2,390	730	806	805	49
BLACK MALE		3,537	2,519	166	817	35
HISPANIC MALE		3,459	1,243	788	1,366	62
OTHER MALE		913	312	140	446	15
WHITE FEMALE		2,202	869	600	706	27
BLACK FEMALE		4,486	3,513	122	811	40
HISPANIC FEMALE		4,072	1,745	733	1,543	51
OTHER FEMALE		1,025	462	110	433	20
SEX UNSPECIFIED		931	359	96	471	5
AGE 18-25		2,408	1,132	257	967	52
AGE 26-30		2,059	951	249	831	28
AGE 31-35		2,071	1,017	287	742	25
AGE 36-40		1,950	935	245	733	37
AGE 41-45		1,748	784	266	673	25
AGE 46-50		1,635	804	248	563	20
AGE 51-55		1,762	848	280	604	30
AGE 56-60		1,969	1,053	338	557	21
AGE 61-65		2,081	1,146	363	552	20
AGE 66- Up		5,332	3,082	1,028	1,176	46
TOTAL		23,015	11,752	3,561	7,398	304

Christina White

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:North Miami					
WHITE		4,272	1,806	1,017	1,353	96
BLACK		16,032	12,241	508	3,110	173
HISPANIC		9,156	3,783	1,825	3,390	158
OTHER		2,775	1,236	236	1,261	42
WHITE MALE		2,172	822	570	730	50
BLACK MALE		7,118	5,163	307	1,553	95
HISPANIC MALE		4,042	1,513	922	1,533	74
OTHER MALE		991	460	106	411	14
WHITE FEMALE		2,041	969	435	592	45
BLACK FEMALE		8,634	6,895	192	1,472	75
HISPANIC FEMALE		4,913	2,186	869	1,775	83
OTHER FEMALE		1,133	589	88	431	25
SEX UNSPECIFIED		1,191	469	97	617	8
AGE 18-25		3,486	1,793	272	1,336	85
AGE 26-30		2,874	1,619	197	1,004	54
AGE 31-35		3,115	1,715	277	1,061	62
AGE 36-40		2,887	1,639	229	966	53
AGE 41-45		2,492	1,412	236	810	34
AGE 46-50		2,368	1,291	312	721	44
AGE 51-55		2,524	1,421	335	734	34
AGE 56-60		2,672	1,571	387	676	38
AGE 61-65		2,702	1,769	347	566	20
AGE 66- Up		7,115	4,836	994	1,240	45
TOTAL		32,235	19,066	3,586	9,114	469

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	City:North Bay Village					
WHITE		1,498	567	325	578	28
BLACK		267	176	14	68	9
HISPANIC		2,224	833	525	828	38
OTHER		468	161	72	226	9
WHITE MALE		770	255	187	315	13
BLACK MALE		127	80	11	33	3
HISPANIC MALE		961	335	247	363	16
OTHER MALE		181	57	31	91	2
WHITE FEMALE		705	305	134	251	15
BLACK FEMALE		136	92	3	35	6
HISPANIC FEMALE		1,217	484	271	441	21
OTHER FEMALE		202	77	31	90	4
SEX UNSPECIFIED		158	52	21	81	4
AGE 18-25		323	134	56	126	7
AGE 26-30		343	134	64	137	8
AGE 31-35		427	174	61	181	11
AGE 36-40		456	164	78	209	5
AGE 41-45		462	183	64	207	8
AGE 46-50		456	170	102	175	9
AGE 51-55		434	155	87	180	12
AGE 56-60		434	159	102	162	11
AGE 61-65		339	143	78	112	6
AGE 66- Up		783	321	244	211	7
TOTAL		4,457	1,737	936	1,700	84

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Opa Locka					
WHITE		182	71	49	56	6
BLACK		4,721	3,878	125	696	22
HISPANIC		2,936	1,018	779	1,082	57
OTHER		499	228	47	222	2
WHITE MALE		83	28	24	27	4
BLACK MALE		1,872	1,478	64	322	8
HISPANIC MALE		1,259	411	353	468	27
OTHER MALE		136	69	19	47	1
WHITE FEMALE		93	43	22	26	2
BLACK FEMALE		2,784	2,351	59	360	14
HISPANIC FEMALE		1,606	576	411	590	29
OTHER FEMALE		174	107	11	56	0
SEX UNSPECIFIED		331	132	37	160	2
AGE 18-25		986	543	57	373	13
AGE 26-30		759	463	34	251	11
AGE 31-35		872	550	64	252	6
AGE 36-40		811	516	68	221	6
AGE 41-45		616	399	52	160	5
AGE 46-50		527	320	78	124	5
AGE 51-55		542	361	62	109	10
AGE 56-60		632	413	89	122	8
AGE 61-65		661	446	85	122	8
AGE 66- Up		1,932	1,184	411	322	15
TOTAL		8,338	5,195	1,000	2,056	87

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Palmetto Bay					
WHITE		8,012	3,129	2,818	1,944	121
BLACK		847	630	49	157	11
HISPANIC		7,456	1,951	3,045	2,301	159
OTHER		1,840	640	359	812	29
WHITE MALE		3,995	1,323	1,534	1,074	64
BLACK MALE		392	267	31	86	8
HISPANIC MALE		3,304	761	1,404	1,067	72
OTHER MALE		676	200	154	312	10
WHITE FEMALE		3,912	1,764	1,250	841	57
BLACK FEMALE		442	357	17	65	3
HISPANIC FEMALE		4,022	1,149	1,593	1,193	87
OTHER FEMALE		851	365	147	325	14
SEX UNSPECIFIED		560	163	141	251	5
AGE 18-25		2,154	767	612	689	86
AGE 26-30		1,312	481	336	458	37
AGE 31-35		1,281	436	396	425	24
AGE 36-40		1,419	464	425	507	23
AGE 41-45		1,529	508	481	514	26
AGE 46-50		1,623	500	560	535	28
AGE 51-55		1,714	492	704	497	21
AGE 56-60		1,744	504	735	478	27
AGE 61-65		1,584	586	624	354	20
AGE 66- Up		3,794	1,612	1,398	756	28
TOTAL		18,155	6,350	6,271	5,214	320

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Pincrest					
WHITE		6,241	2,720	1,848	1,588	85
BLACK		225	130	16	72	7
HISPANIC		5,533	1,303	2,341	1,792	97
OTHER		1,316	417	235	640	24
WHITE MALE		3,063	1,131	983	904	45
BLACK MALE		112	58	7	43	4
HISPANIC MALE		2,479	466	1,127	844	42
OTHER MALE		516	149	102	253	12
WHITE FEMALE		3,094	1,557	844	655	38
BLACK FEMALE		110	71	9	27	3
HISPANIC FEMALE		2,949	806	1,186	902	55
OTHER FEMALE		551	203	92	247	9
SEX UNSPECIFIED		440	129	90	216	5
AGE 18-25		1,680	598	451	579	52
AGE 26-30		939	368	257	283	31
AGE 31-35		841	282	236	309	14
AGE 36-40		904	330	224	338	12
AGE 41-45		1,012	336	283	372	21
AGE 46-50		1,152	337	364	433	18
AGE 51-55		1,289	368	458	442	21
AGE 56-60		1,290	331	569	377	13
AGE 61-65		1,171	382	487	293	9
AGE 66- Up		3,037	1,238	1,111	666	22
TOTAL		13,315	4,570	4,440	4,092	213

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City: Miami Shores					
WHITE		3,073	1,463	664	889	57
BLACK		1,150	857	31	245	17
HISPANIC		2,275	988	444	806	37
OTHER		863	355	93	400	15
WHITE MALE		1,595	680	370	514	31
BLACK MALE		540	375	22	133	10
HISPANIC MALE		1,079	459	233	374	13
OTHER MALE		316	130	41	137	8
WHITE FEMALE		1,439	767	280	366	26
BLACK FEMALE		588	468	9	105	6
HISPANIC FEMALE		1,162	517	206	416	23
OTHER FEMALE		366	180	39	141	6
SEX UNSPECIFIED		276	87	32	154	3
AGE 18-25		741	316	87	320	18
AGE 26-30		422	218	48	143	13
AGE 31-35		522	246	68	194	14
AGE 36-40		698	341	86	261	10
AGE 41-45		792	372	102	298	20
AGE 46-50		769	333	135	290	11
AGE 51-55		651	326	113	204	8
AGE 56-60		661	335	141	173	12
AGE 61-65		584	304	120	153	7
AGE 66- Up		1,521	872	332	304	13
TOTAL		7,361	3,663	1,232	2,340	126

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Sunny Isles Beach					
WHITE		7,075	1,395	2,715	2,853	112
BLACK		347	193	29	114	11
HISPANIC		3,950	1,216	1,043	1,632	59
OTHER		1,341	261	354	696	30
WHITE MALE		3,511	601	1,395	1,457	58
BLACK MALE		187	96	21	64	6
HISPANIC MALE		1,688	474	456	731	27
OTHER MALE		526	95	150	272	9
WHITE FEMALE		3,444	769	1,276	1,346	53
BLACK FEMALE		158	95	8	50	5
HISPANIC FEMALE		2,158	702	570	854	32
OTHER FEMALE		549	123	136	273	17
SEX UNSPECIFIED		492	110	129	248	5
AGE 18-25		824	210	191	393	30
AGE 26-30		579	159	124	279	17
AGE 31-35		699	169	156	360	14
AGE 36-40		874	202	215	441	16
AGE 41-45		976	217	256	487	16
AGE 46-50		1,030	225	310	478	17
AGE 51-55		1,133	235	377	504	17
AGE 56-60		1,115	284	386	431	14
AGE 61-65		1,150	268	414	457	11
AGE 66- Up		4,333	1,096	1,712	1,465	60
TOTAL		12,713	3,065	4,141	5,295	212

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dcms	Reps	NPA	Other
District	City:South Miami					
WHITE		2,679	1,197	725	712	45
BLACK		1,060	874	23	158	5
HISPANIC		3,572	1,018	1,278	1,220	56
OTHER		709	271	119	314	5
WHITE MALE		1,370	531	395	416	28
BLACK MALE		445	343	16	84	2
HISPANIC MALE		1,548	407	576	545	20
OTHER MALE		238	87	43	106	2
WHITE FEMALE		1,248	634	321	277	16
BLACK FEMALE		598	517	7	71	3
HISPANIC FEMALE		1,941	591	680	635	35
OTHER FEMALE		291	137	42	111	1
SEX UNSPECIFIED		341	113	65	159	4
AGE 18-25		994	429	194	348	23
AGE 26-30		656	290	137	221	8
AGE 31-35		671	282	144	227	18
AGE 36-40		681	278	162	230	11
AGE 41-45		692	298	154	228	12
AGE 46-50		628	212	166	239	11
AGE 51-55		673	273	186	206	8
AGE 56-60		729	260	259	205	5
AGE 61-65		615	253	203	153	6
AGE 66- Up		1,681	785	540	347	9
TOTAL		8,020	3,360	2,145	2,404	111

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City: Miami Springs					
WHITE		2,238	813	855	533	37
BLACK		87	50	8	27	2
HISPANIC		6,148	1,494	2,451	2,080	123
OTHER		620	186	146	274	14
WHITE MALE		1,096	346	438	292	20
BLACK MALE		53	29	5	18	1
HISPANIC MALE		2,764	591	1,155	961	57
OTHER MALE		218	62	55	96	5
WHITE FEMALE		1,127	463	410	237	17
BLACK FEMALE		33	21	3	8	1
HISPANIC FEMALE		3,260	865	1,262	1,067	66
OTHER FEMALE		224	87	49	82	6
SEX UNSPECIFIED		316	79	81	153	3
AGE 18-25		881	235	239	375	32
AGE 26-30		551	161	148	229	13
AGE 31-35		715	211	228	261	15
AGE 36-40		738	225	233	263	17
AGE 41-45		712	174	227	301	10
AGE 46-50		765	205	285	257	18
AGE 51-55		809	195	334	259	21
AGE 56-60		924	232	386	282	24
AGE 61-65		870	239	405	217	9
AGE 66- Up		2,128	666	975	470	17
TOTAL		9,093	2,543	3,460	2,914	176

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	City:Surfside					
WHITE		2,001	607	606	739	49
BLACK		66	37	4	24	1
HISPANIC		1,251	375	347	506	23
OTHER		359	97	84	176	2
WHITE MALE		1,012	261	320	406	25
BLACK MALE		30	16	1	12	1
HISPANIC MALE		506	140	147	211	8
OTHER MALE		134	33	33	68	0
WHITE FEMALE		964	338	279	323	24
BLACK FEMALE		34	19	3	12	0
HISPANIC FEMALE		715	227	195	279	14
OTHER FEMALE		147	48	36	62	1
SEX UNSPECIFIED		135	34	27	72	2
AGE 18-25		324	79	75	162	8
AGE 26-30		160	54	43	60	3
AGE 31-35		208	51	62	85	10
AGE 36-40		304	81	86	127	10
AGE 41-45		340	107	74	148	11
AGE 46-50		377	106	101	163	7
AGE 51-55		345	103	82	157	3
AGE 56-60		331	126	94	104	7
AGE 61-65		288	105	72	110	1
AGE 66- Up		999	304	352	328	15
TOTAL		3,677	1,116	1,041	1,445	75

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Sweetwater					
WHITE		495	161	160	164	10
BLACK		221	141	8	71	1
HISPANIC		8,533	2,034	3,444	2,943	112
OTHER		748	199	200	340	9
WHITE MALE		238	68	82	81	7
BLACK MALE		95	54	5	36	0
HISPANIC MALE		3,646	818	1,485	1,292	51
OTHER MALE		177	41	59	75	2
WHITE FEMALE		253	92	77	81	3
BLACK FEMALE		121	83	2	35	1
HISPANIC FEMALE		4,704	1,158	1,899	1,586	61
OTHER FEMALE		229	72	57	97	3
SEX UNSPECIFIED		534	149	146	235	4
AGE 18-25		1,343	507	222	586	28
AGE 26-30		824	258	167	383	16
AGE 31-35		702	189	206	292	15
AGE 36-40		575	133	186	245	11
AGE 41-45		536	129	183	215	9
AGE 46-50		612	148	226	225	13
AGE 51-55		743	170	305	262	6
AGE 56-60		891	197	380	304	10
AGE 61-65		778	178	336	255	9
AGE 66- Up		2,992	626	1,600	751	15
TOTAL		9,997	2,535	3,812	3,518	132

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City:Unincorporated					
WHITE		85,322	30,368	29,871	23,661	1,422
BLACK		102,096	80,218	3,124	17,871	883
HISPANIC		461,432	119,875	176,153	157,466	7,938
OTHER		51,838	16,967	9,885	24,325	661
WHITE MALE		41,237	12,628	15,462	12,418	729
BLACK MALE		43,730	32,249	1,795	9,223	463
HISPANIC MALE		200,149	46,743	80,341	69,648	3,417
OTHER MALE		16,943	5,499	3,583	7,602	259
WHITE FEMALE		43,177	17,433	14,160	10,907	677
BLACK FEMALE		56,770	46,780	1,284	8,292	414
HISPANIC FEMALE		251,772	70,271	93,209	83,841	4,451
OTHER FEMALE		19,789	7,919	3,729	7,891	250
SEX UNSPECIFIED		27,087	7,893	5,467	13,483	244
AGE 18-25		76,214	27,554	16,079	30,409	2,172
AGE 26-30		55,229	20,754	11,658	21,703	1,114
AGE 31-35		59,593	21,840	14,254	22,409	1,090
AGE 36-40		56,554	19,489	14,808	21,237	1,020
AGE 41-45		51,612	17,420	14,408	18,954	830
AGE 46-50		55,933	17,094	18,609	19,260	970
AGE 51-55		58,985	18,376	20,895	18,828	886
AGE 56-60		64,595	21,285	23,653	18,739	918
AGE 61-65		56,146	21,242	19,268	14,987	649
AGE 66- Up		165,813	62,370	65,395	36,793	1,255
TOTAL		700,688	247,428	219,033	223,323	10,904

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City: Virginia Garden					
WHITE		281	109	99	67	6
BLACK		10	6	1	3	0
HISPANIC		1,091	311	391	372	17
OTHER		70	30	11	25	4
WHITE MALE		151	42	67	39	3
BLACK MALE		7	5	1	1	0
HISPANIC MALE		496	143	171	171	11
OTHER MALE		24	11	2	9	2
WHITE FEMALE		127	67	32	25	3
BLACK FEMALE		2	1	0	1	0
HISPANIC FEMALE		577	164	216	191	6
OTHER FEMALE		23	11	6	5	1
SEX UNSPECIFIED		45	12	7	25	1
AGE 18-25		132	50	28	51	3
AGE 26-30		97	30	31	33	3
AGE 31-35		117	42	36	35	4
AGE 36-40		139	40	39	56	4
AGE 41-45		111	31	25	53	2
AGE 46-50		115	33	41	39	2
AGE 51-55		128	30	55	40	3
AGE 56-60		120	37	54	28	1
AGE 61-65		120	42	38	39	1
AGE 66- Up		373	121	155	93	4
TOTAL		1,452	456	502	467	27

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	City: West Miami					
WHITE		481	140	209	123	9
BLACK		71	38	3	30	0
HISPANIC		3,211	699	1,521	948	43
OTHER		211	51	62	97	1
WHITE MALE		233	54	105	68	6
BLACK MALE		34	15	1	18	0
HISPANIC MALE		1,396	279	663	433	21
OTHER MALE		71	16	25	30	0
WHITE FEMALE		243	86	102	52	3
BLACK FEMALE		36	22	2	12	0
HISPANIC FEMALE		1,754	404	832	496	22
OTHER FEMALE		84	26	26	31	1
SEX UNSPECIFIED		123	26	39	58	0
AGE 18-25		356	90	101	157	8
AGE 26-30		304	89	96	114	5
AGE 31-35		390	96	130	158	6
AGE 36-40		368	83	129	149	7
AGE 41-45		272	71	103	93	5
AGE 46-50		295	66	134	91	4
AGE 51-55		288	60	146	80	2
AGE 56-60		353	83	181	85	4
AGE 61-65		319	77	167	70	5
AGE 66- Up		1,029	213	608	201	7
TOTAL		3,974	928	1,795	1,198	53

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm I					
WHITE		1,894	685	648	527	34
BLACK		4,951	4,023	130	763	35
HISPANIC		20,094	5,996	6,540	7,169	389
OTHER		2,145	765	371	988	21
WHITE MALE		906	288	337	263	18
BLACK MALE		2,078	1,596	71	397	14
HISPANIC MALE		8,720	2,361	3,021	3,177	161
OTHER MALE		654	242	143	260	9
WHITE FEMALE		969	390	307	256	16
BLACK FEMALE		2,797	2,372	55	350	20
HISPANIC FEMALE		10,913	3,492	3,408	3,788	225
OTHER FEMALE		788	333	123	325	7
SEX UNSPECIFIED		1,259	395	224	631	9
AGE 18-25		2,965	1,133	493	1,245	94
AGE 26-30		2,210	835	405	909	61
AGE 31-35		2,468	901	525	1,000	42
AGE 36-40		2,372	835	588	901	48
AGE 41-45		2,192	804	514	834	40
AGE 46-50		2,340	819	667	813	41
AGE 51-55		2,439	914	707	784	34
AGE 56-60		2,687	987	863	800	37
AGE 61-65		2,363	1,018	683	628	34
AGE 66- Up		7,047	3,222	2,244	1,533	48
TOTAL		29,084	11,469	7,689	9,447	479

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 2					
WHITE		654	238	200	200	16
BLACK		19,081	15,574	428	2,916	163
HISPANIC		7,229	2,520	2,051	2,539	119
OTHER		2,044	936	167	916	25
WHITE MALE		304	102	97	98	7
BLACK MALE		7,795	5,925	265	1,512	93
HISPANIC MALE		3,096	962	982	1,113	39
OTHER MALE		665	317	59	276	13
WHITE FEMALE		342	134	101	98	9
BLACK FEMALE		10,969	9,411	160	1,331	67
HISPANIC FEMALE		3,966	1,500	1,023	1,363	80
OTHER FEMALE		746	435	61	244	6
SEX UNSPECIFIED		1,123	481	98	535	9
AGE 18-25		3,534	2,122	207	1,148	57
AGE 26-30		2,714	1,615	180	882	37
AGE 31-35		2,922	1,766	271	847	38
AGE 36-40		2,799	1,758	274	728	39
AGE 41-45		2,370	1,563	205	567	35
AGE 46-50		2,182	1,409	233	517	23
AGE 51-55		2,287	1,550	247	462	28
AGE 56-60		2,359	1,668	273	397	21
AGE 61-65		1,984	1,491	179	298	16
AGE 66- Up		5,855	4,325	777	724	29
TOTAL		29,008	19,268	2,846	6,571	323

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 3					
WHITE		2,760	1,195	625	884	56
BLACK		18,202	14,211	463	3,356	172
HISPANIC		6,649	2,809	1,217	2,538	85
OTHER		2,784	1,375	230	1,131	48
WHITE MALE		1,280	470	338	444	28
BLACK MALE		7,523	5,535	250	1,660	78
HISPANIC MALE		2,860	1,091	575	1,155	39
OTHER MALE		963	463	112	367	21
WHITE FEMALE		1,439	716	271	425	27
BLACK FEMALE		10,362	8,439	207	1,624	92
HISPANIC FEMALE		3,655	1,663	626	1,320	46
OTHER FEMALE		1,182	677	89	396	20
SEX UNSPECIFIED		1,131	536	67	518	10
AGE 18-25		3,386	1,973	184	1,169	60
AGE 26-30		2,698	1,587	156	911	44
AGE 31-35		3,019	1,774	230	959	56
AGE 36-40		2,761	1,634	228	870	29
AGE 41-45		2,390	1,479	194	686	31
AGE 46-50		2,246	1,411	183	615	37
AGE 51-55		2,405	1,586	224	568	27
AGE 56-60		2,460	1,689	200	548	23
AGE 61-65		2,477	1,729	237	495	16
AGE 66- Up		6,552	4,727	699	1,088	38
TOTAL		30,395	19,590	2,535	7,909	361

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 4					
WHITE		530	225	105	189	11
BLACK		19,477	16,269	436	2,672	100
HISPANIC		6,337	2,096	1,658	2,467	116
OTHER		1,754	829	143	766	16
WHITE MALE		227	93	53	76	5
BLACK MALE		8,113	6,474	225	1,359	55
HISPANIC MALE		2,768	841	787	1,091	49
OTHER MALE		541	277	54	203	7
WHITE FEMALE		294	130	49	109	6
BLACK FEMALE		11,063	9,552	207	1,259	45
HISPANIC FEMALE		3,432	1,209	844	1,314	65
OTHER FEMALE		634	403	40	189	2
SEX UNSPECIFIED		1,025	440	83	493	9
AGE 18-25		3,385	2,031	189	1,121	44
AGE 26-30		2,562	1,579	154	806	23
AGE 31-35		2,759	1,746	207	780	26
AGE 36-40		2,506	1,571	230	676	29
AGE 41-45		2,121	1,421	174	503	23
AGE 46-50		2,119	1,421	232	446	20
AGE 51-55		2,087	1,462	205	400	20
AGE 56-60		2,243	1,659	197	373	14
AGE 61-65		2,160	1,634	195	317	14
AGE 66- Up		6,156	4,895	559	672	30
TOTAL		28,098	19,419	2,342	6,094	243

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 5					
WHITE		1,759	821	363	538	37
BLACK		15,408	11,621	501	3,121	165
HISPANIC		5,384	2,305	948	2,042	89
OTHER		2,373	1,151	151	1,045	26
WHITE MALE		898	382	203	293	20
BLACK MALE		6,737	4,789	319	1,548	81
HISPANIC MALE		2,439	943	478	965	53
OTHER MALE		833	410	68	345	10
WHITE FEMALE		836	427	156	237	16
BLACK FEMALE		8,385	6,625	177	1,501	82
HISPANIC FEMALE		2,824	1,316	438	1,034	36
OTHER FEMALE		992	578	57	342	15
SEX UNSPECIFIED		980	428	67	481	4
AGE 18-25		2,868	1,592	143	1,079	54
AGE 26-30		2,432	1,377	150	872	33
AGE 31-35		2,470	1,449	185	795	41
AGE 36-40		2,283	1,330	147	758	48
AGE 41-45		1,772	1,075	138	540	19
AGE 46-50		1,707	1,063	135	484	25
AGE 51-55		1,809	1,134	160	480	35
AGE 56-60		2,069	1,405	165	479	20
AGE 61-65		2,150	1,513	191	435	11
AGE 66- Up		5,364	3,960	549	824	31
TOTAL		24,924	15,898	1,963	6,746	317

Christina White

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 6					
WHITE		2,767	1,347	573	803	44
BLACK		15,220	11,691	455	2,921	153
HISPANIC		6,084	2,675	1,148	2,175	86
OTHER		2,291	1,080	172	1,006	33
WHITE MALE		1,395	603	308	459	25
BLACK MALE		6,681	4,880	269	1,453	79
HISPANIC MALE		2,674	1,079	557	998	40
OTHER MALE		829	396	75	343	15
WHITE FEMALE		1,336	730	259	329	18
BLACK FEMALE		8,274	6,630	177	1,395	72
HISPANIC FEMALE		3,275	1,531	576	1,123	45
OTHER FEMALE		942	519	62	344	17
SEX UNSPECIFIED		955	425	65	460	5
AGE 18-25		2,885	1,609	162	1,053	61
AGE 26-30		2,260	1,353	120	756	31
AGE 31-35		2,426	1,444	158	781	43
AGE 36-40		2,386	1,458	150	739	39
AGE 41-45		2,091	1,266	162	636	27
AGE 46-50		1,883	1,116	185	554	28
AGE 51-55		2,037	1,289	218	511	19
AGE 56-60		2,147	1,421	245	460	21
AGE 61-65		2,236	1,582	229	410	15
AGE 66- Up		6,011	4,255	719	1,005	32
TOTAL		26,362	16,793	2,348	6,905	316

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 7					
WHITE		501	239	135	117	10
BLACK		15,604	12,705	402	2,381	116
HISPANIC		6,097	2,464	1,431	2,118	84
OTHER		1,524	706	107	695	16
WHITE MALE		238	106	71	54	7
BLACK MALE		6,722	5,192	233	1,235	62
HISPANIC MALE		2,708	1,022	686	951	49
OTHER MALE		498	242	48	205	3
WHITE FEMALE		258	131	63	61	3
BLACK FEMALE		8,655	7,340	164	1,097	54
HISPANIC FEMALE		3,267	1,392	718	1,122	35
OTHER FEMALE		525	323	28	167	7
SEX UNSPECIFIED		855	366	64	419	6
AGE 18-25		2,701	1,599	131	917	54
AGE 26-30		2,001	1,237	97	645	22
AGE 31-35		2,261	1,432	147	660	22
AGE 36-40		2,165	1,407	130	593	35
AGE 41-45		1,767	1,138	143	460	26
AGE 46-50		1,547	1,034	153	345	15
AGE 51-55		1,588	1,106	134	340	8
AGE 56-60		1,850	1,289	205	338	18
AGE 61-65		1,914	1,434	176	294	10
AGE 66- Up		5,932	4,438	759	719	16
TOTAL		23,726	16,114	2,075	5,311	226

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	DEM Exec Comm 8					
	WHITE	569	254	139	167	9
	BLACK	13,802	11,695	322	1,705	80
	HISPANIC	10,126	3,600	2,768	3,606	152
	OTHER	1,543	620	167	747	9
	WHITE MALE	278	114	81	82	1
	BLACK MALE	5,907	4,772	196	893	46
	HISPANIC MALE	4,570	1,474	1,392	1,629	75
	OTHER MALE	454	202	53	196	3
	WHITE FEMALE	287	139	56	84	8
	BLACK FEMALE	7,729	6,789	125	782	33
	HISPANIC FEMALE	5,306	2,040	1,312	1,879	75
	OTHER FEMALE	498	262	54	179	3
	SEX UNSPECIFIED	1,009	377	127	499	6
	AGE 18-25	2,927	1,664	234	992	37
	AGE 26-30	2,292	1,330	196	735	31
	AGE 31-35	2,497	1,476	239	747	35
	AGE 36-40	2,142	1,296	207	614	25
	AGE 41-45	1,834	1,157	213	451	13
	AGE 46-50	1,762	1,033	260	449	20
	AGE 51-55	1,940	1,224	275	424	17
	AGE 56-60	2,247	1,392	366	461	28
	AGE 61-65	2,213	1,501	276	417	19
	AGE 66- Up	6,185	4,096	1,129	935	25
	TOTAL	26,040	16,169	3,396	6,225	250

Christina White

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 9					
WHITE		4,130	2,056	765	1,217	92
BLACK		11,232	8,836	336	1,952	108
HISPANIC		6,220	2,814	1,104	2,210	92
OTHER		2,294	1,079	206	974	35
WHITE MALE		2,191	973	439	728	51
BLACK MALE		5,129	3,798	223	1,048	60
HISPANIC MALE		2,938	1,259	569	1,065	45
OTHER MALE		819	399	78	329	13
WHITE FEMALE		1,888	1,058	310	479	41
BLACK FEMALE		5,927	4,910	110	860	47
HISPANIC FEMALE		3,165	1,503	519	1,097	46
OTHER FEMALE		955	522	96	321	16
SEX UNSPECIFIED		863	362	67	426	8
AGE 18-25		2,276	1,232	144	851	49
AGE 26-30		1,905	1,096	147	627	35
AGE 31-35		2,332	1,350	188	753	41
AGE 36-40		2,450	1,445	200	767	38
AGE 41-45		2,111	1,227	174	661	49
AGE 46-50		1,852	1,026	204	593	29
AGE 51-55		1,756	1,036	209	489	22
AGE 56-60		1,885	1,174	248	440	23
AGE 61-65		1,915	1,313	224	364	14
AGE 66- Up		5,394	3,886	673	808	27
TOTAL		23,876	14,785	2,411	6,353	327

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 10					
WHITE		409	200	59	143	7
BLACK		16,739	14,130	390	2,122	97
HISPANIC		4,581	2,084	832	1,602	63
OTHER		1,311	586	69	639	17
WHITE MALE		220	87	40	88	5
BLACK MALE		7,071	5,694	239	1,083	55
HISPANIC MALE		1,954	817	421	694	22
OTHER MALE		449	204	33	201	11
WHITE FEMALE		184	110	19	53	2
BLACK FEMALE		9,448	8,262	146	999	41
HISPANIC FEMALE		2,504	1,220	388	856	40
OTHER FEMALE		443	255	13	170	5
SEX UNSPECIFIED		765	350	51	361	3
AGE 18-25		2,786	1,807	101	847	31
AGE 26-30		2,225	1,500	93	613	19
AGE 31-35		2,575	1,795	139	615	26
AGE 36-40		2,118	1,520	89	484	25
AGE 41-45		1,667	1,168	101	379	19
AGE 46-50		1,470	1,083	106	270	11
AGE 51-55		1,620	1,210	105	295	10
AGE 56-60		1,889	1,502	95	279	13
AGE 61-65		2,059	1,701	113	233	12
AGE 66- Up		4,629	3,713	408	490	18
TOTAL		23,040	17,000	1,350	4,506	184

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 11					
WHITE		1,312	462	335	478	37
BLACK		8,297	6,735	252	1,251	59
HISPANIC		16,634	6,581	4,068	5,775	210
OTHER		1,875	684	222	953	16
WHITE MALE		715	226	194	272	23
BLACK MALE		3,659	2,821	153	652	33
HISPANIC MALE		7,258	2,664	1,936	2,566	92
OTHER MALE		574	189	90	289	6
WHITE FEMALE		582	231	139	198	14
BLACK FEMALE		4,496	3,805	97	568	26
HISPANIC FEMALE		9,034	3,772	2,076	3,072	114
OTHER FEMALE		653	323	81	241	8
SEX UNSPECIFIED		1,145	431	111	597	6
AGE 18-25		3,063	1,526	225	1,249	63
AGE 26-30		2,707	1,361	251	1,055	40
AGE 31-35		2,771	1,465	310	962	34
AGE 36-40		2,255	1,201	264	763	27
AGE 41-45		1,845	976	248	593	28
AGE 46-50		1,729	900	283	518	28
AGE 51-55		1,844	969	313	547	15
AGE 56-60		2,275	1,220	434	593	28
AGE 61-65		2,264	1,294	391	559	20
AGE 66- Up		7,364	3,550	2,157	1,618	39
TOTAL		28,118	14,462	4,877	8,457	322

Christina White

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 12					
District						
WHITE		10,682	4,273	2,079	4,111	219
BLACK		6,049	4,472	186	1,310	81
HISPANIC		12,430	4,996	2,153	5,089	192
OTHER		3,431	1,325	370	1,670	66
WHITE MALE		5,878	2,114	1,249	2,381	134
BLACK MALE		2,982	2,041	123	773	45
HISPANIC MALE		5,843	2,207	1,066	2,479	91
OTHER MALE		1,420	492	187	706	35
WHITE FEMALE		4,670	2,106	809	1,673	82
BLACK FEMALE		2,986	2,370	60	521	35
HISPANIC FEMALE		6,376	2,698	1,059	2,519	100
OTHER FEMALE		1,347	613	134	582	18
SEX UNSPECIFIED		1,089	425	101	545	18
AGE 18-25		2,414	1,012	272	1,060	70
AGE 26-30		4,090	1,723	611	1,690	66
AGE 31-35		5,086	2,185	693	2,109	99
AGE 36-40		4,203	1,760	586	1,777	80
AGE 41-45		3,176	1,428	372	1,318	58
AGE 46-50		2,703	1,153	389	1,109	52
AGE 51-55		2,433	1,142	373	880	38
AGE 56-60		2,236	1,081	394	731	30
AGE 61-65		1,788	928	288	548	24
AGE 66- Up		4,463	2,654	810	958	41
TOTAL		32,592	15,066	4,788	12,180	558

Christina White

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	DEM Exec Comm 13					
District						
WHITE		16,321	4,448	5,522	6,082	269
BLACK		786	458	55	252	21
HISPANIC		9,179	2,788	2,128	4,125	138
OTHER		2,992	689	653	1,596	54
WHITE MALE		7,734	1,721	2,805	3,075	133
BLACK MALE		395	209	38	134	14
HISPANIC MALE		3,850	1,036	969	1,782	63
OTHER MALE		1,135	229	293	596	17
WHITE FEMALE		8,316	2,657	2,634	2,890	135
BLACK FEMALE		383	242	17	117	7
HISPANIC FEMALE		5,111	1,678	1,130	2,230	73
OTHER FEMALE		1,246	355	247	616	28
SEX UNSPECIFIED		1,105	256	225	613	11
AGE 18-25		1,977	548	475	892	62
AGE 26-30		1,444	418	300	690	36
AGE 31-35		1,720	473	380	833	34
AGE 36-40		1,965	517	469	945	34
AGE 41-45		2,147	489	524	1,092	42
AGE 46-50		2,377	596	614	1,129	38
AGE 51-55		2,490	597	730	1,126	37
AGE 56-60		2,543	705	760	1,029	49
AGE 61-65		2,514	707	787	989	31
AGE 66- Up		10,101	3,333	3,319	3,330	119
TOTAL		29,278	8,383	8,358	12,055	482

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 14					
District						
WHITE		8,167	3,048	2,387	2,636	96
BLACK		4,427	3,236	167	974	50
HISPANIC		9,404	3,805	1,790	3,685	124
OTHER		2,799	915	437	1,408	39
WHITE MALE		4,044	1,341	1,289	1,362	52
BLACK MALE		1,857	1,276	91	466	24
HISPANIC MALE		4,030	1,461	875	1,648	46
OTHER MALE		1,058	312	208	519	19
WHITE FEMALE		3,998	1,660	1,068	1,228	42
BLACK FEMALE		2,474	1,892	73	483	26
HISPANIC FEMALE		5,166	2,257	885	1,946	78
OTHER FEMALE		1,119	449	152	506	12
SEX UNSPECIFIED		1,051	356	140	545	10
AGE 18-25		2,642	1,072	439	1,069	62
AGE 26-30		2,164	889	361	879	35
AGE 31-35		2,261	934	435	864	28
AGE 36-40		2,030	854	355	789	32
AGE 41-45		1,890	695	347	827	21
AGE 46-50		1,813	734	328	734	17
AGE 51-55		1,938	773	397	746	22
AGE 56-60		2,053	943	400	689	21
AGE 61-65		2,112	1,036	425	628	23
AGE 66- Up		5,893	3,074	1,293	1,478	48
TOTAL		24,797	11,004	4,781	8,703	309

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 15					
WHITE		15,488	5,340	4,542	5,274	332
BLACK		1,475	968	78	398	31
HISPANIC		11,092	3,829	2,681	4,394	188
OTHER		2,973	886	579	1,452	56
WHITE MALE		7,476	2,204	2,396	2,708	168
BLACK MALE		696	409	44	222	21
HISPANIC MALE		4,695	1,491	1,255	1,873	76
OTHER MALE		1,094	310	244	519	21
WHITE FEMALE		7,805	3,078	2,097	2,470	160
BLACK FEMALE		757	545	34	168	10
HISPANIC FEMALE		6,147	2,255	1,378	2,403	111
OTHER FEMALE		1,263	448	221	569	25
SEX UNSPECIFIED		1,094	283	211	585	15
AGE 18-25		2,449	758	529	1,093	69
AGE 26-30		1,794	610	382	746	56
AGE 31-35		2,090	720	468	849	53
AGE 36-40		2,225	722	495	962	46
AGE 41-45		2,267	735	489	997	46
AGE 46-50		2,658	860	630	1,106	62
AGE 51-55		2,752	913	657	1,142	40
AGE 56-60		2,818	964	757	1,037	60
AGE 61-65		2,698	948	760	949	41
AGE 66- Up		9,276	3,793	2,713	2,636	134
TOTAL		31,028	11,023	7,880	11,518	607

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 16					
WHITE		11,657	4,779	2,688	3,985	205
BLACK		947	599	49	277	22
HISPANIC		10,618	3,936	2,603	3,911	168
OTHER		2,591	877	430	1,233	51
WHITE MALE		6,194	2,252	1,561	2,275	106
BLACK MALE		497	286	37	161	13
HISPANIC MALE		4,796	1,652	1,261	1,809	74
OTHER MALE		981	308	181	473	19
WHITE FEMALE		5,280	2,449	1,096	1,639	96
BLACK FEMALE		439	304	12	114	9
HISPANIC FEMALE		5,610	2,208	1,310	2,000	92
OTHER FEMALE		1,038	409	155	453	21
SEX UNSPECIFIED		977	322	157	482	16
AGE 18-25		2,094	798	413	826	57
AGE 26-30		1,871	695	382	742	52
AGE 31-35		2,263	895	428	894	46
AGE 36-40		2,400	864	482	1,008	46
AGE 41-45		2,314	853	413	1,000	48
AGE 46-50		2,354	846	468	997	43
AGE 51-55		2,446	913	527	972	34
AGE 56-60		2,473	1,019	588	828	38
AGE 61-65		2,050	887	456	672	35
AGE 66- Up		5,548	2,421	1,613	1,467	47
TOTAL		25,813	10,191	5,770	9,406	446

Christina White

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 17					
WHITE		2,885	1,061	851	909	64
BLACK		317	181	36	93	7
HISPANIC		22,741	6,100	8,886	7,376	379
OTHER		1,756	480	376	871	29
WHITE MALE		1,457	480	438	504	35
BLACK MALE		164	83	16	63	2
HISPANIC MALE		9,817	2,417	3,935	3,281	184
OTHER MALE		570	169	129	261	11
WHITE FEMALE		1,399	567	406	397	29
BLACK FEMALE		148	93	20	30	5
HISPANIC FEMALE		12,484	3,549	4,824	3,920	191
OTHER FEMALE		623	197	146	270	10
SEX UNSPECIFIED		1,036	267	235	522	12
AGE 18-25		2,336	756	511	991	78
AGE 26-30		1,893	634	410	805	44
AGE 31-35		2,155	736	477	900	42
AGE 36-40		2,087	678	486	881	42
AGE 41-45		1,689	518	427	714	30
AGE 46-50		1,929	516	647	714	52
AGE 51-55		2,211	596	794	775	46
AGE 56-60		2,545	681	990	835	39
AGE 61-65		2,219	651	894	644	30
AGE 66- Up		8,635	2,056	4,513	1,990	76
TOTAL		27,699	7,822	10,149	9,249	479

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 18					
WHITE		1,968	720	532	687	29
BLACK		988	619	70	286	13
HISPANIC		20,477	6,611	6,640	6,953	273
OTHER		1,668	528	288	834	18
WHITE MALE		1,069	346	319	385	19
BLACK MALE		512	295	40	168	9
HISPANIC MALE		8,828	2,651	2,961	3,109	107
OTHER MALE		522	169	105	240	8
WHITE FEMALE		879	366	207	296	10
BLACK FEMALE		462	317	28	113	4
HISPANIC FEMALE		11,211	3,801	3,573	3,674	163
OTHER FEMALE		556	210	97	244	5
SEX UNSPECIFIED		1,060	322	200	530	8
AGE 18-25		2,400	917	345	1,077	61
AGE 26-30		2,291	859	371	1,016	45
AGE 31-35		2,132	782	361	949	40
AGE 36-40		1,700	641	341	691	27
AGE 41-45		1,383	480	304	576	23
AGE 46-50		1,459	482	378	580	19
AGE 51-55		1,496	527	428	522	19
AGE 56-60		1,955	635	626	668	26
AGE 61-65		1,937	695	605	618	19
AGE 66- Up		8,348	2,460	3,771	2,063	54
TOTAL		25,101	8,478	7,530	8,760	333

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 19					
District						
WHITE		11,232	3,615	3,017	4,355	245
BLACK		1,328	800	90	409	29
HISPANIC		16,722	5,075	4,703	6,661	283
OTHER		3,564	1,164	559	1,773	68
WHITE MALE		6,365	1,717	1,901	2,604	143
BLACK MALE		757	409	49	279	20
HISPANIC MALE		7,607	2,094	2,258	3,109	146
OTHER MALE		1,463	414	262	756	31
WHITE FEMALE		4,733	1,838	1,095	1,701	99
BLACK FEMALE		546	377	38	122	9
HISPANIC FEMALE		8,804	2,886	2,375	3,408	135
OTHER FEMALE		1,406	557	213	610	26
SEX UNSPECIFIED		1,164	361	178	609	16
AGE 18-25		2,642	901	556	1,115	70
AGE 26-30		4,544	1,629	966	1,842	107
AGE 31-35		4,844	1,652	981	2,112	99
AGE 36-40		3,679	1,174	765	1,677	63
AGE 41-45		2,732	895	582	1,192	63
AGE 46-50		2,425	717	560	1,102	46
AGE 51-55		2,427	700	630	1,053	44
AGE 56-60		2,428	717	733	937	41
AGE 61-65		1,858	594	537	695	32
AGE 66- Up		5,267	1,675	2,059	1,473	60
TOTAL		32,846	10,654	8,369	13,198	625

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 20					
District						
WHITE		14,152	5,197	3,223	5,438	294
BLACK		1,044	616	72	339	17
HISPANIC		10,811	3,792	2,973	3,885	161
OTHER		3,160	1,042	518	1,543	57
WHITE MALE		7,990	2,662	1,961	3,183	184
BLACK MALE		619	334	49	224	12
HISPANIC MALE		5,005	1,736	1,333	1,851	85
OTHER MALE		1,384	450	235	669	30
WHITE FEMALE		5,967	2,468	1,224	2,167	108
BLACK FEMALE		411	272	23	111	5
HISPANIC FEMALE		5,599	1,973	1,599	1,951	76
OTHER FEMALE		1,200	433	217	533	17
SEX UNSPECIFIED		991	319	145	515	12
AGE 18-25		1,265	463	246	519	37
AGE 26-30		1,795	684	291	785	35
AGE 31-35		2,495	941	436	1,056	62
AGE 36-40		2,889	1,067	456	1,317	49
AGE 41-45		2,720	927	488	1,253	52
AGE 46-50		2,556	908	484	1,123	41
AGE 51-55		2,709	1,010	523	1,129	47
AGE 56-60		2,597	956	623	966	52
AGE 61-65		2,356	885	596	835	40
AGE 66- Up		7,785	2,806	2,643	2,222	114
TOTAL		29,167	10,647	6,786	11,205	529

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 21					
WHITE		3,399	1,185	1,314	844	56
BLACK		242	137	20	81	4
HISPANIC		23,148	5,337	10,258	7,201	352
OTHER		1,963	506	546	877	34
WHITE MALE		1,668	515	672	452	29
BLACK MALE		137	79	10	46	2
HISPANIC MALE		10,095	2,114	4,618	3,190	173
OTHER MALE		541	143	163	224	11
WHITE FEMALE		1,701	665	630	379	27
BLACK FEMALE		102	58	9	33	2
HISPANIC FEMALE		12,517	3,084	5,476	3,784	173
OTHER FEMALE		570	178	162	218	12
SEX UNSPECIFIED		1,418	328	396	677	17
AGE 18-25		2,598	696	680	1,141	81
AGE 26-30		1,785	501	488	753	43
AGE 31-35		1,990	513	656	781	40
AGE 36-40		1,941	501	652	742	46
AGE 41-45		1,726	401	595	700	30
AGE 46-50		2,010	475	766	730	39
AGE 51-55		2,232	514	951	722	45
AGE 56-60		2,749	671	1,227	811	40
AGE 61-65		2,471	702	1,105	636	28
AGE 66- Up		9,249	2,191	5,018	1,986	54
TOTAL		28,752	7,165	12,138	9,003	446

Christina White

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Miami-Dade County, FL

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 22					
WHITE		1,641	518	582	512	29
BLACK		278	161	36	79	2
HISPANIC		23,477	5,963	8,968	8,150	396
OTHER		1,819	455	419	928	17
WHITE MALE		794	212	306	260	16
BLACK MALE		141	75	21	44	1
HISPANIC MALE		10,031	2,410	3,917	3,533	171
OTHER MALE		513	123	130	253	7
WHITE FEMALE		825	300	270	244	11
BLACK FEMALE		133	84	14	34	1
HISPANIC FEMALE		12,934	3,413	4,907	4,394	220
OTHER FEMALE		604	175	150	275	4
SEX UNSPECIFIED		1,239	305	290	631	13
AGE 18-25		2,424	779	535	1,042	68
AGE 26-30		1,934	580	467	845	42
AGE 31-35		2,274	649	633	934	58
AGE 36-40		2,042	517	595	888	42
AGE 41-45		1,783	443	555	750	35
AGE 46-50		2,005	449	714	807	35
AGE 51-55		2,315	533	878	863	41
AGE 56-60		2,576	633	1,015	890	38
AGE 61-65		2,230	643	857	705	25
AGE 66- Up		7,632	1,871	3,756	1,945	60
TOTAL		27,215	7,097	10,005	9,669	444

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 23					
District						
WHITE		1,930	577	773	547	33
BLACK		268	138	23	104	3
HISPANIC		23,180	5,423	10,200	7,197	360
OTHER		1,520	377	413	710	20
WHITE MALE		928	259	380	275	14
BLACK MALE		149	64	9	74	2
HISPANIC MALE		9,933	2,162	4,427	3,175	169
OTHER MALE		426	86	149	185	6
WHITE FEMALE		985	316	386	265	18
BLACK FEMALE		112	68	14	29	1
HISPANIC FEMALE		12,762	3,114	5,618	3,840	190
OTHER FEMALE		535	166	132	229	8
SEX UNSPECIFIED		1,066	280	292	486	8
AGE 18-25		2,135	604	548	920	63
AGE 26-30		1,746	489	458	751	48
AGE 31-35		2,084	573	625	845	41
AGE 36-40		1,942	477	655	775	35
AGE 41-45		1,567	395	489	649	34
AGE 46-50		1,808	414	722	640	32
AGE 51-55		2,058	468	879	687	24
AGE 56-60		2,532	584	1,141	767	40
AGE 61-65		2,135	542	974	590	29
AGE 66- Up		8,891	1,969	4,918	1,934	70
TOTAL		26,898	6,515	11,409	8,558	416

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 24					
WHITE		6,674	2,759	2,017	1,787	111
BLACK		240	130	14	94	2
HISPANIC		16,606	4,280	6,968	5,108	250
OTHER		1,652	526	322	767	37
WHITE MALE		3,292	1,202	1,033	997	60
BLACK MALE		121	52	7	60	2
HISPANIC MALE		7,108	1,662	2,975	2,350	121
OTHER MALE		552	177	114	246	15
WHITE FEMALE		3,338	1,537	978	772	51
BLACK FEMALE		116	76	7	33	0
HISPANIC FEMALE		9,228	2,537	3,920	2,645	126
OTHER FEMALE		678	244	141	282	11
SEX UNSPECIFIED		738	208	146	370	14
AGE 18-25		1,996	694	511	744	47
AGE 26-30		1,649	561	438	604	46
AGE 31-35		2,127	729	586	765	47
AGE 36-40		2,054	672	564	781	37
AGE 41-45		1,919	621	509	757	32
AGE 46-50		1,984	549	658	742	35
AGE 51-55		1,997	532	746	693	26
AGE 56-60		2,269	562	1,015	667	25
AGE 61-65		2,075	633	877	535	30
AGE 66- Up		7,102	2,142	3,417	1,468	75
TOTAL		25,172	7,695	9,321	7,756	400

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 25					
WHITE		12,119	5,088	2,808	4,005	218
BLACK		1,886	1,518	61	289	18
HISPANIC		12,086	3,344	3,535	5,009	198
OTHER		2,463	830	336	1,257	40
WHITE MALE		5,971	2,150	1,544	2,175	102
BLACK MALE		829	619	29	168	13
HISPANIC MALE		5,238	1,242	1,685	2,225	86
OTHER MALE		850	256	129	446	19
WHITE FEMALE		5,999	2,879	1,243	1,762	115
BLACK FEMALE		1,029	877	32	115	5
HISPANIC FEMALE		6,618	2,046	1,802	2,659	111
OTHER FEMALE		1,027	403	146	462	16
SEX UNSPECIFIED		993	308	130	548	7
AGE 18-25		2,527	967	497	989	74
AGE 26-30		1,942	786	378	733	45
AGE 31-35		2,254	931	393	891	39
AGE 36-40		2,366	914	419	997	36
AGE 41-45		2,240	783	401	1,011	45
AGE 46-50		2,357	719	504	1,097	37
AGE 51-55		2,579	820	618	1,099	42
AGE 56-60		2,564	869	675	980	40
AGE 61-65		2,403	914	631	825	33
AGE 66- Up		7,321	3,077	2,224	1,937	83
TOTAL		28,554	10,780	6,740	10,560	474

Christina White

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 26					
	WHITE	9,313	3,780	2,654	2,720	159
	BLACK	574	359	27	179	9
	HISPANIC	14,250	3,755	5,599	4,646	250
	OTHER	2,589	870	437	1,246	36
	WHITE MALE	4,410	1,497	1,417	1,407	89
	BLACK MALE	231	121	20	85	5
	HISPANIC MALE	6,107	1,387	2,488	2,121	111
	OTHER MALE	818	232	180	390	16
	WHITE FEMALE	4,614	2,163	1,178	1,208	65
	BLACK FEMALE	299	204	6	86	3
	HISPANIC FEMALE	7,874	2,290	3,029	2,417	138
	OTHER FEMALE	950	390	160	385	15
	SEX UNSPECIFIED	1,423	480	239	692	12
	AGE 18-25	4,381	1,683	985	1,625	88
	AGE 26-30	2,250	839	547	807	57
	AGE 31-35	2,136	796	487	806	47
	AGE 36-40	2,053	676	506	824	47
	AGE 41-45	1,862	550	533	747	32
	AGE 46-50	1,969	564	579	787	39
	AGE 51-55	2,132	577	800	727	28
	AGE 56-60	2,122	591	848	647	36
	AGE 61-65	1,867	603	738	496	30
	AGE 66- Up	5,953	1,885	2,694	1,324	50
	TOTAL	26,726	8,764	8,717	8,791	454

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 27					
WHITE		11,314	4,656	3,690	2,819	149
BLACK		449	265	28	144	12
HISPANIC		12,618	2,841	5,564	3,984	229
OTHER		2,323	723	466	1,087	47
WHITE MALE		5,490	1,897	1,941	1,576	76
BLACK MALE		218	115	14	81	8
HISPANIC MALE		5,548	1,012	2,566	1,873	97
OTHER MALE		879	244	207	410	18
WHITE FEMALE		5,675	2,707	1,709	1,188	71
BLACK FEMALE		225	149	13	59	4
HISPANIC FEMALE		6,835	1,768	2,927	2,008	132
OTHER FEMALE		976	362	177	414	23
SEX UNSPECIFIED		857	231	194	424	8
AGE 18-25		3,159	994	988	1,075	102
AGE 26-30		1,961	682	588	631	60
AGE 31-35		1,753	595	513	617	28
AGE 36-40		1,846	585	519	716	26
AGE 41-45		1,924	583	589	714	38
AGE 46-50		2,198	581	790	792	35
AGE 51-55		2,451	620	967	825	39
AGE 56-60		2,516	625	1,149	717	25
AGE 61-65		2,258	676	981	571	30
AGE 66- Up		6,638	2,544	2,664	1,376	54
TOTAL		26,704	8,485	9,748	8,034	437

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 28					
WHITE		7,901	3,359	2,332	2,075	135
BLACK		1,645	1,269	60	307	9
HISPANIC		14,593	3,782	5,910	4,632	269
OTHER		2,074	722	405	928	19
WHITE MALE		3,863	1,377	1,240	1,165	81
BLACK MALE		726	520	39	162	5
HISPANIC MALE		6,215	1,436	2,608	2,062	109
OTHER MALE		702	224	157	312	9
WHITE FEMALE		3,918	1,923	1,074	870	51
BLACK FEMALE		897	732	20	141	4
HISPANIC FEMALE		8,096	2,276	3,226	2,437	157
OTHER FEMALE		908	377	163	362	6
SEX UNSPECIFIED		887	266	180	431	10
AGE 18-25		2,805	1,019	745	959	82
AGE 26-30		2,311	873	598	795	45
AGE 31-35		2,263	853	544	809	57
AGE 36-40		2,090	737	572	752	29
AGE 41-45		2,047	699	574	732	42
AGE 46-50		2,011	557	654	757	43
AGE 51-55		2,135	659	797	647	32
AGE 56-60		2,224	676	913	611	24
AGE 61-65		2,054	718	779	534	23
AGE 66- Up		6,273	2,341	2,531	1,346	55
TOTAL		26,213	9,132	8,707	7,942	432

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 29				
	WHITE	5,341	2,075	1,875	1,317	74
	BLACK	560	347	37	167	9
	HISPANIC	17,914	4,599	7,236	5,792	287
	OTHER	1,819	589	418	773	39
	WHITE MALE	2,474	832	919	685	38
	BLACK MALE	245	132	17	93	3
	HISPANIC MALE	7,426	1,738	3,117	2,443	128
	OTHER MALE	627	198	153	262	14
	WHITE FEMALE	2,814	1,223	941	615	35
	BLACK FEMALE	311	212	20	73	6
	HISPANIC FEMALE	10,167	2,764	4,033	3,212	158
	OTHER FEMALE	773	301	167	288	17
	SEX UNSPECIFIED	794	209	199	376	10
	AGE 18-25	2,388	749	720	836	83
	AGE 26-30	1,891	598	549	695	49
	AGE 31-35	2,003	620	585	756	42
	AGE 36-40	1,932	571	604	719	38
	AGE 41-45	1,835	488	614	708	25
	AGE 46-50	1,904	483	722	672	27
	AGE 51-55	2,042	474	864	677	27
	AGE 56-60	2,265	587	1,016	634	28
	AGE 61-65	2,162	658	884	594	26
	AGE 66- Up	7,212	2,382	3,008	1,758	64
	TOTAL	25,634	7,610	9,566	8,049	409

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 30				
	WHITE	8,288	3,394	2,840	1,926	128
	BLACK	1,244	896	69	261	18
	HISPANIC	15,431	3,861	6,421	4,881	268
	OTHER	2,276	766	473	1,001	36
	WHITE MALE	4,010	1,376	1,518	1,052	64
	BLACK MALE	544	362	42	130	10
	HISPANIC MALE	6,758	1,479	2,949	2,213	117
	OTHER MALE	866	269	198	386	13
	WHITE FEMALE	4,224	1,996	1,307	858	63
	BLACK FEMALE	683	523	27	125	8
	HISPANIC FEMALE	8,446	2,324	3,393	2,581	148
	OTHER FEMALE	951	384	186	368	13
	SEX UNSPECIFIED	756	204	182	356	14
	AGE 18-25	2,790	858	860	967	105
	AGE 26-30	1,873	634	534	671	34
	AGE 31-35	1,955	663	591	665	36
	AGE 36-40	2,118	617	691	764	46
	AGE 41-45	2,107	608	733	726	40
	AGE 46-50	2,269	570	905	758	36
	AGE 51-55	2,345	579	975	756	35
	AGE 56-60	2,654	721	1,124	776	33
	AGE 61-65	2,355	785	972	567	31
	AGE 66- Up	6,773	2,882	2,418	1,419	54
	TOTAL	27,239	8,917	9,803	8,069	450

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 31					
WHITE		11,264	4,302	3,991	2,790	181
BLACK		1,518	1,136	76	290	16
HISPANIC		11,928	3,135	4,676	3,873	244
OTHER		2,664	947	496	1,178	43
WHITE MALE		5,553	1,770	2,156	1,534	93
BLACK MALE		700	482	45	164	9
HISPANIC MALE		5,284	1,194	2,192	1,784	114
OTHER MALE		987	320	213	439	15
WHITE FEMALE		5,575	2,477	1,795	1,215	88
BLACK FEMALE		792	641	30	115	6
HISPANIC FEMALE		6,422	1,865	2,409	2,018	130
OTHER FEMALE		1,179	507	195	456	21
SEX UNSPECIFIED		880	263	204	405	8
AGE 18-25		3,119	1,095	848	1,062	114
AGE 26-30		1,940	697	492	700	51
AGE 31-35		2,051	661	634	717	39
AGE 36-40		2,222	727	656	800	39
AGE 41-45		2,250	730	678	805	37
AGE 46-50		2,338	697	803	795	43
AGE 51-55		2,566	758	1,018	752	38
AGE 56-60		2,617	767	1,097	711	42
AGE 61-65		2,358	877	899	550	32
AGE 66- Up		5,912	2,511	2,114	1,238	49
TOTAL		27,374	9,520	9,239	8,131	484

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 32				
	WHITE	4,357	1,482	1,466	1,329	80
	BLACK	4,608	3,545	165	853	45
	HISPANIC	16,280	4,552	5,328	6,064	336
	OTHER	2,273	868	349	1,019	37
	WHITE MALE	2,127	596	792	700	39
	BLACK MALE	1,922	1,387	89	431	15
	HISPANIC MALE	7,038	1,697	2,542	2,655	144
	OTHER MALE	780	279	136	345	20
	WHITE FEMALE	2,168	867	658	602	41
	BLACK FEMALE	2,614	2,108	71	406	29
	HISPANIC FEMALE	8,927	2,765	2,703	3,270	189
	OTHER FEMALE	956	421	132	388	15
	SEX UNSPECIFIED	985	327	184	468	6
	AGE 18-25	3,200	1,247	555	1,302	96
	AGE 26-30	2,279	849	492	882	56
	AGE 31-35	2,748	1,029	666	990	63
	AGE 36-40	2,776	976	696	1,057	47
	AGE 41-45	2,600	925	630	994	51
	AGE 46-50	2,524	863	758	853	50
	AGE 51-55	2,407	850	709	815	33
	AGE 56-60	2,355	901	720	701	33
	AGE 61-65	1,926	824	586	493	23
	AGE 66- Up	4,703	1,983	1,496	1,178	46
	TOTAL	27,518	10,447	7,308	9,265	498

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 33				
	WHITE	6,954	1,942	3,033	1,848	131
	BLACK	1,888	1,359	96	409	24
	HISPANIC	15,711	4,107	5,924	5,408	272
	OTHER	1,949	579	450	900	20
	WHITE MALE	3,514	858	1,619	967	70
	BLACK MALE	899	595	54	234	16
	HISPANIC MALE	7,138	1,650	2,908	2,462	118
	OTHER MALE	667	205	164	288	10
	WHITE FEMALE	3,359	1,067	1,384	850	58
	BLACK FEMALE	970	750	42	170	8
	HISPANIC FEMALE	8,286	2,368	2,939	2,826	153
	OTHER FEMALE	746	267	182	291	6
	SEX UNSPECIFIED	922	227	210	477	8
	AGE 18-25	3,268	994	813	1,380	81
	AGE 26-30	2,128	668	497	911	52
	AGE 31-35	2,180	674	632	826	48
	AGE 36-40	2,125	583	708	793	41
	AGE 41-45	1,932	516	661	727	28
	AGE 46-50	2,250	576	900	730	44
	AGE 51-55	2,461	602	1,004	816	39
	AGE 56-60	2,549	726	1,085	688	50
	AGE 61-65	2,103	666	871	542	24
	AGE 66- Up	5,505	1,982	2,332	1,151	40
	TOTAL	26,502	7,987	9,503	8,565	447

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 34					
WHITE		1,985	673	642	640	30
BLACK		6,095	4,656	190	1,181	68
HISPANIC		16,452	5,566	4,401	6,246	239
OTHER		1,971	676	292	985	18
WHITE MALE		933	265	341	306	21
BLACK MALE		2,507	1,794	98	585	30
HISPANIC MALE		7,000	2,110	2,071	2,712	107
OTHER MALE		540	195	116	222	7
WHITE FEMALE		1,029	402	297	321	9
BLACK FEMALE		3,485	2,780	88	579	38
HISPANIC FEMALE		9,058	3,305	2,234	3,391	128
OTHER FEMALE		697	316	91	283	7
SEX UNSPECIFIED		1,253	403	189	653	8
AGE 18-25		3,899	1,648	448	1,725	78
AGE 26-30		2,671	1,157	366	1,122	26
AGE 31-35		2,693	1,125	459	1,063	46
AGE 36-40		2,430	1,019	460	908	43
AGE 41-45		2,111	884	419	782	26
AGE 46-50		2,036	895	490	617	34
AGE 51-55		2,076	906	543	604	23
AGE 56-60		2,093	910	535	620	28
AGE 61-65		1,764	835	421	490	18
AGE 66- Up		4,730	2,192	1,384	1,121	33
TOTAL		26,503	11,571	5,525	9,052	355

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 35					
WHITE		2,548	1,007	784	721	36
BLACK		8,862	7,246	241	1,312	63
HISPANIC		12,611	3,706	3,947	4,729	229
OTHER		2,461	1,039	305	1,095	22
WHITE MALE		1,238	392	455	368	23
BLACK MALE		3,767	2,892	139	700	36
HISPANIC MALE		5,489	1,464	1,876	2,063	86
OTHER MALE		842	317	121	394	10
WHITE FEMALE		1,284	604	323	344	13
BLACK FEMALE		4,945	4,239	99	581	26
HISPANIC FEMALE		6,826	2,141	2,006	2,539	140
OTHER FEMALE		1,033	541	119	366	7
SEX UNSPECIFIED		1,057	407	139	502	9
AGE 18-25		3,021	1,394	470	1,085	72
AGE 26-30		2,263	1,039	328	855	41
AGE 31-35		2,545	1,123	515	866	41
AGE 36-40		2,303	1,009	442	819	33
AGE 41-45		2,005	890	407	673	35
AGE 46-50		2,215	932	518	731	34
AGE 51-55		2,294	1,034	554	665	41
AGE 56-60		2,378	1,141	596	621	20
AGE 61-65		2,117	1,186	407	511	13
AGE 66- Up		5,340	3,249	1,040	1,031	20
TOTAL		26,482	12,998	5,277	7,857	350

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 36					
WHITE		2,627	801	1,004	773	49
BLACK		1,767	1,281	67	398	21
HISPANIC		21,228	5,519	7,741	7,555	413
OTHER		2,174	692	438	1,008	36
WHITE MALE		1,281	324	535	399	23
BLACK MALE		800	521	41	225	13
HISPANIC MALE		9,419	2,208	3,706	3,331	174
OTHER MALE		718	235	159	308	16
WHITE FEMALE		1,318	468	461	364	25
BLACK FEMALE		938	737	26	167	8
HISPANIC FEMALE		11,334	3,172	3,910	4,017	235
OTHER FEMALE		814	324	152	327	11
SEX UNSPECIFIED		1,171	303	260	594	14
AGE 18-25		3,341	1,042	766	1,415	118
AGE 26-30		2,220	693	525	952	50
AGE 31-35		2,374	724	682	923	45
AGE 36-40		2,243	597	694	900	52
AGE 41-45		2,125	604	656	822	43
AGE 46-50		2,488	611	915	913	49
AGE 51-55		2,602	702	1,013	845	42
AGE 56-60		2,890	766	1,129	947	48
AGE 61-65		2,206	728	783	670	25
AGE 66- Up		5,306	1,826	2,087	1,346	47
TOTAL		27,796	8,293	9,250	9,734	519

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 37					
WHITE		1,633	597	544	464	28
BLACK		6,756	5,424	182	1,104	46
HISPANIC		14,680	4,171	5,111	5,178	220
OTHER		2,062	816	319	907	20
WHITE MALE		784	240	278	254	12
BLACK MALE		2,806	2,129	94	561	22
HISPANIC MALE		6,377	1,643	2,402	2,239	93
OTHER MALE		650	270	93	280	7
WHITE FEMALE		833	352	259	206	16
BLACK FEMALE		3,814	3,186	86	519	23
HISPANIC FEMALE		7,923	2,412	2,627	2,762	122
OTHER FEMALE		795	377	122	288	8
SEX UNSPECIFIED		1,146	398	195	542	11
AGE 18-25		2,853	1,203	439	1,138	73
AGE 26-30		2,006	902	329	742	33
AGE 31-35		2,310	1,005	466	811	28
AGE 36-40		2,069	879	475	681	34
AGE 41-45		1,793	725	415	627	26
AGE 46-50		1,870	703	511	618	38
AGE 51-55		2,002	825	541	615	21
AGE 56-60		2,189	946	611	616	16
AGE 61-65		1,978	981	481	494	22
AGE 66- Up		6,061	2,839	1,888	1,311	23
TOTAL		25,131	11,008	6,156	7,653	314

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	DEM Exec Comm 38					
District						
WHITE		4,381	1,285	1,586	1,425	85
BLACK		7,628	5,801	222	1,523	82
HISPANIC		14,749	4,790	3,967	5,731	261
OTHER		2,092	749	288	1,031	24
WHITE MALE		2,098	497	842	715	44
BLACK MALE		3,049	2,159	123	721	46
HISPANIC MALE		6,390	1,816	1,899	2,562	113
OTHER MALE		618	231	122	259	6
WHITE FEMALE		2,247	780	734	693	40
BLACK FEMALE		4,457	3,558	97	766	36
HISPANIC FEMALE		8,066	2,860	2,014	3,044	148
OTHER FEMALE		838	366	114	344	14
SEX UNSPECIFIED		1,087	358	118	606	5
AGE 18-25		3,989	1,695	469	1,735	90
AGE 26-30		2,916	1,238	478	1,143	57
AGE 31-35		3,237	1,373	618	1,193	53
AGE 36-40		3,037	1,239	639	1,103	56
AGE 41-45		2,720	1,160	565	952	43
AGE 46-50		2,504	1,058	540	877	29
AGE 51-55		2,178	892	600	647	39
AGE 56-60		2,149	1,021	541	562	25
AGE 61-65		1,787	845	432	484	26
AGE 66- Up		4,332	2,104	1,181	1,013	34
TOTAL		28,850	12,625	6,063	9,710	452

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 39					
WHITE		2,709	783	944	919	63
BLACK		5,955	4,430	213	1,240	72
HISPANIC		20,421	5,972	6,013	8,017	419
OTHER		2,348	812	367	1,123	46
WHITE MALE		1,316	312	524	448	32
BLACK MALE		2,582	1,781	131	630	40
HISPANIC MALE		9,194	2,344	3,021	3,643	186
OTHER MALE		759	258	141	340	20
WHITE FEMALE		1,363	465	412	455	31
BLACK FEMALE		3,267	2,575	78	582	32
HISPANIC FEMALE		10,817	3,482	2,914	4,190	231
OTHER FEMALE		933	391	138	388	16
SEX UNSPECIFIED		1,197	384	178	623	12
AGE 18-25		4,311	1,667	686	1,842	116
AGE 26-30		2,829	1,076	485	1,204	64
AGE 31-35		3,459	1,200	790	1,402	67
AGE 36-40		3,622	1,242	874	1,422	84
AGE 41-45		3,419	1,279	825	1,257	58
AGE 46-50		3,146	1,101	824	1,149	72
AGE 51-55		2,704	1,020	769	865	50
AGE 56-60		2,384	972	674	705	33
AGE 61-65		1,723	738	470	493	22
AGE 66- Up		3,834	1,702	1,139	959	34
TOTAL		31,433	11,997	7,537	11,299	600

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 40					
WHITE		2,390	666	1,033	661	30
BLACK		127	63	18	44	2
HISPANIC		23,911	5,060	11,205	7,274	372
OTHER		1,637	373	470	770	24
WHITE MALE		1,175	297	512	351	15
BLACK MALE		67	24	11	30	2
HISPANIC MALE		10,216	2,022	4,844	3,186	164
OTHER MALE		456	119	126	199	12
WHITE FEMALE		1,198	363	516	304	15
BLACK FEMALE		58	37	7	14	0
HISPANIC FEMALE		13,259	2,912	6,223	3,918	206
OTHER FEMALE		571	134	201	229	7
SEX UNSPECIFIED		1,063	253	286	517	7
AGE 18-25		2,572	675	769	1,040	88
AGE 26-30		1,828	512	532	748	36
AGE 31-35		1,897	494	586	776	41
AGE 36-40		1,888	448	663	737	40
AGE 41-45		1,808	422	673	694	19
AGE 46-50		2,016	385	868	719	44
AGE 51-55		2,278	411	1,094	727	46
AGE 56-60		2,708	552	1,310	800	46
AGE 61-65		2,194	467	1,091	615	21
AGE 66- Up		8,876	1,796	5,140	1,893	47
TOTAL		28,065	6,162	12,726	8,749	428

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	DEM Exec Comm 41					
	WHITE	3,311	1,071	1,396	799	45
	BLACK	151	78	17	54	2
	HISPANIC	23,691	4,594	11,967	6,764	366
	OTHER	1,631	332	517	757	25
	WHITE MALE	1,682	491	712	452	27
	BLACK MALE	75	35	7	32	1
	HISPANIC MALE	10,212	1,725	5,289	3,025	173
	OTHER MALE	479	100	162	209	8
	WHITE FEMALE	1,598	571	671	338	18
	BLACK FEMALE	74	42	10	21	1
	HISPANIC FEMALE	13,019	2,747	6,514	3,570	188
	OTHER FEMALE	557	131	189	227	10
	SEX UNSPECIFIED	1,087	233	343	499	12
	AGE 18-25	2,647	672	846	1,040	89
	AGE 26-30	1,757	422	548	752	35
	AGE 31-35	2,085	524	685	833	43
	AGE 36-40	2,059	446	832	752	29
	AGE 41-45	1,949	385	819	713	32
	AGE 46-50	2,186	383	1,062	703	38
	AGE 51-55	2,247	393	1,127	697	30
	AGE 56-60	2,667	527	1,428	669	43
	AGE 61-65	2,242	501	1,173	539	29
	AGE 66- Up	8,945	1,822	5,377	1,676	70
	TOTAL	28,784	6,075	13,897	8,374	438

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 42					
WHITE		3,938	1,374	1,482	1,007	75
BLACK		304	174	30	93	7
HISPANIC		21,833	4,786	9,854	6,810	383
OTHER		1,753	476	428	824	25
WHITE MALE		1,778	530	712	502	34
BLACK MALE		139	69	17	49	4
HISPANIC MALE		9,445	1,871	4,438	2,973	163
OTHER MALE		548	150	148	240	10
WHITE FEMALE		2,117	834	754	489	40
BLACK FEMALE		155	99	13	40	3
HISPANIC FEMALE		11,956	2,811	5,265	3,662	218
OTHER FEMALE		688	224	171	284	9
SEX UNSPECIFIED		1,002	222	276	495	9
AGE 18-25		2,579	678	733	1,066	102
AGE 26-30		2,014	593	585	793	43
AGE 31-35		2,177	581	690	860	46
AGE 36-40		2,127	492	750	847	38
AGE 41-45		1,818	446	641	698	33
AGE 46-50		2,090	437	878	734	41
AGE 51-55		2,160	461	1,000	650	49
AGE 56-60		2,599	574	1,229	762	34
AGE 61-65		2,289	571	1,063	615	40
AGE 66- Up		7,975	1,977	4,225	1,709	64
TOTAL		27,828	6,810	11,794	8,734	490

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 43				
	WHITE	2,369	780	918	637	34
	BLACK	336	186	51	96	3
	HISPANIC	22,856	5,257	9,459	7,744	396
	OTHER	1,816	452	454	894	16
	WHITE MALE	1,099	309	437	340	13
	BLACK MALE	152	73	27	51	1
	HISPANIC MALE	9,797	2,052	4,194	3,395	156
	OTHER MALE	609	147	163	292	7
	WHITE FEMALE	1,241	456	474	290	21
	BLACK FEMALE	177	111	22	42	2
	HISPANIC FEMALE	12,570	3,069	5,116	4,146	239
	OTHER FEMALE	660	196	167	291	6
	SEX UNSPECIFIED	1,071	262	282	523	4
	AGE 18-25	2,607	705	691	1,136	75
	AGE 26-30	2,016	584	545	846	41
	AGE 31-35	2,127	548	671	861	47
	AGE 36-40	1,955	457	669	795	34
	AGE 41-45	1,860	430	657	732	41
	AGE 46-50	2,099	431	858	776	34
	AGE 51-55	2,285	454	1,001	794	36
	AGE 56-60	2,709	569	1,241	855	44
	AGE 61-65	2,373	618	1,052	669	34
	AGE 66- Up	7,346	1,879	3,497	1,907	63
	TOTAL	27,377	6,675	10,882	9,371	449

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 44					
District						
WHITE		1,722	336	881	480	25
BLACK		179	89	26	61	3
HISPANIC		23,157	4,342	11,068	7,354	393
OTHER		1,581	363	435	765	18
WHITE MALE		887	163	450	261	13
BLACK MALE		93	42	13	36	2
HISPANIC MALE		10,200	1,710	5,026	3,297	167
OTHER MALE		512	120	144	242	6
WHITE FEMALE		821	170	424	215	12
BLACK FEMALE		82	45	11	25	1
HISPANIC FEMALE		12,477	2,517	5,880	3,859	221
OTHER FEMALE		554	146	181	218	9
SEX UNSPECIFIED		1,012	217	280	507	8
AGE 18-25		3,059	695	1,022	1,250	92
AGE 26-30		1,793	456	571	719	47
AGE 31-35		1,911	459	652	770	30
AGE 36-40		1,898	387	724	748	39
AGE 41-45		2,081	406	881	766	28
AGE 46-50		2,527	425	1,230	830	42
AGE 51-55		2,678	408	1,371	855	44
AGE 56-60		2,690	452	1,383	796	59
AGE 61-65		2,041	386	1,082	549	24
AGE 66- Up		5,959	1,055	3,493	1,377	34
TOTAL		26,639	5,130	12,410	8,660	439

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 45				
	WHITE	2,382	669	975	701	37
	BLACK	532	346	34	143	9
	HISPANIC	25,069	5,951	9,906	8,750	462
	OTHER	2,374	609	493	1,249	23
	WHITE MALE	1,177	296	495	368	18
	BLACK MALE	238	141	19	72	6
	HISPANIC MALE	10,900	2,296	4,564	3,852	188
	OTHER MALE	785	184	178	418	5
	WHITE FEMALE	1,174	366	472	318	18
	BLACK FEMALE	286	204	13	66	3
	HISPANIC FEMALE	13,638	3,515	5,185	4,667	271
	OTHER FEMALE	892	283	187	412	10
	SEX UNSPECIFIED	1,267	290	295	670	12
	AGE 18-25	3,523	962	920	1,514	127
	AGE 26-30	2,302	704	580	964	54
	AGE 31-35	2,283	574	690	972	47
	AGE 36-40	2,265	565	727	935	38
	AGE 41-45	2,228	534	791	868	35
	AGE 46-50	2,698	542	1,097	1,019	40
	AGE 51-55	2,902	609	1,224	1,025	44
	AGE 56-60	3,155	728	1,392	989	46
	AGE 61-65	2,560	617	1,064	846	33
	AGE 66- Up	6,441	1,740	2,923	1,711	67
	TOTAL	30,357	7,575	11,408	10,843	531

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 46					
WHITE		3,406	1,223	1,130	986	67
BLACK		1,009	639	43	312	15
HISPANIC		22,907	6,281	7,730	8,496	400
OTHER		2,439	711	440	1,253	35
WHITE MALE		1,603	500	573	500	30
BLACK MALE		434	244	24	156	10
HISPANIC MALE		9,854	2,368	3,567	3,735	184
OTHER MALE		833	228	168	424	13
WHITE FEMALE		1,761	706	546	472	37
BLACK FEMALE		562	390	17	150	5
HISPANIC FEMALE		12,583	3,766	4,046	4,556	215
OTHER FEMALE		912	334	159	404	15
SEX UNSPECIFIED		1,217	317	243	649	8
AGE 18-25		3,181	987	687	1,406	101
AGE 26-30		2,499	783	575	1,080	61
AGE 31-35		2,552	732	674	1,100	46
AGE 36-40		2,445	680	658	1,067	40
AGE 41-45		2,204	623	641	907	33
AGE 46-50		2,364	595	815	908	46
AGE 51-55		2,495	637	924	895	39
AGE 56-60		2,849	758	1,039	1,001	51
AGE 61-65		2,455	796	833	797	29
AGE 66- Up		6,717	2,263	2,497	1,886	71
TOTAL		29,761	8,854	9,343	11,047	517

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 47					
WHITE		3,424	1,091	1,228	1,031	74
BLACK		1,566	1,102	74	375	15
HISPANIC		22,243	6,223	7,352	8,263	405
OTHER		2,644	865	441	1,310	28
WHITE MALE		1,649	435	655	519	40
BLACK MALE		698	456	35	199	8
HISPANIC MALE		9,758	2,399	3,438	3,740	181
OTHER MALE		944	298	177	455	14
WHITE FEMALE		1,745	644	567	500	34
BLACK FEMALE		850	638	39	166	7
HISPANIC FEMALE		12,023	3,676	3,801	4,326	220
OTHER FEMALE		1,068	419	175	466	8
SEX UNSPECIFIED		1,140	316	208	606	10
AGE 18-25		3,615	1,177	781	1,551	106
AGE 26-30		2,540	859	550	1,079	52
AGE 31-35		2,520	794	679	1,003	44
AGE 36-40		2,471	685	712	1,027	47
AGE 41-45		2,308	620	694	956	38
AGE 46-50		2,554	651	864	993	46
AGE 51-55		2,814	754	1,016	999	45
AGE 56-60		2,967	879	1,056	986	46
AGE 61-65		2,415	811	784	790	30
AGE 66- Up		5,672	2,051	1,959	1,594	68
TOTAL		29,877	9,281	9,095	10,979	522

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	DEM Exec Comm 48					
WHITE		1,698	446	749	475	28
BLACK		359	224	20	111	4
HISPANIC		23,168	4,977	10,232	7,603	356
OTHER		1,636	398	452	761	25
WHITE MALE		803	212	352	224	15
BLACK MALE		153	84	14	53	2
HISPANIC MALE		9,969	1,924	4,518	3,379	148
OTHER MALE		445	102	149	187	7
WHITE FEMALE		868	230	388	238	12
BLACK FEMALE		192	132	6	52	2
HISPANIC FEMALE		12,721	2,905	5,572	4,039	205
OTHER FEMALE		556	162	146	235	13
SEX UNSPECIFIED		1,154	294	308	543	9
AGE 18-25		3,054	923	779	1,262	90
AGE 26-30		1,902	551	498	818	35
AGE 31-35		1,826	491	558	734	43
AGE 36-40		1,708	413	594	669	32
AGE 41-45		1,629	368	587	651	23
AGE 46-50		2,014	380	889	717	28
AGE 51-55		2,254	399	1,056	764	35
AGE 56-60		2,660	512	1,284	824	40
AGE 61-65		2,235	451	1,072	686	26
AGE 66- Up		7,578	1,557	4,136	1,824	61
TOTAL		26,861	6,045	11,453	8,950	413

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 49				
	WHITE	4,120	1,339	1,252	1,457	72
	BLACK	806	507	38	247	14
	HISPANIC	23,086	5,978	7,601	9,146	361
	OTHER	2,985	917	566	1,457	45
	WHITE MALE	2,170	618	722	784	46
	BLACK MALE	383	218	26	130	9
	HISPANIC MALE	10,118	2,405	3,442	4,105	166
	OTHER MALE	1,008	298	214	476	20
	WHITE FEMALE	1,901	713	517	645	26
	BLACK FEMALE	409	282	11	111	5
	HISPANIC FEMALE	12,487	3,440	4,027	4,828	192
	OTHER FEMALE	1,198	435	209	535	19
	SEX UNSPECIFIED	1,322	332	289	692	9
	AGE 18-25	3,500	1,218	625	1,573	84
	AGE 26-30	2,552	843	559	1,100	50
	AGE 31-35	2,422	776	592	1,005	49
	AGE 36-40	2,246	638	580	992	36
	AGE 41-45	2,335	650	563	1,082	40
	AGE 46-50	2,646	686	750	1,168	42
	AGE 51-55	2,936	750	913	1,234	39
	AGE 56-60	2,973	721	1,006	1,203	43
	AGE 61-65	2,405	660	831	881	33
	AGE 66- Up	6,980	1,799	3,037	2,068	76
	TOTAL	30,997	8,741	9,457	12,307	492

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	DEM Exec Comm 50					
District						
WHITE		2,270	549	755	933	33
BLACK		395	218	36	132	9
HISPANIC		25,805	5,995	8,379	11,036	395
OTHER		2,375	572	486	1,287	30
WHITE MALE		1,225	263	418	525	19
BLACK MALE		205	98	22	80	5
HISPANIC MALE		11,472	2,421	3,924	4,961	166
OTHER MALE		687	167	152	354	14
WHITE FEMALE		1,008	278	332	384	14
BLACK FEMALE		181	116	14	47	4
HISPANIC FEMALE		13,708	3,424	4,290	5,768	226
OTHER FEMALE		837	219	177	431	10
SEX UNSPECIFIED		1,520	348	326	837	9
AGE 18-25		4,022	1,076	878	1,969	99
AGE 26-30		2,494	744	563	1,134	53
AGE 31-35		2,371	636	628	1,072	35
AGE 36-40		2,276	522	639	1,083	32
AGE 41-45		2,626	570	681	1,333	42
AGE 46-50		3,262	693	912	1,617	40
AGE 51-55		3,253	678	1,090	1,440	45
AGE 56-60		3,092	701	1,057	1,287	47
AGE 61-65		2,089	484	793	788	24
AGE 66- Up		5,360	1,230	2,415	1,665	50
TOTAL		30,845	7,334	9,656	13,388	467

Case No. 23-12472

United States Court of Appeals
for the Eleventh Circuit

CITY OF MIAMI,
Defendant/Appellant,

v.

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAAC ;
MIAMI!DADE BRACH OF THE NAAC ;
C" ARICE COO ER; YANE "IS #A"DES;
\$ARED \$OHNSON; and A "E%ANDER
CONTRERAS,

la&nt&ff'/Appellee'.

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APPELLANT’S APPENDIX FOR INITIAL BRIEF
VOLUME THREE

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Attorneys for Defendant/Appellant

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Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	DEM Exec Comm 51				
	WHITE	1,059	281	402	353	23
	BLACK	321	192	23	103	3
	HISPANIC	25,058	6,060	10,022	8,539	437
	OTHER	2,082	542	510	1,006	24
	WHITE MALE	470	115	169	179	7
	BLACK MALE	162	86	14	59	3
	HISPANIC MALE	10,821	2,383	4,533	3,735	170
	OTHER MALE	551	141	160	241	9
	WHITE FEMALE	578	162	228	172	16
	BLACK FEMALE	154	103	9	42	0
	HISPANIC FEMALE	13,687	3,517	5,314	4,595	261
	OTHER FEMALE	632	195	156	273	8
	SEX UNSPECIFIED	1,465	373	374	705	13
	AGE 18-25	3,134	806	765	1,446	117
	AGE 26-30	2,096	552	536	952	56
	AGE 31-35	2,343	631	711	955	46
	AGE 36-40	2,291	547	724	972	48
	AGE 41-45	1,964	502	654	782	26
	AGE 46-50	2,318	494	898	887	39
	AGE 51-55	2,274	523	948	763	40
	AGE 56-60	2,754	670	1,172	874	38
	AGE 61-65	2,270	649	903	687	31
	AGE 66- Up	7,076	1,701	3,646	1,683	46
	TOTAL	28,520	7,075	10,957	10,001	487

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	DEM Exec Comm 52					
WHITE		1,529	410	703	398	18
BLACK		135	72	25	36	2
HISPANIC		23,463	4,609	11,510	6,949	395
OTHER		1,675	370	525	759	21
WHITE MALE		692	167	334	181	10
BLACK MALE		66	31	11	24	0
HISPANIC MALE		9,993	1,781	5,034	3,018	160
OTHER MALE		411	86	156	163	6
WHITE FEMALE		824	241	363	212	8
BLACK FEMALE		64	40	12	10	2
HISPANIC FEMALE		12,944	2,697	6,281	3,736	230
OTHER FEMALE		515	108	196	202	9
SEX UNSPECIFIED		1,293	310	376	596	11
AGE 18-25		2,413	617	678	1,042	76
AGE 26-30		1,726	413	524	739	50
AGE 31-35		1,839	397	646	764	32
AGE 36-40		1,628	325	635	630	38
AGE 41-45		1,375	294	564	494	23
AGE 46-50		1,904	378	858	618	50
AGE 51-55		2,089	376	981	696	36
AGE 56-60		2,578	497	1,309	730	42
AGE 61-65		2,124	421	1,114	563	26
AGE 66- Up		9,125	1,743	5,453	1,866	63
TOTAL		26,802	5,461	12,763	8,142	436

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	DEM Exec Comm 53					
	WHITE	1,192	298	532	343	19
	BLACK	302	205	34	61	2
	HISPANIC	23,311	4,719	11,348	6,920	324
	OTHER	1,814	412	569	810	23
	WHITE MALE	544	122	238	172	12
	BLACK MALE	136	84	16	34	2
	HISPANIC MALE	9,788	1,852	4,912	2,883	141
	OTHER MALE	423	83	161	170	9
	WHITE FEMALE	636	172	290	167	7
	BLACK FEMALE	160	117	16	27	0
	HISPANIC FEMALE	12,953	2,745	6,222	3,806	180
	OTHER FEMALE	503	128	195	173	7
	SEX UNSPECIFIED	1,476	331	433	702	10
	AGE 18-25	2,305	559	631	1,050	65
	AGE 26-30	1,633	385	479	739	30
	AGE 31-35	1,728	389	593	705	41
	AGE 36-40	1,612	337	627	611	37
	AGE 41-45	1,367	305	555	484	23
	AGE 46-50	1,682	351	718	579	34
	AGE 51-55	1,938	388	902	616	32
	AGE 56-60	2,423	531	1,104	756	32
	AGE 61-65	2,119	485	1,064	551	19
	AGE 66- Up	9,811	1,904	5,810	2,042	55
	TOTAL	26,619	5,634	12,483	8,134	368

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District					
	DEM Exec Comm 54					
	WHITE	3,369	968	1,446	903	52
	BLACK	554	376	41	128	9
	HISPANIC	22,761	4,696	10,956	6,691	418
	OTHER	1,758	398	518	825	17
	WHITE MALE	1,629	434	709	463	23
	BLACK MALE	224	133	22	64	5
	HISPANIC MALE	9,810	1,814	4,906	2,912	178
	OTHER MALE	529	120	164	239	6
	WHITE FEMALE	1,718	528	731	430	29
	BLACK FEMALE	324	239	19	62	4
	HISPANIC FEMALE	12,482	2,755	5,899	3,590	238
	OTHER FEMALE	620	174	188	250	8
	SEX UNSPECIFIED	1,106	241	323	537	5
	AGE 18-25	2,943	709	973	1,172	89
	AGE 26-30	2,108	536	685	837	50
	AGE 31-35	2,272	576	812	835	49
	AGE 36-40	2,172	486	860	772	54
	AGE 41-45	1,905	429	742	692	42
	AGE 46-50	2,297	444	1,045	765	43
	AGE 51-55	2,393	454	1,175	732	32
	AGE 56-60	2,939	621	1,521	753	44
	AGE 61-65	2,382	545	1,237	568	32
	AGE 66- Up	7,030	1,638	3,911	1,420	61
	TOTAL	28,442	6,438	12,961	8,547	496

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	DEM Exec Comm 55					
District						
WHITE		2,324	645	998	633	48
BLACK		1,254	913	51	275	15
HISPANIC		21,959	5,374	8,716	7,451	418
OTHER		1,866	547	387	917	15
WHITE MALE		1,146	300	486	341	19
BLACK MALE		533	357	32	134	10
HISPANIC MALE		9,609	2,092	4,068	3,283	166
OTHER MALE		596	178	134	282	2
WHITE FEMALE		1,158	340	505	284	29
BLACK FEMALE		702	542	18	137	5
HISPANIC FEMALE		11,924	3,165	4,520	3,991	248
OTHER FEMALE		650	235	146	261	8
SEX UNSPECIFIED		1,085	270	243	563	9
AGE 18-25		3,147	886	845	1,314	102
AGE 26-30		2,152	656	574	875	47
AGE 31-35		2,426	662	744	964	56
AGE 36-40		2,272	561	760	902	49
AGE 41-45		2,105	556	701	800	48
AGE 46-50		2,632	588	1,047	951	46
AGE 51-55		2,742	674	1,115	910	43
AGE 56-60		2,781	726	1,228	782	45
AGE 61-65		2,197	613	925	631	28
AGE 66- Up		4,948	1,557	2,212	1,147	32
TOTAL		27,403	7,479	10,152	9,276	496

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 001					
WHITE		17,934	6,399	5,082	6,163	290
BLACK		2,840	1,975	128	695	42
HISPANIC		13,643	4,873	2,718	5,866	186
OTHER		3,818	1,125	642	1,999	52
WHITE MALE		8,327	2,495	2,622	3,073	137
BLACK MALE		1,221	781	76	341	23
HISPANIC MALE		5,663	1,812	1,276	2,505	70
OTHER MALE		1,362	355	286	697	24
WHITE FEMALE		9,316	3,809	2,392	2,965	150
BLACK FEMALE		1,561	1,149	50	343	19
HISPANIC FEMALE		7,672	2,952	1,406	3,200	114
OTHER FEMALE		1,606	580	252	755	19
SEX UNSPECIFIED		1,503	439	210	841	13
AGE 18-25		3,061	1,087	589	1,314	71
AGE 26-30		2,369	865	417	1,037	50
AGE 31-35		2,622	973	506	1,101	42
AGE 36-40		2,652	926	517	1,169	40
AGE 41-45		2,717	794	564	1,319	40
AGE 46-50		2,986	965	608	1,372	41
AGE 51-55		3,119	998	707	1,375	39
AGE 56-60		3,243	1,158	758	1,267	60
AGE 61-65		3,216	1,252	758	1,160	46
AGE 66- Up		12,249	5,354	3,145	3,609	141
TOTAL		38,235	14,372	8,570	14,723	570

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 002					
WHITE		2,984	1,269	697	958	60
BLACK		24,503	19,200	628	4,444	231
HISPANIC		7,551	3,172	1,404	2,873	102
OTHER		3,386	1,677	260	1,393	56
WHITE MALE		1,383	501	375	477	30
BLACK MALE		10,075	7,377	352	2,233	113
HISPANIC MALE		3,237	1,233	662	1,299	43
OTHER MALE		1,146	549	122	450	25
WHITE FEMALE		1,558	759	305	465	29
BLACK FEMALE		14,018	11,517	270	2,116	115
HISPANIC FEMALE		4,154	1,870	721	1,504	59
OTHER FEMALE		1,441	843	105	471	22
SEX UNSPECIFIED		1,410	668	77	652	13
AGE 18-25		4,341	2,572	215	1,477	77
AGE 26-30		3,428	2,026	191	1,155	56
AGE 31-35		3,867	2,316	288	1,201	62
AGE 36-40		3,588	2,188	290	1,070	40
AGE 41-45		3,070	1,965	231	833	41
AGE 46-50		2,941	1,907	215	776	43
AGE 51-55		3,084	2,077	268	703	36
AGE 56-60		3,061	2,156	237	637	31
AGE 61-65		3,029	2,171	257	581	20
AGE 66- Up		8,014	5,939	797	1,235	43
TOTAL		38,424	25,318	2,989	9,668	449

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 003					
WHITE		586	240	138	195	13
BLACK		24,608	20,468	522	3,462	156
HISPANIC		7,267	2,484	1,967	2,697	119
OTHER		2,268	1,062	175	1,006	25
WHITE MALE		268	106	67	88	7
BLACK MALE		10,251	8,090	291	1,783	87
HISPANIC MALE		3,162	958	956	1,204	44
OTHER MALE		755	378	64	299	14
WHITE FEMALE		311	131	70	104	6
BLACK FEMALE		13,942	12,059	226	1,590	67
HISPANIC FEMALE		3,955	1,471	976	1,433	75
OTHER FEMALE		813	494	58	256	5
SEX UNSPECIFIED		1,271	567	94	602	8
AGE 18-25		4,195	2,583	234	1,321	57
AGE 26-30		3,207	1,969	208	1,000	30
AGE 31-35		3,404	2,124	272	969	39
AGE 36-40		3,234	2,047	304	838	45
AGE 41-45		2,776	1,888	211	644	33
AGE 46-50		2,595	1,757	247	567	24
AGE 51-55		2,650	1,876	257	492	25
AGE 56-60		2,853	2,130	255	455	13
AGE 61-65		2,485	1,945	196	329	15
AGE 66- Up		7,329	5,934	618	745	32
TOTAL		34,729	24,254	2,802	7,360	313

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 004					
WHITE		4,551	1,409	1,843	1,220	79
BLACK		1,968	1,438	86	415	29
HISPANIC		29,303	7,231	11,748	9,714	610
OTHER		2,583	783	566	1,203	31
WHITE MALE		2,168	603	909	624	32
BLACK MALE		809	548	43	203	15
HISPANIC MALE		12,573	2,770	5,302	4,257	244
OTHER MALE		824	253	206	354	11
WHITE FEMALE		2,350	795	924	584	47
BLACK FEMALE		1,137	876	42	206	13
HISPANIC FEMALE		16,153	4,299	6,275	5,217	362
OTHER FEMALE		961	342	219	388	12
SEX UNSPECIFIED		1,430	375	323	719	13
AGE 18-25		4,044	1,122	1,102	1,671	149
AGE 26-30		3,024	903	851	1,198	72
AGE 31-35		3,450	960	1,050	1,368	72
AGE 36-40		3,246	839	1,107	1,223	77
AGE 41-45		2,965	817	969	1,106	73
AGE 46-50		3,434	829	1,314	1,218	73
AGE 51-55		3,493	903	1,379	1,152	59
AGE 56-60		3,846	1,046	1,663	1,074	63
AGE 61-65		3,117	922	1,362	793	40
AGE 66- Up		7,785	2,520	3,445	1,749	71
TOTAL		38,405	10,861	14,243	12,552	749

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 005					
WHITE		3,351	861	1,152	1,280	58
BLACK		1,081	718	65	284	14
HISPANIC		41,886	10,018	14,453	16,700	715
OTHER		3,776	944	787	2,000	45
WHITE MALE		1,755	415	597	712	31
BLACK MALE		524	301	44	169	10
HISPANIC MALE		18,601	4,039	6,745	7,525	292
OTHER MALE		1,110	277	250	563	20
WHITE FEMALE		1,544	435	547	535	27
BLACK FEMALE		536	404	21	107	4
HISPANIC FEMALE		22,354	5,743	7,438	8,758	415
OTHER FEMALE		1,302	370	275	642	15
SEX UNSPECIFIED		2,366	557	539	1,252	18
AGE 18-25		6,209	1,683	1,418	2,927	181
AGE 26-30		3,949	1,179	929	1,750	91
AGE 31-35		4,155	1,153	1,143	1,779	80
AGE 36-40		4,048	951	1,190	1,834	73
AGE 41-45		4,172	962	1,188	1,957	65
AGE 46-50		5,036	1,078	1,571	2,321	66
AGE 51-55		4,894	1,085	1,731	2,003	75
AGE 56-60		4,910	1,192	1,781	1,863	74
AGE 61-65		3,533	899	1,337	1,249	48
AGE 66- Up		9,188	2,359	4,169	2,581	79
TOTAL		50,094	12,541	16,457	20,264	832

Christina White

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 006				
	WHITE	2,086	509	978	563	36
	BLACK	317	190	22	101	4
	HISPANIC	31,172	6,662	14,409	9,600	501
	OTHER	2,370	553	675	1,122	20
	WHITE MALE	998	227	466	291	14
	BLACK MALE	144	82	13	45	4
	HISPANIC MALE	13,456	2,594	6,500	4,157	205
	OTHER MALE	629	149	204	272	4
	WHITE FEMALE	1,073	278	504	269	22
	BLACK FEMALE	170	107	9	54	0
	HISPANIC FEMALE	16,991	3,871	7,676	5,152	292
	OTHER FEMALE	725	206	219	290	10
	SEX UNSPECIFIED	1,759	400	493	856	10
	AGE 18-25	3,937	972	1,151	1,696	118
	AGE 26-30	2,608	661	751	1,129	67
	AGE 31-35	2,628	624	918	1,032	54
	AGE 36-40	2,462	550	919	941	52
	AGE 41-45	2,146	497	823	791	35
	AGE 46-50	2,824	533	1,277	964	50
	AGE 51-55	3,083	603	1,497	944	39
	AGE 56-60	3,709	758	1,890	1,013	48
	AGE 61-65	3,053	740	1,438	836	39
	AGE 66- Up	9,494	1,976	5,420	2,039	59
	TOTAL	35,945	7,914	16,084	11,386	561

Christina White

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 007					
WHITE		1,460	535	451	447	27
BLACK		10,018	8,286	255	1,417	60
HISPANIC		20,370	6,304	6,459	7,252	355
OTHER		2,423	893	378	1,133	19
WHITE MALE		700	238	234	215	13
BLACK MALE		4,126	3,222	151	724	29
HISPANIC MALE		8,837	2,484	3,030	3,171	152
OTHER MALE		706	267	139	294	6
WHITE FEMALE		742	293	212	223	14
BLACK FEMALE		5,726	4,935	99	661	31
HISPANIC FEMALE		11,064	3,669	3,315	3,880	200
OTHER FEMALE		837	388	120	324	5
SEX UNSPECIFIED		1,533	522	243	757	11
AGE 18-25		3,796	1,723	467	1,517	89
AGE 26-30		2,766	1,262	363	1,082	59
AGE 31-35		3,013	1,405	495	1,073	40
AGE 36-40		2,859	1,266	545	1,005	43
AGE 41-45		2,482	1,116	475	855	36
AGE 46-50		2,559	1,086	639	794	40
AGE 51-55		2,677	1,208	648	787	34
AGE 56-60		2,985	1,336	812	797	40
AGE 61-65		2,714	1,358	649	673	34
AGE 66- Up		8,418	4,257	2,450	1,665	46
TOTAL		34,271	16,018	7,543	10,249	461

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 008					
WHITE		2,234	1,069	492	638	35
BLACK		23,068	17,922	666	4,274	206
HISPANIC		7,323	3,146	1,378	2,680	119
OTHER		2,943	1,417	214	1,274	38
WHITE MALE		1,099	464	264	352	19
BLACK MALE		10,002	7,366	398	2,131	107
HISPANIC MALE		3,217	1,295	667	1,201	54
OTHER MALE		1,040	517	97	409	17
WHITE FEMALE		1,100	590	223	271	16
BLACK FEMALE		12,674	10,277	255	2,045	97
HISPANIC FEMALE		3,932	1,776	680	1,413	63
OTHER FEMALE		1,194	686	71	418	19
SEX UNSPECIFIED		1,309	583	95	625	6
AGE 18-25		4,041	2,309	199	1,462	71
AGE 26-30		3,191	1,948	139	1,060	44
AGE 31-35		3,420	2,083	211	1,076	50
AGE 36-40		3,225	2,015	196	957	57
AGE 41-45		2,704	1,693	179	795	37
AGE 46-50		2,399	1,505	226	636	32
AGE 51-55		2,558	1,716	227	588	27
AGE 56-60		2,877	2,033	263	557	24
AGE 61-65		3,020	2,246	267	491	16
AGE 66- Up		8,133	6,006	843	1,244	40
TOTAL		35,568	23,554	2,750	8,866	398

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 009					
WHITE		7,390	2,554	2,274	2,431	131
BLACK		14,115	10,609	482	2,857	167
HISPANIC		10,813	4,266	2,284	4,097	166
OTHER		3,700	1,474	447	1,726	53
WHITE MALE		3,780	1,172	1,248	1,280	80
BLACK MALE		6,160	4,369	294	1,414	83
HISPANIC MALE		4,820	1,707	1,154	1,871	88
OTHER MALE		1,388	539	216	612	21
WHITE FEMALE		3,516	1,354	1,003	1,111	48
BLACK FEMALE		7,698	6,058	184	1,374	82
HISPANIC FEMALE		5,750	2,468	1,071	2,133	78
OTHER FEMALE		1,527	723	160	618	26
SEX UNSPECIFIED		1,379	513	157	698	11
AGE 18-25		3,838	1,810	418	1,520	90
AGE 26-30		3,315	1,627	396	1,245	47
AGE 31-35		3,470	1,714	497	1,202	57
AGE 36-40		3,126	1,536	408	1,124	58
AGE 41-45		2,669	1,294	387	950	38
AGE 46-50		2,566	1,262	398	867	39
AGE 51-55		2,761	1,368	448	895	50
AGE 56-60		3,055	1,652	502	857	44
AGE 61-65		3,142	1,809	518	789	26
AGE 66- Up		8,076	4,831	1,515	1,662	68
TOTAL		36,018	18,903	5,487	11,111	517

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Supervisor of Elections

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 010					
WHITE		17,738	5,119	5,543	6,740	336
BLACK		1,265	758	81	394	32
HISPANIC		15,217	5,256	3,760	5,961	240
OTHER		3,851	1,024	801	1,948	78
WHITE MALE		8,870	2,212	2,940	3,552	166
BLACK MALE		653	357	57	221	18
HISPANIC MALE		6,565	2,093	1,714	2,658	100
OTHER MALE		1,471	362	341	741	27
WHITE FEMALE		8,591	2,823	2,529	3,073	166
BLACK FEMALE		600	390	24	172	14
HISPANIC FEMALE		8,306	3,035	1,997	3,137	137
OTHER FEMALE		1,569	493	299	742	35
SEX UNSPECIFIED		1,445	391	284	747	23
AGE 18-25		2,914	913	611	1,298	92
AGE 26-30		2,298	753	461	1,019	65
AGE 31-35		2,742	900	543	1,234	65
AGE 36-40		3,065	951	676	1,376	62
AGE 41-45		3,111	949	643	1,453	66
AGE 46-50		3,314	993	798	1,455	68
AGE 51-55		3,483	1,037	918	1,478	50
AGE 56-60		3,482	1,189	968	1,268	57
AGE 61-65		3,210	1,059	928	1,184	39
AGE 66- Up		10,451	3,413	3,639	3,277	122
TOTAL		38,071	12,157	10,185	15,043	686

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 011					
WHITE		8,244	3,882	1,757	2,423	182
BLACK		12,827	10,069	376	2,247	135
HISPANIC		9,869	4,215	1,860	3,623	171
OTHER		3,210	1,433	328	1,395	54
WHITE MALE		4,202	1,761	950	1,395	96
BLACK MALE		5,725	4,214	241	1,194	76
HISPANIC MALE		4,506	1,789	935	1,699	83
OTHER MALE		1,178	519	136	501	22
WHITE FEMALE		3,943	2,083	780	995	85
BLACK FEMALE		6,908	5,713	132	1,005	58
HISPANIC FEMALE		5,180	2,349	897	1,847	87
OTHER FEMALE		1,350	722	135	470	23
SEX UNSPECIFIED		1,157	448	115	582	12
AGE 18-25		3,260	1,695	265	1,219	81
AGE 26-30		2,585	1,426	226	873	60
AGE 31-35		3,140	1,743	307	1,029	61
AGE 36-40		3,264	1,830	304	1,079	51
AGE 41-45		2,953	1,612	306	975	60
AGE 46-50		2,840	1,472	385	930	53
AGE 51-55		2,718	1,487	384	811	36
AGE 56-60		2,802	1,557	453	745	47
AGE 61-65		2,758	1,657	421	646	34
AGE 66- Up		7,830	5,120	1,270	1,381	59
TOTAL		34,150	19,599	4,321	9,688	542

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 012					
WHITE		838	399	206	217	16
BLACK		19,816	16,334	506	2,835	141
HISPANIC		11,535	4,265	3,049	4,055	166
OTHER		2,161	934	201	1,008	18
WHITE MALE		407	174	118	108	7
BLACK MALE		8,671	6,787	295	1,509	80
HISPANIC MALE		5,191	1,784	1,484	1,840	83
OTHER MALE		686	324	72	287	3
WHITE FEMALE		424	222	85	108	9
BLACK FEMALE		10,872	9,335	207	1,269	61
HISPANIC FEMALE		6,086	2,391	1,501	2,111	83
OTHER FEMALE		712	412	60	232	8
SEX UNSPECIFIED		1,299	503	140	649	7
AGE 18-25		3,701	2,118	256	1,267	60
AGE 26-30		2,877	1,656	232	948	41
AGE 31-35		3,143	1,872	265	964	42
AGE 36-40		2,995	1,827	251	871	46
AGE 41-45		2,449	1,516	258	642	33
AGE 46-50		2,311	1,416	297	576	22
AGE 51-55		2,458	1,583	288	570	17
AGE 56-60		2,824	1,811	411	572	30
AGE 61-65		2,788	1,951	330	491	16
AGE 66- Up		8,804	6,182	1,374	1,214	34
TOTAL		34,350	21,932	3,962	8,115	341

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	District	Exec Comm Rep 013				
	WHITE	1,896	492	844	534	26
	BLACK	198	105	37	54	2
	HISPANIC	33,164	6,646	16,102	9,892	524
	OTHER	2,389	547	734	1,081	27
	WHITE MALE	848	197	386	250	15
	BLACK MALE	96	48	17	31	0
	HISPANIC MALE	13,978	2,592	6,942	4,217	227
	OTHER MALE	589	127	216	236	10
	WHITE FEMALE	1,033	292	452	278	11
	BLACK FEMALE	97	56	18	21	2
	HISPANIC FEMALE	18,423	3,873	8,874	5,384	292
	OTHER FEMALE	733	174	269	280	10
	SEX UNSPECIFIED	1,850	431	543	864	12
	AGE 18-25	3,303	836	921	1,451	95
	AGE 26-30	2,386	563	697	1,070	56
	AGE 31-35	2,542	539	884	1,069	50
	AGE 36-40	2,318	475	873	919	51
	AGE 41-45	1,890	412	760	679	39
	AGE 46-50	2,539	505	1,130	846	58
	AGE 51-55	2,894	539	1,352	955	48
	AGE 56-60	3,561	735	1,719	1,048	59
	AGE 61-65	3,003	644	1,528	798	33
	AGE 66- Up	13,210	2,542	7,852	2,726	90
	TOTAL	37,647	7,790	17,717	11,561	579

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 014				
	WHITE	3,920	1,243	1,508	1,110	59
	BLACK	458	298	37	119	4
	HISPANIC	30,619	6,931	13,447	9,791	450
	OTHER	2,785	670	766	1,311	38
	WHITE MALE	1,925	550	760	582	33
	BLACK MALE	219	134	16	67	2
	HISPANIC MALE	13,207	2,670	6,052	4,289	196
	OTHER MALE	764	180	237	335	12
	WHITE FEMALE	1,954	685	731	512	26
	BLACK FEMALE	230	160	18	50	2
	HISPANIC FEMALE	16,679	4,072	7,173	5,185	249
	OTHER FEMALE	830	237	245	334	14
	SEX UNSPECIFIED	1,971	453	524	977	17
	AGE 18-25	3,546	952	873	1,611	110
	AGE 26-30	2,413	666	667	1,028	52
	AGE 31-35	2,465	648	809	969	39
	AGE 36-40	2,399	587	829	928	55
	AGE 41-45	2,284	530	787	932	35
	AGE 46-50	2,749	641	1,000	1,057	51
	AGE 51-55	3,013	697	1,215	1,045	56
	AGE 56-60	3,579	826	1,524	1,181	48
	AGE 61-65	3,129	802	1,416	876	35
	AGE 66- Up	12,204	2,793	6,638	2,703	70
	TOTAL	37,782	9,142	15,758	12,331	551

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 015				
	WHITE	898	340	282	262	14
	BLACK	17,960	15,180	410	2,290	80
	HISPANIC	13,603	4,149	4,772	4,491	191
	OTHER	2,069	787	267	990	25
	WHITE MALE	431	141	141	143	6
	BLACK MALE	7,565	6,137	235	1,151	42
	HISPANIC MALE	5,941	1,659	2,220	1,970	92
	OTHER MALE	605	257	80	258	10
	WHITE FEMALE	457	195	140	114	8
	BLACK FEMALE	10,162	8,861	170	1,095	36
	HISPANIC FEMALE	7,314	2,388	2,464	2,369	93
	OTHER FEMALE	639	305	76	247	11
	SEX UNSPECIFIED	1,415	513	205	685	12
	AGE 18-25	3,900	2,167	355	1,323	55
	AGE 26-30	3,061	1,841	261	930	29
	AGE 31-35	3,501	2,088	383	980	50
	AGE 36-40	2,916	1,804	300	775	37
	AGE 41-45	2,348	1,422	320	588	18
	AGE 46-50	2,255	1,329	380	521	25
	AGE 51-55	2,437	1,448	439	530	20
	AGE 56-60	3,036	1,826	557	630	23
	AGE 61-65	2,999	1,998	505	473	23
	AGE 66- Up	8,073	4,533	2,229	1,281	30
	TOTAL	34,530	20,456	5,731	8,033	310

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 016				
	WHITE	7,589	3,270	1,367	2,798	154
	BLACK	13,468	10,939	341	2,062	126
	HISPANIC	12,284	5,331	2,052	4,724	177
	OTHER	3,146	1,312	276	1,499	59
	WHITE MALE	4,115	1,577	832	1,609	97
	BLACK MALE	6,081	4,654	226	1,132	69
	HISPANIC MALE	5,548	2,285	1,004	2,181	78
	OTHER MALE	1,203	456	142	572	33
	WHITE FEMALE	3,379	1,657	517	1,149	56
	BLACK FEMALE	7,195	6,132	111	896	56
	HISPANIC FEMALE	6,501	2,950	1,013	2,441	97
	OTHER FEMALE	1,218	601	98	504	15
	SEX UNSPECIFIED	1,245	539	93	598	15
	AGE 18-25	3,284	1,742	218	1,253	71
	AGE 26-30	3,851	1,942	411	1,440	58
	AGE 31-35	4,842	2,495	501	1,765	81
	AGE 36-40	3,998	2,069	417	1,444	68
	AGE 41-45	3,186	1,706	312	1,114	54
	AGE 46-50	2,760	1,449	329	940	42
	AGE 51-55	2,656	1,525	306	785	40
	AGE 56-60	2,709	1,633	343	700	33
	AGE 61-65	2,570	1,705	280	558	27
	AGE 66- Up	6,630	4,585	919	1,084	42
	TOTAL	36,487	20,852	4,036	11,083	516

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	Exec Comm Rep 017					
District						
WHITE		13,453	4,206	3,520	5,447	280
BLACK		6,693	4,951	259	1,403	80
HISPANIC		19,613	6,831	4,590	7,903	289
OTHER		4,588	1,516	676	2,322	74
WHITE MALE		7,743	2,093	2,230	3,249	171
BLACK MALE		3,230	2,190	165	827	48
HISPANIC MALE		9,062	2,915	2,260	3,743	144
OTHER MALE		1,874	535	329	977	33
WHITE FEMALE		5,552	2,048	1,268	2,131	105
BLACK FEMALE		3,354	2,684	90	548	32
HISPANIC FEMALE		10,184	3,775	2,265	4,004	140
OTHER FEMALE		1,778	735	246	768	29
SEX UNSPECIFIED		1,568	529	192	826	21
AGE 18-25		3,589	1,442	531	1,538	78
AGE 26-30		5,600	2,166	986	2,348	100
AGE 31-35		6,181	2,448	1,041	2,575	117
AGE 36-40		4,962	1,834	895	2,151	82
AGE 41-45		3,810	1,449	645	1,642	74
AGE 46-50		3,308	1,206	659	1,379	64
AGE 51-55		3,289	1,222	705	1,327	35
AGE 56-60		3,236	1,315	756	1,119	46
AGE 61-65		2,832	1,242	621	932	37
AGE 66- Up		7,540	3,180	2,206	2,064	90
TOTAL		44,347	17,504	9,045	17,075	723

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 018					
WHITE		18,777	7,402	4,304	6,715	356
BLACK		1,166	696	79	372	19
HISPANIC		12,438	4,400	3,393	4,459	186
OTHER		3,925	1,329	655	1,869	72
WHITE MALE		10,381	3,735	2,525	3,903	218
BLACK MALE		685	374	55	241	15
HISPANIC MALE		5,868	2,029	1,577	2,166	96
OTHER MALE		1,644	546	276	790	32
WHITE FEMALE		8,114	3,562	1,722	2,695	135
BLACK FEMALE		464	310	24	126	4
HISPANIC FEMALE		6,341	2,283	1,770	2,198	90
OTHER FEMALE		1,491	558	259	649	25
SEX UNSPECIFIED		1,317	430	223	646	18
AGE 18-25		2,124	786	465	814	59
AGE 26-30		2,425	921	468	986	50
AGE 31-35		3,227	1,210	634	1,308	75
AGE 36-40		3,613	1,318	644	1,589	62
AGE 41-45		3,400	1,221	620	1,496	63
AGE 46-50		3,252	1,179	614	1,412	47
AGE 51-55		3,389	1,315	668	1,347	59
AGE 56-60		3,336	1,306	791	1,184	55
AGE 61-65		2,867	1,145	711	958	53
AGE 66- Up		8,673	3,426	2,816	2,321	110
TOTAL		36,306	13,827	8,431	13,415	633

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 019					
WHITE		16,413	6,586	4,080	5,444	303
BLACK		1,952	1,502	77	352	21
HISPANIC		17,328	4,694	5,416	6,933	285
OTHER		3,543	1,187	518	1,774	64
WHITE MALE		8,185	2,775	2,276	2,985	149
BLACK MALE		889	623	39	211	16
HISPANIC MALE		7,553	1,761	2,569	3,094	129
OTHER MALE		1,292	381	222	660	29
WHITE FEMALE		8,019	3,725	1,771	2,372	151
BLACK FEMALE		1,031	856	37	133	5
HISPANIC FEMALE		9,448	2,852	2,769	3,672	155
OTHER FEMALE		1,445	568	200	650	27
SEX UNSPECIFIED		1,373	427	208	726	12
AGE 18-25		3,686	1,336	812	1,433	105
AGE 26-30		3,394	1,281	739	1,303	71
AGE 31-35		3,588	1,346	707	1,468	67
AGE 36-40		3,350	1,217	644	1,437	52
AGE 41-45		2,987	1,017	586	1,323	61
AGE 46-50		3,102	925	726	1,397	54
AGE 51-55		3,341	1,006	869	1,412	54
AGE 56-60		3,357	1,068	975	1,258	56
AGE 61-65		3,049	1,062	911	1,030	46
AGE 66- Up		9,381	3,711	3,122	2,441	107
TOTAL		39,236	13,969	10,091	14,503	673

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 020					
WHITE		4,458	1,678	1,157	1,524	99
BLACK		1,271	790	97	363	21
HISPANIC		28,744	9,107	9,433	9,775	429
OTHER		2,687	866	443	1,343	35
WHITE MALE		2,373	763	684	866	60
BLACK MALE		651	378	48	210	15
HISPANIC MALE		12,469	3,665	4,212	4,396	196
OTHER MALE		897	284	165	431	17
WHITE FEMALE		2,038	893	464	642	39
BLACK FEMALE		599	399	46	148	6
HISPANIC FEMALE		15,688	5,235	5,088	5,136	229
OTHER FEMALE		962	372	170	410	10
SEX UNSPECIFIED		1,481	451	253	765	12
AGE 18-25		3,410	1,268	558	1,483	101
AGE 26-30		3,427	1,319	595	1,431	82
AGE 31-35		3,394	1,284	595	1,446	69
AGE 36-40		2,770	997	557	1,161	55
AGE 41-45		2,326	788	503	992	43
AGE 46-50		2,324	752	586	950	36
AGE 51-55		2,463	821	709	894	39
AGE 56-60		3,013	950	973	1,040	50
AGE 61-65		2,725	965	869	862	29
AGE 66- Up		11,308	3,297	5,185	2,746	80
TOTAL		37,160	12,441	11,130	13,005	584

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	Exec Comm Rep 021					
District						
WHITE		2,829	1,009	895	868	57
BLACK		839	565	61	203	10
HISPANIC		29,780	8,763	10,706	9,826	485
OTHER		2,140	616	431	1,065	28
WHITE MALE		1,418	467	453	468	30
BLACK MALE		402	244	32	122	4
HISPANIC MALE		12,832	3,476	4,781	4,359	216
OTHER MALE		627	181	144	292	10
WHITE FEMALE		1,386	528	436	395	27
BLACK FEMALE		426	313	29	78	6
HISPANIC FEMALE		16,367	5,100	5,759	5,242	266
OTHER FEMALE		753	259	164	318	12
SEX UNSPECIFIED		1,375	385	295	686	9
AGE 18-25		3,142	1,092	570	1,382	98
AGE 26-30		2,615	922	490	1,140	63
AGE 31-35		2,759	980	577	1,148	54
AGE 36-40		2,540	863	586	1,046	45
AGE 41-45		2,059	679	532	805	43
AGE 46-50		2,373	686	740	886	61
AGE 51-55		2,682	778	902	950	52
AGE 56-60		3,151	919	1,152	1,036	44
AGE 61-65		2,857	931	1,035	861	30
AGE 66- Up		11,410	3,103	5,509	2,708	90
TOTAL		35,588	10,953	12,093	11,962	580

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 022				
	WHITE	3,720	1,306	1,347	1,002	65
	BLACK	306	165	33	104	4
	HISPANIC	29,621	6,891	13,104	9,177	449
	OTHER	2,082	526	539	986	31
	WHITE MALE	1,851	578	690	552	31
	BLACK MALE	164	71	17	73	3
	HISPANIC MALE	12,743	2,773	5,714	4,046	210
	OTHER MALE	606	142	187	265	12
	WHITE FEMALE	1,835	719	649	436	31
	BLACK FEMALE	135	89	15	30	1
	HISPANIC FEMALE	16,278	3,940	7,194	4,906	238
	OTHER FEMALE	727	215	181	320	11
	SEX UNSPECIFIED	1,388	361	374	641	12
	AGE 18-25	2,912	839	788	1,202	83
	AGE 26-30	2,268	640	622	949	57
	AGE 31-35	2,746	775	823	1,095	53
	AGE 36-40	2,679	707	877	1,054	41
	AGE 41-45	2,237	588	689	907	53
	AGE 46-50	2,513	591	980	891	51
	AGE 51-55	2,809	644	1,203	930	32
	AGE 56-60	3,387	782	1,545	1,008	52
	AGE 61-65	2,875	731	1,305	797	42
	AGE 66- Up	11,303	2,591	6,191	2,436	85
	TOTAL	35,729	8,888	15,023	11,269	549

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	Exec Comm Rep 023					
District						
WHITE		3,482	1,027	1,191	1,202	62
BLACK		577	328	39	203	7
HISPANIC		35,495	9,367	12,059	13,511	558
OTHER		3,023	804	634	1,546	39
WHITE MALE		1,768	423	662	648	35
BLACK MALE		307	162	22	119	4
HISPANIC MALE		15,403	3,808	5,369	5,976	250
OTHER MALE		885	221	214	436	14
WHITE FEMALE		1,670	594	517	532	27
BLACK FEMALE		262	164	16	79	3
HISPANIC FEMALE		19,374	5,363	6,511	7,200	300
OTHER FEMALE		1,083	345	230	492	16
SEX UNSPECIFIED		1,823	446	382	978	17
AGE 18-25		4,042	1,299	805	1,827	111
AGE 26-30		3,301	1,036	748	1,449	68
AGE 31-35		3,555	1,059	904	1,507	85
AGE 36-40		3,283	851	891	1,484	57
AGE 41-45		3,052	773	830	1,398	51
AGE 46-50		3,465	828	1,124	1,468	45
AGE 51-55		3,828	917	1,276	1,575	60
AGE 56-60		4,022	1,024	1,399	1,542	57
AGE 61-65		3,429	1,002	1,171	1,216	40
AGE 66- Up		10,599	2,737	4,775	2,995	92
TOTAL		42,577	11,526	13,923	16,462	666

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	Exec Comm Rep 024				
	WHITE	2,677	763	1,131	746	37
	BLACK	538	333	34	168	3
	HISPANIC	29,200	6,130	13,802	8,838	430
	OTHER	2,198	538	602	1,031	27
	WHITE MALE	1,275	337	555	366	17
	BLACK MALE	214	111	19	82	2
	HISPANIC MALE	12,324	2,419	5,831	3,878	196
	OTHER MALE	583	151	161	259	12
	WHITE FEMALE	1,369	417	566	367	19
	BLACK FEMALE	305	207	15	82	1
	HISPANIC FEMALE	16,261	3,527	7,767	4,735	232
	OTHER FEMALE	730	198	231	293	8
	SEX UNSPECIFIED	1,551	397	424	720	10
	AGE 18-25	3,909	1,320	917	1,572	100
	AGE 26-30	2,426	706	656	1,018	46
	AGE 31-35	2,383	615	743	965	60
	AGE 36-40	2,208	488	796	884	40
	AGE 41-45	2,092	490	777	797	28
	AGE 46-50	2,312	439	1,004	812	57
	AGE 51-55	2,618	493	1,250	829	46
	AGE 56-60	3,170	609	1,582	928	51
	AGE 61-65	2,631	542	1,371	706	12
	AGE 66- Up	10,863	2,062	6,472	2,272	57
	TOTAL	34,613	7,764	15,569	10,783	497

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 025					
WHITE		2,347	522	1,136	654	35
BLACK		191	101	21	66	3
HISPANIC		34,478	6,804	16,042	11,084	548
OTHER		2,192	491	660	1,012	29
WHITE MALE		1,145	251	546	328	20
BLACK MALE		103	51	16	35	1
HISPANIC MALE		14,967	2,656	7,127	4,953	231
OTHER MALE		653	145	218	282	8
WHITE FEMALE		1,183	270	579	319	15
BLACK FEMALE		85	50	4	29	2
HISPANIC FEMALE		18,816	3,955	8,695	5,853	313
OTHER FEMALE		741	194	227	303	17
SEX UNSPECIFIED		1,515	346	447	714	8
AGE 18-25		3,938	930	1,240	1,649	119
AGE 26-30		2,652	684	784	1,125	59
AGE 31-35		2,731	675	921	1,077	58
AGE 36-40		2,639	590	953	1,054	42
AGE 41-45		2,615	549	1,021	1,008	37
AGE 46-50		3,102	542	1,435	1,076	49
AGE 51-55		3,460	548	1,735	1,120	57
AGE 56-60		3,995	704	2,015	1,202	74
AGE 61-65		3,373	640	1,722	972	39
AGE 66- Up		10,701	2,056	6,032	2,532	81
TOTAL		39,208	7,918	17,859	12,816	615

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	Exec Comm Rep 026					
District						
WHITE		3,262	865	1,367	978	52
BLACK		748	463	55	215	15
HISPANIC		34,353	8,066	13,570	12,064	653
OTHER		3,195	836	665	1,660	34
WHITE MALE		1,652	392	713	519	28
BLACK MALE		339	193	27	110	9
HISPANIC MALE		15,099	3,188	6,309	5,326	276
OTHER MALE		1,046	250	233	553	10
WHITE FEMALE		1,569	464	642	440	23
BLACK FEMALE		398	266	26	100	6
HISPANIC FEMALE		18,535	4,694	7,052	6,418	371
OTHER FEMALE		1,205	394	264	533	14
SEX UNSPECIFIED		1,714	389	391	917	17
AGE 18-25		5,098	1,388	1,361	2,169	180
AGE 26-30		3,139	958	795	1,311	75
AGE 31-35		3,224	842	947	1,374	61
AGE 36-40		3,177	762	1,057	1,294	64
AGE 41-45		3,288	772	1,173	1,297	46
AGE 46-50		3,992	810	1,659	1,463	60
AGE 51-55		4,161	864	1,760	1,468	69
AGE 56-60		4,224	948	1,845	1,361	70
AGE 61-65		3,258	785	1,363	1,066	44
AGE 66- Up		7,996	2,100	3,697	2,114	85
TOTAL		41,558	10,230	15,657	14,917	754

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 027					
WHITE		11,304	4,042	4,052	3,035	175
BLACK		2,798	2,077	129	563	29
HISPANIC		18,341	4,800	6,817	6,359	365
OTHER		3,329	1,181	588	1,506	54
WHITE MALE		5,564	1,644	2,199	1,635	86
BLACK MALE		1,255	869	73	300	13
HISPANIC MALE		8,059	1,790	3,212	2,884	173
OTHER MALE		1,230	400	243	563	24
WHITE FEMALE		5,606	2,352	1,814	1,351	89
BLACK FEMALE		1,499	1,186	52	246	15
HISPANIC FEMALE		9,932	2,904	3,500	3,339	189
OTHER FEMALE		1,418	602	231	560	25
SEX UNSPECIFIED		1,206	352	261	584	9
AGE 18-25		3,974	1,379	945	1,517	133
AGE 26-30		2,589	884	639	1,000	66
AGE 31-35		2,927	931	866	1,076	54
AGE 36-40		3,045	929	892	1,170	54
AGE 41-45		2,950	927	858	1,118	47
AGE 46-50		3,062	890	1,059	1,050	63
AGE 51-55		3,258	979	1,189	1,044	46
AGE 56-60		3,401	1,032	1,333	986	50
AGE 61-65		2,908	1,089	1,060	718	41
AGE 66- Up		7,657	3,060	2,745	1,783	69
TOTAL		35,772	12,100	11,586	11,463	623

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 028					
WHITE		12,862	5,298	3,728	3,620	216
BLACK		850	569	33	237	11
HISPANIC		19,076	5,045	7,595	6,117	319
OTHER		3,243	1,080	563	1,548	52
WHITE MALE		6,182	2,167	1,974	1,926	115
BLACK MALE		358	210	22	120	6
HISPANIC MALE		8,145	1,867	3,308	2,829	141
OTHER MALE		1,079	330	223	505	21
WHITE FEMALE		6,376	3,007	1,692	1,580	97
BLACK FEMALE		447	323	11	109	4
HISPANIC FEMALE		10,583	3,077	4,187	3,143	176
OTHER FEMALE		1,229	482	231	494	22
SEX UNSPECIFIED		1,632	529	271	816	16
AGE 18-25		4,975	1,894	1,166	1,816	99
AGE 26-30		2,718	1,021	670	950	77
AGE 31-35		2,833	1,064	666	1,042	61
AGE 36-40		2,711	916	653	1,079	63
AGE 41-45		2,580	782	691	1,069	38
AGE 46-50		2,696	760	815	1,073	48
AGE 51-55		2,896	812	1,063	981	40
AGE 56-60		3,041	838	1,239	919	45
AGE 61-65		2,708	918	1,054	693	43
AGE 66- Up		8,872	2,987	3,902	1,899	84
TOTAL		36,031	11,992	11,919	11,522	598

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 029					
WHITE		14,307	5,951	4,662	3,496	198
BLACK		726	468	40	204	14
HISPANIC		16,958	4,146	7,230	5,255	327
OTHER		3,114	1,012	640	1,411	51
WHITE MALE		7,031	2,463	2,474	1,991	103
BLACK MALE		348	199	23	117	9
HISPANIC MALE		7,371	1,489	3,301	2,444	137
OTHER MALE		1,152	323	265	542	22
WHITE FEMALE		7,095	3,421	2,140	1,441	93
BLACK FEMALE		371	268	16	82	5
HISPANIC FEMALE		9,276	2,562	3,837	2,687	190
OTHER FEMALE		1,374	538	263	553	20
SEX UNSPECIFIED		1,085	313	253	508	11
AGE 18-25		4,064	1,346	1,214	1,368	136
AGE 26-30		2,587	936	745	831	75
AGE 31-35		2,340	797	698	802	43
AGE 36-40		2,534	834	731	933	36
AGE 41-45		2,707	859	825	963	60
AGE 46-50		2,942	825	1,035	1,039	43
AGE 51-55		3,277	872	1,327	1,025	53
AGE 56-60		3,315	887	1,475	911	42
AGE 61-65		3,063	988	1,277	764	34
AGE 66- Up		8,276	3,233	3,245	1,730	68
TOTAL		35,105	11,577	12,572	10,366	590

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	Exec Comm Rep 030					
District						
WHITE		2,811	860	1,166	743	42
BLACK		297	168	47	79	3
HISPANIC		30,773	6,442	13,941	9,884	506
OTHER		2,198	477	633	1,065	23
WHITE MALE		1,341	365	565	396	15
BLACK MALE		137	70	24	41	2
HISPANIC MALE		13,262	2,516	6,215	4,319	212
OTHER MALE		678	138	216	317	7
WHITE FEMALE		1,435	482	589	338	26
BLACK FEMALE		155	97	21	36	1
HISPANIC FEMALE		16,851	3,761	7,504	5,293	293
OTHER FEMALE		772	205	226	332	9
SEX UNSPECIFIED		1,445	313	426	697	9
AGE 18-25		3,382	838	976	1,464	104
AGE 26-30		2,461	667	727	1,020	47
AGE 31-35		2,663	659	871	1,077	56
AGE 36-40		2,486	553	900	989	44
AGE 41-45		2,354	506	908	887	53
AGE 46-50		2,756	520	1,196	993	47
AGE 51-55		3,011	531	1,417	1,019	44
AGE 56-60		3,528	707	1,704	1,061	56
AGE 61-65		2,976	712	1,407	812	45
AGE 66- Up		10,462	2,254	5,681	2,449	78
TOTAL		36,079	7,947	15,787	11,771	574

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 031					
WHITE		4,362	1,585	1,561	1,159	57
BLACK		939	571	54	302	12
HISPANIC		28,370	7,486	10,373	10,029	482
OTHER		2,702	748	566	1,355	33
WHITE MALE		2,026	610	780	604	32
BLACK MALE		397	207	30	155	5
HISPANIC MALE		12,031	2,804	4,637	4,362	228
OTHER MALE		902	245	207	439	11
WHITE FEMALE		2,294	951	774	544	25
BLACK FEMALE		530	358	22	143	7
HISPANIC FEMALE		15,766	4,494	5,593	5,427	252
OTHER FEMALE		998	333	215	436	14
SEX UNSPECIFIED		1,426	387	296	733	10
AGE 18-25		3,718	1,105	937	1,560	116
AGE 26-30		2,946	880	760	1,235	71
AGE 31-35		2,962	841	835	1,237	49
AGE 36-40		2,672	759	763	1,106	44
AGE 41-45		2,565	686	784	1,053	42
AGE 46-50		2,794	701	1,032	1,015	46
AGE 51-55		3,057	716	1,214	1,082	45
AGE 56-60		3,478	860	1,436	1,125	57
AGE 61-65		2,997	917	1,093	948	39
AGE 66- Up		9,184	2,925	3,700	2,484	75
TOTAL		36,373	10,390	12,554	12,845	584

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 032					
WHITE		4,965	1,640	1,734	1,476	115
BLACK		1,829	1,253	90	464	22
HISPANIC		27,891	7,846	9,052	10,513	480
OTHER		3,521	1,139	569	1,771	42
WHITE MALE		2,386	667	918	742	59
BLACK MALE		818	508	54	243	13
HISPANIC MALE		12,123	2,975	4,211	4,739	198
OTHER MALE		1,296	400	238	638	20
WHITE FEMALE		2,523	952	802	713	56
BLACK FEMALE		990	738	34	209	9
HISPANIC FEMALE		15,180	4,682	4,704	5,518	276
OTHER FEMALE		1,416	551	219	633	13
SEX UNSPECIFIED		1,473	405	265	788	15
AGE 18-25		4,418	1,451	948	1,885	134
AGE 26-30		3,227	1,108	687	1,359	73
AGE 31-35		3,339	1,034	877	1,366	62
AGE 36-40		3,322	939	913	1,415	55
AGE 41-45		2,973	837	879	1,210	47
AGE 46-50		3,227	793	1,077	1,299	58
AGE 51-55		3,491	928	1,216	1,289	58
AGE 56-60		3,695	1,074	1,304	1,266	51
AGE 61-65		3,157	1,055	1,022	1,044	36
AGE 66- Up		7,356	2,659	2,522	2,090	85
TOTAL		38,206	11,878	11,445	14,224	659

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 033					
WHITE		6,117	2,210	2,334	1,467	106
BLACK		309	168	36	100	5
HISPANIC		28,002	5,892	13,387	8,232	491
OTHER		2,209	609	584	977	39
WHITE MALE		2,874	913	1,151	759	51
BLACK MALE		149	75	14	59	1
HISPANIC MALE		12,127	2,243	6,042	3,626	216
OTHER MALE		711	203	206	287	15
WHITE FEMALE		3,176	1,281	1,156	685	54
BLACK FEMALE		154	90	22	38	4
HISPANIC FEMALE		15,372	3,532	7,159	4,410	271
OTHER FEMALE		866	293	231	330	12
SEX UNSPECIFIED		1,208	249	360	582	17
AGE 18-25		3,366	866	1,080	1,282	138
AGE 26-30		2,517	683	784	995	55
AGE 31-35		2,881	789	918	1,103	71
AGE 36-40		2,950	696	1,120	1,084	50
AGE 41-45		2,564	606	966	954	38
AGE 46-50		2,752	568	1,249	885	50
AGE 51-55		2,917	582	1,431	846	58
AGE 56-60		3,366	713	1,721	885	47
AGE 61-65		3,006	729	1,483	749	45
AGE 66- Up		10,318	2,647	5,589	1,993	89
TOTAL		36,637	8,879	16,341	10,776	641

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	Exec Comm Rep 034					
District						
WHITE		8,699	3,566	2,713	2,276	144
BLACK		1,629	1,241	66	312	10
HISPANIC		25,302	5,939	11,237	7,691	435
OTHER		2,711	830	598	1,249	34
WHITE MALE		4,286	1,502	1,422	1,273	89
BLACK MALE		726	508	39	173	6
HISPANIC MALE		10,894	2,286	4,964	3,453	191
OTHER MALE		874	258	209	391	16
WHITE FEMALE		4,290	2,005	1,271	962	52
BLACK FEMALE		880	715	26	135	4
HISPANIC FEMALE		13,938	3,524	6,132	4,046	236
OTHER FEMALE		1,087	404	235	441	7
SEX UNSPECIFIED		1,365	373	316	654	22
AGE 18-25		3,943	1,314	1,080	1,426	123
AGE 26-30		3,038	1,031	831	1,111	65
AGE 31-35		3,228	1,074	908	1,182	64
AGE 36-40		2,965	956	875	1,080	54
AGE 41-45		2,851	873	911	1,012	55
AGE 46-50		2,980	754	1,081	1,084	61
AGE 51-55		3,084	807	1,293	939	45
AGE 56-60		3,356	884	1,553	878	41
AGE 61-65		2,883	868	1,226	748	41
AGE 66- Up		10,013	3,015	4,856	2,068	74
TOTAL		38,341	11,576	14,614	11,528	623

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 035					
WHITE		9,413	3,841	3,118	2,312	142
BLACK		1,264	877	73	293	21
HISPANIC		23,187	6,089	9,122	7,587	389
OTHER		2,944	988	607	1,295	54
WHITE MALE		4,386	1,534	1,575	1,214	63
BLACK MALE		541	327	44	155	15
HISPANIC MALE		9,856	2,325	4,060	3,310	161
OTHER MALE		1,062	349	242	451	20
WHITE FEMALE		4,957	2,279	1,523	1,077	78
BLACK FEMALE		703	535	29	133	6
HISPANIC FEMALE		12,939	3,653	4,943	4,119	224
OTHER FEMALE		1,256	483	243	506	24
SEX UNSPECIFIED		1,106	309	261	521	15
AGE 18-25		3,614	1,162	1,001	1,323	128
AGE 26-30		2,642	921	703	961	57
AGE 31-35		2,800	930	797	1,021	52
AGE 36-40		2,885	852	891	1,077	65
AGE 41-45		2,652	736	890	979	47
AGE 46-50		2,905	723	1,097	1,036	49
AGE 51-55		2,999	779	1,187	991	42
AGE 56-60		3,434	970	1,388	1,033	43
AGE 61-65		3,120	1,047	1,242	786	45
AGE 66- Up		9,757	3,675	3,724	2,280	78
TOTAL		36,808	11,795	12,920	11,487	606

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 036					
WHITE		4,312	1,607	1,487	1,145	73
BLACK		6,481	5,188	195	1,045	53
HISPANIC		23,069	6,292	8,067	8,270	440
OTHER		2,974	1,052	508	1,372	42
WHITE MALE		2,122	649	824	602	47
BLACK MALE		2,766	2,063	117	556	30
HISPANIC MALE		10,151	2,518	3,833	3,615	185
OTHER MALE		982	317	179	468	18
WHITE FEMALE		2,158	945	656	532	25
BLACK FEMALE		3,626	3,055	78	471	22
HISPANIC FEMALE		12,394	3,613	4,105	4,423	253
OTHER FEMALE		1,163	528	189	432	14
SEX UNSPECIFIED		1,470	449	275	732	14
AGE 18-25		4,173	1,578	810	1,647	138
AGE 26-30		2,928	1,084	571	1,218	55
AGE 31-35		3,202	1,170	792	1,188	52
AGE 36-40		2,975	999	814	1,099	63
AGE 41-45		2,715	958	748	955	54
AGE 46-50		3,083	983	973	1,068	59
AGE 51-55		3,233	1,115	1,051	1,011	56
AGE 56-60		3,630	1,277	1,226	1,081	46
AGE 61-65		3,078	1,324	894	830	30
AGE 66- Up		7,817	3,650	2,378	1,734	55
TOTAL		36,836	14,139	10,257	11,832	608

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 037					
WHITE		2,981	1,070	1,035	829	47
BLACK		10,997	8,867	291	1,761	78
HISPANIC		21,457	5,927	7,622	7,573	335
OTHER		3,252	1,338	478	1,409	27
WHITE MALE		1,465	452	551	440	22
BLACK MALE		4,640	3,533	152	915	40
HISPANIC MALE		9,406	2,350	3,621	3,298	137
OTHER MALE		1,052	436	153	455	8
WHITE FEMALE		1,484	610	471	378	25
BLACK FEMALE		6,134	5,160	135	802	37
HISPANIC FEMALE		11,513	3,408	3,870	4,042	193
OTHER FEMALE		1,297	651	192	442	12
SEX UNSPECIFIED		1,693	601	281	798	13
AGE 18-25		4,441	1,889	724	1,719	109
AGE 26-30		3,147	1,433	508	1,154	52
AGE 31-35		3,515	1,532	726	1,211	46
AGE 36-40		3,246	1,374	732	1,088	52
AGE 41-45		2,838	1,125	679	997	37
AGE 46-50		3,021	1,149	876	942	54
AGE 51-55		3,248	1,339	893	979	37
AGE 56-60		3,407	1,493	957	924	33
AGE 61-65		3,009	1,510	737	733	29
AGE 66- Up		8,815	4,358	2,594	1,825	38
TOTAL		38,687	17,202	9,426	11,572	487

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 038					
WHITE		4,935	1,511	1,709	1,599	116
BLACK		11,540	8,824	346	2,244	126
HISPANIC		31,516	9,404	9,241	12,226	645
OTHER		3,928	1,405	613	1,841	69
WHITE MALE		2,417	611	936	810	60
BLACK MALE		4,865	3,477	195	1,137	56
HISPANIC MALE		13,869	3,610	4,553	5,433	273
OTHER MALE		1,245	449	244	523	29
WHITE FEMALE		2,455	880	761	758	56
BLACK FEMALE		6,483	5,203	144	1,067	69
HISPANIC FEMALE		17,017	5,576	4,556	6,516	369
OTHER FEMALE		1,549	667	222	633	27
SEX UNSPECIFIED		2,014	666	298	1,033	17
AGE 18-25		6,989	2,899	973	2,944	173
AGE 26-30		4,831	1,963	834	1,932	102
AGE 31-35		5,793	2,206	1,263	2,201	123
AGE 36-40		5,838	2,127	1,336	2,253	122
AGE 41-45		5,262	2,064	1,170	1,939	89
AGE 46-50		4,895	1,866	1,251	1,674	104
AGE 51-55		4,407	1,745	1,188	1,399	75
AGE 56-60		3,980	1,684	1,083	1,151	62
AGE 61-65		3,039	1,383	814	802	40
AGE 66- Up		6,884	3,207	1,996	1,615	66
TOTAL		51,919	21,144	11,909	17,910	956

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District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
District	Exec Comm Rep 039					
WHITE		5,018	1,598	1,690	1,637	93
BLACK		8,336	6,164	317	1,751	104
HISPANIC		24,923	8,206	6,685	9,641	391
OTHER		3,002	1,049	407	1,515	31
WHITE MALE		2,357	606	891	808	52
BLACK MALE		3,443	2,349	182	853	59
HISPANIC MALE		10,822	3,155	3,208	4,281	178
OTHER MALE		875	316	162	386	11
WHITE FEMALE		2,614	978	784	812	40
BLACK FEMALE		4,757	3,717	131	864	45
HISPANIC FEMALE		13,552	4,846	3,357	5,139	210
OTHER FEMALE		1,140	508	139	479	14
SEX UNSPECIFIED		1,718	541	245	922	10
AGE 18-25		5,847	2,327	761	2,634	125
AGE 26-30		4,021	1,601	621	1,729	70
AGE 31-35		4,343	1,695	840	1,734	74
AGE 36-40		4,114	1,636	868	1,534	76
AGE 41-45		3,747	1,499	803	1,388	57
AGE 46-50		3,459	1,361	831	1,216	51
AGE 51-55		3,219	1,308	872	995	44
AGE 56-60		3,172	1,353	868	909	42
AGE 61-65		2,612	1,151	653	774	34
AGE 66- Up		6,743	3,086	1,982	1,629	46
TOTAL		41,279	17,017	9,099	14,544	619

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
District	Exec Comm Rep 040					
WHITE		8,135	2,260	3,487	2,244	144
BLACK		5,122	3,917	180	977	48
HISPANIC		23,847	6,436	8,758	8,230	423
OTHER		3,080	998	631	1,410	41
WHITE MALE		4,079	967	1,865	1,174	73
BLACK MALE		2,155	1,539	93	495	28
HISPANIC MALE		10,739	2,541	4,276	3,738	184
OTHER MALE		1,033	339	255	420	19
WHITE FEMALE		3,967	1,275	1,593	1,031	68
BLACK FEMALE		2,882	2,319	86	457	20
HISPANIC FEMALE		12,669	3,751	4,369	4,314	235
OTHER FEMALE		1,202	466	234	488	14
SEX UNSPECIFIED		1,456	414	284	743	15
AGE 18-25		5,137	1,733	1,190	2,074	140
AGE 26-30		3,442	1,211	764	1,394	73
AGE 31-35		3,436	1,256	878	1,232	70
AGE 36-40		3,251	1,036	953	1,201	61
AGE 41-45		3,135	999	960	1,126	50
AGE 46-50		3,565	1,065	1,246	1,196	58
AGE 51-55		3,570	966	1,456	1,089	59
AGE 56-60		3,814	1,217	1,488	1,054	55
AGE 61-65		3,094	1,129	1,160	775	30
AGE 66- Up		7,739	2,999	2,961	1,719	60
TOTAL		40,184	13,611	13,056	12,861	656

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dcms	Reps	NPA	Other
District	104th House District					
WHITE		743	280	207	237	19
BLACK		18,670	15,180	432	2,897	161
HISPANIC		8,397	2,953	2,351	2,957	136
OTHER		2,130	995	174	936	25
WHITE MALE		347	122	100	118	7
BLACK MALE		7,658	5,816	262	1,489	91
HISPANIC MALE		3,591	1,137	1,136	1,271	47
OTHER MALE		676	325	63	276	12
WHITE FEMALE		387	156	105	114	12
BLACK FEMALE		10,698	9,135	165	1,331	67
HISPANIC FEMALE		4,594	1,744	1,168	1,593	89
OTHER FEMALE		796	463	61	265	7
SEX UNSPECIFIED		1,191	509	104	569	9
AGE 18-25		3,647	2,137	216	1,233	61
AGE 26-30		2,764	1,616	200	907	41
AGE 31-35		2,982	1,781	293	871	37
AGE 36-40		2,823	1,767	269	750	37
AGE 41-45		2,419	1,559	217	612	31
AGE 46-50		2,222	1,401	238	555	28
AGE 51-55		2,354	1,578	262	487	27
AGE 56-60		2,475	1,698	299	455	23
AGE 61-65		2,102	1,531	218	332	21
AGE 66- Up		6,150	4,339	952	824	35
TOTAL		29,940	19,408	3,164	7,027	341

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	106th House District					
WHITE		53,851	18,282	14,973	19,580	1,016
BLACK		3,809	2,337	234	1,154	84
HISPANIC		38,756	13,321	9,655	15,178	602
OTHER		10,946	3,254	2,052	5,442	198
WHITE MALE		27,563	8,224	8,189	10,608	542
BLACK MALE		2,004	1,116	160	673	55
HISPANIC MALE		17,029	5,493	4,451	6,810	275
OTHER MALE		4,302	1,210	894	2,122	76
WHITE FEMALE		25,468	9,795	6,589	8,619	465
BLACK FEMALE		1,759	1,185	74	471	29
HISPANIC FEMALE		20,911	7,532	5,071	7,986	322
OTHER FEMALE		4,413	1,523	792	2,016	82
SEX UNSPECIFIED		3,907	1,115	694	2,045	53
AGE 18-25		7,204	2,379	1,564	3,055	206
AGE 26-30		6,469	2,253	1,266	2,784	166
AGE 31-35		8,028	2,813	1,607	3,422	186
AGE 36-40		8,947	2,982	1,808	3,995	162
AGE 41-45		8,846	2,799	1,788	4,084	175
AGE 46-50		9,245	2,968	2,037	4,069	171
AGE 51-55		9,725	3,196	2,293	4,091	145
AGE 56-60		9,667	3,371	2,534	3,581	181
AGE 61-65		8,837	3,152	2,374	3,180	131
AGE 66- Up		30,393	11,281	9,643	9,092	377
TOTAL		107,362	37,194	26,914	41,354	1,900

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	107th House District					
WHITE		14,479	5,555	3,943	4,756	225
BLACK		53,196	42,104	1,422	9,222	448
HISPANIC		27,899	10,784	5,992	10,725	398
OTHER		9,461	3,974	1,024	4,323	140
WHITE MALE		7,115	2,404	2,161	2,425	125
BLACK MALE		22,333	16,679	795	4,636	223
HISPANIC MALE		12,183	4,232	2,885	4,886	180
OTHER MALE		3,341	1,354	473	1,447	67
WHITE FEMALE		7,158	3,079	1,732	2,252	95
BLACK FEMALE		29,926	24,711	610	4,382	223
HISPANIC FEMALE		15,118	6,328	2,989	5,584	217
OTHER FEMALE		3,817	1,964	364	1,439	50
SEX UNSPECIFIED		4,043	1,666	372	1,974	31
AGE 18-25		11,725	6,283	1,002	4,220	220
AGE 26-30		9,387	5,053	855	3,349	130
AGE 31-35		10,032	5,498	1,099	3,292	143
AGE 36-40		9,183	5,030	1,017	3,002	134
AGE 41-45		7,970	4,437	904	2,526	103
AGE 46-50		7,808	4,444	955	2,314	95
AGE 51-55		8,122	4,734	1,079	2,206	103
AGE 56-60		8,633	5,410	1,075	2,076	72
AGE 61-65		8,647	5,575	1,105	1,905	62
AGE 66- Up		23,526	15,952	3,289	4,136	149
TOTAL		105,035	62,417	12,381	29,026	1,211

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dem	Rep	NPA	Other
District	108th House District					
WHITE		16,071	7,556	3,118	5,070	327
BLACK		49,022	38,339	1,413	8,804	466
HISPANIC		27,402	11,991	4,909	10,077	425
OTHER		9,009	4,126	734	4,009	140
WHITE MALE		8,350	3,500	1,746	2,916	188
BLACK MALE		21,995	16,305	880	4,563	247
HISPANIC MALE		12,424	5,087	2,450	4,683	204
OTHER MALE		3,259	1,499	330	1,371	59
WHITE FEMALE		7,519	3,975	1,324	2,083	137
BLACK FEMALE		26,261	21,486	514	4,048	213
HISPANIC FEMALE		14,441	6,664	2,386	5,173	218
OTHER FEMALE		3,638	1,973	280	1,324	61
SEX UNSPECIFIED		3,614	1,522	264	1,797	31
AGE 18-25		10,104	5,454	619	3,805	226
AGE 26-30		9,092	5,116	693	3,137	146
AGE 31-35		10,547	5,886	885	3,591	185
AGE 36-40		9,973	5,727	797	3,279	170
AGE 41-45		8,380	4,801	737	2,700	142
AGE 46-50		7,539	4,247	830	2,350	112
AGE 51-55		7,504	4,498	824	2,095	87
AGE 56-60		7,998	4,981	1,007	1,914	96
AGE 61-65		7,952	5,375	905	1,600	72
AGE 66- Up		22,415	15,927	2,877	3,489	122
TOTAL		101,504	62,012	10,174	27,960	1,358

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	109th House District					
WHITE		5,269	1,909	1,224	2,013	123
BLACK		44,631	37,179	1,125	6,046	281
HISPANIC		38,672	14,709	9,498	13,924	541
OTHER		6,180	2,445	640	3,032	63
WHITE MALE		2,912	934	739	1,165	74
BLACK MALE		19,009	15,040	669	3,145	155
HISPANIC MALE		17,204	6,046	4,614	6,302	242
OTHER MALE		2,047	797	254	968	28
WHITE FEMALE		2,292	948	474	823	47
BLACK FEMALE		25,005	21,653	445	2,783	124
HISPANIC FEMALE		20,618	8,329	4,710	7,288	291
OTHER FEMALE		2,100	1,089	208	781	22
SEX UNSPECIFIED		3,559	1,405	374	1,755	25
AGE 18-25		10,518	5,809	756	3,790	163
AGE 26-30		9,357	5,087	838	3,310	122
AGE 31-35		10,306	5,865	1,018	3,288	135
AGE 36-40		8,527	4,930	845	2,635	117
AGE 41-45		6,815	4,023	751	1,959	82
AGE 46-50		6,162	3,564	860	1,658	80
AGE 51-55		6,552	4,007	876	1,610	59
AGE 56-60		7,570	4,736	1,112	1,637	85
AGE 61-65		7,587	5,095	978	1,456	58
AGE 66- Up		21,354	13,125	4,451	3,671	107
TOTAL		94,752	56,242	12,487	25,015	1,008

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	110th House District					
WHITE		8,625	2,565	3,600	2,315	145
BLACK		5,195	3,961	204	978	52
HISPANIC		79,842	18,574	34,195	25,592	1,481
OTHER		6,720	1,858	1,616	3,179	67
WHITE MALE		4,154	1,126	1,774	1,187	67
BLACK MALE		2,184	1,541	119	498	26
HISPANIC MALE		34,496	7,218	15,437	11,226	615
OTHER MALE		1,985	563	529	873	20
WHITE FEMALE		4,401	1,419	1,804	1,100	78
BLACK FEMALE		2,937	2,367	81	464	25
HISPANIC FEMALE		43,662	10,905	18,233	13,671	853
OTHER FEMALE		2,339	771	589	949	30
SEX UNSPECIFIED		4,224	1,048	1,049	2,096	31
AGE 18-25		10,384	2,954	2,760	4,340	330
AGE 26-30		7,394	2,167	2,024	3,019	184
AGE 31-35		8,116	2,246	2,490	3,214	166
AGE 36-40		7,681	1,922	2,647	2,940	172
AGE 41-45		6,904	1,822	2,337	2,599	146
AGE 46-50		8,362	1,952	3,347	2,896	167
AGE 51-55		8,771	2,100	3,670	2,878	123
AGE 56-60		9,961	2,517	4,520	2,760	164
AGE 61-65		8,142	2,270	3,624	2,140	108
AGE 66- Up		24,663	7,007	12,194	5,277	185
TOTAL		100,382	26,958	39,615	32,064	1,745

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	111th House District					
	WHITE	7,841	2,213	2,673	2,827	128
	BLACK	1,402	833	97	446	26
	HISPANIC	78,070	18,566	28,290	29,919	1,295
	OTHER	7,444	1,999	1,569	3,770	106
	WHITE MALE	4,063	1,032	1,430	1,529	72
	BLACK MALE	716	381	65	253	17
	HISPANIC MALE	34,315	7,406	12,976	13,397	536
	OTHER MALE	2,284	612	535	1,093	44
	WHITE FEMALE	3,678	1,163	1,217	1,242	56
	BLACK FEMALE	661	442	32	178	9
	HISPANIC FEMALE	42,031	10,692	14,833	15,759	747
	OTHER FEMALE	2,719	852	564	1,260	43
	SEX UNSPECIFIED	4,288	1,031	976	2,250	31
	AGE 18-25	10,808	2,980	2,507	4,994	327
	AGE 26-30	7,316	2,137	1,786	3,224	169
	AGE 31-35	7,461	2,128	2,044	3,146	143
	AGE 36-40	7,194	1,821	2,082	3,166	125
	AGE 41-45	7,280	1,806	2,013	3,354	107
	AGE 46-50	8,786	1,936	2,846	3,879	125
	AGE 51-55	8,996	1,992	3,257	3,615	132
	AGE 56-60	9,472	2,166	3,633	3,531	142
	AGE 61-65	7,245	1,829	2,822	2,498	96
	AGE 66- Up	20,197	4,816	9,639	5,553	189
	TOTAL	94,757	23,611	32,629	36,962	1,555

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	112th House District					
WHITE		6,273	1,968	2,499	1,707	99
BLACK		952	558	104	281	9
HISPANIC		72,163	16,912	31,785	22,388	1,078
OTHER		5,595	1,372	1,551	2,594	78
WHITE MALE		3,024	843	1,241	886	54
BLACK MALE		494	272	51	164	7
HISPANIC MALE		31,056	6,716	14,092	9,767	481
OTHER MALE		1,471	369	472	604	26
WHITE FEMALE		3,192	1,113	1,236	798	45
BLACK FEMALE		444	280	50	112	2
HISPANIC FEMALE		39,470	9,765	17,146	11,975	584
OTHER FEMALE		1,652	469	512	642	29
SEX UNSPECIFIED		4,175	981	1,137	2,021	36
AGE 18-25		7,631	2,172	1,884	3,346	229
AGE 26-30		5,599	1,599	1,420	2,461	119
AGE 31-35		5,973	1,548	1,813	2,493	119
AGE 36-40		5,601	1,450	1,840	2,192	119
AGE 41-45		4,684	1,158	1,637	1,807	82
AGE 46-50		5,621	1,343	2,180	1,989	109
AGE 51-55		6,383	1,462	2,691	2,105	125
AGE 56-60		7,943	1,925	3,429	2,483	106
AGE 61-65		6,982	1,853	3,129	1,926	74
AGE 66- Up		28,564	6,300	15,916	6,166	182
TOTAL		84,983	20,810	35,939	26,970	1,264

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	113th House District					
WHITE		24,684	8,825	6,327	9,039	493
BLACK		2,657	1,639	178	783	57
HISPANIC		54,274	15,955	17,206	20,223	890
OTHER		7,892	2,525	1,301	3,939	127
WHITE MALE		13,153	4,023	3,701	5,159	270
BLACK MALE		1,459	808	98	517	36
HISPANIC MALE		23,832	6,369	7,870	9,170	423
OTHER MALE		2,996	857	546	1,533	60
WHITE FEMALE		11,246	4,692	2,581	3,755	218
BLACK FEMALE		1,155	805	75	254	21
HISPANIC FEMALE		29,397	9,264	9,106	10,567	460
OTHER FEMALE		3,088	1,168	512	1,366	42
SEX UNSPECIFIED		3,179	957	523	1,662	37
AGE 18-25		7,450	2,545	1,518	3,173	214
AGE 26-30		8,900	3,177	1,841	3,677	205
AGE 31-35		9,662	3,448	1,917	4,109	188
AGE 36-40		8,090	2,714	1,631	3,594	151
AGE 41-45		6,685	2,178	1,346	3,028	133
AGE 46-50		6,670	1,962	1,611	2,963	134
AGE 51-55		6,951	2,062	1,893	2,873	123
AGE 56-60		7,231	2,126	2,279	2,713	113
AGE 61-65		6,361	2,103	1,991	2,171	96
AGE 66- Up		21,506	6,629	8,985	5,682	210
TOTAL		89,507	28,944	25,012	33,984	1,567

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	114th House District					
WHITE		28,645	11,819	8,310	8,034	482
BLACK		4,086	3,103	154	799	30
HISPANIC		67,566	17,098	27,786	21,616	1,066
OTHER		8,281	2,643	1,589	3,915	134
WHITE MALE		13,995	4,948	4,423	4,367	257
BLACK MALE		1,792	1,234	86	453	19
HISPANIC MALE		28,937	6,600	12,152	9,717	468
OTHER MALE		2,633	774	603	1,202	54
WHITE FEMALE		14,128	6,638	3,789	3,482	219
BLACK FEMALE		2,196	1,790	67	329	10
HISPANIC FEMALE		37,287	10,107	15,232	11,360	588
OTHER FEMALE		3,150	1,216	577	1,304	53
SEX UNSPECIFIED		4,456	1,356	908	2,148	44
AGE 18-25		11,613	4,219	2,733	4,379	282
AGE 26-30		7,849	2,802	1,929	2,935	183
AGE 31-35		8,722	3,097	2,198	3,228	199
AGE 36-40		8,555	2,764	2,296	3,344	151
AGE 41-45		7,746	2,470	2,116	3,016	144
AGE 46-50		8,078	2,245	2,641	3,053	139
AGE 51-55		8,735	2,472	3,224	2,929	110
AGE 56-60		9,674	2,685	3,924	2,922	143
AGE 61-65		8,551	2,720	3,410	2,309	112
AGE 66- Up		29,054	9,189	13,368	6,248	249
TOTAL		108,578	34,663	37,839	34,364	1,712

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	115th House District					
WHITE		36,042	14,042	12,337	9,113	550
BLACK		5,766	4,136	286	1,265	79
HISPANIC		70,009	16,896	29,383	22,409	1,321
OTHER		10,028	3,299	2,040	4,528	161
WHITE MALE		17,609	5,727	6,579	5,020	283
BLACK MALE		2,575	1,700	157	678	40
HISPANIC MALE		30,482	6,317	13,482	10,090	593
OTHER MALE		3,591	1,097	805	1,617	72
WHITE FEMALE		18,037	8,176	5,650	3,950	261
BLACK FEMALE		3,106	2,391	122	555	38
HISPANIC FEMALE		38,261	10,227	15,497	11,818	719
OTHER FEMALE		4,235	1,653	819	1,703	60
SEX UNSPECIFIED		3,941	1,081	933	1,882	45
AGE 18-25		13,286	4,283	3,756	4,797	450
AGE 26-30		9,063	3,051	2,533	3,247	232
AGE 31-35		9,412	3,043	2,771	3,408	190
AGE 36-40		9,717	2,992	2,949	3,606	170
AGE 41-45		9,539	2,867	2,979	3,514	179
AGE 46-50		10,221	2,740	3,760	3,523	198
AGE 51-55		10,829	2,844	4,372	3,439	174
AGE 56-60		11,273	3,060	4,903	3,153	157
AGE 61-65		9,856	3,241	4,033	2,453	129
AGE 66- Up		28,648	10,252	11,990	6,174	232
TOTAL		121,845	38,373	44,046	37,315	2,111

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	116th House District					
WHITE		12,758	4,475	4,724	3,346	213
BLACK		1,431	864	103	448	16
HISPANIC		85,811	19,869	37,351	27,261	1,330
OTHER		6,942	1,875	1,750	3,211	106
WHITE MALE		6,016	1,854	2,310	1,746	106
BLACK MALE		632	324	54	245	9
HISPANIC MALE		36,371	7,731	16,238	11,819	583
OTHER MALE		2,056	563	552	899	42
WHITE FEMALE		6,610	2,580	2,369	1,556	105
BLACK FEMALE		763	515	48	193	7
HISPANIC FEMALE		47,739	11,667	20,578	14,759	735
OTHER FEMALE		2,547	802	670	1,033	42
SEX UNSPECIFIED		4,204	1,047	1,109	2,012	36
AGE 18-25		10,530	3,262	2,673	4,255	340
AGE 26-30		7,622	2,322	2,005	3,135	160
AGE 31-35		8,034	2,268	2,329	3,260	177
AGE 36-40		7,631	1,894	2,582	3,015	140
AGE 41-45		7,020	1,694	2,512	2,718	96
AGE 46-50		7,680	1,639	3,137	2,765	139
AGE 51-55		8,332	1,787	3,691	2,715	139
AGE 56-60		9,729	2,235	4,461	2,902	131
AGE 61-65		8,600	2,248	3,871	2,377	104
AGE 66- Up		31,763	7,734	16,666	7,124	239
TOTAL		106,942	27,083	43,928	34,266	1,665

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CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	117th House District					
WHITE		8,089	2,826	2,619	2,505	139
BLACK		29,654	23,474	811	5,110	259
HISPANIC		51,644	16,189	14,929	19,630	896
OTHER		7,328	2,908	978	3,368	74
WHITE MALE		3,811	1,105	1,387	1,237	82
BLACK MALE		12,175	9,076	440	2,528	131
HISPANIC MALE		22,376	6,197	7,139	8,660	380
OTHER MALE		2,211	874	368	942	27
WHITE FEMALE		4,192	1,696	1,213	1,227	56
BLACK FEMALE		16,952	13,990	359	2,478	125
HISPANIC FEMALE		28,105	9,572	7,518	10,506	509
OTHER FEMALE		2,863	1,424	345	1,063	31
SEX UNSPECIFIED		4,025	1,459	568	1,971	27
AGE 18-25		12,637	5,615	1,563	5,178	281
AGE 26-30		9,011	4,072	1,261	3,532	146
AGE 31-35		9,972	4,390	1,790	3,634	158
AGE 36-40		9,318	4,021	1,799	3,320	178
AGE 41-45		8,065	3,586	1,593	2,769	117
AGE 46-50		7,910	3,476	1,796	2,502	136
AGE 51-55		7,570	3,453	1,830	2,188	99
AGE 56-60		7,743	3,797	1,802	2,058	86
AGE 61-65		6,668	3,518	1,451	1,637	62
AGE 66- Up		17,818	9,468	4,451	3,794	105
TOTAL		96,715	45,397	19,337	30,613	1,368

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	118th House District					
WHITE		12,695	4,264	4,825	3,408	198
BLACK		4,617	3,286	260	1,019	52
HISPANIC		91,328	21,283	37,818	30,655	1,572
OTHER		8,544	2,443	1,961	4,044	96
WHITE MALE		6,019	1,715	2,452	1,755	97
BLACK MALE		2,063	1,326	152	555	30
HISPANIC MALE		39,619	8,347	17,094	13,498	680
OTHER MALE		2,842	797	692	1,321	32
WHITE FEMALE		6,550	2,502	2,334	1,616	98
BLACK FEMALE		2,477	1,913	101	441	22
HISPANIC FEMALE		49,795	12,393	20,184	16,336	882
OTHER FEMALE		3,202	1,131	716	1,317	38
SEX UNSPECIFIED		4,610	1,150	1,138	2,283	39
AGE 18-25		12,052	3,475	3,118	5,085	374
AGE 26-30		8,608	2,590	2,256	3,579	183
AGE 31-35		9,408	2,674	2,878	3,680	176
AGE 36-40		8,858	2,314	2,876	3,512	156
AGE 41-45		8,486	2,142	2,953	3,221	170
AGE 46-50		9,400	2,134	3,738	3,368	160
AGE 51-55		10,232	2,349	4,275	3,427	181
AGE 56-60		11,297	2,701	4,969	3,456	171
AGE 61-65		9,514	2,680	4,002	2,711	121
AGE 66- Up		29,327	8,217	13,798	7,086	226
TOTAL		117,184	31,276	44,864	39,126	1,918

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CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	119th House District					
WHITE		11,372	3,484	4,316	3,349	223
BLACK		4,098	2,777	201	1,068	52
HISPANIC		90,220	23,170	32,995	32,443	1,612
OTHER		9,275	2,746	1,764	4,652	113
WHITE MALE		5,560	1,469	2,257	1,722	112
BLACK MALE		1,835	1,136	107	561	31
HISPANIC MALE		39,461	8,965	15,385	14,427	684
OTHER MALE		3,176	910	667	1,553	46
WHITE FEMALE		5,684	1,971	2,027	1,576	110
BLACK FEMALE		2,209	1,616	91	481	21
HISPANIC FEMALE		48,869	13,653	17,105	17,198	913
OTHER FEMALE		3,554	1,283	670	1,559	42
SEX UNSPECIFIED		4,612	1,173	967	2,431	41
AGE 18-25		13,516	4,024	3,311	5,743	438
AGE 26-30		9,212	2,935	2,196	3,868	213
AGE 31-35		9,318	2,664	2,631	3,848	175
AGE 36-40		9,168	2,399	2,779	3,822	168
AGE 41-45		8,820	2,287	2,848	3,545	140
AGE 46-50		10,231	2,330	3,908	3,815	178
AGE 51-55		10,846	2,567	4,325	3,792	162
AGE 56-60		11,643	2,977	4,633	3,844	189
AGE 61-65		9,315	2,755	3,442	3,008	110
AGE 66- Up		22,894	7,238	9,203	6,226	227
TOTAL		114,965	32,177	39,276	41,512	2,000

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	120th House District					
WHITE		9,281	2,549	3,852	2,699	181
BLACK		6,981	5,151	282	1,464	84
HISPANIC		28,497	8,211	9,251	10,514	521
OTHER		3,655	1,134	702	1,762	57
WHITE MALE		4,641	1,078	2,077	1,391	95
BLACK MALE		3,101	2,118	167	769	47
HISPANIC MALE		12,830	3,280	4,580	4,737	233
OTHER MALE		1,187	376	275	512	24
WHITE FEMALE		4,535	1,447	1,739	1,266	83
BLACK FEMALE		3,781	2,962	112	670	37
HISPANIC FEMALE		15,118	4,748	4,547	5,537	286
OTHER FEMALE		1,419	533	279	585	22
SEX UNSPECIFIED		1,798	500	310	972	16
AGE 18-25		6,395	2,295	1,205	2,733	162
AGE 26-30		4,255	1,489	861	1,813	92
AGE 31-35		4,788	1,667	1,181	1,850	90
AGE 36-40		4,673	1,532	1,300	1,748	93
AGE 41-45		4,346	1,489	1,173	1,612	72
AGE 46-50		4,351	1,406	1,317	1,548	80
AGE 51-55		4,126	1,284	1,457	1,312	73
AGE 56-60		4,069	1,409	1,452	1,141	67
AGE 61-65		3,270	1,225	1,116	880	49
AGE 66- Up		8,139	3,249	3,025	1,800	65
TOTAL		48,414	17,045	14,087	16,439	843

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	Biscayne Gardens MAC					
	WHITE	1,229	556	288	365	20
	BLACK	12,165	9,291	376	2,377	121
	HISPANIC	3,403	1,447	630	1,275	51
	OTHER	1,689	828	115	726	20
	WHITE MALE	621	240	158	212	11
	BLACK MALE	5,281	3,786	233	1,200	62
	HISPANIC MALE	1,522	608	311	577	26
	OTHER MALE	618	312	53	243	10
	WHITE FEMALE	585	303	128	145	9
	BLACK FEMALE	6,667	5,341	138	1,130	58
	HISPANIC FEMALE	1,805	809	302	669	25
	OTHER FEMALE	684	394	40	241	9
	SEX UNSPECIFIED	702	329	46	325	2
	AGE 18-25	2,168	1,235	108	793	32
	AGE 26-30	1,702	1,007	83	591	21
	AGE 31-35	1,732	1,042	106	558	26
	AGE 36-40	1,684	1,014	113	525	32
	AGE 41-45	1,320	824	90	387	19
	AGE 46-50	1,263	784	111	348	20
	AGE 51-55	1,324	899	112	296	17
	AGE 56-60	1,531	1,087	124	307	13
	AGE 61-65	1,598	1,158	142	290	8
	AGE 66- Up	4,164	3,072	420	648	24
	TOTAL	18,486	12,122	1,409	4,743	212

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	23rd Old Congressional Dist.					
WHITE		25,653	7,465	8,393	9,339	456
BLACK		1,284	780	88	381	35
HISPANIC		14,782	4,751	3,439	6,378	214
OTHER		4,739	1,203	1,023	2,431	82
WHITE MALE		12,145	2,932	4,288	4,702	223
BLACK MALE		628	342	62	204	20
HISPANIC MALE		6,114	1,777	1,526	2,722	89
OTHER MALE		1,754	393	440	895	26
WHITE FEMALE		13,102	4,423	3,986	4,463	230
BLACK FEMALE		642	426	26	175	15
HISPANIC FEMALE		8,324	2,855	1,868	3,479	122
OTHER FEMALE		2,020	630	395	955	40
SEX UNSPECIFIED		1,725	421	352	931	21
AGE 18-25		3,217	907	781	1,440	89
AGE 26-30		2,333	696	522	1,056	59
AGE 31-35		2,771	793	641	1,274	63
AGE 36-40		3,165	880	776	1,447	62
AGE 41-45		3,386	865	811	1,644	66
AGE 46-50		3,774	1,035	935	1,738	66
AGE 51-55		3,957	1,063	1,087	1,749	58
AGE 56-60		4,017	1,209	1,150	1,581	77
AGE 61-65		3,951	1,198	1,188	1,515	50
AGE 66- Up		15,886	5,553	5,052	5,084	197
TOTAL		46,458	14,199	12,943	18,529	787

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District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	24th Old Congressional Dist.				
	WHITE	43,216	17,838	10,259	14,291	828
	BLACK	169,609	135,947	4,511	27,749	1,402
	HISPANIC	120,374	45,696	28,399	44,391	1,888
	OTHER	29,924	12,702	3,084	13,731	407
	WHITE MALE	22,096	8,106	5,705	7,819	466
	BLACK MALE	72,784	55,109	2,672	14,258	745
	HISPANIC MALE	53,216	18,551	13,720	20,105	840
	OTHER MALE	10,490	4,411	1,347	4,551	181
	WHITE FEMALE	20,559	9,522	4,432	6,253	352
	BLACK FEMALE	94,142	78,823	1,787	12,889	643
	HISPANIC FEMALE	64,565	26,169	14,162	23,202	1,032
	OTHER FEMALE	11,631	6,036	1,090	4,351	154
	SEX UNSPECIFIED	13,628	5,453	1,338	6,725	112
	AGE 18-25	38,769	20,649	3,135	14,219	766
	AGE 26-30	33,098	17,800	3,089	11,696	513
	AGE 31-35	36,966	20,162	3,957	12,295	552
	AGE 36-40	33,482	18,429	3,652	10,887	514
	AGE 41-45	28,262	15,793	3,177	8,885	407
	AGE 46-50	26,630	14,642	3,655	7,954	379
	AGE 51-55	27,484	15,878	3,844	7,441	321
	AGE 56-60	29,635	17,854	4,395	7,053	333
	AGE 61-65	28,781	18,607	3,907	6,014	253
	AGE 66- Up	80,007	52,365	13,439	13,716	487
	TOTAL	363,123	212,183	46,253	100,162	4,525

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CloseDate					
District	<u>Total_Voters</u>	Dems	Reps	NPA	Other
25th Old Congressional Dist.					
WHITE	22,059	6,488	8,480	6,724	367
BLACK	4,339	2,785	306	1,188	60
HISPANIC	229,301	52,830	94,937	77,784	3,750
OTHER	19,375	4,963	4,822	9,348	242
WHITE MALE	10,905	2,895	4,281	3,538	191
BLACK MALE	2,027	1,171	175	645	36
HISPANIC MALE	99,168	20,895	42,503	34,174	1,596
OTHER MALE	5,539	1,402	1,529	2,520	88
WHITE FEMALE	10,935	3,544	4,132	3,083	176
BLACK FEMALE	2,237	1,572	124	517	24
HISPANIC FEMALE	125,088	30,599	50,876	41,498	2,115
OTHER FEMALE	6,519	1,954	1,701	2,770	94
SEX UNSPECIFIED	12,648	3,033	3,221	6,295	99
AGE 18-25	28,416	7,886	7,119	12,559	852
AGE 26-30	19,823	5,615	5,193	8,570	445
AGE 31-35	21,014	5,621	6,365	8,586	442
AGE 36-40	19,720	4,740	6,458	8,118	404
AGE 41-45	18,399	4,469	6,006	7,606	318
AGE 46-50	22,208	4,878	8,289	8,655	386
AGE 51-55	23,790	5,206	9,673	8,540	371
AGE 56-60	26,799	6,208	11,497	8,703	391
AGE 61-65	21,988	5,601	9,596	6,530	261
AGE 66- Up	72,909	16,842	38,346	17,172	549
TOTAL	275,074	67,066	108,545	95,044	4,419

Christina White

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District	26th Old Congressional Dist.				
	WHITE	44,255	13,948	16,855	12,670	782
	BLACK	42,266	31,940	1,495	8,400	431
	HISPANIC	290,504	74,627	108,982	101,834	5,061
	OTHER	30,668	9,578	5,995	14,722	373
	WHITE MALE	21,412	5,745	8,790	6,470	407
	BLACK MALE	17,883	12,559	828	4,265	231
	HISPANIC MALE	126,417	29,000	50,160	45,073	2,184
	OTHER MALE	9,916	3,057	2,163	4,550	146
	WHITE FEMALE	22,360	8,051	7,927	6,016	366
	BLACK FEMALE	23,655	18,857	642	3,958	198
	HISPANIC FEMALE	157,947	43,750	57,184	54,176	2,837
	OTHER FEMALE	11,665	4,482	2,242	4,797	144
	SEX UNSPECIFIED	16,416	4,582	3,389	8,311	134
	AGE 18-25	47,711	16,169	10,112	20,067	1,363
	AGE 26-30	33,106	11,518	7,218	13,683	687
	AGE 31-35	35,462	11,747	9,180	13,879	656
	AGE 36-40	33,827	10,530	9,522	13,146	629
	AGE 41-45	31,560	9,725	9,383	11,938	514
	AGE 46-50	34,082	9,574	11,898	12,005	605
	AGE 51-55	35,121	9,910	13,123	11,526	562
	AGE 56-60	37,566	11,214	14,437	11,339	576
	AGE 61-65	31,013	10,381	11,355	8,912	365
	AGE 66- Up	88,237	29,324	37,097	21,126	690
	TOTAL	407,693	130,093	133,327	137,626	6,647

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	27th Old Congressional Dist.				
	WHITE	123,380	47,884	35,903	37,430	2,163
	BLACK	18,835	13,595	909	4,101	230
	HISPANIC	256,754	69,210	97,871	85,404	4,269
	OTHER	36,070	11,768	6,693	17,005	604
	WHITE MALE	62,649	20,856	19,685	20,945	1,163
	BLACK MALE	8,771	5,738	527	2,373	133
	HISPANIC MALE	111,787	27,174	44,175	38,517	1,921
	OTHER MALE	12,921	3,957	2,659	6,048	257
	WHITE FEMALE	59,065	26,375	15,860	15,853	977
	BLACK FEMALE	9,751	7,641	368	1,648	94
	HISPANIC FEMALE	140,139	40,582	52,339	44,899	2,319
	OTHER FEMALE	14,428	5,562	2,617	6,015	234
	SEX UNSPECIFIED	15,510	4,565	3,142	7,635	168
	AGE 18-25	41,657	14,406	10,075	15,943	1,233
	AGE 26-30	33,832	12,016	7,974	13,050	792
	AGE 31-35	36,985	12,934	8,847	14,443	761
	AGE 36-40	36,121	11,869	9,154	14,456	642
	AGE 41-45	32,757	10,466	8,577	13,093	621
	AGE 46-50	33,972	9,874	10,466	13,012	620
	AGE 51-55	36,083	10,546	12,358	12,615	564
	AGE 56-60	38,791	11,517	14,631	12,084	559
	AGE 61-65	34,277	11,574	12,505	9,716	482
	AGE 66- Up	110,560	37,254	46,789	25,525	992
	TOTAL	435,039	142,457	141,376	143,940	7,266

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate						
District	President/Vice President	<u>Total Voters</u>	Dems	Reps	NPA	Other
WHITE	Vote	0	0	0	0	0
BLACK		0	0	0	0	0
HISPANIC		0	0	0	0	0
OTHER		0	0	0	0	0
WHITE MALE		0	0	0	0	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		0	0	0	0	0
OTHER MALE		0	0	0	0	0
WHITE FEMALE		0	0	0	0	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		0	0	0	0	0
OTHER FEMALE		0	0	0	0	0
SEX UNSPECIFIED		0	0	0	0	0
AGE 18-25		0	0	0	0	0
AGE 26-30		0	0	0	0	0
AGE 31-35		0	0	0	0	0
AGE 36-40		0	0	0	0	0
AGE 41-45		0	0	0	0	0
AGE 46-50		0	0	0	0	0
AGE 51-55		0	0	0	0	0
AGE 56-60		0	0	0	0	0
AGE 61-65		0	0	0	0	0
AGE 66- Up		0	0	0	0	0
TOTAL		0	0	0	0	0

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dem	Rep	NPA	Other
	District					
	School Board District 1					
	WHITE	13,124	5,145	3,650	4,116	213
	BLACK	89,642	71,358	2,344	15,198	742
	HISPANIC	53,209	19,195	13,506	19,644	864
	OTHER	14,053	6,164	1,462	6,258	169
	WHITE MALE	6,397	2,215	1,947	2,120	115
	BLACK MALE	37,603	28,257	1,345	7,629	372
	HISPANIC MALE	23,068	7,533	6,415	8,750	370
	OTHER MALE	4,736	2,082	623	1,955	76
	WHITE FEMALE	6,526	2,862	1,648	1,921	95
	BLACK FEMALE	50,509	41,957	968	7,223	361
	HISPANIC FEMALE	28,964	11,226	6,848	10,402	488
	OTHER FEMALE	5,555	2,975	508	2,011	61
	SEX UNSPECIFIED	6,666	2,754	660	3,202	50
	AGE 18-25	19,299	10,447	1,541	6,945	366
	AGE 26-30	15,116	8,289	1,284	5,315	228
	AGE 31-35	16,174	8,966	1,741	5,237	230
	AGE 36-40	15,174	8,501	1,738	4,711	224
	AGE 41-45	12,941	7,438	1,444	3,890	169
	AGE 46-50	12,454	7,156	1,633	3,511	154
	AGE 51-55	13,081	7,801	1,815	3,309	156
	AGE 56-60	14,107	8,823	1,976	3,177	131
	AGE 61-65	13,626	8,956	1,797	2,759	114
	AGE 66- Up	38,052	25,482	5,993	6,361	216
	TOTAL	170,028	101,862	20,962	45,216	1,988

Christina White

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	School Board District 2					
WHITE		14,122	6,280	2,795	4,744	303
BLACK		77,189	62,687	2,066	11,827	609
HISPANIC		54,308	22,122	11,863	19,550	773
OTHER		11,768	5,059	1,024	5,528	157
WHITE MALE		7,538	3,007	1,635	2,728	168
BLACK MALE		33,836	26,031	1,271	6,197	337
HISPANIC MALE		24,384	9,204	5,828	8,984	368
OTHER MALE		4,068	1,752	434	1,820	62
WHITE FEMALE		6,417	3,204	1,125	1,956	132
BLACK FEMALE		42,229	35,805	776	5,381	267
HISPANIC FEMALE		28,766	12,446	5,824	10,100	396
OTHER FEMALE		4,358	2,337	358	1,594	69
SEX UNSPECIFIED		5,784	2,360	497	2,884	43
AGE 18-25		16,744	9,265	1,079	6,094	306
AGE 26-30		15,024	8,383	1,245	5,186	210
AGE 31-35		16,924	9,672	1,490	5,503	259
AGE 36-40		14,762	8,618	1,280	4,641	223
AGE 41-45		12,085	7,167	1,148	3,593	177
AGE 46-50		10,787	6,280	1,297	3,058	152
AGE 51-55		11,154	6,854	1,329	2,860	111
AGE 56-60		12,341	7,834	1,623	2,744	140
AGE 61-65		12,421	8,539	1,427	2,360	95
AGE 66- Up		35,141	23,535	5,828	5,609	169
TOTAL		157,387	96,148	17,748	41,649	1,842

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	School Board District 3					
WHITE		85,654	30,665	22,448	30,900	1,641
BLACK		8,508	5,640	438	2,270	160
HISPANIC		67,096	22,628	16,493	26,896	1,079
OTHER		18,730	5,935	3,155	9,295	345
WHITE MALE		44,322	13,802	12,594	17,027	899
BLACK MALE		4,344	2,581	278	1,381	104
HISPANIC MALE		29,846	9,332	7,833	12,194	487
OTHER MALE		7,460	2,172	1,412	3,723	153
WHITE FEMALE		40,146	16,441	9,604	13,375	726
BLACK FEMALE		4,046	2,975	154	861	56
HISPANIC FEMALE		35,908	12,843	8,425	14,055	585
OTHER FEMALE		7,585	2,809	1,210	3,435	131
SEX UNSPECIFIED		6,323	1,911	1,024	3,305	83
AGE 18-25		12,616	4,409	2,539	5,302	366
AGE 26-30		14,231	5,192	2,796	5,910	333
AGE 31-35		17,163	6,263	3,279	7,254	367
AGE 36-40		16,843	5,856	3,213	7,477	297
AGE 41-45		15,255	5,105	2,931	6,909	310
AGE 46-50		15,188	5,009	3,237	6,670	272
AGE 51-55		15,516	5,197	3,556	6,522	241
AGE 56-60		15,459	5,447	3,975	5,758	279
AGE 61-65		13,855	5,097	3,620	4,925	213
AGE 66- Up		43,860	17,293	13,387	12,633	547
TOTAL		179,988	64,868	42,534	69,361	3,225

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Supervisor of Elections

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District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	School Board District 4					
	WHITE	10,536	2,907	4,544	2,911	174
	BLACK	2,941	2,025	195	686	35
	HISPANIC	132,645	29,124	59,491	41,763	2,267
	OTHER	10,510	2,608	2,838	4,956	108
	WHITE MALE	4,960	1,262	2,151	1,469	78
	BLACK MALE	1,296	797	109	368	22
	HISPANIC MALE	57,013	11,384	26,546	18,158	925
	OTHER MALE	2,835	691	863	1,245	36
	WHITE FEMALE	5,488	1,621	2,361	1,410	96
	BLACK FEMALE	1,603	1,201	81	308	13
	HISPANIC FEMALE	72,672	16,992	31,927	22,435	1,318
	OTHER FEMALE	3,322	944	991	1,345	42
	SEX UNSPECIFIED	7,442	1,772	2,039	3,577	54
	AGE 18-25	15,888	4,067	4,396	6,912	513
	AGE 26-30	11,079	2,911	3,174	4,725	269
	AGE 31-35	11,985	3,001	3,928	4,817	239
	AGE 36-40	11,157	2,532	4,022	4,353	250
	AGE 41-45	9,840	2,342	3,616	3,689	193
	AGE 46-50	12,256	2,559	5,155	4,303	239
	AGE 51-55	13,136	2,793	5,874	4,260	209
	AGE 56-60	15,379	3,518	7,196	4,443	222
	AGE 61-65	12,636	3,125	5,951	3,408	152
	AGE 66- Up	43,272	9,816	23,754	9,404	298
	TOTAL	156,632	36,664	67,068	50,316	2,584

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	School Board District 5					
WHITE		13,365	4,136	4,632	4,376	221
BLACK		2,139	1,249	160	695	35
HISPANIC		119,832	29,906	44,412	43,635	1,879
OTHER		10,618	2,869	2,339	5,247	163
WHITE MALE		6,830	1,859	2,488	2,356	127
BLACK MALE		1,089	581	92	395	21
HISPANIC MALE		52,199	11,985	19,950	19,409	855
OTHER MALE		3,217	879	792	1,484	62
WHITE FEMALE		6,386	2,250	2,101	1,941	94
BLACK FEMALE		1,008	647	66	281	14
HISPANIC FEMALE		65,085	17,188	23,790	23,101	1,006
OTHER FEMALE		3,809	1,229	827	1,689	64
SEX UNSPECIFIED		6,321	1,540	1,433	3,293	55
AGE 18-25		15,008	4,619	3,236	6,729	424
AGE 26-30		10,805	3,371	2,473	4,737	224
AGE 31-35		11,156	3,239	2,983	4,696	238
AGE 36-40		10,561	2,779	3,014	4,581	187
AGE 41-45		10,192	2,582	2,877	4,572	161
AGE 46-50		11,823	2,801	3,798	5,041	183
AGE 51-55		12,864	3,004	4,617	5,036	207
AGE 56-60		14,096	3,444	5,340	5,100	212
AGE 61-65		11,532	3,125	4,499	3,770	138
AGE 66- Up		37,913	9,196	18,705	9,688	324
TOTAL		145,954	38,160	51,543	53,953	2,298

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District					
	School Board District 6					
	WHITE	37,692	14,631	11,770	10,652	639
	BLACK	4,046	2,778	223	1,004	41
	HISPANIC	114,312	28,994	46,903	36,549	1,866
	OTHER	12,153	3,692	2,482	5,791	188
	WHITE MALE	18,430	6,104	6,205	5,775	346
	BLACK MALE	1,868	1,160	123	561	24
	HISPANIC MALE	49,153	11,125	20,727	16,464	837
	OTHER MALE	3,914	1,134	890	1,812	78
	WHITE FEMALE	18,641	8,276	5,434	4,646	285
	BLACK FEMALE	2,087	1,549	96	426	16
	HISPANIC FEMALE	62,972	17,250	25,529	19,182	1,011
	OTHER FEMALE	4,642	1,683	980	1,908	71
	SEX UNSPECIFIED	6,492	1,812	1,394	3,220	66
	AGE 18-25	17,823	5,982	4,455	6,902	484
	AGE 26-30	12,673	4,297	3,165	4,907	304
	AGE 31-35	13,195	4,550	3,277	5,089	279
	AGE 36-40	12,381	3,894	3,415	4,849	223
	AGE 41-45	11,540	3,390	3,354	4,599	197
	AGE 46-50	12,369	3,179	4,196	4,743	251
	AGE 51-55	13,172	3,475	5,061	4,428	208
	AGE 56-60	14,734	3,792	6,294	4,436	212
	AGE 61-65	13,164	3,953	5,393	3,644	174
	AGE 66- Up	47,150	13,583	22,768	10,397	402
	TOTAL	168,203	50,095	61,378	53,996	2,734

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Supervisor of Elections

Miami-Dade County, FL

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District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	School Board District 7					
	WHITE	32,933	11,575	12,141	8,675	542
	BLACK	15,206	11,339	593	3,122	152
	HISPANIC	125,718	33,273	46,857	43,375	2,213
	OTHER	15,309	5,057	2,961	7,073	218
	WHITE MALE	15,855	4,699	6,325	4,558	273
	BLACK MALE	6,611	4,530	340	1,660	81
	HISPANIC MALE	54,849	12,939	21,716	19,241	953
	OTHER MALE	5,290	1,711	1,113	2,378	88
	WHITE FEMALE	16,752	6,776	5,714	3,999	263
	BLACK FEMALE	8,316	6,609	245	1,392	70
	HISPANIC FEMALE	68,353	19,568	24,495	23,049	1,241
	OTHER FEMALE	6,158	2,451	1,162	2,465	80
	SEX UNSPECIFIED	6,969	1,956	1,441	3,496	76
	AGE 18-25	20,928	6,863	5,050	8,363	652
	AGE 26-30	14,937	5,144	3,591	5,865	337
	AGE 31-35	15,774	5,252	4,321	5,930	271
	AGE 36-40	15,306	4,621	4,488	5,906	291
	AGE 41-45	14,160	4,150	4,388	5,388	234
	AGE 46-50	15,553	4,147	5,584	5,535	287
	AGE 51-55	16,427	4,511	6,189	5,463	264
	AGE 56-60	17,840	5,222	6,978	5,393	247
	AGE 61-65	15,406	5,330	5,621	4,264	191
	AGE 66- Up	42,832	16,004	16,342	10,135	351
	TOTAL	189,166	61,244	62,552	62,245	3,125

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Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	School Board District 8				
	WHITE	16,123	5,005	6,405	4,442	271
	BLACK	2,461	1,530	195	702	34
	HISPANIC	150,178	33,634	64,526	49,528	2,490
	OTHER	12,033	3,001	2,975	5,925	132
	WHITE MALE	7,796	2,162	3,193	2,311	130
	BLACK MALE	1,103	611	101	368	23
	HISPANIC MALE	64,764	13,078	28,835	21,777	1,074
	OTHER MALE	3,780	903	1,027	1,803	47
	WHITE FEMALE	8,143	2,784	3,163	2,061	135
	BLACK FEMALE	1,320	901	88	320	11
	HISPANIC FEMALE	82,289	19,699	34,719	26,470	1,401
	OTHER FEMALE	4,304	1,293	1,098	1,862	51
	SEX UNSPECIFIED	7,290	1,739	1,875	3,621	55
	AGE 18-25	18,809	5,224	5,086	7,903	596
	AGE 26-30	12,835	3,710	3,485	5,369	271
	AGE 31-35	13,592	3,531	4,223	5,569	269
	AGE 36-40	13,183	3,156	4,514	5,278	235
	AGE 41-45	12,478	2,924	4,497	4,842	215
	AGE 46-50	14,568	2,953	6,139	5,220	256
	AGE 51-55	15,905	3,185	7,122	5,353	245
	AGE 56-60	17,727	3,852	8,072	5,513	290
	AGE 61-65	14,633	3,538	6,556	4,350	189
	AGE 66- Up	47,063	11,096	24,406	11,200	361
	TOTAL	180,795	43,170	74,101	60,597	2,927

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Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	School Board District 9					
	WHITE	33,169	12,268	11,162	9,182	557
	BLACK	34,035	26,315	1,092	6,280	348
	HISPANIC	93,252	27,605	29,343	34,571	1,733
	OTHER	14,256	5,211	2,209	6,631	205
	WHITE MALE	16,204	4,994	6,028	4,887	295
	BLACK MALE	14,275	10,324	603	3,168	180
	HISPANIC MALE	40,930	10,561	14,131	15,483	755
	OTHER MALE	4,757	1,653	904	2,113	87
	WHITE FEMALE	16,578	7,136	5,033	4,150	259
	BLACK FEMALE	19,212	15,597	472	2,978	165
	HISPANIC FEMALE	50,407	16,378	14,746	18,316	967
	OTHER FEMALE	5,799	2,593	824	2,297	85
	SEX UNSPECIFIED	6,539	2,156	1,063	3,270	50
	AGE 18-25	22,385	9,010	3,803	8,976	596
	AGE 26-30	15,198	6,169	2,751	5,963	315
	AGE 31-35	16,798	6,542	3,702	6,239	315
	AGE 36-40	16,572	6,302	3,833	6,124	313
	AGE 41-45	15,514	6,020	3,649	5,582	263
	AGE 46-50	15,288	5,703	4,162	5,166	257
	AGE 51-55	14,773	5,565	4,456	4,531	221
	AGE 56-60	14,695	5,862	4,578	4,062	193
	AGE 61-65	12,356	5,507	3,607	3,103	139
	AGE 66- Up	31,128	14,718	9,264	6,915	231
	TOTAL	174,712	71,399	43,806	56,664	2,843

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
	District	34th Senatorial District				
	WHITE	42,656	17,288	10,511	14,015	842
	BLACK	154,530	123,948	4,059	25,251	1,272
	HISPANIC	84,106	33,138	18,681	30,995	1,292
	OTHER	25,065	10,836	2,532	11,336	361
	WHITE MALE	21,558	7,686	5,743	7,684	445
	BLACK MALE	66,141	50,167	2,406	12,899	669
	HISPANIC MALE	37,064	13,401	9,018	14,056	589
	OTHER MALE	8,876	3,813	1,096	3,814	153
	WHITE FEMALE	20,517	9,396	4,632	6,102	387
	BLACK FEMALE	85,930	71,937	1,607	11,796	590
	HISPANIC FEMALE	45,274	19,036	9,344	16,199	695
	OTHER FEMALE	9,848	5,177	910	3,622	139
	SEX UNSPECIFIED	11,141	4,593	1,027	5,421	100
	AGE 18-25	32,777	18,004	2,507	11,646	620
	AGE 26-30	26,410	14,902	2,162	8,943	403
	AGE 31-35	29,614	16,913	2,879	9,377	445
	AGE 36-40	28,047	16,023	2,791	8,798	435
	AGE 41-45	24,103	13,903	2,490	7,349	361
	AGE 46-50	22,921	13,043	2,855	6,698	325
	AGE 51-55	23,733	14,126	3,021	6,308	278
	AGE 56-60	25,432	15,882	3,381	5,900	269
	AGE 61-65	24,739	16,388	3,070	5,075	206
	AGE 66- Up	68,574	46,023	10,626	11,500	425
	TOTAL	306,357	185,210	35,783	81,597	3,767

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total Voters	Dems	Reps	NPA	Other
	District	36th Senatorial District				
	WHITE	54,496	19,802	14,611	19,031	1,052
	BLACK	12,545	8,680	642	3,054	169
	HISPANIC	189,835	53,518	69,231	64,114	2,972
	OTHER	21,590	6,692	4,014	10,548	336
	WHITE MALE	29,507	9,529	8,406	10,948	624
	BLACK MALE	6,236	3,902	385	1,843	106
	HISPANIC MALE	82,766	21,819	30,580	28,990	1,377
	OTHER MALE	7,672	2,271	1,546	3,705	150
	WHITE FEMALE	24,379	10,028	6,091	7,842	418
	BLACK FEMALE	6,103	4,630	248	1,163	62
	HISPANIC FEMALE	103,364	30,507	37,679	33,609	1,569
	OTHER FEMALE	7,940	2,910	1,508	3,410	112
	SEX UNSPECIFIED	10,485	3,093	2,053	5,228	111
	AGE 18-25	22,885	7,917	4,717	9,614	637
	AGE 26-30	24,130	8,578	4,982	10,043	527
	AGE 31-35	27,318	9,677	5,843	11,232	566
	AGE 36-40	24,142	8,031	5,531	10,148	432
	AGE 41-45	20,113	6,586	4,755	8,405	367
	AGE 46-50	20,232	6,039	5,846	7,961	386
	AGE 51-55	21,474	6,442	6,887	7,804	341
	AGE 56-60	23,812	7,151	8,519	7,759	383
	AGE 61-65	20,719	6,860	7,326	6,266	267
	AGE 66- Up	73,640	21,411	34,091	17,515	623
	TOTAL	278,466	88,692	88,498	96,747	4,529

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total Voters</u>	Dems	Reps	NPA	Other
	District	37th Senatorial District				
	WHITE	26,477	8,167	8,297	9,576	437
	BLACK	2,081	1,338	120	576	47
	HISPANIC	17,731	5,874	4,032	7,572	253
	OTHER	5,190	1,321	1,047	2,731	91
	WHITE MALE	12,598	3,268	4,303	4,810	217
	BLACK MALE	960	554	78	301	27
	HISPANIC MALE	7,395	2,210	1,850	3,232	103
	OTHER MALE	1,900	437	455	971	37
	WHITE FEMALE	13,450	4,777	3,879	4,579	215
	BLACK FEMALE	1,091	761	40	270	20
	HISPANIC FEMALE	9,913	3,522	2,120	4,123	148
	OTHER FEMALE	2,185	678	409	1,056	42
	SEX UNSPECIFIED	1,983	493	362	1,110	18
	AGE 18-25	3,863	1,207	835	1,717	104
	AGE 26-30	2,869	949	578	1,275	67
	AGE 31-35	3,263	1,052	701	1,450	60
	AGE 36-40	3,486	1,047	757	1,625	57
	AGE 41-45	3,747	968	862	1,857	60
	AGE 46-50	4,104	1,123	980	1,942	59
	AGE 51-55	4,369	1,190	1,154	1,961	64
	AGE 56-60	4,471	1,392	1,238	1,760	81
	AGE 61-65	4,451	1,450	1,281	1,659	61
	AGE 66- Up	16,855	6,322	5,109	5,209	215
	TOTAL	51,479	16,700	13,496	20,455	828

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	38th Senatorial District				
	WHITE	79,783	31,035	25,687	21,754	1,307
	BLACK	38,892	30,283	1,268	6,981	360
	HISPANIC	192,697	50,629	72,709	65,920	3,439
	OTHER	27,480	9,473	4,953	12,642	412
	WHITE MALE	38,718	12,697	13,629	11,718	674
	BLACK MALE	16,570	12,037	707	3,645	181
	HISPANIC MALE	83,675	19,233	33,720	29,254	1,468
	OTHER MALE	9,227	3,001	1,888	4,165	173
	WHITE FEMALE	39,936	17,911	11,790	9,616	619
	BLACK FEMALE	21,638	17,734	543	3,186	175
	HISPANIC FEMALE	105,157	30,224	37,929	35,061	1,943
	OTHER FEMALE	11,176	4,667	1,933	4,410	166
	SEX UNSPECIFIED	12,736	3,905	2,476	6,236	119
	AGE 18-25	39,568	14,556	8,819	15,036	1,157
	AGE 26-30	26,716	10,029	6,067	10,052	568
	AGE 31-35	28,656	10,448	7,060	10,607	541
	AGE 36-40	28,300	9,716	7,506	10,570	508
	AGE 41-45	26,522	8,937	7,296	9,838	451
	AGE 46-50	27,699	8,501	8,924	9,751	523
	AGE 51-55	28,825	9,082	10,075	9,222	446
	AGE 56-60	29,982	9,850	11,096	8,646	390
	AGE 61-65	26,319	9,972	9,193	6,826	328
	AGE 66- Up	76,259	30,328	28,580	16,745	606
	TOTAL	338,852	121,420	104,617	107,297	5,518

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
	District	39th Senatorial District				
	WHITE	22,164	6,647	8,470	6,677	370
	BLACK	11,483	8,776	477	2,123	107
	HISPANIC	224,842	52,993	91,554	76,576	3,719
	OTHER	19,882	5,366	4,746	9,523	247
	WHITE MALE	10,965	2,956	4,305	3,515	189
	BLACK MALE	5,056	3,587	280	1,127	62
	HISPANIC MALE	97,622	20,943	41,379	33,721	1,579
	OTHER MALE	5,713	1,549	1,521	2,553	90
	WHITE FEMALE	10,976	3,639	4,099	3,057	181
	BLACK FEMALE	6,262	5,078	187	953	44
	HISPANIC FEMALE	122,209	30,715	48,630	40,762	2,102
	OTHER FEMALE	6,731	2,147	1,656	2,831	97
	SEX UNSPECIFIED	12,829	3,167	3,187	6,376	99
	AGE 18-25	29,351	8,528	7,081	12,869	873
	AGE 26-30	20,383	6,031	5,161	8,727	464
	AGE 31-35	21,489	6,097	6,262	8,707	423
	AGE 36-40	20,215	5,264	6,419	8,122	410
	AGE 41-45	18,868	4,947	5,932	7,661	328
	AGE 46-50	22,609	5,341	8,210	8,668	390
	AGE 51-55	24,004	5,756	9,415	8,473	360
	AGE 56-60	27,076	6,769	11,309	8,600	398
	AGE 61-65	22,330	6,255	9,358	6,443	274
	AGE 66- Up	72,037	18,793	36,097	16,624	523
	TOTAL	278,371	73,782	105,247	94,899	4,443

Christina White

Supervisor of Elections

Miami-Dade County, FL

Date 2/1/2023

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	40th Senatorial District					
WHITE		31,142	9,673	11,971	8,945	553
BLACK		16,636	11,896	740	3,799	201
HISPANIC		201,339	50,329	77,187	70,334	3,489
OTHER		20,223	5,908	4,153	9,924	238
WHITE MALE		14,986	3,968	6,180	4,556	282
BLACK MALE		7,062	4,625	406	1,912	119
HISPANIC MALE		87,684	19,535	35,434	31,207	1,508
OTHER MALE		6,669	1,906	1,552	3,125	86
WHITE FEMALE		15,819	5,599	5,692	4,263	265
BLACK FEMALE		9,306	7,101	321	1,802	82
HISPANIC FEMALE		109,499	29,586	40,601	37,356	1,956
OTHER FEMALE		7,652	2,735	1,542	3,277	98
SEX UNSPECIFIED		10,652	2,749	2,321	5,497	85
AGE 18-25		31,056	9,674	7,226	13,244	912
AGE 26-30		21,390	6,977	5,014	8,937	462
AGE 31-35		22,421	6,829	6,199	8,961	432
AGE 36-40		21,749	6,178	6,513	8,657	401
AGE 41-45		20,652	5,777	6,569	7,954	352
AGE 46-50		22,721	5,740	8,386	8,227	368
AGE 51-55		23,623	5,789	9,467	7,994	373
AGE 56-60		25,605	6,750	10,489	7,961	405
AGE 61-65		21,071	6,245	8,243	6,314	269
AGE 66- Up		59,046	17,846	25,944	14,749	507
TOTAL		269,340	77,806	94,051	93,002	4,481

Christina White

Date 2/1/2023
 Time 10:25 AM

Supervisor of Elections

Miami-Dade County, FL

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Soil and Water District 1					
WHITE		18,822	5,516	7,314	5,629	363
BLACK		26,491	20,156	865	5,188	282
HISPANIC		88,944	26,052	28,210	33,072	1,610
OTHER		10,829	3,675	1,849	5,165	140
WHITE MALE		9,233	2,275	3,920	2,849	189
BLACK MALE		11,097	7,861	483	2,605	148
HISPANIC MALE		39,408	10,166	13,738	14,796	708
OTHER MALE		3,425	1,184	722	1,457	62
WHITE FEMALE		9,382	3,192	3,329	2,692	169
BLACK FEMALE		14,952	11,968	370	2,481	133
HISPANIC FEMALE		47,717	15,254	14,049	17,522	892
OTHER FEMALE		4,147	1,726	683	1,687	51
SEX UNSPECIFIED		5,716	1,766	943	2,964	43
AGE 18-25		19,441	7,442	3,242	8,273	484
AGE 26-30		13,150	5,072	2,387	5,436	255
AGE 31-35		14,429	5,424	3,253	5,490	262
AGE 36-40		13,989	5,018	3,444	5,252	275
AGE 41-45		12,872	4,747	3,231	4,693	201
AGE 46-50		12,888	4,521	3,771	4,363	233
AGE 51-55		12,396	4,331	3,989	3,878	198
AGE 56-60		12,339	4,661	4,005	3,490	183
AGE 61-65		9,734	4,002	2,978	2,641	113
AGE 66- Up		23,843	10,181	7,937	5,534	191
TOTAL		145,086	55,399	38,238	49,054	2,395

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Cocoplum Phase One SL					
WHITE		0	0	0	0	0
BLACK		0	0	0	0	0
HISPANIC		0	0	0	0	0
OTHER		0	0	0	0	0
WHITE MALE		0	0	0	0	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		0	0	0	0	0
OTHER MALE		0	0	0	0	0
WHITE FEMALE		0	0	0	0	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		0	0	0	0	0
OTHER FEMALE		0	0	0	0	0
SEX UNSPECIFIED		0	0	0	0	0
AGE 18-25		0	0	0	0	0
AGE 26-30		0	0	0	0	0
AGE 31-35		0	0	0	0	0
AGE 36-40		0	0	0	0	0
AGE 41-45		0	0	0	0	0
AGE 46-50		0	0	0	0	0
AGE 51-55		0	0	0	0	0
AGE 56-60		0	0	0	0	0
AGE 61-65		0	0	0	0	0
AGE 66- Up		0	0	0	0	0
TOTAL		0	0	0	0	0

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Palm Island STD					
WHITE		0	0	0	0	0
BLACK		0	0	0	0	0
HISPANIC		0	0	0	0	0
OTHER		0	0	0	0	0
WHITE MALE		0	0	0	0	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		0	0	0	0	0
OTHER MALE		0	0	0	0	0
WHITE FEMALE		0	0	0	0	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		0	0	0	0	0
OTHER FEMALE		0	0	0	0	0
SEX UNSPECIFIED		0	0	0	0	0
AGE 18-25		0	0	0	0	0
AGE 26-30		0	0	0	0	0
AGE 31-35		0	0	0	0	0
AGE 36-40		0	0	0	0	0
AGE 41-45		0	0	0	0	0
AGE 46-50		0	0	0	0	0
AGE 51-55		0	0	0	0	0
AGE 56-60		0	0	0	0	0
AGE 61-65		0	0	0	0	0
AGE 66- Up		0	0	0	0	0
TOTAL		0	0	0	0	0

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		<u>Total_Voters</u>	Dems	Reps	NPA	Other
District	Gables by the Sea - CG					
WHITE		0	0	0	0	0
BLACK		0	0	0	0	0
HISPANIC		0	0	0	0	0
OTHER		0	0	0	0	0
WHITE MALE		0	0	0	0	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		0	0	0	0	0
OTHER MALE		0	0	0	0	0
WHITE FEMALE		0	0	0	0	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		0	0	0	0	0
OTHER FEMALE		0	0	0	0	0
SEX UNSPECIFIED		0	0	0	0	0
AGE 18-25		0	0	0	0	0
AGE 26-30		0	0	0	0	0
AGE 31-35		0	0	0	0	0
AGE 36-40		0	0	0	0	0
AGE 41-45		0	0	0	0	0
AGE 46-50		0	0	0	0	0
AGE 51-55		0	0	0	0	0
AGE 56-60		0	0	0	0	0
AGE 61-65		0	0	0	0	0
AGE 66- Up		0	0	0	0	0
TOTAL		0	0	0	0	0

Christina White

Date 2/1/2023

Supervisor of Elections

Miami-Dade County, FL

Time 10:25 AM

District Demographic Analysis

CloseDate		Total_Voters	Dems	Reps	NPA	Other
District	Gables by the Sea - Pinecrest					
WHITE		0	0	0	0	0
BLACK		0	0	0	0	0
HISPANIC		0	0	0	0	0
OTHER		0	0	0	0	0
WHITE MALE		0	0	0	0	0
BLACK MALE		0	0	0	0	0
HISPANIC MALE		0	0	0	0	0
OTHER MALE		0	0	0	0	0
WHITE FEMALE		0	0	0	0	0
BLACK FEMALE		0	0	0	0	0
HISPANIC FEMALE		0	0	0	0	0
OTHER FEMALE		0	0	0	0	0
SEX UNSPECIFIED		0	0	0	0	0
AGE 18-25		0	0	0	0	0
AGE 26-30		0	0	0	0	0
AGE 31-35		0	0	0	0	0
AGE 36-40		0	0	0	0	0
AGE 41-45		0	0	0	0	0
AGE 46-50		0	0	0	0	0
AGE 51-55		0	0	0	0	0
AGE 56-60		0	0	0	0	0
AGE 61-65		0	0	0	0	0
AGE 66- Up		0	0	0	0	0
TOTAL		0	0	0	0	0

DE 26

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**PLAINTIFFS' EXPEDITED MOTION
FOR PRELIMINARY INJUNCTION**

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Attorneys for Plaintiffs

Plaintiffs move under FRCP 65(a) for a preliminary injunction enjoining the City of Miami from conducting future elections, beginning with the 2023 regular elections,¹ using the districts enacted in Resolution 22-131 (“Enacted Plan”). As demonstrated below, the Enacted Plan is an unlawful racial gerrymander in violation of the Fourteenth Amendment’s Equal Protection Clause. As explained in the Local Rule 7.1(d)(2) statement on page 36, Plaintiffs respectfully suggest a ruling on this motion is needed no later than May 23, 2023.

MEMORANDUM

The City of Miami’s Enacted Plan for the five City Commission districts sorts its residents by race. Miami’s gerrymander is the product of a calculated scheme in which communities and neighborhoods were split along racial lines for the predominant purpose of maintaining and enhancing racially segregated districts. As Commissioner Alex Díaz de la Portilla put it: “Our goal here is to have an African American district, . . . a white district, . . . and three Hispanic districts.”

Race-based considerations were not simply a factor in redrawing district lines; they were the *predominant* factor. Race was the predominant factor in maintaining arbitrary racial quotas; in packing certain districts with as many Hispanic and Black residents as possible; in maintaining racial “purity” with the “same type of last name and faces”; in the decision to perpetuate existing districts’ cores, which were themselves race-based; and in the Commission’s overt command that Black, Hispanic, and Anglo residents *must* be separated as much as possible into different districts because, in the Commission’s view, each race needs to be represented by a co-ethnic, irrespective of Miami’s communities or their interests and values. There is no valid reason for this practice, which is “by [its] very nature odious to a free people whose institutions are founded upon the

¹ District 2 became vacant on December 29, 2022 and a special election will be held on February 27, 2023. ECF 24-24 to 24-27. Plaintiffs do not seek an injunction for the special election.

doctrine of liberty.” *Shaw v. Reno (Shaw I)*, 509 U.S. 630, 643 (1993).

“The Equal Protection Clause prohibits a State, without sufficient justification, from ‘separat[ing] its citizens into different voting districts on the basis of race.’” *Bethune-Hill v. Va. State Bd. of Elections (Bethune-Hill I)*, 580 U.S. 178, 187 (2017) (quoting *Miller v. Johnson*, 515 U.S. 900, 911 (1995)). Because race was the predominant factor motivating district lines, the City must satisfy strict scrutiny by proving that its use of race “serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end.” *Cooper v. Harris*, 581 U.S. 285, 292 (2017) (quoting *Bethune-Hill I*, 580 U.S. at 193). The City cannot meet that burden. Although courts assume governments have a compelling interest in complying with Section 2 of the Voting Rights Act (VRA), *id.*, the City’s use of race was not narrowly tailored to achieve that laudable goal. The City cannot show that it narrowly tailored its use of race with a “functional analysis” assessing racial bloc voting to determine the proportion of minority voters needed in a district to allow those voters to usually elect their preferred candidates. *Bethune-Hill I*, 580 U.S. at 194.

Instead, the City set “mechanical racial targets,” imposing a 50% Black voting-age population (BVAP) quota for District 5, and aiming to get the Hispanic and Anglo populations as high as possible in Districts 1, 3, and 4; and District 2, respectively. *Ala. Legis. Black Caucus v. Alabama (ALBC I)*, 575 U.S. 254, 267 (2015). Narrow tailoring requires far more than just picking a number or shooting for the maximum. Further, the City misused key metrics of VRA compliance and ignored the absence of fundamental preconditions for VRA liability in Districts 1, 2, 3, and 4.

The Supreme Court has condemned this type of unjustified use of race as resembling “political apartheid.” *Shaw I*, 509 U.S. at 647. Plaintiffs seek preliminary relief enjoining use of the Enacted Plan to ensure these harms are not irreparably perpetuated in future elections.

I. Overview of the City Commission and Its Elections

Miami is governed by a five-member City Commission and a Mayor. Miami City Charter (“Charter”) § 4(a). Except where the Charter provides otherwise, municipal elections are governed by the state’s general election laws. *Id.* § 7. Since 1997, the City Commission has been elected from five single-member districts. *Id.* § 4(b); ECF 24-64. Candidates file to run during the qualifying period, which, for the November 2023 election, runs from September 8–23. *See id.* Commissioners are limited to two consecutive terms. *Id.* § 4. The current commissioners are:

District	Commissioner	First Elected	Term Up	Eligible for Reelection	Race/Ethnicity/ National Origin Background
1	Alex Díaz de la Portilla	2019	2023	Yes	Hispanic/Cuban American
2	<i>Vacant</i>	---	---	---	---
3	Joe Carollo	2017	2025	No	Hispanic/Cuban American
4	Manolo Reyes	2017*	2023	Yes	Hispanic/Cuban American
5	Christine King	2021	2025	Yes	Black/Not Hispanic
		* Special Election			

During the 2021–22 redistricting process, the District 2 commissioner was Ken Russell, who is Japanese American. ECF 24-21. Russell ran for Congress in the 2022 elections and therefore resigned from the Commission under Florida’s resign-to-run law. ECF 24-24 to 24-27.

II. Redistricting Background

Before 1997, the Commission was elected at-large, citywide. ECF 24-64. The original map (the “1997 Plan”) was drawn by the Commission after a blue-ribbon panel appointed by then-Mayor Joe Carollo made its recommendations. *Id.*; ECF 24-58. The blue-ribbon panel included current Commissioner Reyes and Miguel De Grandy. ECF 24-47; Tr. 4B 19:15–18. The Commission map was redrawn in 2003 and again in 2013, with De Grandy and Stephen Cody serving as the City’s consultants in both cycles. ECF 24-78. Race was a central, driving factor behind each of these maps. *See generally* ECF 24-42 to 24-79.²

² These maps and the others discussed in this motion can be viewed on Google Maps at the

III. The 2021–22 Redistricting Process

Following the 2020 Census, the Commission began its redistricting process. The process proceeded through six Commission meetings, the records of which reveal that the mapmaking was driven by racial considerations at every turn.³ The Commission again hired De Grandy and Cody as its redistricting consultants, and they first met with the Commission on November 18, 2021, when De Grandy presented an initial report on redistricting considerations and the 2020 Census demographics of the districts under the 2013 Plan. ECF 24-20; *see generally* Tr. 1; Abott Rep. 23.⁴

De Grandy shared that redistricting was needed to bring the districts within the allowable population range, to have no greater than 10% difference between the smallest and largest district. Tr. 1 4:1–11; *see* Abott Rep. 23.⁵ Analyzing the 2013 Plan, Districts 1, 3, 4, and 5 were each under the ideal population and needed to gain population. Tr. 1 3:10–15. District 2 was overpopulated and needed to shed population. Tr. 1 3:12–13; Abott Rep. 23. Under the 2013 Plan, Districts 1, 3, and 4 were majority Hispanic, with Hispanic voting-age populations (HVAPs) of 91.0, 88.5, and 91.6%, and Hispanic citizen voting-age populations (HCVAPs) of 86.6, 86.8, and 90.1%.⁶ *Id.*

links listed in the Maps section of the Notice of Filing Exhibits (ECF 24 at 6).

³ These meeting transcripts are at ECF 24-11 to 24-18 and cited here as “Tr. 1,” “Tr. 2,” etc.

⁴ Plaintiffs’ counsel submitted a records request for the initial report in December 2022 and subsequently discussed it with defense counsel, but do not have a copy as of the time of filing.

⁵ Full statistics for the various plans and districts discussed herein are in the appendix to the Expert Report of Dr. Carolyn Abott (ECF 24-31 at 23–29).

⁶ Total population (POP) and voting-age population (VAP) figures cited herein are from the

District 5 was majority Black, with a Black voting-age population (BVAP) of 52.9% and a Black citizen voting-age population (BCVAP) of 59.4%. *Id.* District 2 under the 2013 Plan had the highest non-Hispanic white (“white” or “Anglo”) population of the five districts, at 34.5% white voting-age population (WVAP) and 38.1% white citizen voting-age population (WCVAP). *Id.*

Also at the November 18 meeting, De Grandy explained the VRA’s applicability to Miami and that “we can consider race as one of several factors that we will be conscious of in crafting a plan.” Tr. 1 6:23. De Grandy warned, however, that under the Supreme Court’s racial gerrymandering jurisprudence, race “cannot be the overriding factor.” Tr. 1 7:6. The Commission consistently ignored De Grandy’s warning as the process unfolded.

The Commission gave De Grandy four ranked directives for map-drafting: (1) achieve substantial equality of population between districts, rather than precise mathematical equality; (2) “maintain the core constituencies of the districts;” (3) apart from what the VRA required, “the minority voters must be politically cohesive;” and (4) avoid splitting traditional communities and neighborhoods when feasible. Tr. 1 4:5–11, 17:19–20, 18:15–22, 19:22–23, 33:4–11, 35:21, 36:1–11. The first directive “is part of the redistricting background.” *ALBC I*, 575 U.S. at 272. As to the second directive, the Commission made it clear throughout the process that it sought to maintain existing districts to carry the 2013 Plan’s existing racial divisions forward, *and* to exacerbate them through further changes. With respect to the third directive, the phrase “political cohesion” was subsequently used throughout the process as a shorthand for keeping racially homogenous areas

2020 Census and come from the Abott Report or the Commission record. Citizen voting-age population (CVAP) figures are from the Census Bureau’s 2019 American Community Survey (ACS), as cited in the Abott Report. Voter registration figures come from the County Elections Department (ECF 24-92; 24-93) or the Expert Report of Dr. Bryant Moy (ECF 24-32).

together. *See, e.g.*, Tr. 1 28:20–21 (Carollo: “minority voters will be politically cohesive within these districts”); Tr. 3 9:7–8 (De Grandy: “this area has a high percentage of Hispanics and greater voter cohesion with D1 residents”), 10:7–8 (“we tried to find adjacent areas with similar demographics in order to maintain voter cohesion”); Tr. 4A 8:3–4 (same), 7:6–7 (“we felt this movement was needed because Hispanics in this area constitute roughly 70% of the population. Thus, they have greater voter cohesion”); Tr. 6 67:1 (Carollo discussing District 3 going into West Brickell as “not cohesive anymore” because the racial demographics change). The Commission abandoned the fourth-ranked directive whenever it got in the way of its race-based goals, splitting communities across the city as a result.

Also at the November 18 meeting, Carollo recounted why districts were instituted when he was mayor: “the original idea” was “that minority voters will be politically cohesive within these districts,” Tr. 1 28:19–21, “to assure that there would be an African American sitting in this Commission and there would be an Anglo,” and “to make sure that there were three Hispanic districts,” Tr. 1 28:7–10. And he explained that during the 2022 redistricting, each district would have to change to carry forward that “original idea.” Tr. 1 28:15–29:3.

The Commission next met on December 9, 2021, with De Grandy recapping his instructions and commissioners discussing what areas might be moved between districts. *See generally* Tr. 2. Some of the key elements of the Enacted Plan’s racial gerrymander originated at this meeting, including the idea to remove parts of Coconut Grove⁷ from District 2 to maintain the plan’s racial

⁷ “Coconut Grove” refers to the area encompassing Neighborhood Conservation Districts (NCDs) 2 and 3, bounded by US 1, the Rickenbacker Causeway, Biscayne Bay, and the City limits. CITY OF MIAMI, bit.ly/40EMhT1; *see also* Tr. 5A 45:11–12. The “West Grove” largely overlaps

balance and avoid “jeopardiz[ing] the ethnic integrity of [the] districts,” and to redraw District 5 to minimize reductions to its Black population. Tr. 2 9:4–10:10, 13:15–22. De Grandy also reiterated the Commission’s four directives at this meeting and confirmed that drawing compact districts should not be a consideration since that would jeopardize the Commission’s racial goals. Tr. 2 28:23–29:20. Further, the Commission could not reach a consensus on using major manmade and natural boundaries as a factor. Tr. 2 18:23–19:21. De Grandy agreed to take the Commission’s directives, meet individually with each commissioner, and develop a draft plan. Tr. 2 33:18–35:14.

On February 7, 2022, De Grandy returned with his draft plan (the “Feb. 7 Draft”). Tr. 3 5:16–12:11; ECF 24-4 at 40; ECF 24-84. Walking through each draft district’s racial demographics, De Grandy noted the many race-based decisions he made in developing them. Tr. 3 7:5–13, 8:4–12:11. Commissioners debated the draft, focusing especially on the decision to move part of the historically Black West Grove neighborhood from District 2 into District 4, extending District 4 across US Route 1. This proposal prompted intense public criticism from Miamians who objected to dividing a cohesive neighborhood and excising it from District 2. *See, e.g.*, Tr. 3 25:9–26:7, 30:12–31:14. De Grandy defended the choice in racialized terms, Tr. 3 41:23–42:11, 42:21–43:6, and the Commission voted 4-1 to direct De Grandy to consider going south of US 1 into District 2 to “obtain voter consistency” and balance population. Tr. 3. 95:15–16, 99:9–20.

De Grandy shared a new draft on February 22, 2022 (the “Feb. 22 Draft” or “Base Plan”) and presented it at the February 25 meeting. ECF 24-7 at 32; ECF 24-8 at 15; ECF 24-85. This map incorporated certain feedback shared in earlier Commission meetings, and during private meetings De Grandy had with individual commissioners. Tr. 4A 4:5–10:2. Except for three

with NCD-2 and refers to the area of Coconut Grove bounded by US 1, McDonald Street, and Franklin Avenue, west to the City limits. *See* Tr. 5A 45:14–16.

unpopulated census blocks later moved from District 1 to District 5, the Feb. 22 Draft became the Enacted Plan. Tr. 6 7:12–14, 86:17–18. Public comment again centered on objections to splitting Coconut Grove, including the continued division of the West Grove. *See, e.g.*, Tr. 3 24:17–25:7, 25:9–26:7, 30:12–31:14. Russell sketched out his suggestion for the District 2 border at this meeting, which kept all of Coconut Grove in District 2. Tr. 4B 12:7–14:21; ECF 24-86. The Commission voted 4-1 to make the Feb. 22 Draft the “Base Plan” for future changes. Tr. 4B 37:6–11, 39:2, 42:9–23.

On March 11, 2022, the Commission discussed two suggested changes to the Base Plan: an unrealized suggestion of King’s—whose racial impacts De Grandy noted—and the “Initial Russell Plan,” which sought to unify Coconut Grove. *See generally* Tr. 5A; Tr. 5B; ECF 24-8 at 3–4; ECF 24-9. De Grandy also addressed “allegations of racism” in the Base Plan and defended the map with race-based logic. Tr. 5A 37:18–40:16, 47:20–23; ECF 24-8 at 6–13. Russell and members of the public disagreed with De Grandy by explaining all the race-neutral reasons why Coconut Grove should be unified in one district. *See, e.g.*, Tr. 5A 45:18–46:1, 47:1–8, 64:13–65:9. The meeting closed with the commissioners directing De Grandy to meet with them individually and craft different options accommodating each commissioner’s wishes. Tr. 5B 40:5–22.

The Commission reconvened for its final meeting on March 24, 2022, with De Grandy presenting the options each commissioner directed him to develop. Tr. 6 5:14–8:19. King proposed a small, unpopulated change between Districts 1 and 5; Díaz de la Portilla suggested moving one condo tower from District 1 into District 5; Russell proposed the “Revised Russell Plan,” which made changes to Districts 2, 3, and 4 to keep Coconut Grove whole; and Reyes had his own plan (the “Reyes Plan”) which altered those same three districts to remove a portion of Coconut Grove from District 4. *Id.*; ECF 24-10 at 5–11. The Commission debated and eventually adopted the Base

Plan with King’s small change on a 3-2 vote. Tr. 6 86:15–18, 89:20–22.

LEGAL STANDARDS

I. Preliminary Injunction

“A plaintiff seeking a preliminary injunction must establish [1] that he is likely to succeed on the merits, [2] that he is likely to suffer irreparable harm in the absence of preliminary relief, [3] that the balance of equities tips in his favor, and [4] that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council*, 555 U.S. 7, 20 (2008). The third and fourth factors “merge when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Plaintiffs bear the burden of persuasion on each factor, and each is required for preliminary relief. *Id.*

At the preliminary-injunction stage, courts “may rely on affidavits and hearsay materials which would not be admissible evidence for a permanent injunction, if the evidence is ‘appropriate given the character and objectives of the injunctive proceeding.’” *828 Mgmt., LLC v. Broward Cnty.*, 508 F. Supp. 3d 1188, 1193 (S.D. Fla. 2020) (quoting *Levi Strauss & Co. v. Sunrise Int’l Trading*, 51 F.3d 982, 985 (11th Cir. 1995)).

II. Racial Gerrymandering

Racial gerrymandering claims involve “a two-step analysis.” *Cooper*, 581 U.S. at 291. First, plaintiffs must prove that “race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district,” and “that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations,” *Bethune-Hill I*, 580 U.S. at 187 (quoting *Miller*, 515 U.S. at 916). But they need not show actual conflict between district design and those principles: “Race may predominate even when a reapportionment plan respects traditional principles.” *Id.* at 189. To meet their burden, plaintiffs may rely on “‘direct evidence’ of legislative intent, ‘circumstantial evidence of a district’s

shape and demographics,’ or a mix of both.” *Cooper*, 581 U.S. at 291 (quoting *Miller*, 515 U.S. at 916). Alternative district configurations that satisfy non-racial criteria can also be probative of racial predominance. *Easley v. Cromartie*, 532 U.S. 234, 249 (2001). The use of race “remains suspect even if race is meant to function as a proxy for other (including political) characteristics.” *Cooper*, 581 U.S. at 308 n.7.

“Second, if racial considerations predominated over others, the design of the district must withstand strict scrutiny. The burden shifts to the State to prove that its race-based sorting of voters serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end.” *Id.* at 292. While courts assume VRA compliance is a compelling interest, “to meet the ‘narrow tailoring’ requirement,” the State must prove it “had ‘a strong basis in evidence’ for concluding that the [VRA] required its action.” *Id.* (quoting *ALBC I*, 575 U.S. at 278). This requires a “functional analysis of the electoral behavior within the particular . . . district.” *Bethune-Hill I*, 580 U.S. at 194.

ARGUMENT

I. Plaintiffs Are Substantially Likely to Prevail on the Merits

At the outset, there can be no doubt that Plaintiffs have standing to bring these claims. *United States v. Hays*, 515 U.S. 737 (1995), “set forth a bright-line standing rule for . . . cases alleging illegal racial gerrymandering with respect to voting districts: if the plaintiff lives in the racially gerrymandered district, she has standing.” *Dillard v. Baldwin Cnty. Comm’rs*, 225 F.3d 1271, 1279 (11th Cir. 2000). Individual Plaintiffs have standing because they live in Districts 2, 3, 4, and 5. ECF 24-37 to 24-41. Organizational Plaintiffs have associational standing because they have members who live in all five districts and voting rights are germane to the organizations’ purposes. ECF 24-33 to 24-36; *Jacksonville Branch of NAACP v. City of Jacksonville (Jacksonville I)*, No. 3:22-cv-493, 2022 WL 7089087, at *29 (M.D. Fla. Oct. 12, 2022) (finding individuals and

organizations have standing on preliminary injunction), *stay denied*, No. 22-13544, 2022 WL 16754389 (11th Cir. Nov. 7, 2022) (per curiam); *Johnson v. Mortham*, 915 F. Supp. 1529, 1537 & n.11 (N.D. Fla. 1995). Plaintiffs have certainly shown a substantial likelihood as to their standing.

A. Race Predominated in the Drawing of the Enacted Districts

Plaintiffs are likely to prevail because there is overwhelming “‘direct evidence’ of legislative intent,” and ample “circumstantial evidence of [the] district[s]’ shape[s] and demographics” reveals racial predominance. *Cooper*, 581 U.S. at 291.

1. Direct Evidence of Legislative Intent

The legislative record is replete with direct evidence of the Commission’s predominant racial intent. The Commission’s explicit, overriding goal was to separate Anglo from Black from Hispanic voters into separate districts as much as possible, with the aim to have commissioners of particular races and ethnic backgrounds elected. Carollo set the stage from the start: “[T]he original idea” of districts was “that minority voters would be politically cohesive within these districts,” so that “there would be an African American sitting in this Commission and there would be an Anglo,” and “that there were three Hispanic districts.” Tr. 1 28:19–21, 28:7–10. In the 2022 process, Carollo went on, each district would have to change to carry forward that “original idea.” Tr. 1 28:15–19, 28:21–29:1. This objective drove the Commission’s entire redistricting process and formed the core of every mapmaking decision: separating Miamians, as much as possible, by race. *See, e.g.*, Tr. 1 13:13–14 (Carollo urging mapmaking “in a way that the balance is not really shifted” after De Grandy and Díaz de la Portilla discussed racial demographics); Tr. 3 51:10–14 (Carollo: districts were established “to assure” a particular racial composition), 100:13–17 (Carollo’s “goals:” “to have guaranteed Anglo representation, and to have three districts that were Hispanic”); Tr. 5B 8:14–16 (Díaz de la Portilla); Tr. 4B 22:14–15 (Reyes: “Yes, we are

gerrymandering to preserve those seats”); Tr. 6 68:14–17 (Carollo: “I do not want to change the District 3 voting patterns, the types of people that are there with different people. I don’t want to do that to District 4, nor to District 1. Just like I want to be able to leave District 2 where it could still elect a guy like you [Russell] . . . District 5 [] will be a majority-African American district.”).

The Commission carried out this policy in three specific ways. *First*, the Commission created an “Anglo-access district” in District 2. *Second*, the Commission “purposefully established a racial target” of 50% Black voting-age population (BVAP) for District 5. *Cooper*, 581 U.S. at 299. *Third*, the Commission packed Hispanic residents into Districts 1, 3, and 4 as much as possible. In so doing, the Commission explicitly “subordinated traditional race-neutral districting principles . . . to racial considerations”—splitting neighborhoods, ignoring compactness, and straying from major manmade and natural boundaries to draw districts almost solely based on race. *Bethune-Hill I*, 580 U.S. at 187 (quoting *Miller*, 515 U.S. at 916). “Race was the criterion that, in the [Commission’s] view, could not be compromised,” with every proposal viewed through the lens of racial targets. *Shaw v. Hunt (Shaw II)*, 517 U.S. 899, 907 (1996).

a. Creating an “Anglo-Access District” in District 2

Throughout the process, the Commission acknowledged that District 2 was historically drawn to elect an Anglo commissioner and sought to maintain it as such. Originally, Carollo explained, District 2 “was gerrymandered but it was a legal gerrymander so that you would have an Anglo elected commissioner.” Tr. 3 51:18–19. That remained his goal—a goal others shared. Tr. 6 at 56:16–18 (Carollo: “We’re gonna have to keep one district that you can get an Anglo, whether they’re an Anglo that’s Japanese or an Anglo that’s Russian, Ukrainian, Italian, Polish, English, French, they can get elected.”), 68:15–16 (Carollo: “I want to be able to leave District 2 where it could still elect a guy like you [Russell], if they want to.”), 39:9–11 (Reyes: “What we

want to achieve now is” that “the probabilities of electing an Anglo . . . are great”); Tr. 3 68:7–9 (Reyes asking De Grandy if the Feb. 7 Draft is “the best you can do to protect . . . the Anglo seat”); Tr. 4B 19:21–20:4 (Reyes confirming with De Grandy that “the so-called Anglo district will . . . stand the test of time” and “the probability of electing . . . an Anglo” is “very probable”); Tr. 5B 8:14–16 (Díaz de la Portilla: “Our goal here is to have . . . a white district”). The Commission succeeded in its race-based goal: De Grandy confirmed that District 2 had a high probability of electing an Anglo commissioner. Tr. 4B 20:11–12. It has the highest Anglo population of the five districts, at 37.4% WVAP, 41.5% WCVAP, and 43.4% white voter registration—higher even than under the 2013 Plan. Abott Rep. 23; Supervisor of Elections, District Demographic Analysis at 34, <https://bit.ly/3HU5ili> (Feb. 1, 2023); Supervisor of Elections, District Demographic Analysis at 32, <https://bit.ly/3HQgiGD> (Feb. 1, 2022).

b. Maintaining an Arbitrary BVAP Quota for District 5

At the beginning of this 2020 redistricting cycle, District 5 under the 2013 Plan was 52.9% BVAP, 59.4% BCVAP, and 56.9% Black by voter registration, but needed to add population. Abott Rep. 23; ECF 24-92 at 35. The Commission’s overriding goal was to keep the Black population as high as possible by “purposefully establish[ing] a racial target: African-Americans should make up no less than a majority of the voting-age population.” *Cooper*, 581 U.S. at 299. From the outset, De Grandy and the Commission were sensitive to maintaining District 5’s Black share, with a particular reluctance to change significantly the District 2/5 boundary lest that decrease District 5’s Black population. *See, e.g.*, Tr. 1 23:6–10.

In De Grandy’s initial Feb. 7 Draft, District 5 was 51.7% Black by total population (BPOP), 49.8% BVAP, and 58.7% BCVAP. Tr. 3 8:17; Abott Rep. 23. De Grandy explained he deliberately underpopulated District 5, “because bringing in additional population from most any side of the

district might reduce the African American population percentage.” Tr. 3 8:13–15. He set the boundary “wall” between Districts 2 and 5, explaining “we could not move further east without affecting the African American population’s ability to elect a candidate of its choice in D5.” Tr. 3 9:19–20.⁸ In exchange for moving the “wall” east into less-Black areas of Downtown and Edgewater, De Grandy “rebalance[d] the ethnic and racial population” by removing “overwhelmingly Hispanic” areas along the Miami River from District 5 and moving them into District 1. Tr. 3 43:1–3; 11:17–20; ECF 24-84 at 3.

The Commission reacted to De Grandy’s Feb. 7 Draft—and its District 5 with a BVAP under 50%—with skepticism. Tr. 3 68:7–8 (Reyes: “is this the best you can do to protect the African American seat?”), 71:22–23 (King likewise “concerned . . . that District 5 is 51% African American.” De Grandy interpreted this and other feedback as a “directive” to “increase[] D5’s Black voting age population above 50%,” which he did in his Feb. 22 Draft, “by reconfiguring areas around the boundaries” of the district. Tr. 4A 7:1–2, 9:15, 9:17, 5:13–15; ECF 24-85 at 7; *cf. Cooper*, 581 U.S. at 299–300 (elected officials “were not coy in expressing that goal,” an “objective [that] was communicated in no uncertain terms to [their] consultant”). De Grandy again deliberately underpopulated District 5 to increase its Black share. Tr. 4A 6:15–16. Maintaining the minimum-50% BVAP quota remained a priority through all the redistricting meeting. *See, e.g.*, Tr. 5A 37:5–9 (De Grandy explaining King proposal would “lower the Black VAP to 49%, but this could be remedied by making additional changes to . . . increase D5’s Black voting age population”); ECF 24-8 at 4 (describing same proposal as a “deficiency”); Tr. 6 8:7–9 (De Grandy

⁸ As De Grandy explained, this caused him to turn to District 2’s southern end to equalize its population, resulting in moving areas of District 2 into Districts 3 and 4 in Coconut Grove. Tr. 3 9:20–21. Adherence to a Black population target also impacted District 1. Tr. 6 70:21.

“recommend[ing] additional tweaks to the plan to bring the Black voting age population back above 50%”), 56:12–16 (Carollo: “The only reason [King] doesn’t take the rest [of Downtown] is . . . we have to keep one district that is going to have a majority of African Americans.”), 64:23–65:2 (De Grandy: “I cannot put one more resident into Commissioner King’s district. . . . [G]oing further east would dilute the Black majority.”), 68:16–17 (Carollo: “In District 5, that will be a majority-African American district.”), 70:21 (Díaz de la Portilla: “I can’t go north, because if I go north I jeopardize the African American seat.”). The Commission hit its target: District 5 in the Enacted Plan has a BVAP of 50.3%. Abott Rep. 23.

c. Packing Hispanic Residents into Districts 1, 3, and 4

Race likewise predominated in the drawing of Districts 1, 3, and 4. The Commission’s overriding goal for these districts was to make their Hispanic populations as high as possible, thereby artificially stripping Hispanic residents from Districts 2 and 5 and diminishing their influence in those two districts. Carollo set the tone before any maps were drafted: “My main interest in my district and [Districts 1 and 4] is that I’m sure that we’re going to keep the balance of the Hispanic population where we’re going to be getting Hispanics elected there.” Tr. 2 23:4–7. That goal pervaded the Commission’s attitude toward these three districts. *See, e.g.*, Tr. 2 14:8–9 (Carollo discussing relative “purity” of Hispanic percentages in the three districts); Tr. 3 103:18–21 (Carollo expressing desire to “keep the same type of last names, faces” in the districts), 107:13–14 (Reyes agreeing to “working out in a way that we can make it as Hispanic as you can”); Tr. 6 56:19–20 (Carollo: “we have to keep three districts that are going to be majority-Hispanic”), 70:22–71:2 (Díaz de la Portilla expressing same views).

1. District 1/5 Border

As outlined below, the District 1/5 border was drawn along racial lines, to put Hispanic

residents in District 1 and strip them from District 5. Simultaneously, the border packed Black residents into District 5 and stripped them from District 1. District 1, which under the 2013 Plan was underpopulated by about 7,000 residents, Abbott Rep. 23, gained all its new population from District 5. Rather than, for example, pairing communities of interest with shared values and needs, from the outset, discussions of where District 1 could gain population focused almost exclusively on race, with Carollo highlighting both Wynwood and the north side of the Miami River as “logical” and “attractive” because they are “mainly Hispanic.” Tr. 2 3:12–17. Díaz de la Portilla reflected how he “really can’t go north” to gain population in Allapattah or Liberty City, because “[i]t’s an African American area.” Tr. 2 4:19–20. Carollo noted there might be an area by 36th Street (District 1’s northern border under the 2013 Plan) that District 1 might add, depending on how Hispanic the area was. Tr. 2 5:6–8. Díaz de la Portilla agreed the line might extend north to 40th Street, but not past State Road 112, because “north of 112 we are entering into African American neighborhoods—and we can’t touch that area.” Tr. 2 5:14–19.

De Grandy’s Feb. 7 Draft added to District 1 the riverside areas Carollo suggested. ECF 24-84 at 4. De Grandy explained he did so “because this area has a high percentage of Hispanics and greater voter cohesion with D1 residents.” Tr. 3 9:7–8. The Base Plan moved a small portion of that riverside area around the Miami Riverside Center back into District 5. In exchange, the plan moved another eight city blocks into District 1. ECF 24-85 at 4. De Grandy explained, “[a]gain, we felt this movement was needed because Hispanics in this area constitute roughly 70% of the population. Thus, they have greater voter cohesion” with the rest of District 1. Tr. 4A 7:6–8.

Besides the changes Downtown, the Enacted Plan also moved territory between Districts 1 and 5 in Allapattah. ECF 24-85 at 5. These areas were moved to increase District 1’s Hispanic share, decrease its Black share, and do the opposite for District 5. *See, e.g.*, Tr. 4A 6:23–7:2.

2. District 2/3 Border

The Commission also drew the District 2/3 border along racial lines, to pack Hispanic residents into District 3 and strip them from District 2. Díaz de la Portilla first suggested moving areas “where Hispanic voters live” from District 2 and into Districts 3 and 4 at the second redistricting meeting, mentioning Coconut Grove and Bay Heights specifically. Tr. 2 7:16–17. De Grandy incorporated this suggestion into his Feb. 7 Draft (ECF 24-84 at 5), moving portions of District 2 into District 3, stretching from SW 15th Road in the north to SW 17th Avenue in the south, over to South Miami Avenue. Tr. 3 9:21–23. After Russell questioned why De Grandy moved this area from District 2 rather than parts of Brickell/Downtown further north, De Grandy said he did so “because the demographics were dissimilar” further north. Tr. 3 90:10.

Walking through the Base Plan (ECF 24-85 at 6), De Grandy reiterated he “did not feel it was appropriate to move east” into Brickell “because of dissimilar demographics.” Tr. 4A 7:22–23; Tr. 5B 36:17–37:2 (De Grandy explaining he didn’t move parts of Brickell into District 3 because its Hispanic population was “in the 40’s, whereas District 3 is in the 80’s”); Tr. 6 75:11–13 (reiterating same point). Commissioners supported this reasoning, which compelled District 3 to pick up part of Coconut Grove instead. Tr. 4A 7:6–8 (Carollo); Tr. 4B 41:13–19 (Carollo: “throw[ing] District 3 into Brickell” is “truly going to change the whole component of one district” with “a domino effect” for other districts’ demographic compositions), 9:15–17 (Díaz de la Portilla agreeing that the Grove is “the only place to go” to remove population from District 2).

The Commission’s rejection of alternatives for the 2/3 border further demonstrate its race-based decision-making. *See Ala. Legis. Black Caucus v. Alabama (ALBC II)*, 231 F. Supp. 3d 1026, 1391 (M.D. Ala. 2017) (rejected alternative plans constitute evidence of racial predominance). The Initial Russell Plan (ECF 24-87) proposed extending District 3’s eastern boundary one block east

to South Miami Avenue, to allow all of Coconut Grove to be united in District 2. ECF 24-9 at 3. Even though De Grandy advised the proposal complied with the VRA, Tr. 5A 52:12–13, that was not enough for the rest of the commissioners, who objected to moving a less-Hispanic area into District 3. Tr. 5B 32:11–13 (Reyes: “I don’t agree with it because [] there is a lot of Anglos in that area”), 32:10 (Díaz de la Portilla).

The Revised Russell Plan (ECF 24-88) again united Coconut Grove in District 2 while moving even less of the Brickell area into District 3. The area moved—44.6% HVAP, 39% WVAP—would have decreased District 3’s HVAP. Abott Rep. 24, 29. De Grandy again advised that the proposal complied with the VRA, Tr. 6 at 8:6–7, and it met the criteria the Commission originally adopted, Tr. 6 at 61:10–62:8, but the Commission rejected it because it decreased District 3’s Hispanic population. Tr. 6 at 64:10–13, 74:2–10 (Reyes explaining why he rejected Russell plans), 70:15–18, 71:7–16, 72:1–3 (Díaz de la Portilla).

The Reyes Plan (ECF 24-89) made even smaller changes to the 2/3 border, restoring the West Grove sliver to District 2 while moving a bare-HVAP-majority area from District 2 into 3 (51% HVAP). Tr. 6 at 77:6–7; Abott Rep. 29. Even though De Grandy advised the Reyes Plan complied with the VRA, Tr. 6 at 8:6–7, the Commission rejected it for the same reasons as Russell’s proposals. Tr. 6 at 66:14–18, 67:1–5, 68:13–15, 70:13. De Grandy summed up the perceived benefit of his District 3 versus Russell’s or Reyes’ proposals: “Is it [a] stronger Hispanic district under the base plan, absolutely.” Tr. 6 75:21; *see also* Tr. 6 at 78:3–18.

Under the Revised Russell Plan, District 3 was 86.6% HVAP and 84.8% HCVAP. Abott Rep. 24. Under the Reyes Plan, it was 87.3% HVAP and 86.0% HCVAP. *Id.* In the Base Plan and Enacted Plan, it is 88.3% HVAP and 86.9% HCVAP. *Id.* at 23.

3. District 2/4 Border

The Commission also drew the line between Districts 2 and 4 to pack Hispanic residents into the majority-Hispanic district and strip them from the “Anglo-access” district. This border was shaped by two major decisions: (1) moving a supermajority-Hispanic area of Golden Pines north of US 1 around Douglas Park into District 4, and (2) moving areas south of US 1 in Coconut Grove (ECF 24-85 at 6). Both originated in the very first redistricting meetings. Díaz de la Portilla and Carollo discussed the “very Hispanic area” around Douglas Park in District 2 as one that “probably doesn’t belong there” because it has “more commonalities” in terms of “political cohesion” with District 4 than the rest of District 2. Tr. 1 24:1–4, 24:14–16; Tr. 2 19:22–20:2. This area, which is 81.8% HVAP, was moved into District 4 in all drafts the Commission considered. Abott Rep. 25.

The second area moved into District 4, a piece of Coconut Grove, followed Díaz de la Portilla’s early suggestion to move areas “where the Hispanic voters live” given the “ethnic diversity in Coconut Grove.” Tr. 2 7:16–17. The area moved is a 59.2%-HVAP triangle bounded by US 1, Day Avenue, and SW 27th Avenue. Abott Rep. 26. That triangle was not as Hispanic as the rest of District 4, but because the Commission considered District 4 to be the “purest” Hispanic district already, it was acceptable for it to add “only” “a slice, sliver” of less-Hispanic “bone.” Tr. 2 14:5–6; Tr. 3 103:18, 104:4–7. Eventually, Reyes begrudgingly accepted adding part of Coconut Grove because he thought it was needed to maintain District 5’s racial balance. Tr. 5A 50:13–14.

Rejected proposals for District 4 clarify the Commission’s intent to “balance” its Hispanic population. On February 7, De Grandy proposed giving District 4 a chunk of the North Grove between 22nd and 27th Avenues. Tr. 3 101:11–14, 102:2–3. To convince Reyes to take this 55% WVAP area, Carollo reminded him he has “the most Hispanic” and “Cuban district,” and that the Feb. 7 Draft already gave him “a huge Hispanic area on the other side of US 1”—the Douglas Park

area. Tr. 3 102:10–12, 103:11–12, 105:2–3; Abott Rep. 28; *see also* Tr. 3 103:16 (Reyes welcoming the Douglas Park area: “I’ll take it.”). Comparing that 82% HVAP Douglas Park addition to his 55% WVAP North Grove proposal, Carollo explained Reyes cannot be “*getting all the sirloin but none of the bone.*” Tr. 3 103:18. In the end, the Hispanic-rich “sirloin” was moved into the packed Hispanic-majority District 4, while most of the majority-white “bone” remained in District 2. District 4 in the Enacted Plan is 89.5% HVAP and 88.2% HCVAP. Abott Rep. 23.

4. Internal Borders of Districts 1, 3, and 4

The borders that Districts 1, 3, and 4 share were also drawn to facilitate the Enacted Plan’s packing of Hispanic voters into these districts and, more generally, to accomplish the tripartite racial separation throughout the map. ECF 24-85 at 7. The Commission treated Hispanic voters on the borders of these districts as fungible because these areas are all predominantly Hispanic. *See, e.g.*, Tr. 1 33:14–16 (Diaz de la Portilla explaining it did not matter whether Flagami was in District 1 or 4 because those residents “will elect the same kind of representative”). As commissioners recounted multiple times, Hispanic neighborhoods like Flagami and Little Havana were split between Districts 1, 3, and 4 to effectuate the policy of maximum racial separation. *See, e.g.*, Tr. 3 52:5–53:2 (Carollo); Tr. 6 39:2–12 (Reyes), 79:19–20 (Diaz de la Portilla); *infra* pp. 24–25.

De Grandy followed the Commission’s direction in his Feb. 7 Draft, shifting parts of Little Havana between Districts 3 and 4 because they were “adjacent areas with similar demographics.” Tr. 3 10:7–8. Workshopping that map and following his comments about District 4 not keeping all the “sirloin,” Carollo suggested moving into District 3 a different portion of Little Havana, between SW 27th and 32nd Avenues. Tr. 3 104:21–23; 2/7/22 video, <https://youtu.be/foXmqENNpRY>, at 4:30:25–:50. When Reyes objected, Carollo explained why it was necessary to add that territory to District 3: “you’re getting more than two squares here,” referring to the Douglas Park area, “in

prime Hispanic area, and you're diluting the Hispanic vote." Tr. 3 105:1–3; 2/7/22 video, <https://youtu.be/foXmqENNpRY>, at 4:30:50–:58. "There has to be a balance," Carollo continued, and in exchange for getting "a huge chunk of rich Hispanic voters" around Douglas Park, District 4 needed to balance its Hispanic population out with District 3. Tr. 3 106:3–23. Reyes agreed to "working out in a way that we can make it as Hispanic as you can." Tr. 3 107:13–14. The area Carollo wanted to move into District 3 was indeed moved in the Enacted Plan. De Grandy explained the change: "we tried to find adjacent areas with similar demographics in order to maintain voter cohesion." Tr. 4A 8:3–4. The area is 96.2% HVAP. Abott Rep. 27.

d. The Commission Explicitly and Consistently Subordinated Traditional Redistricting Criteria to Race

Throughout the map, the Commission "subordinated traditional race-neutral districting principles . . . to racial considerations." *Bethune-Hill I*, 580 U.S. at 187 (quoting *Miller*, 515 U.S. at 916). Because "[i]n general, legislatures that engage in impermissible race-based redistricting will find it necessary to depart from traditional principles in order to do so," it is unsurprising that evidence of this subordination is manifold. *Id.* at 190.

1. Neighborhoods

Respecting traditional communities like neighborhoods is not just a judicially acknowledged traditional principle, *ALBC I*, 575 U.S. at 272, but also a criterion the Commission itself adopted. Tr. 1 36:6–11. But from the start, the Commission wanted to split certain neighborhoods to pack and crack voters based on their race. *Cf. Covington v. North Carolina*, 316 F.R.D. 117, 145, 160 (M.D.N.C. 2016) (splitting of neighborhoods "strongly suggests" racial predominance), *aff'd*, 137 S. Ct. 2211 (2017); *Bethune-Hill v. Va. State Bd. of Elections (Bethune-Hill II)*, 326 F.Supp.3d 128, 148 (E.D. Va. 2018) (split subdivisions indicate racial predominance). Díaz de la Portilla noted that some neighborhoods like Flagami could be divided between districts

if they “will elect the same kind of representative.” Tr. 1 33:14–16. But putting part of (predominantly Black) Overtown or Liberty City in his district was unacceptable.⁹ Tr. 1 33:16–17.

At the second redistricting meeting on December 9, 2021, Díaz de la Portilla suggested splitting another neighborhood: Coconut Grove. He proposed adding portions to both District 3 and 4 “based on where the Hispanic voters live” to maintain the districts’ “ethnic integrity,” noting “there’s ethnic diversity in Coconut Grove.” Tr. 2 7:15–16, 13:15–17. The decision to split the Grove stemmed also from the desire to avoid “touching the racial integrity of District 5.” Tr. 2 13:17–18. The District 2/5 “wall” that prevented District 5 from dropping below 50% BVAP compelled the Commission to remove population from overpopulated District 2’s southern end instead. *See, e.g.*, Tr. 2 9:4–7; Tr. 3 42:21–43:6.

De Grandy’s Feb. 7 Draft followed the Commission’s direction, going into the Grove to move population from District 2 into 4. Responding to public comment opposing splitting parts of the historically Black West Grove, De Grandy justified his choice in racial terms. Tr. 3 41:23–42:11 (“put[ting] into conte[x]t what we’re moving into, a majority-Hispanic district” and noting statistics of the area moved, indicating it is nearly majority-Hispanic). After continued public objection to the Base Plan splitting the West Grove, De Grandy stressed “the only allegation of racism results from the proposed movement of 114 Black residents who are currently represented by a commissioner who is not Black to a district that is represented by a commissioner who is not Black. . . . [Y]ou do not have to be a redistricting expert to conclude that the allegation of this plan is somehow racist is simply false and inflammatory.” Tr. 5A 39:17–20, 40:6–7.

Commissioners’ defenses for splitting the West Grove similarly highlighted their race-

⁹ Part of Overtown did end up in District 1—a 74.4% HVAP part. Abott Rep. 28. In contrast, the portion placed in District 5 is 61.0% BVAP. *Id.*; MIAMI CRA, <https://bit.ly/3jseTOv>.

based motivations. Carollo was explicit: splitting Coconut Grove was required to keep racial “balance and having a balance in the Hispanic districts.” Tr. 3 54:5–9. Further, he objected to claims that by moving a portion of “the Black part of Coconut Grove to a district that’s Hispanic, this disenfranchises them”—but “leav[ing] it in an Anglo area” would be fine. Tr. 3 18:2–6. He pointed out that no African Americans had ever been elected to District 2, implying that, since District 2 was the “Anglo seat” and District 4 was a “Hispanic seat,” Black Groveites had no grounds to complain about being moved from one to the other. Tr. 3 18:7–11.

Remarkably, the *only* reasons De Grandy and the Commission majority *ever* gave for splitting Coconut Grove and moving portions into Districts 3 and 4 were race-based. In contrast, members of the public, including Plaintiffs, repeatedly implored the Commission to consider the numerous race-neutral reasons for keeping the neighborhood together in District 2, and the ways in which Coconut Grove constituted a “communit[y] defined by actual shared interests” rather than by race. *ALBC I*, 575 U.S. at 272 (quoting *Miller*, 515 U.S. at 916); *see, e.g.*, Tr. 3 24:17–26:7, 30:12–31:14; Tr. 4A 13:23–14:13, 16:10–20, 27:19–28:18; Tr. 5A 63:17–64:3, 64:13–65:9, 71:6–18, 77:23–78:14, 80:9–81:4; Tr. 6 22:13–23. Russell made similar appeals. Tr. 4B 18:20–19:2 (citing area’s distinctive interests); Tr. 5A 45:18–46:1 (“they’re looking for not a Black commissioner, but they’re looking for someone to solve those issues”), 47:1–8, 48:4–6, 49:13–18 (responding to De Grandy’s point that more Black residents were moved out of District 2 in Golden Pines than in the West Grove, by noting the neighborhoods’ Black residents face different issues).

The Commission split many other neighborhoods to achieve their preferred racial divisions, harming these communities as a result. Little Havana straddles all three majority-Hispanic districts; Silver Bluff and Shenandoah (“distinct” and “historical” communities) are divided between Districts 3 and 4; and Flagami is split between 1 and 4. Tr. 3 52:5–7, 52:8–14, 52:16–17.

Allapattah and Overtown (“traditional communities”) cross Districts 1 and 5, with more-Hispanic portions going to District 1 and less-Hispanic parts going to District 5. Tr. 1 17:20–22; Tr. 3 60:16; Abott Rep. 28. The Commission “cut up communities” like these to facilitate racial separation: “to make sure that there’s gonna be an African American . . . to make sure there’s an Anglo American” and “that in the rest of the districts that are majority Hispanic, that they stayed that way.” Tr. 3 52:18–23; *see also* Tr. 6 38:9–16 (Carollo explaining why they split Little Havana, Shenandoah, Silver Bluff, Flagami), 38:23–39:20 (Reyes agreeing that splitting “real established communities” “has to be done in order to keep diversity”), 79:19–20 (Díaz de la Portilla: Carollo “broke up Hispanic neighborhood after Hispanic neighborhood cause he had to for the greater good.”).

2. Compactness

The Commission rejected directing De Grandy to draw geographically compact districts early in the process, subordinating this traditional criterion to race. Tr. 2 29:10–16. Díaz de la Portilla noted that “if you want to have an African American district and you want to have an Anglo district, it’s almost impossible to emphasize compactness,” so it’s “a foregone conclusion” that districts would not be compact. Tr. 2 28:23–29:3. De Grandy concurred. Tr. 2 29:2–6. The districts are indeed visibly non-compact, featuring “irregular contours,” “bizarre designs,” and “unnecessary appendage[s].” *Shaw II*, 517 U.S. at 939; *In re Senate Joint Resol. 1176*, 83 So. 3d 597, 634 (Fla. 2012); *see* ECF 24-1 at 6–10. District 3 gains an irregular appendage south of US 1 into Coconut Grove, to pick up a more ethnically diverse, Hispanic area. Tr. 2 7:16–17. District 2 features a bizarre spur in Downtown, scooping out six less-Black city blocks from District 5. Abott Rep. 28. District 1 snakes along the north side of the Miami River to Flagler Street, an appendage designed to move more-Hispanic areas into District 1 from District 5. *Id.* at 27; Tr. 3 9:5–8; Tr. 4A 7:3–8. Districts 1 and 4 feature long tails stretching west to divide Flagami for racial purposes.

Tr. 6 38:9–15, 39:3–12. “[N]o matter how many ways one might try to describe the shape of [these districts], the word compact would not apply, elongated, or sprawling, perhaps—but certainly not ‘compact.’” *Jacksonville I*, 2022 WL 7089087, at *37; accord Tr. 2 18:9–11 (Reyes stating only one district is compact), 18:4–5 (Russell: District 2 “the least compact as a district”), 2:10–11 (De Grandy: “Compactness, quite frankly, in this plan would be extremely difficult to achieve.”), 17:20 (“Compactness, again, I don’t think compactness is a feasible alternative.”), 18:7–8 (“I mean look at the districts the way they are drawn, they are not compact.”), 29:2–6 (“[Y]our plan is not really a plan of compact districts.”); contra ECF 24-23 (“The districts in the adopted plan are relatively compact.”). Such “highly irregular and geographically non-compact” shapes are “evidence of racial predominance.” *Bethune-Hill II*, 326 F. Supp. 3d at 141 (quoting *Shaw II*, 517 U.S. at 905–06); see also *ALBC II*, 231 F. Supp. 3d at 1252–53 (non-compactness probative of racial intent).

3. Respecting Major Manmade and Natural Boundaries

Drawing districts to respect major manmade and natural boundaries is another traditional redistricting principle the Commission subordinated to race. See *In re SJR 1176*, 83 So. 3d at 618, 636–38 (explaining this criterion as embodied in the Florida Constitution). De Grandy suggested the Commission consider using such boundaries as a factor, but there was no consensus to ratify it as a priority. Tr. 2 18:23–19:21. This debate largely focused on whether US 1 was a boundary that should be respected as the border of District 2, or whether Districts 3 and/or 4 should cross US 1 into Coconut Grove. Tr. 2 19:5–21. Ultimately, the Commission opted to cross US 1 “where the Hispanic voters live” to maintain Districts 3 and 4’s “ethnic integrity.” Tr. 2 7:17, 7:3.

The Enacted Plan deviates from major geographic boundaries for racial reasons elsewhere, too. The District 1/4 border in Flagami winds along two-lane residential streets. See Tr. 2 4:15–17 (De Grandy explaining major boundaries include section-line roads as opposed to local streets).

The piece of Allapattah moved into District 5 is bounded by two-lane streets, rather than I-95 and a federal highway as in the 2013 Plan. Further south, the District 1/5 border again deviates from I-95 to ensure a 61% BVAP tract stays in District 5. Abott Rep. 28. Downtown, the District 2/5 border departs from NE 2nd Avenue to scoop out an irregular, 14.2% BVAP six-block area. *Id.* The border strays from 2nd Avenue again just before the river to ensure a 5.5% BVAP tract stays on the District 2 side of the 2/5 “wall.” *Id.*; see *ALBC II*, 231 F. Supp. 3d at 1253, 1300 (finding bizarre district protrusions racially motivated); *Bethune-Hill II*, 326 F. Supp. 3d at 161 (same).

2. Circumstantial Evidence of Racial Predominance

In addition to the staggering direct evidence, robust “circumstantial evidence of [the] district[s]’ shape[s] and demographics” points to racial predominance. *Cooper*, 581 U.S. at 291.

a. Demographics of the Districts and Areas Moved

In her report, Dr. Abott examines the districts’ shapes and demographics, studies the areas moved between the 2013 Plan and Enacted Plan, and concludes that race explains both the overall shapes of the Enacted Plan’s districts, as well as the changes made from the 2013 Plan. Abott Rep. 1–2. In particular, Dr. Abott scrutinizes how the map splits precincts along racial lines to achieve even the most granular of racial sorting. *Id.* at 6–12. At every turn, district lines were carved with surgical precision to sort residents based on race. Dr. Abott also describes how alternative explanations—such as partisan gerrymandering, maintaining the existing districts’ partisan makeups, and keeping incumbents in their districts—cannot explain the enacted districts’ shapes or the areas moved from the 2013 Plan. *Id.* at 12–16. Further, the only discussion of incumbent protection during the process arose with respect to Carollo and District 3. Members of the public accused Carollo of wanting a property he owned in Coconut Grove moved into his District 3, so he could move there. ECF 24-22. But Carollo denied any such motivation—going so far as to state

he would support the area being moved into District 4 instead. Tr. 5A 7:9–8:4, 21:18–22:6; Tr. 6 57:14–16; *see also* Tr. 6 4:21–23.

b. Rejected Alternative Configurations

Separate from the direct evidence of the Commission’s race-based reasons for rejecting alternative configurations, circumstantial evidence about alternative rejected configurations and the evolution of draft plans further illuminates the race-based decisions behind the Enacted Plan. These include several key changes between the Feb. 7 Draft and the Feb. 22 Draft/Base Plan that served to better separate Anglo from Black from Hispanic residents into their designated districts:

- The Base Plan moved less of Coconut Grove into District 4. The portion moved now had a higher Hispanic population—59.2% HVAP versus 49.1%. Abott Rep. 25–26.
- A 76.6% HVAP area in Allapattah was moved into District 1 from 5, and a 66.7% HVAP area was moved out of District 1 into 5 in exchange. ECF 24-85 at 5. This swap increased District 1’s Hispanic share while increasing District 5’s Black share. Abott Rep. 23, 26.
- District 5 gained a small, 40.4% BVAP area of Downtown from District 1. In exchange, District 1 gained a 72.1% HVAP area west of I-95. ECF 24-85 at 4. This change increased District 1’s Hispanic share and increased District 5’s Black share. Abott Rep. 23, 26.
- Areas were swapped along the District 2/5 “wall”: Two 13% BVAP blocks moved into District 2; and a 32.1% BVAP area moved into District 5. *Id.* at 26; ECF 24-85 at 4.

Each of these changes increased the dominant racial group’s population share in each district, exacerbating the racial packing and stripping already present in the Feb. 7 Draft. Indeed, the Base Plan managed to increase the dominant-group VAP in Districts 1, 4, and 5. Abott Rep. 23. Of the three majority-Hispanic districts, the HVAP of the least-Hispanic district increased. *Id.* The average HVAP of those three districts also increased. *See id.*

Three other abandoned changes are probative as well. *First*, King requested restoring to District 5 part of the riverfront area that the Base Plan moved to District 1. Tr. 5A 37:5–6. De Grandy noted the request would lower District 5’s BVAP to 49% and suggested “remedying” this to increase the BVAP. Tr. 5A 37:6–9. After consulting with King, this change was abandoned in favor of moving just the unpopulated Wharf into District 5, which did not impact the district’s BVAP. Tr. 5B 4:21–5:7; Tr. 6 7:12–14; ECF 24-10 at 11.

Second, at the final meeting, Díaz de la Portilla suggested moving into District 5 a single 73% HVAP city block with a total population of 510 residents—the Flagler on the River condo tower. Tr. 6 6:12–15. De Grandy reported this change would lower District 5’s BVAP to 49.97%—just below the 50% target. Tr. 6 6:16–17. De Grandy acknowledged that BVAP would comply with the VRA, but still recommended changing the proposal to bring the BVAP above 50%. Tr. 6 8:6–9. The Commission rejected the proposal, making further changes unnecessary.

Third, Carollo and De Grandy floated an alternative to moving the West Grove sliver into District 4: moving an area roughly between 22nd and 27th Avenues in the North Grove. Tr. 3 101:11–14, 102:2–3; Tr. 5B 3:8–9; 3/11/22 afternoon video, <https://youtu.be/SyxiRlMTqu0>, at 7:07. This area was even less Hispanic than the West Grove sliver—36.7% HVAP compared to 59.2%—and De Grandy never presented this option as a fully realized map. Abott Rep. 26, 28.

Altogether, the evidence demonstrates adherence to “announced racial target[s] that subordinated other districting criteria and produced boundaries amplifying divisions between blacks[,] whites” and Hispanics. *Cooper*, 581 U.S. at 300–01. Facing similar evidence, the Supreme Court noted a factfinder “could hardly have concluded anything but” racial predominance. *Id.* at 391.

B. The Use of Race Does Not Satisfy Strict Scrutiny

Plaintiffs are substantially likely to prevail because the City cannot prove that its unabashed race-based sorting of voters is narrowly tailored to a compelling interest, namely to comply with the VRA. To survive strict scrutiny, the City must prove it “had ‘a strong basis in evidence’ for concluding that the [VRA] required its action.” *Id.* at 292 (quoting *ALBC I*, 575 U.S. at 278).

The City falls far short of the requisite showing. The Commission failed to conduct a “functional analysis of the electoral behavior within the particular . . . election district[s]” to ensure Black or Hispanic candidates of choice could usually prevail. *Bethune-Hill I*, 580 U.S. at 194 (citation omitted). Nor is there anything else in the record resembling “a strong showing of a pre-enactment analysis with justifiable conclusions.” *Abbott v. Perez*, 138 S. Ct. 2305, 2335 (2018). Instead, the Commission set arbitrary racial thresholds, misused key metrics of VRA compliance, and ignored the absence of fundamentals of VRA liability with respect to four districts. Altogether, the Commission lacked the “strong basis in evidence” necessary to show its use of race was narrowly tailored to comply with the VRA.

1. There Was No Strong Basis in Evidence for an “Anglo Access District”

The Commission’s overriding goal for District 2, drawing an “Anglo access district” with as many Anglo voters as possible “to have guaranteed Anglo representation,” Tr. 3 100:16, lacked the “strong basis in evidence” required for narrow tailoring. Indeed, De Grandy advised at the very first meeting that “white, non-Hispanic, is not a protected class under the Voting Rights Act.” Tr. 1 12:13–14. The Commission ignored this advice.¹⁰

To make out a vote-dilution claim under Section 2, a racial or language minority group

¹⁰ De Grandy was not quite correct on this point. Non-Hispanic white voters can make out VRA claims if they satisfy the elements for Section 2 liability. *United States v. Brown*, 561 F.3d 420, 433–35 (5th Cir. 2009). As explained below, Anglo voters in Miami clearly cannot do so.

must satisfy three preconditions: (1) the minority group “is sufficiently large and geographically compact to constitute a majority in a single-member district,” (2) the minority group “is politically cohesive,” and (3) the “majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.” *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986) (cleaned up). If the minority group satisfies the *Gingles* preconditions, the group must then prove that, “based on the totality of the circumstances,” they “have less opportunity than other members of the electorate.” 52 U.S.C. § 10301(b); *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 425–26 (2006). Section 2 then requires the creation of a district in which minority voters have an equal “opportunity . . . to elect representatives of their choice.” 52 U.S.C. § 10301(b). Critically, the protected group need not necessarily form a majority of the population in a Section 2 remedial district, as long as protected-group “voters otherwise have an opportunity to elect a representative of their choice” in the remedial district. *Caster v. Merrill*, No. 2:21-CV-1536-AMM, 2022 WL 264819, at *83 (N.D. Ala. Jan. 24, 2022), *cert. granted before judgment sub nom. Merrill v. Milligan*, 142 S. Ct. 879 (2022); *see Wright v. Sumter Cnty. Bd. of Elections*, 979 F.3d 1282, 1299 (11th Cir. 2020) (affirming district court’s conclusion that “[t]he remedial plan should give[] African American voters a realistic opportunity to elect candidates of their choice”).

In areas like Miami where there are significant differences between racial groups’ citizenship rates, the first *Gingles* precondition requires a showing that it is possible to draw a district in which the minority group comprises a majority of the “voting age population as refined by citizenship.” *Negron v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997). But it is impossible to draw a majority-Anglo district. Abott Rep. 21. “If a State has good reason to think that all the ‘*Gingles* preconditions’ are met, then so too it has good reason to believe that § 2 requires drawing a majority-minority district. But if not, then not.” *Cooper*, 581 U.S. at 302

(citations omitted). With a majority-WCVAP district impossible, the Commission lacked good reasons to believe an “Anglo-access district” was necessary to comply with the VRA. Its race-based decision to draw a predominantly Anglo district, therefore, was not narrowly tailored to achieve a compelling interest.¹¹ *Id.* at 306 (“[N]either will we approve a racial gerrymander whose necessity is supported by no evidence and whose *raison d’être* is a legal mistake.”).

2. There Was No Strong Basis in Evidence for Drawing Max-Hispanic Districts

Likewise, the Commission did not have a strong basis in evidence to maximize the Hispanic populations in Districts 1, 3, and 4. De Grandy repeatedly told the Commission that districts with lower Hispanic majorities than the ones eventually adopted would afford Hispanic voters the opportunity to elect preferred candidates. Tr. 3 at 7:6–8, 8:7–11 (Districts 1, 3, and 4 at 88.7, 88.4, and 88.0% HVAP “clearly compl[y] with the Voting Rights Act”); Tr. 5A at 52:12–13 (Initial Russell Plan’s District 3 “would comply with the federal Voting Rights Act” at 85.2% HVAP); Tr. 6 at 8:6–7 (Revised Russell Plan and Reyes Plan “comply with the Constitution and the Voting Rights Act” with District 3 at 86.6 and 87.3% HVAP). The Commission rejected these lower-HVAP proposals in favor of even larger Hispanic majorities of 89.5, 88.3, and 89.5% HVAP for Districts 1, 3, and 4, respectively. Abott Rep. 23.

Even more significantly, Miami is 71.1% HVAP, 66.4% HCVAP, and 58.0% Hispanic by voter registration. *Id.*; ECF 24-93 at 76. Given the City’s robust Hispanic majority, there was no “good reason” to believe that Hispanic voters were an effective “minority” in the City, or that the “majority votes sufficiently as a bloc to enable it . . . usually to defeat [Hispanic voters’] preferred

¹¹ Even if a majority-WCVAP district *were* possible, there is no factual basis, much less a strong showing, that in the “totality of the circumstances,” the political process is less open to Anglos than the Hispanic majority. *See Wright*, 979 F.3d at 1288–89 (factors relevant to totality).

candidate.” *Gingles*, 478 U.S. at 46–51. To the contrary, the evidence shows that, when voting is racially polarized, Hispanic-preferred candidates usually *prevail* citywide. Moy Rep. 2, 58. “Strict scrutiny requires much more” than “uncritical majority-minority district maximization.” *Wis. Legislature v. Wis. Elections Comm’n*, 142 S. Ct. 1245, 1249 (2022).

Because “proof of the *Gingles* threshold factors is a necessary precondition to Section 2 relief,” *Nipper v. Smith*, 39 F.3d 1494, 1513 (11th Cir. 1994) (en banc), the Commission lacked good reasons to believe that drawing deliberately Hispanic-majority districts was necessary to comply with the VRA. *See also Cooper*, 581 U.S. at 304 (“[T]he State must carefully evaluate whether a plaintiff could establish the *Gingles* preconditions . . .”). Its race-based decision to draw three districts with as large Hispanic majorities as possible, therefore, fails strict scrutiny.

3. The Arbitrary 50% BVAP Quota for District 5

The Commission also fell far short of strict scrutiny’s demands when it adopted an uninformed 50% BVAP target for District 5. The Parties agree the VRA requires a district in which Black voters have an opportunity to elect candidates of their choice. *See, e.g., PULSE v. City of Miami*, No. 1:96-cv-3327-JLK (S.D. Fla. Aug. 18 and Nov. 3, 1997) (granting partial summary judgment for Black voters in VRA case); Moy Rep. 2 (finding racially polarized voting and that Black voters’ choice is usually defeated). But Plaintiffs disagree that the 50% BVAP quota was necessary or appropriate to provide that opportunity. In fact, such an arbitrarily high target limited Black voters’ influence by stripping them from adjacent districts. “Determining what minority population percentage will” allow “members of a minority group to elect their preferred candidates” “is a difficult task requiring . . . a functional analysis of the electoral behavior within the particular election district.” *Bethune-Hill I*, 580 U.S. at 801 (cleaned up). “[A] strong showing of a pre-enactment analysis with justifiable conclusions” can satisfy strict scrutiny. *Abbott*, 138 S.

Ct. at 2335. The Commission can make no such showing. Rather, its 50% BVAP floor was an “uncritical” assumption free of “other evidence or analysis.” *Wis. Legislature*, 142 S. Ct. at 1249.

As a threshold matter, BVAP was deficient as a metric to gauge whether Black voters in District 5 had an opportunity to elect preferred candidates. As discussed above, it is not a majority-BVAP district—but rather, a majority-BCVAP district—that triggers Section 2 protection. *Negron*, 113 F.3d at 1569. Because of the differing citizenship and registration rates between Black and other racial groups, the BVAP proportion of a given area in Miami is generally lower than BCVAP, Black voter registration, or Black turnout in recent elections. Abott Rep. 23; Moy Rep. 42. Looking at BVAP therefore underestimates Black voting strength in a given district.

Dr. Moy conducted the “functional analysis of the electoral behavior within the particular . . . election district” to show the concentration of Black voters necessary to ensure an opportunity to elect their candidate of choice. *Bethune-Hill I*, 580 U.S. at 194 (citation omitted). Consistent with best practices, Dr. Moy conducted a racially polarized voting (RPV) analysis to determine VRA compliance. Moy Rep. 3–5. He finds RPV between Black and other voters in Miami and that Black voters are cohesive, confirming the second and third *Gingles* prongs. *Id.* at 2–42. The first prong is satisfied by the existence of a majority-BCVAP district in the Enacted Plan. Abott Rep. 23. But as discussed above, a Section 2 *remedy* district need only afford Black voters an opportunity to elect candidates of choice, and need not necessarily be 50% BCVAP or BVAP. Dr. Moy’s examination of recent elections finds that Black voters will be able to elect candidates of choice when the BCVAP is at least 48.8%. Moy Rep. 42, 55. So, District 5’s Black share—58.2% BCVAP—far exceeded what was necessary for Black voters to have the opportunity to elect their preferred candidates. Abott Rep. 23.

Moreover, the public implored the Commission to avoid packing Black voters into District

5 and even warned the Commission it risked violating the Constitution if it did not meaningfully assess the Black share necessary to achieve VRA compliance. *See, e.g.*, Tr. 4A at 34:7–14; ECF 24-28; 24-29. Even De Grandy advised sub-50% BVAPs would comply with the VRA. Tr. 3 at 8:17–19. In other words, not only did the Commission lack “good reasons” or a “strong basis in evidence” to conclude the VRA required its packing of Black voters, *Cooper*, 581 U.S. at 292–93, it had “good reasons” to know the *opposite*—that District 5’s Black share far exceeded what was necessary to comply with the VRA.

II. Plaintiffs Will Suffer Irreparable Harm Absent an Injunction

“Racial classifications with respect to voting carry particular dangers,” *Shaw I*, 509 U.S. at 657, and Plaintiffs will suffer irreparable harm if elections are held under the Enacted Plan. Plaintiffs will be classified, sorted, and represented in districts resembling “political apartheid.” *Id.* at 647. Meanwhile, commissioners elected under these lines will be “more likely to believe that their primary obligation is to represent” only one racial group “rather than their constituency as a whole.” *Id.* at 648. These are serious, irreparable, “immense” harms. *Jacksonville II*, 2022 WL 16754389, at *5 (denying stay of preliminary injunction in racial gerrymandering case).

Plaintiffs seek no less than their fundamental right “to cast their votes effectively.” *Williams v. Rhodes*, 393 U.S. 23, 30 (1968). When impaired, this injury “cannot be undone through monetary remedies,” *Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010). “Given the fundamental nature of the right to vote, monetary remedies would obviously be inadequate in this case; it is simply not possible to pay someone for having been denied a right of this importance.” *Ga. State Conf. of NAACP v. Fayette Cnty.*, 118 F. Supp. 3d 1338, 1348 (N.D. Ga. 2015).

III. The Balance of the Equities Weighs in Favor of Plaintiffs and Injunctive Relief is in the Public Interest

The irreparable harm Plaintiffs face outweighs any burden an injunction might create for

the City, and an injunction is in the public interest. The Miami-Dade County Elections Department can administer the November 2023 elections if it has district lines by August 1, 2023. ECF 24-30. “[C]autious protection of the Plaintiffs’ franchise-related rights is without question in the public interest,” *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005), and allowing elections to proceed under unconstitutional lines “would be harmful to the public’s perception of the election’s legitimacy,” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019). The public “has no interest in enforcing an unconstitutional law.” *Scott*, 612 F.3d at 1297; *Abbott*, 138 S. Ct. at 2324 (irreparable harm “[u]nless that statute is unconstitutional”). The balance here is not a close call.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court enjoin the City, its officers, and agents from calling, conducting, supervising, or certifying any elections under the Enacted Plan, beginning with the regular 2023 elections, until entry of a final judgment.

LOCAL RULE 7.1(d)(2) STATEMENT

To conduct the November 2023 elections, the Miami-Dade County Elections Department needs a map transmitted to it by the City Clerk by August 1, 2023. ECF 24-30. Therefore, if the Court grants this motion, a final ruling on an interim remedial map is needed before that date. To provide the City with “a reasonable opportunity . . . [to] adopt[] a substitute measure,” *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978), and to give the Court time to review the parties’ submissions on remedy, Plaintiffs suggest that a ruling on this motion is needed by May 23, 2023. A ruling by that date would provide 70 days for the City to enact a proposed interim remedy, for the Parties to submit briefs on remedy, for the Court to issue a ruling approving an interim remedy, and for the City to transmit it to the Elections Department. *See Jacksonville I*, 2022 WL 7089087, at *54.

REQUEST FOR HEARING

In accordance with Local Rule 7.1(b)(2), Plaintiffs request oral argument should the Court find it useful to ask questions of counsel. Plaintiffs do not request an evidentiary hearing, but are prepared for one should Defendant request it.

Respectfully submitted this 10th day of February, 2023,

/s/ Nicholas L.V. Warren

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**DEFENDANT'S EXHIBITS INTRODUCED INTO EVIDENCE
AT PLAINTIFFS' EXPEDITED MOTION FOR PRELIMINARY
INJUNCTION HEARING HELD ON MARCH 28, 2023**

Exhibit No.	Description of Exhibit
1	City of Miami Resolution R-21-0485
2	City of Miami Resolution R-22-0030
3	City of Miami Resolution R-22-0031
4	City of Miami Resolution R-22-0032
5	City of Miami Resolution R-22-0033
6	City of Miami Resolution R-22-0070
7	City of Miami Resolution R-22-0085
8	City of Miami Resolution R-22-0114
9	City of Miami Resolution R-22-0117
10	Commissioner Russell District 2 Proposed Map
11	Redistricting Initial Report and Legal Primer

12	Response to Mayor's Correspondence
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Respectfully submitted,

s/ Christopher N. Johnson

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CERTIFICATE OF SERVICE

I hereby certify that on March 30, 2023, I served a copy of the foregoing on all parties listed on the attached Service List.

s/ Christopher N. Johnson

Christopher N. Johnson (FBN 69329)

CASE NO. 1:22-cv-24066-KMM

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City of Miami

Resolution R-21-0485

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Legislation

File Number: 11104

Final Action Date: 11/18/2021

A RESOLUTION OF THE MIAMI CITY COMMISSION SETTING FORTH THE REDISTRICTING CRITERIA TO BE EMPHASIZED WHEN DRAFTING THE 2022 CITY COMMISSION REDISTRICTING PLAN; DIRECTING THE REDISTRICTING CONSULTANTS TO PREPARE DRAFT REDISTRICTING MAPS DEPICTING THE PROPOSED CHANGES TO THE CITY COMMISSION DISTRICTS AND TO REPORT BACK TO THE CITY COMMISSION AT THE DECEMBER 9, 2021, CITY COMMISSION MEETING.

BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

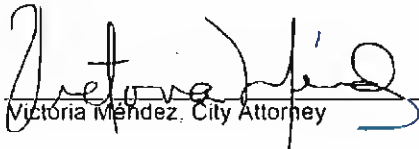
Section 1. The Miami City Commission sets forth the following criteria to be emphasized by the City's Expert Consultant for redistricting, Mr. Miguel De Grandy, Esq., when drafting the 2022 City Commission redistricting plan:

- a. Comply with the United States Constitution and the Voting Rights Act;
- b. Maintain the core of existing districts to avoid voter confusion;
- c. Factor in voter cohesion;
- d. Achieve substantial equality of population as opposed to mathematical equality; and
- e. Maintain communities of interest and neighborhoods where feasible.

Section 2. The Miami City Commission directs the City's Expert Consultant for redistricting, Mr. Miguel De Grandy, Esq., to prepare draft redistricting maps depicting the proposed changes to the 2022 City Commission districts and to report back to the City Commission at the December 9, 2021, City Commission meeting.

Section 3. This Resolution shall become effective immediately upon its adoption.

APPROVED AS TO FORM AND CORRECTNESS.


 Victoria Mendez, City Attorney 4/15/2022



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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

REPORT AND RECOMMENDATIONS

THIS CAUSE is before the Court upon Plaintiffs' Expedited Motion for Preliminary Injunction, filed on February 10, 2023.¹ (ECF No. 26).² Defendant City of Miami (the "City") filed a response in opposition (ECF No. 36), to which Plaintiffs filed a reply (ECF No. 39). The matter was referred to the undersigned by the Honorable K. Michael Moore, United States District Court Judge, pursuant to 28 U.S.C. § 636 and the Magistrate Judge Rules of the Local Rules of the Southern District of Florida, to take all necessary and proper action as required by law and/or to issue a report and recommendations regarding the Expedited Motion. (ECF No. 27). Accordingly,

¹ Plaintiffs are organizational plaintiffs Grove Rights and Community Equity, Inc. ("GRACE"), Engage Miami, Inc. ("Engage Miami"), South Dade Branch of the NAACP ("South Dade NAACP"), and Miami-Dade Branch of the NAACP ("Miami-Dade NAACP"), and individual plaintiffs Clarice Cooper, Jared Johnson, Steven Miro, Alexandra Contreras, and Yanelis Valdes. (ECF No. 23). In accordance with Local Rule 7.1(d)(2) of the Local Rules of the Southern District of Florida, Plaintiffs request expedited consideration and a final ruling on their request for a preliminary injunction, by **May 23, 2023**, to permit sufficient time for the City to enact an interim remedial map in the event the District Court enters a preliminary injunction against the City. (ECF No. 26 at 36) (citing S.D. Fla. L.R. 7.1(d)(2)). The request for expedited relief is appropriate. As set forth in the recommendations section of this Report and Recommendations, and upon the consent of the Parties at the March 29, 2023 Evidentiary and Preliminary Injunction Hearing, the undersigned has shortened the time in which the Parties may file objections.

² All citations to page numbers for documents filed in the Court's electronic case filing system refer to the pagination assigned to a document by the Court's electronic case filing system (*i.e.*, the page number of the PDF).

I convened an Evidentiary and Preliminary Injunction Hearing on the Expedited Motion on March 29, 2023. (ECF No. 48). Having considered the Expedited Motion, Response, Reply, the evidence and argument advanced at the March 29, 2023 hearing, the record as a whole, and being otherwise fully advised, the undersigned respectfully **RECOMMENDS** that the Expedited Motion (ECF No. 26) be **GRANTED**.

I. BACKGROUND

This is an action alleging racial gerrymandering in the redistricting of the five commission districts for the Commission of the City of Miami (the “Commission”) in Miami, Florida, following the 2020 United States Census (“2020 Census”).

As background context for the discussion that follows, the Commission is a five-member governing body for the City, whose members are elected from single-member, numbered districts. On March 24, 2022, the Commission passed Resolution 22-131 (the “Enacted Plan”), which provides the new jurisdictional boundaries for the five Commission districts—Districts 1 through 5 (together, the “Commission Districts”). (ECF No. 24-1). For visual reference, a map of the Commission Districts adopted in the March 24, 2022 Enacted Plan is provided on the following page.

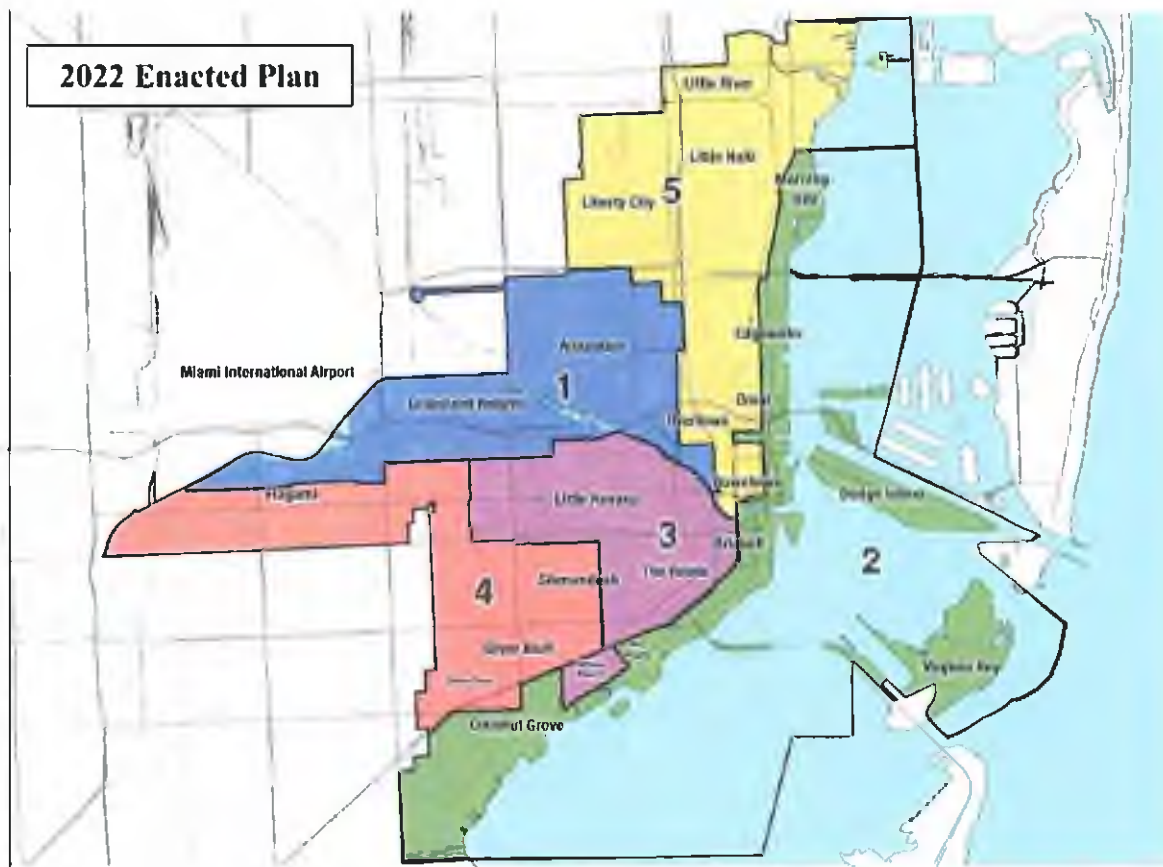


Figure 1. Map of City Commission Districts in Enacted Plan. (Reproduced as depicted in ECF No. 24-83).

Plaintiffs commenced this action in this Court on December 15, 2022, invoking the Court’s federal question jurisdiction under 28 U.S.C. § 1331. (ECF No. 1). The operative complaint asserts one claim for relief, arising under the Fourteenth Amendment’s Equal Protection Clause. *See* (ECF No. 23 at ¶¶ 358–365) (“Am. Compl.”). Plaintiffs allege in their First Amended Complaint that race was the predominant factor in the redrawing of each of the five Commission Districts adopted by the City in the Enacted Plan following the 2020 Census. Plaintiffs aver that, because the City is not able to establish that the City’s use of race in drawing the Commission Districts was narrowly tailored to a compelling governmental interest, the five Commission Districts constitute unconstitutional racial gerrymanders, in violation of the Equal Protection Clause of the Fourteenth Amendment.

Plaintiffs seek the following relief: (i) a declaration that the five Commission Districts drawn and adopted in the most recent redistricting process are unconstitutional racial gerrymanders in violation of the Fourteenth Amendment; (ii) a preliminary and later a permanent injunction enjoining the City and its officers and agents from calling, conducting, supervising, or certifying any elections under the Enacted Plan; and (iii) an order requiring the City to hold special elections should adequate relief not be available prior to the next regularly scheduled election.³

Now, in their Expedited Motion for Preliminary Injunction (ECF No. 26), Plaintiffs move to preliminarily enjoin the City, and its officers and agents, from calling, conducting, supervising, or certifying any elections under the Enacted Plan, beginning with the general elections scheduled for November 2023, until the entry of final judgment in this case.

As set forth in greater detail below, the record before the Court contains substantial evidence that the Commission Districts are racial gerrymanders in violation of the Fourteenth Amendment. It is without meaningful dispute that race predominated the City's drawing of District 5, ostensibly in effort to comply with the Voting Rights Act of 1965. Race was the predominant factor the Commission considered in the redrawing of each of the five Commission Districts. The Commissioners expressly prioritized preserving the cores of the existing districts to preserve the Commission's composition of three Hispanic commissioners, one Black commissioner, and one white or "Anglo" commissioner. Based on this and other evidence, the Court finds that Plaintiffs are substantially likely to succeed in establishing that the City designed the Enacted Plan to preserve the Hispanic super-majorities in Districts 1, 3, and 4, and to preserve District 2 as an "Anglo access" district. The City does not argue that the Commission's use of race in this way to draw those districts was narrowly tailored to any compelling governmental

³ Plaintiffs also request an award of nominal damages in the amount of \$100.00 for each Plaintiff, and an award of attorney's fees and costs incurred in connection with this action.

interest. Moreover, Plaintiffs are substantially likely to succeed in establishing that the Commission's consideration of race in the drawing of District 5 was not narrowly tailored to comply with the Voting Rights Act, because the record in this case does not reflect that the City had an evidentiary basis for the selection of a Black Voting Age Population quota of 50% for that district. Because the Court also finds that Plaintiffs will be irreparably harmed absent a preliminary injunction, and because the balance of the equities weighs in favor of the entry of a preliminary injunction, the undersigned recommends to the District Court that the City be preliminarily enjoined from conducting any elections under the 2022 Enacted Plan.

A summary of the briefing on the Expedited Motion follows.

A. Plaintiffs' Expedited Motion

Plaintiffs first argue in their Expedited Motion that they have standing⁴ to assert the cause of action here raised because the individual plaintiffs reside in the challenged districts and because the organizational Plaintiffs have members residing in each of the challenged districts.

Second, Plaintiffs argue that there is a substantial likelihood that they will succeed on the merits of their racial gerrymandering claim, because the direct and circumstantial evidence in the legislative record shows that race predominated in the City's redrawing of the five Commission Districts, and the City's consideration of race in that process does not withstand strict scrutiny.

As direct evidence that race predominated in the City's 2022 redistricting process, Plaintiffs cite to the Commissioners' explicit statements at transcribed, public meetings of the Commission that the Commissioners' objective in the most recent redistricting process was to preserve the existence of three Hispanic seats, one Black seat, and one "Anglo" seat on the Commission. Specifically, Plaintiffs point to: (i) the Commission's creation of an "Anglo-Access

⁴ The City has moved to dismiss the Amended Complaint on the basis that Plaintiffs lack standing. That Motion remains pending (ECF No. 34).

District” as District 2; (ii) the imposition of an arbitrary minimum Black Voting Age Population (“BVAP”) quota of 50% in District 5 for compliance with Section 2 of the Voting Rights Act of 1965 (“VRA”);⁵ (iii) the packing and treatment as fungible of Hispanic residents into Districts 1, 3, and 4; and (iv) the subordination to race of traditional redistricting criteria (*e.g.*, neighborhoods, compactness, and manmade and natural boundaries).

As circumstantial evidence that race predominated in the City’s 2022 redistricting process, Plaintiffs cite to the racial demographics and shapes of the geographic areas that were moved among the districts as between the City’s 2013 redistricting plan and the 2022 Enacted Plan, and the rejected alternative map configurations considered leading up to the adoption of the Enacted Plan.

According to Plaintiffs, the predominance of race in the City’s redistricting process does not withstand strict scrutiny. In this regard, Plaintiffs argue that the City did not have a strong basis in evidence for the maintenance of District 2 as an “Anglo access district”; for maximizing the population of Hispanic residents in Districts 1, 3, and 4; or for selecting a BVAP floor of 50% for District 5.

Third, Plaintiffs argue that they will suffer irreparable harm absent a preliminary injunction because the harm to their fundamental right to vote cannot be undone with monetary remedies. And fourth, Plaintiffs assert that the balance of the equities weighs in their favor, and that injunctive relief is in the public’s interest.

B. The City’s Response

In its Response, the City reiterates the argument advanced in its Motion to Dismiss that Plaintiffs lack standing to bring this action, seemingly on the ground that the First Amended

⁵ Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (as codified in Title 52 of the United States Code).

Complaint is a shotgun pleading that does not specify whether any particular Plaintiff resides in any of the geographic areas or parcels moved between Commission Districts as part of the redistricting adopted in the Enacted Plan.

On the merits, the City argues that Plaintiffs are not substantially likely to succeed. The City asserts that the geographic shape and racial demographic make-up of the five Commission Districts have remained largely the same since single-member districts were instituted in the City in the late 1990s. According to the City, the districts were not improper when they were instituted, and Plaintiffs' citation to the legislative record from 2022 does not establish racial motive now. Rather, the City argues that Plaintiffs cannot establish "packing" because the specific geographic areas that were moved to create the Commission Districts did not result in the movement of a significant number of voters into or out of a particular district. Moreover, the City asserts that Plaintiffs have not established that any racial or ethnic group has had its influence reduced anywhere as a result of the Enacted Plan.

As to District 5, the City argues that Plaintiffs concede compliance with the VRA required the preservation of a majority BVAP of 50% in that district. *See* (ECF No. 36 at 16). According to the City, the City is not required to prove that it determined the minimum BVAP required for VRA compliance in District 5 and that the City then drew the borders for that district with mathematical precision. Moreover, the City asserts that Plaintiffs' First Amended Complaint focused on the splitting of a historically Black community within the Coconut Grove neighborhood (identified as the West Grove) that was largely kept together in the Enacted Plan within District 2. In this regard, the City asserts that the Commission Districts adopted in the Enacted Plan are facially compact.

As to Districts 1, 3, and 4, the City argues that it was not unconstitutional to deliberately

place Hispanic residents into these districts to preserve the Black majority in District 5. Moreover, the City argues that Districts 1, 3, and 4, which all have Hispanic Voting Age Populations (“HVAP”) of more than 80%, cannot have been “packed” because the borders for those districts, which are generally contiguous, cannot have packed one another.

Regarding the fourth factor for the entry of a preliminary injunction, the City argues that the entry of a preliminary injunction would disserve the public interest by lowering the Black Citizen Voting Age Population (“BCVAP”) in District 5 without increasing the influence of Black residents elsewhere.

And last, the City argues that Plaintiffs unduly delayed filing the instant Expedited Motion, which is “either a year too late or 25 years too late.” (ECF No. 36 at 22). The City asserts that the Expedited Motion is 25 years too late because Plaintiffs complain of redistricting decisions made in the late 1990s, and that the Expedited Motion is a year too late because the redistricting process culminating in the Enacted Plan was completed in March 2022 but Plaintiffs waited until February 2023 to seek a preliminary injunction. The City notes the upcoming November 2023 general election is looming, and asserts Plaintiffs have not demonstrated diligence.

C. Plaintiffs’ Reply

In their Reply, Plaintiffs argue that bright-line rules for standing in racial gerrymandering cases support that they have standing to bring this case.

On the merits, Plaintiffs reply that the City’s arguments about packing and electoral influence in its Response are responsive to vote dilution claims under the VRA, but because Plaintiffs have not raised such a claim, the City’s arguments are unresponsive to the racial gerrymander claim asserted here under the Fourteenth Amendment. Rather, Plaintiffs argue that the City’s “core preservation” redistricting priority cannot immunize the perpetuation of racial

gerrymanders. Moreover, Plaintiffs argue that the City's focus on the individual parcels and geographic areas moved between districts is misplaced, as the determination whether race predominated focuses on a challenged district as a whole and not the particular portions moved in isolation. With these arguments in mind, Plaintiffs reiterate that each of the five Commission Districts was drawn with race as the predominant factor.

As to District 5, Plaintiffs in essence argue that the Parties agree race predominated in the drawing of that district. To that end, Plaintiffs reply that the City conflates a BVAP numerical majority with the ability of Black voters to elect preferred candidates of their choice—that is, that the City arbitrarily selected a BVAP floor of 50% for District 5 and thus the City's consideration of race is not narrowly tailored. Plaintiffs reiterate that the City did not perform a functional analysis of the electoral behavior within District 5 and that the record lacks evidence that a pre-enactment analysis was completed. Plaintiffs emphasize that they do not concede that District 5 required a BVAP of 50% in District 5 to comply with the VRA, given the City's redistricting consultant advised that lower BVAPs for District 5 were Section 2 compliant.

As to Districts 1, 2, 3, and 4, Plaintiffs note that the City denies that race was the predominant factor in the drawing of those districts, but that the City fails to argue the consideration of race was narrowly tailored to any compelling governmental interest. In this regard, Plaintiffs contend that the City fails to rebut the direct and circumstantial evidence that race predominated in the drawing of those districts. Plaintiffs reiterate that the City fails to rebut that the primary factor in the design of Districts 1, 3, and 4 was to maximize the population of Hispanic residents in those districts.

Last, Plaintiffs argue in their Reply that they were diligent in bringing the instant action. Plaintiffs note the record in this case is large, parts of which required time to compile through

public records requests; the harms Plaintiffs suffer will not be realized until an election takes place under the Enacted Plan; there is sufficient time for the City to design and enact a remedial plan before an August 1, 2023 deadline set by the Miami-Dade County Supervisor of Elections; the harm complained of here is a new harm resulting from the 2022 Enacted Plan and not historic maps; and at least one of the individual Plaintiffs, for example, was born after the institution of single-member Commission Districts in the late 1990s. And, Plaintiffs assert that the *Purcell* principle,⁶ militating against the entry of a preliminary injunction on the eve of an election, does not apply in this case.

II. FACTUAL BACKGROUND

Plaintiffs attached 93 exhibits in support of their Motion. *See* (ECF No. 24). All 93 exhibits were admitted without objection into evidence at the March 29, 2023 Evidentiary and Preliminary Injunction Hearing. Included among these exhibits, Plaintiffs have filed the reports of two experts. At the hearing, the Court also heard the testimony of the City's redistricting consultant, Miguel De Grandy, Esq. ("De Grandy"). And the City offered into evidence 12 exhibits, which were admitted without objection.

A review of the Commissioners' statements at six sessions of the Commission over five months, the presentations, reports, letters and memoranda in evidence, and the opinions of Plaintiffs' experts follows.

A. Redistricting Process

The City began the most recent redistricting process, culminating in the 2022 Enacted Plan, at the end of 2021 following the release of the 2020 Census results. The Commission convened six times to discuss redistricting. *See* (ECF Nos. 24-11 through 24-18).

⁶ *Purcell v. Gonzalez*, 549 U.S. 1 (2006).

The Commission first met on November 18, 2021, where it was announced that the City had hired De Grandy and Stephen M. Cody (“Cody”) to serve as redistricting consultants.⁷ (ECF No. 24-11, “Tr. Nov. 18”, at 2).

Prior to the November 18, 2021 Commission session, De Grandy and Cody submitted to the City an initial report and legal primer (the “Initial Report”). (ECF No. 50-11, “Init. Rpt.”). The Initial Report explained that the City’s population had grown by 42,752, or 10.7%, to 442,241 and that this growth was not uniform across the City’s five existing commission districts. (Init. Rpt. at 3). As examples, the Initial Report identified that the City’s most populous district—District 2 along the coast—had grown to a population of 116,742, which was 28,364 persons above the ideal population of 88,448, whereas District 3 had 79,309 residents and was 9,069 persons below the ideal population. (Init. Rpt. at 3). Thus, to bring the City’s commission districts to within substantially equal populations of one another, the Initial Report explained that the City would have to redistrict. (Init. Rpt. at 3).

The Initial Report identified potential redistricting criteria the City could consider, suggested a process and timeline, and provided a summary of the legal requirements in redistricting. (Init. Rpt. at 3–6, 9–15). The Initial Report advised the City that the Commission would need to determine which redistricting criteria it would prioritize. (Init. Rpt. at 4).

The Initial Report provided the City with a racial breakdown of the five Commission Districts after the 2020 Census, based on the borders of the districts prior to redistricting; the Court reproduces that racial breakdown below:

⁷ De Grandy served on the 1997 panel that drew the City’s single-member commissioner districts. De Grandy noted that he also had previously been hired as a redistricting consultant for the City during the 2000 and 2010 redistricting cycles. (Tr. Nov. 18 at 2).

District	Hispanic Pop.	Non Hisp. Black Pop	Non Hisp. White Pop
1	90.0%	10.0%	4.0%
2	52.0%	8.0%	34.0%
3	88.0%	6.0%	8.0%
4	90.0%	3.0%	7.0%
5	41.0%	54.0%	7.0%
Overall	70%	16.3%	11.9%

Table 1. Racial Breakdown of District Populations Prior to the Adoption of the Enacted Plan, Following the 2020 Census. (Reproduced as reported in Init. Rpt. at 7).⁸

At the first Commission session on redistricting on November 18, 2021, De Grandy gave a presentation titled “Redistricting the City of Miami,” (ECF No. 24-3), that contained information previously submitted to the Commission in the Initial Report. (Tr. Nov. 18 at 2:14–16). De Grandy informed the Commission that analysis of the *Gingles*⁹ preconditions for the City’s Black population required race to be factored into the redistricting process under the VRA as one of several factors to be conscious of in drafting a redistricting plan. (Tr. Nov. 18 at 6:12–7:6).

Commissioner Alex Díaz de la Portilla and De Grandy engaged in an exchange regarding the permissibility of redistricting to “protect an African American district.” (Tr. Nov. 18 at 11:21–23). De Grandy responded that he had to “be clear because the record is very important” “[f]or any future actions.” (Tr. Nov. 18 at 12:3–5). Commissioner Díaz de la Portilla responded that he was trying to ask his question “the right way.” (Tr. Nov. 18 at 12:6–7). De Grandy informed Commissioner Díaz de la Portilla that “White, non-Hispanic, is not a protected class under the Voting Rights Act”; Commissioner Díaz de la Portilla confirmed his understanding that the 2022 redistricting process could result in the elimination of the “Anglo” seat: “[Y]ou in

⁸ Population totals exceed 100% because, as De Grandy noted in his Initial Report, some residents self-reported as being two or more races in the 2020 Census. See (Init. Rpt. at 7).

⁹ *Thornburg v. Gingles*, 478 U.S. 30 (1986). De Grandy summarized the *Gingles* preconditions: “First the majority group, minority group, excuse me, must be large enough and compact to comprise a majority in a single member district. Second, minority voters must be politically cohesive. And that means they generally coalesce around the same candidates or issues in elections. And third, the majority must usually vote as a bloc to thwart the election of the minority-preferred candidate.” (Tr. Nov. 18 at 6:12–16).

essence, could be eliminating what we call here in Miami, in practical terms, an Anglo, right, the term that we use here, seat, potentially.” (Tr. Nov. 18 at 12:10–14).

Commissioner Díaz de la Portilla noted that his use of the word “protect” in reference to District 5 was making De Grandy “very nervous.” (Tr. Nov. 18 at 14:23–15:1). Commissioner Christine King attempted to clarify for Commissioner Díaz de la Portilla that what she thought he was trying to say was “that you have to, you’re going to attempt to try to maintain the core of the existing district.” (Tr. Nov. 18 at 15:2–3).

Commissioner Manolo Reyes agreed that maintaining the cores of the existing districts should be prioritized. (Tr. Nov. 18 at 15:14–16). He urged that the redistricting process should protect the core of District 5 and also protect District 2 as a white district, noting that the cores of the existing districts were designed so that every ethnic group in the City would be “protected” or represented on the Commission:

Commissioner Reyes: And I want you to take that into consideration and in my case I will strongly request that the districts, you see, would be, remain as they are as possible. You see? Remain as the core of the district, remain as intact as possible. Take that into consideration. That’s very important to me. And also at the same time, you see, as Commissioner King said, we have to protect the core of District 5, and as much as we can also, the core of District 2, although there is not a white district anymore, but we will, and I’m going to be very clear on it. This district, I remember the first time that it was, this was drawn, you were mayor, right? You were mayor —

Commissioner Carollo: Well —

Commissioner Reyes: And it was done, excuse me Commissioner, it was drawn in a way that every single ethnic group would be represented. And that’s why this is the odd shape that we have now, you see, for every single district, and it was drawn, what was the name, this guy that drew them, [inaudible], was the one that presented this plan, and I was here, and I didn’t agree with it.

Commissioner Carollo: No. No.

Commissioner Reyes: Yes. Yes. Yes.

Commissioner Carollo: That was the first one, there was then, I don’t know.

Commissioner Reyes: Well when he presented this plan, I was very upset about it because it divide[d] Flagami the way it was, but that’s out of this question.

Commissioner Carollo: This plan came after. The one you have today was not the original one.

Commissioner Reyes: No, no, I'm saying that this plan, it was changed to this plan after 10 years, but the original was different. But it was drawn in a way that every single ethnic group was protected. You see?

(Tr. Nov. 18 at 15:22–16:22) (annotation in original). De Grandy immediately explained that there were race neutral criteria that had been considered in that prior redistricting cycle. (Tr. Nov. 18 at 16:23–17:2).

Commissioner Joe Carollo and De Grandy also discussed as a priority identifying politically cohesive minority voters. De Grandy restated the direction as keeping neighborhoods and communities together that vote in a cohesive manner:

Commissioner Carollo: . . . This is important . . . Minority voters must be politically cohesive. Okay?

Mr. De Grandy: Yes sir.

Commissioner Carollo: Okay and this to me is one of the most important aspects of what we need to give him instructions on. And I think we all understand why that is important. Minority voters must be politically cohesive. I will make a motion that this will be part of what you use to put the districts together, also. The minority voters must be politically cohesive.

Mr. De Grandy: In other words, what you're saying is over and above the Voting Rights Act analysis, you want me to look at how different neighborhoods and communities vote, and if they vote in a cohesive manner, try to keep them together.

Commissioner Carollo: Correct.

(Tr. Nov. 18 at 19:16–20:4).

De Grandy informed the Commission that not all of its redistricting priorities could be realized, for example stating as to compactness that he “can’t do it on [the] core[s] of [the] existing districts[.]” (Tr. Nov. 18 at 21:4–5). De Grandy also spoke of the redistricting “wall that separates D[istrict] 2 and D[istrict] 5,” in the northeast of the City, based on concerns of compliance with the VRA. (Tr. Nov. 18 at 23:9). Commissioner Díaz de la Portilla proposed moving residents from the southern part of “the white seats, for lack of a better term” (*i.e.*, District 2) into District 3 or District 4. (Tr. Nov. 18 at 23:16–18). He asked if De Grandy could “take some of those

communities that are white communities and incorporate them into some of the Hispanic seats, for lack of a better term, again, right, without diluting Hispanic minority power in those districts[.]” (Tr. Nov. 18 at 23:19–22). Commissioner Díaz de la Portilla cited as an example the area of Douglas Park as a politically cohesive community in District 2 that “probably doesn’t belong there” that could be moved out of District 2 on the grounds that it has more commonalities with District 4 than it does with Coconut Grove in District 2. (Tr. Nov. 18 at 24:1–5, 14–19).

Commissioner Carollo explained his reason for the City switching to single-member commissioner districts:

Commissioner Carollo: Let me go a little bit real quick into the history of this and Commissioner King was a lot younger than some of us so she won’t remember as well as a bunch over here or Mr. Díaz de la Portilla. When we went to districts, we went to districts when I was mayor. We had no African American representation [o]n the commission. So, instead of waiting for more years to go on like that so there could be a solid case made in the court, I decided that I was gonna put in my political capital and make districts to assure that there would be an African American sitting in this commission and there would be an Anglo. We’ve got half of one now but we’re still good. And I wanted to make sure that there were three Hispanic districts because that’s the way that our population was and basically it still is. It passed. I knew that there were a lot of negative points from going to districts but there were even greater negativities if we didn’t do that. That’s why I pushed it and it passed.

(Tr. Nov. 18 at 28:2–12).

The Commission also discussed whether keeping traditional neighborhoods together or splitting them between districts would be a redistricting priority. Commissioners King, Reyes, and Díaz de la Portilla agreed that neighborhoods should be kept together when feasible. (Tr. Nov. 18 at 33:9–11). Commissioner Carollo noted “breaks in [his] district” that already existed. (Tr. Nov. 18 at 33:12–13). Commissioner Díaz de la Portilla suggested that it would be permissible to break up neighborhoods like Flagami among multiple districts because “the core constituency will elect the same kind of representative,” noting that neighborhoods like Overtown and Liberty City

should not be moved. (Tr. Nov. 18 at 33:14–17). Commissioner Carollo urged that the Commission would “have to also be careful” because “[t]here is a distinction between ethnicity within a neighborhood,” prompting Commissioner Díaz de la Portilla to state:

Commissioner Díaz de la Portilla: Well, look, people in the Roads don’t vote the same way as people in Allapattah. Even though they may be Cuban American or Hispanic, they don’t vote the same way, right? Some of them are, I think you used the term once so I’m not gonna use it, but uppity. Some of them are uppity something. Do you remember that term?

Commissioner Carollo: Yes.

Mr. De Grandy: I think I referenced that in a legislative debate, yes, many years ago.

Commissioner Díaz de la Portilla: Yes, uppity something, that one, and some are those kinda people and then they’re different so even within racial groups or ethnic groups, there are differences, economic difference, they vote differently.

Mr. De Grandy: Of Course.

(Tr. Nov. 18 at 33:22–34:10).

The Commissioners and De Grandy discussed the ranking of the redistricting priorities to give De Grandy flexibility in designing a proposed map. The rankings were: (1) target substantial equality of population; (2) maintain the cores of the existing districts; (3) consider political cohesion; and (4) keep traditional neighborhoods together, where feasible. (Tr. Nov. 18 at 35–36). These priorities were set forth in the November 18, 2021 Resolution 21-485 as: (a) Comply with the United States Constitution and the Voting Rights Act; (b) Maintain the core of existing districts to avoid voter confusion; (c) Factor in voter cohesion; (d) Achieve substantial equality of population as opposed to mathematical equality; and (e) Maintain communities of interest and neighborhoods where feasible. (ECF No. 50-1).

The Commission had a follow-up session with De Grandy on December 9, 2021. (ECF No. 24-12, “Tr. Dec. 9”). De Grandy began the discussion by reiterating the criteria he understood he was instructed to apply: “one, achieve substantial equality as opposed to mathematical equality. Maintain the core of districts, wherever feasible. Look at voter cohesion and preserve traditional

neighborhoods and communities of interest together, also when feasible.” (Tr. Dec. 9 at 2:4–7).

Yet the discussion promptly featured race as a priority second only to achieving substantial numerical equality. Commissioner Carollo noted that Commissioner Díaz de la Portilla’s district (District 1) would

need to acquire seven, eight thousand more people. The only logical way that you get more is by going toward Wynwood, I believe. That’s mainly a Hispanic area. That’s because if you go some of the other ways, you start getting districts that get broken up. You got some other areas along the river.

On your side of the river, across from mine, that I think are also areas you could go and are attractive. Those are non-African American areas, mainly Hispanic or Anglo basically, that are in District 5. District 5 is going to have to acquire some additional areas also. What I suggest, strongly, is that you meet with Mr. De Grandy so you can go over it with him.

(Tr. Dec. 9 at 3:11–18).

Due to the borders of the City, Commissioner Díaz de la Portilla stated that District 1 would have to extend to the south toward Districts 3 and 4, and that “to maintain the integrity of each district, we sort of could figure out how these three districts, right, 1, 3, and 4 could be kept whole, for a lack of a better term, without going into District 2 and other areas like that.” (Tr. Dec. 9 at 6:13–15). Accordingly, Commissioner Díaz de la Portilla asked De Grandy if Coconut Grove could be split among districts based on where Hispanic votes live:

Commissioner Díaz de la Portilla: The question, the legal question to you, is there a problem with this. Coconut Grove is also — like Coral Gables is a different city but there’s ethnic diversity in Coconut Grove too. Is there a problem with splitting Coconut Grove as an entity? Based on where the Hispanic voters live? Let’s say Bay Heights, areas like that, verses other areas. Is there an issue with that?

Mr. De Grandy: Let me rephrase your question. Instead of problem if the question is, is there a legal impediment

Commissioner Díaz de la Portilla: That’s what I meant.

Mr. De Grandy: There is no legal impediment to breaking up any community of interest. It’s up to you to provide that policy.

(Tr. Dec. 9 at 7:14–23).

De Grandy again explained, as he did in November 2021, that a redistricting “wall” existed between Districts 2 and 5 in the northeastern part of the City, thus to honor the priority of preserving the cores of the existing districts, District 2 would have to shed population in the southwest of the City where it abutted Districts 3 and 4. (Tr. Dec. 9 at 9:4–7). Commissioner Díaz de la Portilla again expressed concern that doing so would dilute the “ethnic integrity” of those districts:

Commissioner Díaz De La Portilla: How do you not dilute, then, District 3 and District 4? Can you survive, can you keep the — again I’ll call it the ethnic integrity, let’s call it that for the lack of a better legal term. I’m not talking about legalities, ‘cause you’re the lawyer, that’s why you do what you do — the ethnic integrity of Districts 3 and 4, how far south can you go? And are there enough precincts around or contiguous to District 3 and 4 that allows you to add to them, ‘cause they don’t need that many people. Add to them without compromising the ethnic integrity of those Districts, 3 and 4.

(Tr. Dec. 9 at 10:4–10). De Grandy responded that, given the Hispanic populations of Districts 3 and 4—approximately 88% and 90%, respectively—neither the “integrity” of those districts nor the ability of that community to elect candidates of choice would be compromised. (Tr. Dec. 9 at 10:11–17). After stating that he did not “have any interest in getting any part of [Coconut] Grove,” (Tr. Dec. 9 at 13:3–5), Commissioner Díaz de la Portilla expressed that shifting voters out of District 2 into the surrounding districts should be done so as to minimize any changes to the “ethnic integrity” and “racial integrity” of those surrounding districts, adding:

Commissioner Díaz De La Portilla: . . . My thinking is you sort of work with that way of thinking of how we’re gonna get there. We have to take away from District 2, no matter what. Figure out a way to just give everybody a little bit, and we can because [looking at Commissioner Russell] you’re not a protected category, by the way. District 2 is not — white, Anglos are not protected. So if the district happens to go Hispanic, it goes Hispanic. Right?

(Tr. Dec. 9 at 13:19–14:1) (annotation in original).

Commissioner Carollo also expressed his concern that changing one or two of the Hispanic

seats on the Commission would upset the balance and harmony of the City:

Commissioner Carollo: The purest of the Hispanic districts is District 4, much more than [looking at Commissioner Díaz de la Portilla] yours or mine. And I say that because while we have to go by law in making districts, based on how many people live in them, once we break down on how many of those people are voters, that make[s] a big difference. So they are not as pure in the percentage of the Hispanics that vote in these three districts. Particularly in my district and secondary in Commissioner Díaz de la Portilla's district. And we have to also look at that. Because otherwise, the concept that I championed and brought up for the change with districts, so that we could keep a balance and harmony of this city, it's gonna be changed. *And where the biggest danger lies in it being changed — and it's not in keeping an Anglo seat or a Black seat — will be in changing one or two of the Hispanic seats.*

(Tr. Dec. 9 at 14:5–14) (emphasis added) (annotation in original). Commissioner Carollo reiterated that his “main interest in my district and your district Commissioner Díaz de la Portilla and Mr. Reyes’ district is that I’m sure that we’re going to keep the balance of the Hispanic population where we’re going to be getting Hispanics elected there.” See (Tr. Dec. 9 at 22:21–23:7). Commissioner Díaz de la Portilla responded, “Of course.” (Tr. Dec. 9 at 23:8). Citing to his concern that tremendous migration from other parts of “the country, South Florida, the state, a lot from up north, New York, Chicago, [and] out west,” was driving racial demographic changes in the City, Commissioner Carollo stated:

This is what I feel that I have an obligation to protect. Not just [District 5]. District 4, and District 1. The other districts, like I said, no matter how we carve them, they’re going to have the representation that we intended those districts to have for some time to come.

(Tr. Dec. 9 at 24:8–10).

The Commissioners instructed De Grandy to consider the contiguity of districts. (Tr. Dec. 9 at 17). However, De Grandy informed the Commission that he would be unable to effectuate the Commission’s desire to draw compact districts in light of its desire to maintain the cores of the existing districts. (Tr. Dec. 9 at 17:20–18:23). De Grandy informed the Commission that the

districts were not compact and three of the Commissioners agreed. *See* (Tr. Dec. 9 at 18:7–8; 29:10–19). De Grandy also responded in the affirmative to Commissioner Díaz de la Portilla’s question whether it was a “foregone conclusion” that “[i]f you want to have an African American district and you want to have an Anglo district it’s almost impossible. To emphasize compactness.” (Tr. Dec. 9 at 28:22–29:2).

The Commissioners also discussed with De Grandy whether he should consider man-made or natural boundaries. Commissioner Carollo and Commissioner Díaz de la Portilla discussed the need for a district to extend south over U.S. Highway 1 or extend to reach the Douglas Park neighborhood, which was a “[v]ery Hispanic area” that “should have always been part of District 4, but it wasn’t.” (Tr. Dec. 9 at 19:22–20:2). Commissioner Díaz De La Portilla asked if District 4 could be extended south to increase its population by acquiring Douglas Park without crossing U.S. Highway 1 into Coconut Grove. (Tr. Dec. 9 at 21:3–5).

Commissioner Carollo raised the issues of undercounted populations in his, Commissioner King’s, and Commissioner Díaz de la Portilla’s districts. Commissioner Carollo concluded that discussion noting that, “[i]n Commissioner Russell’s district, no matter how you cut it, you’re gonna have an Anglo elected to a district,” to which Commissioner Russell responded, “[o]r even a Japanese American.”¹⁰ (Tr. Dec. 9 at 23:19–21).

The Commissioners discussed with De Grandy the option of a plan that would retain the cores of their districts as much as possible while minimizing disruption. Commissioner Russell noted that breaking up the Coconut Grove neighborhood would be disruptive, and that U.S. Highway 1 is a “pretty hard boundary.” (Tr. Dec. 9 at 26). He noted that there were many places for District 2 to shed population consistent with population growth (*e.g.*, Brickell and/or Douglas

¹⁰ Commissioner Ken Russell is of Japanese heritage.

Park) and man-made barriers that would avoid breaking up the Coconut Grove neighborhood. (Tr. Dec. 9 at 26–27).

On February 7, 2022, the Commission convened a special meeting for the presentation of the preliminary redistricting plan and to take public comment. (ECF No. 24-13) (“Tr. Feb. 7”). At the February 7, 2022 special meeting, De Grandy presented the preliminary plan to the Commission and members of the public in attendance. De Grandy summarized the racial demographics of the districts in the February 7 preliminary plan as follows: (1) District 1 would have a Hispanic population of 87.38% and HVAP of 88.7%; (2) District 2 would “remain[] a swing district, with 37.2% white, non-Hispanic population, 8% Black population, and roughly 48% Hispanic population,” (Tr. Feb. 7 at 7:10–12); (3) District 3 would have a Hispanic population of 87.4% and HVAP of 88.4%; (4) District 4 would have a Hispanic population of 86.7% and HVAP of 88%; and (5) District 5 would have a Black population of 51.7% and a BVAP of 49.8%. (Tr. Feb. 7 at 7–8). De Grandy explained that the February 7 preliminary plan would underpopulate District 5 based on expectations that it would experience significant development activity and population growth over the next decade. (Tr. Feb. 7 at 8).

De Grandy summarized particular areas moved as part of the proposed preliminary map and explained that the preliminary plan would largely retain the cores of the existing districts. A visual representation of the February 7, 2022 preliminary map proposal is reproduced below from De Grandy’s contemporaneous presentation:

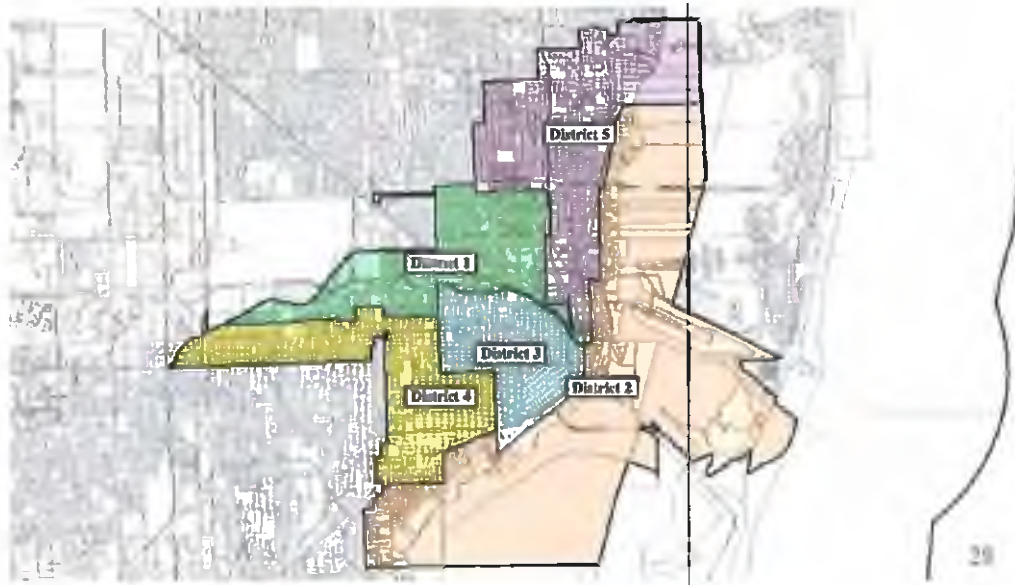


Figure 2. February 7, 2022 Preliminary Map Proposal (Reproduced as depicted in ECF No. 24-4 at 40).

Members of the public expressed opposition to the proposed map, particularly with respect to the odd shape of the proposed District 2 and the breaking up of the Coconut Grove neighborhood by moving the historically Black West Grove into District 4.¹¹ (ECF No. 24-13) (Tr. Feb. 7 at 12–14, 16–17, 19–26, 28–33, 38–39). One person expressed concern that the Black population in the proposed District 5 was too low. (Tr. Feb. 7 at 27–28). The public suggested looking at the map with fresh eyes, rather than maintaining the cores, or increasing the number of commissioners from five to seven, a consideration Commissioner Russell had also raised during the December 9 Commission meeting.

De Grandy clarified that the triangle area described as the West Grove that he proposed moving from District 2 to District 4 had an approximately 48% Hispanic population and 10% Black population. *See* (Tr. Feb. 7 at 42). He also explained that the southern portion of District 5 near Downtown Miami along the Miami River that he proposed moving from District 5 to

¹¹ A statement from Plaintiff South Dade NAACP expressing concern about moving the West Grove out of District 2 was read into the record at the February 7, 2022 session. (Tr. Feb. 7 at 24–25).

District 1 was a predominantly Hispanic area that would be moved to rebalance District 5's population to preserve District 5 as a district in which Black voters can elect preferred candidates, upon moving portions of District 2 into District 5. *See* (Tr. Feb. 7 at 42:21–43:3).

Commissioner Díaz de la Portilla asked De Grandy whether the Commission was required to preserve District 2 as a white district:

Commissioner Díaz de la Portilla: . . . Mr. De Grandy, is there any legal requirement or legal principle that we have in coastal district?

Mr. De Grandy: No, there is no requirement but once you told me to maintain the core and configuration of the existing districts, I kept that coastal district as a coastal district, but there is no legal requirement. I mean I could start from scratch and create a new plan if you want, which is we discussed and this commission said no, maintain the core of existing districts to minimize voter confusion and disruption.

Commissioner Díaz de la Portilla: This commission could change that vote, right, and reverse that and say we don't need a coastal district? There's no legal protection having a white, for lack of a better term, district, correct?

Mr. De Grandy: No, there is no legal protection to having a coastal district.

(Tr. Feb. 7 at 45:6–16).

Commissioner Carollo again provided background on the City's adoption of single-member commissioner districts, explaining that, at a point in the past when he was the mayor, the City had city-wide commissioners. *See* (Tr. Feb. 7 at 50). Commissioner Carollo explained that the City's sole Black commissioner had lost an election such that there was no Black representative on the Commission; Commissioner Carollo also noted that the Commission's sole "Anglo" commissioner would likely have been the last white commissioner elected given population trends in the City. *See* (Tr. Feb. 7 at 50–51). Commissioner Carollo represented that, accordingly, the core of District 2 had been an intentional racial gerrymander to ensure the election of an "Anglo" commissioner:

While the districts have good but they also have a lot of bad that come along with them. There's a lot of baggage to districts. Also, I thought that it far outweighed it having districts but having equal representation within the

commission and to assure that we would always have a balance of what our population in the district and that there would always be an African American commissioner and an Anglo commissioner because if we would've citywide elections, the trend was very different.

I believe that trend will show even today if we have citywide elections and the way that the original districts were made, this [is] why we've had a whole coastal one. It was made that way. *It was gerrymandered but it was a legal gerrymander so that you would have an Anglo elected commissioner.*

(Tr. Feb. 7 at 51:10–15) (emphasis added).

After providing examples of neighborhoods that are split across Districts 1, 3, and 4, Commissioner Carollo again explained that the goal of redistricting was to ensure, consistent with the decision to adopt single-member commissioner districts, that there would be three Hispanic commissioners, one Black commissioner, and one Anglo commissioner elected to the Commission:

So, I'm bringing this so you could have a historical impact that this body is just not trying to cut up communities for the heck of it. We've had to do this in the past so that we could meet first of all the types of people that this was an impediment to elect. We needed to make sure and we need to make sure that there's gonna be an African American elected [a]nd up in this Commission. We need to make sure there's an Anglo American elected and up in this Commission that in the rest of the districts that are majority Hispanic, that they stayed that way so that the 67% of the population, 68, of the City of Miami, the Hispanic, will have three representatives in the Commission.

(Tr. Feb.7 at 52:18–53:2).

Commissioner Carollo explained that the need to preserve District 5 as a district in which Black voters could elect preferred candidates, and the amount of development in the coastal areas in District 2, limited the Commission's ability to shift population without affecting "why [the City] went into districts." (Tr. Feb. 7 at 53:9). Commissioner Carollo further explained that a small portion of Coconut Grove would have to be moved "in order to give balance, first of all protect the integrity of what was done in 2000 and making sure that we keep [an] African American district, that we keep an Anglo American district, but that we also keep that same balance and

having a balance in the Hispanic districts.” (Tr. Feb. 7 at 54:5–15). He noted that other neighborhoods were split among districts; he stated that if neighborhoods could not be separated, “[t]hen the outcome of that would be that guys like— that look like us, with last names like us, in the near future might not be elected necessarily from the districts that we represent.” (Tr. Feb. 7 at 54:15–17).

Commissioner Reyes affirmed Commissioner Carollo’s recounting that the City created single-member districts because, based on population trends, the election of city-wide commissioners would have resulted in an all-Hispanic Commission. He asked if De Grandy’s proposed plan was “the best” De Grandy could do to protect the Black and Anglo seats on the Commission:

That’s why they were formed. That’s the odd shape that they have now. It was to make sure and let’s call a spade a spade. To make sure that an African American was gonna be elected and that an Anglo as they were called before, was gonna be elected. That was brought to the people and the people voted.

Every year, I mean every ten years, in order to protect those two seats, which I think that it is just to that everybody has representation. There have to be changes. . . . But I wanna ask Commissioner [*sic*] De Grandy. I want you to be very honest because we gave you your marching order[s]. The most important question that we have is this the best you can do to protect the African American seat? I’m gonna be blunt and the Anglo seat, but more important, the African American seat?

(Tr. Feb. 7 at 67:19–68:9). De Grandy responded that the shifting of population into and out of District 5 required rebalancing the population of District 1. Commissioner Reyes and De Grandy discussed alternate borders for the extension of District 4 southward into Coconut Grove in District 2 to minimize disruption. *See* (Tr. Feb. 7 at 68–70). De Grandy explained the rippling effects of border changes, to which Commissioner Reyes stated the goal of representation included that, “The Anglos and the African Americans, they’re gonna have somebody sitting here who’s gonna look like them. I’m committed.” (Tr. Feb. 7 at 71:16–17).

Commissioner Carollo expressed a similar commitment in addition to concern that the

redistricting process would dilute the Hispanic populations of Districts 1 and 3 such that the Commission would risk “ending up with two districts of Hispanics” instead of three:

Commissioner Carollo: . . . What I am trying to do is, number one: As I stated, were my goals from day 1 in the year 2000. When I put all my political whereabouts to get a referendum passed for districts, so that we could have African American representation first and foremost. Then into the future be able to have guaranteed Anglo representation, and to have three districts that were Hispanic. These are my intentions here today. I have no doubt that the way that we’ll break in District 5 is gonna be an African American representation. Anyway we cut District 2 the same would happen, because when you look at the voting population, they’ll be very high, they’ll be able to accomplish that.

My concern now is just the opposite of back in 2000. My concern is that if we dilute some of these districts, or one district or another. In particular District 3 and possibly District 1, because District 4 is the most Hispanic by far of any of these three districts. That we’re risking into the future, ending up with two districts of Hispanics. So we might have a population that is very plus-majority Hispanic, but because the voting power is not there, you end up differently. This is why I’m going this way. And let’s begin in the Grove so that we can finish that and then I’ll jump into the rest of the districts.

(Tr. Feb. 7 at 100:13–101:4).

Accordingly, the Commissioners discussed the Douglas Park area, which Commissioner Carollo noted was a “huge Hispanic area on the other side of US [Highway] 1” from the western portions of Coconut Grove. (Tr. Feb. 7 at 103:11–12). Commissioner Carollo and Commissioner Reyes discussed the redistricting of that area. Comparing Hispanic voters to the sirloin of a steak and non-Hispanic voters to the bone in a steak, Commissioner Carollo stated, “[t]here has to be a balance into the future. So that District 3 — which I can’t run again so it’s not me — and District 1, can keep the same type of last names, faces that they have, and that we don’t end up with diluting artificially, Hispanic population in the City of Miami.” (Tr. Feb. 7 at 103:18–21). Commissioner Carollo explained that that “whole area here which is a very rich area of voters that own their own homes, like the rest of Commissioner Reyes’s district. Hispanic. . . . But he’s only going to get a

slice, sliver, here in this part of the Grove, of areas that are not as Hispanic like the rest of his district.” (Tr. Feb. 7 at 104:4–7).

Commissioner Carollo discussed the balancing of Hispanic voters among Districts 1, 3, and 4, explaining that moving the Douglas Park area to Commissioner Reyes’s district would result in that district gaining territory in “prime Hispanic area” while “diluting the Hispanic vote” overall. (Tr. Feb. 7 at 105:2–3); *see* (Tr. Feb. 7 at 105–106); *see also* (Tr. Feb. 7 at 106:19–21) (“Commissioner Reyes’ District is still gonna be highly, highly Hispanic. That there is not gonna be any problem for him or any other Hispanic after him to get elected there.”). Commissioner Carollo stated, “What I care is that in the future, there is sufficient Hispanic votes [in Districts 1, 3, and 4] to elect a Hispanic. And a Hispanic that is not going to be a lap dog for anybody.” (Tr. Feb. 7 at 105:22–23). He expressed concern for placing “sufficient Hispanic voters in [District 1], because the one district that is in most danger into the future of losing a Hispanic representative is District 3[.]” (Tr. Feb. 7 at 106:13–14).

And, also at the February 7, 2022 Commission meeting, Commissioner Russell asked whether population growth in District 2 could be offset by shifting the particular areas within District 2 that experienced the most population growth, and explained District 2’s role as the financial generator for the City. He asked that the Commission avoid disrupting neighborhoods within District 2, particularly Coconut Grove, as much as possible, noting the diversity within District 2 and in that neighborhood. He rejected the characterization of himself as the “white commissioner” and opined that the “common denominator of District 2 is diversity.” *See* (Tr. Feb. 7 at 64:1–4). Thus, he proposed an alternate map configuration. *See* (Tr. Feb. 7 at 62–66).

On February 25, 2022, the Commission convened again to discuss redistricting. De Grandy presented the revised February 25, 2022 plan based on the direction he received from the

Commission at the February 7, 2022 meeting. According to De Grandy, the February 25, 2022 revised plan would reduce the number of residents moved to District 4 from Coconut Grove in District 2, retain the Bay Heights neighborhood in District 2, retain the Miami Riverside Center (MRC) area in District 5, and slightly increase the BVAP proportion of District 5. De Grandy also noted that the February 25, 2022 plan would result in greater population deviation across districts. *See* (ECF No. 24-14, “Tr. Feb. 25 AM”, at 5–6). *See generally* (ECF No. 24-7) (accompanying slide-show presentation). De Grandy’s presentation again identified District 2 as a “swing district” on racial grounds, and otherwise focused on the racial demographic breakdown of each of the districts and the changes made under the revised February 25, 2022 plan. De Grandy explained:

Okay, next slide, District 1 is at a -.41 deviation, which is 340 residents below the ideal. It has an 88% Hispanic population with 89.5% Hispanic voting age population, it clearly complies with the Voting Rights Act. District 2, next slide, now has a +5.46 deviation, which is 4,832 residents above the ideal. District 2 remains a swing district with 37% white non-Hispanic population, approximately 7.5% Black population, and roughly 48.7% Hispanic population. Voting age percentages are almost the same as the total population percentages. D[istrict] 3 is slightly underpopulated at a -0.92 or 810 people under the ideal population. District 3 has an 87.25% Hispanic population and approximately 88.3% Hispanic voting age population, and consistent with the Voting Rights Act, the Hispanic community has an equal opportunity to elect the candidate of its choice. District 4 is now slightly underpopulated with a -2% deviation or 1,774 residents below the ideal. 88.2% of the population is Hispanic, with 89.5% Hispanic voting age population. As I said before, the drop in population compared to our preliminary plan was a direct result of reducing the number of Grove residents that we had moved from D[istrict] 2 to D[istrict] 4. The district also complies with the requirements of the Voting Rights Act.

Now finally, we underpopulated D[istrict] 5 by roughly 2.14 under the ideal, this allowed us to slightly increase the Black voting percentage. The proposed district is now approximately 52.2% Black, with approximately 50.3% Black voting age population. Our analysis of voting patterns indicates that, consistent with the requirements of the VRA, the Black community does have an equal opportunity to elect the candidate of its choice.

(Tr. Feb. 25 AM at 6:1–19). Despite referencing analyses of voting patterns, no such analyses have been described or made part of the record of the instant case.

De Grandy explained the decision to change the border between District 1 and District 5 near Downtown Miami near the Miami Riverside Center on racial grounds:

The next slide shows the movement we made in the south part of D[istrict] 1, taking population from D[istrict] 5. Now the preliminary plan had this movement going even further southeast. But however, in order to keep the MRC in D[istrict] 5, we had to reduce this movement with a new boundary at the I-95 expressway. Again, we felt this movement was needed because Hispanics in this area constitute roughly 70% of the population. Thus, they have greater voter cohesion, which is one of the factors you asked us to consider with D[istrict] 1 residents.

(Tr. Feb. 25 AM at 7:3–8). Moreover, because of the racial demographics in District 2 where the Brickell neighborhood is located, De Grandy did not feel it was appropriate to extend District 3 into Brickell; he instead proposed moving population from District 4 into District 3 in the Little Havana area identified as Areas 14 and 15 to maintain the racial demographics of the districts, *see* (ECF No. 24-7 at 23):

The next slide is of the proposed District 3. As the most underpopulated district, D[istrict] 3 also needed to increase in population. It was not feasible to cross the river to the north, so our options were to move east, west or south. We did not feel it was appropriate to move east because of dissimilar demographics. And the next slide now shows the movements we made, taking population from D[istrict] 4 into D[istrict] 3. It spans from NW 7th Street to the north to SW 8th Street to the south, and from 27th to 32nd Avenue. Again, this was done to balance population, and in that regard we tried to find adjacent areas with similar demographics in order to maintain voter cohesion, one of your standards, while rebalancing population.

(Tr. Feb. 25 AM at 7:20–8:4). Summarizing the February 25, 2022 revised plan, De Grandy said:

Every district maintains the core configuration and the vast majority of its existing population. We restored the MRC to D[istrict] 5. We increased D[istrict] 5's Black voting age population above 50%. Wherever possible, we tried to move population based on similar demographics and voting patterns in order to maintain voter cohesion. We stayed well below the 10% threshold. Finally, there was a directive to maintain communities of interest and traditional neighborhoods when feasible. However, as you know, many of the city's traditional neighborhoods were already split in the current plan. Moreover, because the current configurations and the directives to maintain the core of existing districts as well as a need to balance population, the directive to maintain communities of interest and traditional neighborhoods could not be substantially achieved. And with that, I'm happy to answer any questions you may have.

(Tr. Feb. 25 AM at 9:15–10:2). As in the previous presentations, the statistics highlighted in the February 25, 2022 presentation for the Commission, apart from the population totals, focused on the racial breakdown of each district: the total white, Black, and Hispanic populations, and the BVAP, HVAP, and WVAP for each district. *See generally* (ECF No. 24-7).

The Commission took public comment. A representative from Plaintiffs South Dade NAACP and Miami-Dade NAACP read a statement into the record, expressing concerns that splitting the West Grove between Districts 2 and 4 would dilute the voting power of Black voters within District 2. (Tr. Feb. 25 AM at 14). Other members of the public commented on the record advocating against splitting the Coconut Grove neighborhood between districts, including Plaintiff Cooper and a representative from Plaintiff GRACE, (Tr. Feb. 25 AM at 16, 41).

A representative from the ACLU of Florida, which is Plaintiffs’ counsel in this case, also spoke at the February 25, 2022 morning session to summarize concerns detailed in a letter to the Commission that had been emailed to the City earlier that day. Specifically, Plaintiffs’ counsel raised concerns regarding the arbitrary BVAP floor of 50% selected for District 5, overconcentrating Black voters in District 5, discrepancies in the population figures that De Grandy had presented (*e.g.*, population totals that did not add up to the 2020 Census count for the City and the inclusion in the population totals of precincts from outside the City’s borders), and the splitting of Coconut Grove. (Tr. Feb. 25 AM at 34:4–23). These concerns were argued in further detail in Plaintiffs’ counsel’s letter, which explained that Black voters make up a substantially higher share of registered voters and actual voters in District 5 than the 2020 Census figures indicate. (ECF No. 24-28, “Feb. 25 ACLU Ltr.”, at 2–3). These same concerns were reiterated in the ACLU of Florida’s second letter, dated March 31, 2022, addressed to the Mayor of the City, Francis X. Suarez. *See generally* (ECF No. 24-29, “Mar. 31 ACLU Ltr.”).

In the afternoon session of the Commission on February 25, 2022, De Grandy responded to comments made by the representative from the ACLU of Florida: “What they’re basically saying is I put too many Black folks into District 5.” (ECF No. 24-15, “Tr. Feb. 25 PM”, at 2:7–8).

De Grandy further stated that he was not

looking at creating a plan that will perform for the Black community just in the next election, I’m trying to create a plan that performs for the community for a decade. And I know that this community is subject to some degree of gentrification. And so, to me, the most important thing is to put, you know, the district in a position that complies with the Voting Rights Act.

(Tr. Feb. 25 PM at 2:10–14). De Grandy explained that he was not proposing a plan that would “pack” or “crack” the Black vote in District 5.

In response to a member of the public’s comment that Commissioner Carollo had been involved in the creation of single-member commission districts in the City, Commissioner Carollo again explained that the City switched to single-member commissioner districts with the goal of creating three Hispanic seats, one Black seat, and one Anglo seat. In that explanation, Commissioner Carollo explained the City had intentionally split up predominantly Hispanic neighborhoods among Districts 1, 3, and 4 to permit the City to intentionally racially gerrymander District 2 to be a white district and to establish District 5 as a predominantly Black district. Commissioner Carollo stated that preserving that framework drove the City’s redistricting process in 2022:

But let me be as clear as I can. When I did that, I was mayor of the city. We had had an election that someone that looked like her [pointing to Commissioner King] was no longer here. You had four Hispanic commissioners and you had my dear friend J.L. Plummer, that Coconut Grove uh – after serving so many years decided that they don’t want him when we went to districts. So Plummer was the only non-Hispanic in the commission and if we would’ve had another election, and Plummer would not have ran, you probably would have had five Hispanics on the commission. Just like now, if it would be a citywide vote, you would have five Hispanics up here. So I put my neck on the line and I said, no, I’m not going to wait for a couple more elections and not have an African American in this

commission, because that's what it would've required. Just because you don't have a representation from a certain minority group automatically you don't get to go to court and you get that. You have to show that it's a pattern, not necessarily that the guy that they voted out is someone that people didn't want, and you can't do that in one election. So I went out knowing the pluses and frankly, all the negatives the districts bring and ask[ed] for the residents of Miami to vote for districts and for the mayor to be an executive mayor like it is today, and I was the first executive mayor of the city of Miami. And that's how the district came. *We, yes, gerrymandered District 2, so that someone that would be of an Anglo background, not Hispanic, would be elected.* And that's why District 2 crossed into – across the highway, and a big chunk of a Hispanic district was put into District 2 because we had to balance the population within the five districts. In order to accommodate that and to make sure that there were enough African Americans in District 5 to elect an African American from District 5, *we gerrymandered and broke up numerous neighborhoods into the other three – in the other three districts, and particularly District 3 and District 4.* And that's how we came about today. And we've had since then a couple of more revisions, I think Mr. De Grandy has been the guy who's been doing it all these years so, I mean, we haven't gone and try to pick anybody else to put something different or hoodwink people. We kept the same guy that we've had, so throughout the different revisions since then, uh we've had to cut into other areas. Originally District 2 went all the way to the end of the city of Miami past Biscayne Boulevard to 86th Street. That had to be changed in the prior revision because of the growth that came, other areas had to be changed and this is why we have the dilemma that we are discussing today.

(Tr. Feb. 25 AM at 60:17–61:22) (annotation in original) (emphasis added).

Commissioner Carollo repeated his understanding that the City had purposefully divided traditional neighborhoods in other districts to create District 2 as a racial gerrymander from which a white commissioner could be elected:

Commissioner Carollo: Look, what I'm most amazed at is that when we created districts from the get-go, and then the redistricting that has been done each decade, every 10 years, we have purposely divided neighborhoods in the other districts to try to keep District 2 into a district that a non-Hispanic would be elected. And that's why Coconut Grove was kept together. In fact, from the beginning, a big chunk across US 1 was given to Coconut Grove because there would not have been enough population to balance it out otherwise in District 2. Nobody objected to that at the time, nobody objected to numerous neighborhoods in the city of Miami in having been divided.

Like someone sen[t] me recently on Silver Bluff some some information and the history of it which was interesting, this is from an old newspaper article I believe is a short history of Silver Bluff platted in 1941 incorporated in 1920 — excuse me platted in 1911 and incorporated in 1921 the town of Silver Bluff. Was independent

for a short period of time, it was one of several municipalities that was annexed by the city of Miami in 1925. Nestled between Miami's original southern boundary and the town of Coconut Grove. Silver Bluff is named for the bluff located along the eastern edge of the quarter that appears silver when touched by morning light. And Silver Bluff is one of those communities that was split in half to be able to create a District 2 that would elect someone like Mr. Russell —

Commissioner Ken Russell: Japanese American.

Commissioner Carollo: I didn't hear — well you didn't quite mention the Oriental part when you were running, only the yo-yo at the time.¹² But I'll leave it at that. It was the — after you got elected that I guess it was more convenient, the — but Silver Bluff, Shenandoah, Little Havana, I mean Little Havana has really been kept major, Little Havana goes to 37th Avenue, so from 27th to 37th Avenue, huge area of Little Havana was cut up. You got Flagami that not originally, but then when growth came in, Flagami was then cut in the second round I think after districts were originally created. Down the middle. You got other neighborhoods within District 4, others within District 1. Some in District 5. So the arguments that I've heard here today just don't hold any water. As this city grows in population, we have to make adjustments and the adjustments have to be made in — in the best way to try to keep all five of these districts in proportion to our population *for the reasons that we went into districts.*

(Tr. Feb. 25 PM at 4:6–5:10) (emphasis added).

Commissioner Reyes expressed similar concerns as Commissioner Carollo regarding the preservation of a racial framework of the Commission. He asked De Grandy whether Districts 5 and 2 could perform as Black and Anglo districts, respectively, under De Grandy's proposed February 25 plan. De Grandy confirmed that the probability was high that District 2 would perform as an "Anglo" district despite the plurality of Hispanic residents in that district:

Commissioner Reyes: . . . My commitment is that everyone be represented. According to your — all the movement that you have done of population and the way that will the, the, Afro American district and the so-called Anglo district will stand time. I mean the next ten years, for the next ten years, given the movement of population that we are going to experience, we — there stand the test of time and we will be able, or the probability of electing an Afro American and an Anglo are that you will — are confident that it is very probable that we, because nothing is sure but death and taxes, but it is very probable that we will — we will continue to have a mixed commission, which is my — my main concern.

Mr. De Grandy: To answer your question commissioner, we have done our level best to ensure that District 5 performs for the African American community and that they will continue throughout the decade to have the ability to elect the

¹² It is the Court's understanding that this is a reference to Commissioner Russell's background in yo-yo'ing.

candidate of their choice. As to District 2, as I said in my report, District 2 is a competitive district, it actually has a greater percentage of Hispanics than of single-race white individuals, as was self-identified by, in the census. It is my belief that that 48+% will continue to grow. So, it's gonna be very competitive —

Commissioner Reyes: It's competitive but is there still the probability is high?

Mr. De Grandy: Yes.

(Tr. Feb. 25 PM at 19:13–20:12).

Commissioner Reyes asked De Grandy to confirm that his proposed plan prioritized preserving the existing District seats:

Commissioner Reyes: Okay, and I heard people, no gerrymandering! Yes, we are gerrymandering to preserve those seats. And that's it. And if you want to take us to court for it, —

Mr. De Grandy: That that actually wouldn't be called gerrymandering —

Commissioner Reyes: But that's what —

Mr. De Grandy: That's a tradition —

Commissioner Reyes: Just what — just what some of the —

Mr. De Grandy: Yeah.

Commissioner Reyes: Some —

Mr. De Grandy: But that is a traditional redistricting principle.

Commissioner Reyes: Okay.

(Tr. Feb. 25 PM at 22:14–23).

The map proposed at the February 25, 2022 session of the Commission was approved as the draft redistricting or “base” plan, to be discussed with community stakeholders and considered at a meeting on redistricting on March 11, 2022 for a final vote. (Tr. Feb. 25 PM at 42); *see also* (ECF No. 50-7).

On March 11, 2022, the Commission met to consider community stakeholder feedback on the February 25, 2022 draft map. (ECF No. 24-16) (“Tr. Mar. 11 AM”). The meeting began with a statement by Commissioner Carollo challenging Commissioner Russell’s residency in his District and thus qualification to partake in the redistricting vote; Commissioner Carollo was apparently responding to some public criticism regarding his own residency within District 3 and

concluded his remarks by reporting that he would abstain from the vote to prevent anyone later blaming him in any future court case over the redistricting.¹³

When the discussion finally turned to the redistricting plan, Commissioner Reyes again noted the overarching goal of the redistricting plan was to preserve the racial composition of the Commission with three Hispanic commissioners, one Black commissioner, and one white commissioner:

The only race that we're gonna bring to this equation, I'm gonna tell you what it is. We have to keep diversity on this dais and that's why we have districts. And we have to say and do everything that is needed to make sure that there is diversity in this dais. If not, if we are not gonna do whatever it takes to have diversity in this dais, let's do away with the districts then and then everybody will be — we will have five Hispanics right here since we are 70% of the population. And in order to avoid that, the districts were created. And I will always — my main concern and I have said it and I repeat it — my main concern is to save that seat that now is occupied by Ms. King. And I will vote for any plan that will save that seat. Is that clear? So let's get race out of this.

(Tr. Mar. 11 AM at 44:2–10); *see also* (ECF No. 24-17, “Tr. Mar. 11 PM,” at 8:8–21) (Commissioner Díaz de la Portilla).

De Grandy also presented on a revised plan that Commissioner Russell had asked him to look into that would keep Coconut Grove together, *see* (ECF No. 24-9) (accompanying slide-show presentation); De Grandy noted that that plan would still provide for a Black district and three Hispanic districts and comply with the VRA, (Tr. Mar. 11 AM at 52:12–16).

There was substantial public comment about keeping Coconut Grove together, including comments from Plaintiff Cooper and representatives from Plaintiffs Engage Miami and South Dade NAACP. The Commissioners also continued their discussion with De Grandy about compiling alternate maps, to include (i) the transfer of an unpopulated area back to District 5 containing a venue known as The Wharf Miami, (ii) what has been described as Commissioner

¹³ Carollo did participate in the vote when it was ultimately conducted, not at this hearing.

Russell's plan, and (iii) a separate request from Commissioner Reyes. A final vote was deferred to March 24, 2022.

On March 24, 2022, the Commission again convened at a special session to discuss redistricting. (ECF No. 24-18, "Tr. Mar. 24"); *see also* (ECF No. 24-10) (De Grandy's contemporaneous presentation). De Grandy summarized the effect on racial demographics within the Commission Districts under the Commissioners' proposed plans, which included a proposal to retain the "Flagler on the River" development within District 5; Commissioner Russell's initial proposal to retain Natoma Manors and the West Grove south of U.S. Highway 1 within District 2 while transferring western Brickell to District 3, *see* (ECF No. 24-10 at 6) (visual representation); Commissioner Russell's revised proposed plan to retain the West Grove and Natoma Manors in District 2 and reduce the number of residents moved into District 3 by moving a smaller portion of western Brickell into that district, *see* (ECF No. 24-10 at 7) (visual representation); and Commissioner Reyes' revised plan to restore The Wharf to District 5, and restore the West Grove to District 2 while moving a strip of land from District 2 to District 3 from Natoma Manors north through Bay Heights and up to Simpson Park near Brickell, *see* (ECF No. 24-10 at 9). As to each of the proposed changes, De Grandy reported the racial demographics of the particular areas.

De Grandy represented that he and Cody believed that all of the alternative map configurations complied with the U.S. Constitution and the Voting Rights Act based on their analyses, but nonetheless recommended that additional changes be made to ensure that the BVAP in District 5 would be above 50%. (Tr. Mar. 24 at 8:5-9).

Public comment again focused on not splitting Coconut Grove between districts. In response to a public comment that the other commissioners should give deference to District 2's commissioner in the redistricting process because District 2 would be the most affected,

Commissioner Carollo suggested that the City should consider going back to city-wide commissioners, adding: “maybe that’s what we need to do. Put a referendum, a charter amendment, that we go back and run citywide, like I did and won many, many times. So that everyone gets represented, we wouldn’t have to worry about districts anymore. Now, if it happens, then you end up with five Hispanics, then don’t cry.” (Tr. Mar. 24 at 13:4–7).

Commissioner Carollo also asked a member of the public who had been part of the 1997 committee with De Grandy that designed the City’s five single-member commissioner districts upon switching from city-wide districts if she remembered why the Little Havana, Shenandoah, Silver Bluff, and Flagami neighborhoods had been divided. (Tr. Mar. 24 at 37). She answered that the City switched to single-member commission districts in response to a federal lawsuit. (Tr. Mar. 24 at 37–38). Commissioner Carollo explained that in 1997, Coconut Grove was kept together in District 2 because:

We could not have separated Coconut Grove and kept one Anglo district. In fact, what we had to do was what we’re discussing today. To give Coconut Grove enough of a population, even though we were going from one end of the water all the way to the end of the city in the northeast, we had to cross across US 1 to give District 2, the Anglo district, more of a population to balance those populations. And this is why you and the committee recommended that Little Havana had to be broken up, Shenandoah, Silver Bluff, Flagami, and I could go on and on. And that’s the only point that I’m trying to make.

(Tr. Mar. 24 at 38:9–15). Commissioner Carollo reiterated at the March 24, 2022 session that the districts in the 2022 redistricting process would have to be drawn so that Districts 1, 3, and 4 would be Hispanic districts, District 2 would be an Anglo access district, and District 5 would be a Black district:

The only reason [District 5] doesn’t take the rest [of Downtown Miami] is we need to keep a sliver on Biscayne Boulevard so that the northeast, the part of the northeast that’s left, can be connected with Downtown and Coconut Grove, and Brickell etcetera. The reason we’re having to do this is because the growth we’ve had – and we have to keep one district that is going to have a majority of African Americans.

We're gonna have to keep one district that you can get an Anglo, whether they're an Anglo that's Japanese or an Anglo that's Russian, Ukrainian, Italian, Polish, English, French, they can get elected. And City of Miami still has a population that is at least 70%, maybe more, I don't know, maybe De Grandy can clarify that, that's Hispanic. And we have to keep three districts that are going to be majority-Hispanic. But since Hispanic comes in all types, colors, creeds, races, religions, not all think alike, not all act alike, we're trying – and based on the federal guidelines – are trying to keep those Hispanic-majority districts within those guidelines of people that are closer to each other so that three Hispanics could be elected in those districts too. And this is why we're going through that process.

(Tr. Mar. 24 at 56:12–57:1).

Commissioner Reyes reiterated these points and expressed that the purpose of the redistricting process in 2022 was to ensure that there would be a likelihood that an Anglo commissioner and a Black commissioner would be elected to the Commission to ensure diversity.

(Tr. Mar. 24 at 38:23–39:20).

Commissioner Russell urged his colleagues to adopt his revised plan that would retain U.S. Highway 1 as the border between Districts 2, 3, and 4 north of Coconut Grove. (Tr. Mar. 24 at 65). He asserted that population equalization among the districts and the preservation of a Black resident numerical majority in District 5 required population to be shifted from District 2 to District 3. (Tr. Mar. 24 at 65). Commissioner Russell informed the other commissioners that his revised proposed plan would move areas in west Brickell racially similar into District 3 to the extent needed to equalize population. (Tr. Mar. 24 at 69).

Commissioner Carollo asserted that Commissioner Russell's plan would put at risk the ability of a Hispanic commissioner to be elected in District 3:

it would put District 3 into the future in possible jeopardy – and Commissioner Russell knows that too – in bringing in a transplant from another part of the country, and because they speak a little Spanish and they smile all the time, they feel they can sneak in. Or they give a chance to another transplant that tried this time to run against me and crashed. And this district now is gonna be skewed where it's not gonna be clear on the kind of person that could get elected from it.

(Tr. Mar. 24 at 66:13–18). He explained that he did not want “to change the District 3 voting patterns, the types of people that are there with different people. I don’t want to do that to District 4, nor to District 1. Just like I want to be able to leave District 2 where it could still elect a guy like you, if they want to. In District 5, that will be a majority-African American district.” (Tr. Mar. 24 at 68:14–17).

Commissioner Díaz de la Portilla agreed that Commissioner Russell’s revised proposed plan would, “in 2026 or ’27, . . . disintegrate that Hispanic district, District 3.” (Tr. Mar. 24 at 70:16–17). He stated that he had thought about demographic changes into the future and that he had “looked at my district will remain the same, whoever replaces me. That Commissioner Reyes’ district will remain a Hispanic American seat. But Commissioner Carollo’s district, whoever replaces him, it’s jeopardized to having an Hispanic American commissioner. And that’s wrong. There’s no one here, me and you Commissioner Russell, that can argue this Commission should be majority non-Hispanic. The same way that we fought for you [looking at Commissioner King] Madam Chair, to be there, same way we fought for you [looking at Commissioner Russell] to be there, you have to fight for the majority of the city.” (Tr. Mar. 24 at 70:22–71:6) (annotations in original). Commissioner Díaz de la Portilla urged that by incorporating western portions of Brickell into District 3 the Commission would be “shifting the balance of power in a Hispanic district to the east, you’re jeopardizing its future.” (Tr. Mar. 24 at 71:15); *see also* (Tr. Mar. 24 at 72:2). He expressed concern for the “future of this Commission, the future of this city” in that respect. (Tr. Mar. 24 at 71:18).

De Grandy explained that he did not move District 3 east into Brickell because doing so would result in “approximately forty-some percent Hispanic, going into a district that’s approximately 88% Hispanic.” (Tr. Mar. 24 at 75:12–13). He summarized, “Now, in any of the

plans is District 3 still a majority Hispanic district? The answer is yes. Is it stronger Hispanic district under the base plan, absolutely.” (Tr. Mar. 24 at 75:20–21). De Grandy agreed with Commissioner Díaz de la Portilla that, for District 3, “the best move will be to go south and not to go east, because there are more people in Bay Heights that are more similar . . . than to the people that live at Brickell and East Little Havana,” despite west Brickell being approximately evenly split racially among Hispanic and Anglo residents. (Tr. Mar. 24 at 78:14–18).

The Commission voted 3-to-2 to adopt the base plan while moving the unpopulated The Wharf into District 5. (Tr. Mar. 24 at 89–90).

Under the Enacted Plan, the racial demographics of the Commission Districts are as follows:

District	Black VAP	White VAP	Hispanic VAP
1	11.0%	3.5%	89.5%
2	7.2%	37.4%	48.6%
3	5.4%	7.7%	88.3%
4	3.1%	7.6%	89.5%
5	50.3%	10.5%	40.6%

Table 2. Demographics of the Commission Districts Under the Enacted Plan, by Voting Age Population. (Reproduced as reported in Abbott Rpt. at 5–6, ECF No. 24-31).¹⁴

For comparison, the racial demographics of the Commission Districts under the 2013 plan borders prior to the 2022 redistricting are as follows:

District	Black VAP	White VAP	Hispanic VAP
1	10.1 %	3.0%	91.0%
2	7.7%	34.5%	51.9%
3	5.6 %	7.4%	88.5%
4	2.9%	6.0%	91.6%
5	52.9%	7.8%	41.6%

Table 3. Demographics of the Commission Districts Under the 2013 Plan Borders, by Voting Age Population. (Reproduced as reported in Abbott Rpt. at 4, ECF No. 24-31)

¹⁴ See, *supra* note 8, which states that the City’s consultant’s Initial Report explained that population percentages may exceed 100% because residents reported as being two or more races on the 2020 Census.

Specific geographic areas moved among the Commission Districts in the 2022 Enacted Plan are visually represented in the map below, which the Court has reproduced from the report of Plaintiffs' expert, Carolyn B. Abbott, Ph.D.

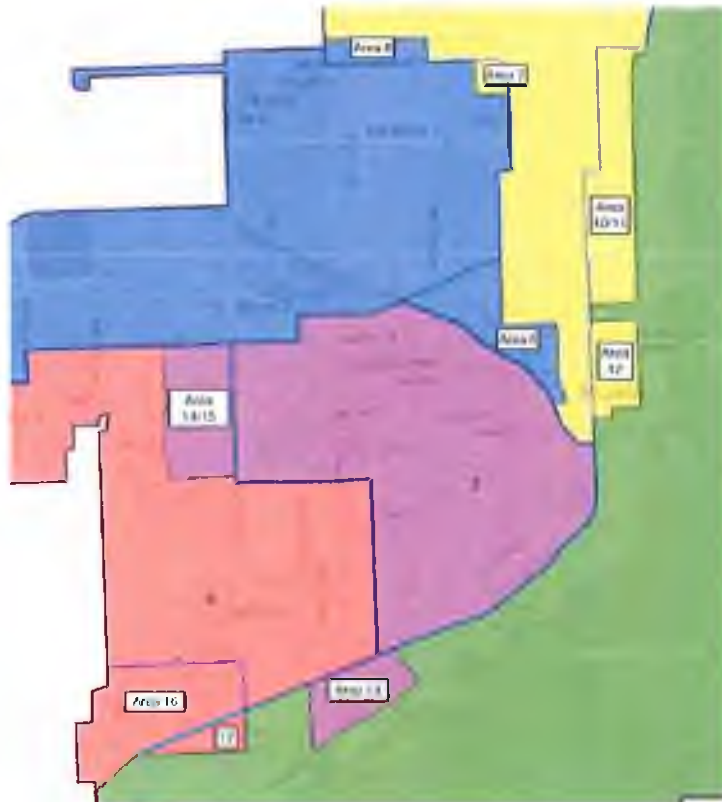


Figure 3. Areas Moved Between 2013 Plan and 2022 Enacted Plan. (Reproduced as depicted in Abbott Rpt. at 8).

Areas 10 and 11 above, which include the Midtown Miami development and the western portions of the Edgewater and Omni neighborhoods, and Area 12, which contains portions of Downtown Miami west of Biscayne Boulevard (including courthouses for the United States Court of Appeals for the Eleventh Circuit, this Court, and the Federal Detention Center in Miami (“FDC-Miami”)), were moved from District 2 to District 5.

Area 13, which encompasses the Natoma Manors area, was moved from District 2 north into District 3.

Area 16, which encompasses Douglas Park, and Area 17, which contains portions of the West Grove, were moved from District 2 north into District 4.

Areas 14 and 15 in Little Havana were moved from District 4 to District 3.

Area 6, containing portions of Overtown and Spring Garden, along the Miami River was moved from District 5 to District 1.

And Areas 7 and 8 in Allapattah were exchanged between Districts 1 and 5, with Area 8 moved from District 5 south into District 1, and Area 7 moved east from District 1 into District 5.

De Grandy Memo to Mayor Suarez. As noted above, in response to the 2022 Enacted Plan, the ACLU of Florida submitted a second letter to the City, dated March 31, 2022 expressing concerns with the Enacted Plan. (ECF No. 24-29) (Mar. 31 ACLU Ltr.). The ACLU of Florida's second letter reiterated its earlier concern that the Commission had "adopted an arbitrary numerical demographic target for District 5" by selecting "a quota of 50% Black voting-age population (BVAP)" for that district. (Mar. 31 ACLU Ltr. at 2). The letter asserted that the adoption of that target was an "express racial target, divorced from such a functional analysis to determine what is necessary to achieve compliance with the Voting Rights Act," that overconcentrated Black voters in that district beyond what was required for Section 2 compliance because it neglected Black voters' voting patterns, voter turnout, and voter registration rates. (Mar. 31 ACLU Ltr. at 2-3). The second letter concluded that Black voters can "maintain an ability to elect candidates of their choice even if the BVAP were to drop below 50%." (Mar. 31 ACLU Ltr. at 3). The Mayor was urged to veto the Enacted Plan. (Mar. 31 ACLU Ltr. at 4).

The Mayor asked De Grandy to submit a Memorandum in response to the ACLU of Florida's second letter. *See* (ECF No. 50-12, "De Grandy Mem."). In his Memorandum, De Grandy asserted that District 5 is relatively compact as drafted. He also noted that the BVAP in

District 5 had decreased from 52.9% prior to redistricting, to 50.3% under the Enacted Plan. (De Grandy Mem. at 4). De Grandy's Memorandum asserted that Black voter registration rates and election turnout was factored into the analyses he and Cody had conducted. (De Grandy Mem. at 4). De Grandy asserted that the ACLU of Florida's second letter "ignores the fact that this plan is a plan for the next decade, not simply a snapshot in time" in light of development, growth, and gentrification in the City. (De Grandy Mem. at 5). De Grandy's Memorandum asserted that the ACLU of Florida's letter ignores that there are three majority-Hispanic districts, noted that Hispanic residents are also a protected class under the VRA, and warned that the ACLU of Florida's stance on "packing" could result in four majority Hispanic districts (as opposed to the current plurality in District 2), "and potentially a fifth district with roughly equal black and Hispanic population." (De Grandy Mem. at 5).

B. Expert Reports

Plaintiffs also submitted reports from two experts who concluded that the geographic areas moved between districts in the Enacted Plan were moved because of race and that there is some evidence of racially polarized voting in the City, respectively. The City in its Response challenges only the relevance of the inferences to be drawn from the findings in the two reports. The City has advanced no rebuttal expert of its own, apart from the testimony of its redistricting consultant, De Grandy, discussed in further detail below.

1. Carolyn B. Abbott, Ph.D.

Plaintiffs' first expert is Carolyn B. Abbott, Ph.D., an Assistant Professor in the Department of Political Science at Baruch College, City University of New York, in New York, New York. (ECF No. 24-31) ("Abbott. Rpt."). Her research and teaching focuses on American politics and public policy with emphasis on the state and local levels of government. (Abbott Rpt.

at 2). In her report, Abbott used data on voting-age populations (“VAP”), citizen voting-age populations (“CVAP”), and voting patterns within City electoral precincts to determine whether and to what extent race explains the shapes of the Commission Districts in the Enacted Plan. (Abbott Rpt. at 1). Based on her analysis, Abbott concluded that the particular geographic areas moved between the districts in the Enacted Plan were moved on the basis of race, and that other geographic areas could have been moved without segregating the Commission Districts by race. (Abbott Rpt. at 2).

Abbott looked at VAPs by race at the block-level based on data from the 2020 Census, which was then aggregated to the precinct and “split-precinct” levels. (Abbott Rpt. at 3). She also looked at CVAPs by race, obtained from the 2019 American Community Survey 5-Year Estimates. (Abbott Rpt. at 3). According to Abbott, the City’s 2013 commission map exhibited clear patterns of racial segregation, and the City needed to shift population out of District 2 after the 2020 Census. (Abbott Rpt. at 3–5). Abbott observed that “there was no statistical difference between VAP by race before and after redistricting at the district level,” but that there were “significant patterns of change at a more granular level.” (Abbott Rpt. at 5). The Court summarizes Abbott’s findings with respect to each Commission District. A map identifying the specific areas noted in Abbott’s report is reproduced above as Figure 3, *supra*.

Abbott observed that District 1 is a majority Hispanic district that only needed to gain minimal population as part of the 2022 redistricting process, but ended up growing relative to the other districts nonetheless. (Abbott Rpt. at 6). According to Abbott, the transfer of population between District 5 and District 1 was entirely motivated by race—the areas moved from District 5 to District 1 (Areas 6 & 8) had higher HVAP and lower BVAP proportions than the areas surrounding them that remained in District 5, whereas the area moved from District 1 to District 5

(Area 7) had a higher BVAP and a lower HVAP proportion than the areas surrounding it that remained in District 1.¹⁵ (Abbott Rpt. at 6–7).

According to Abbott, areas moved out of District 2 were largely moved for racial reasons, as well. Areas moved from District 2 to District 5 (*e.g.*, Areas 10 and 11) had higher BVAP and HVAP proportions than the areas that remained in District 2. An area moved from District 2 to District 4 (the West Grove portion encompassed in Area 17) “differed markedly from the racial composition of the receiving District 4.” (Abbott Rpt. at 9). Abbott also concluded that an area moved from District 2 to District 3 (Area 13), was notable because it resulted in District 3 being less compact; however, Abbott concluded that this area was not moved for racial reasons. (Abbott Rpt. at 10–12). Nonetheless, Abbott opined that other areas (Areas 14 and 15 in Little Havana) were moved from District 4 to District 3 to offset the lower proportion of Hispanic voters gained upon moving Area 13 (Natoma) from District 2 into District 3. (Abbott Rpt. at 11–12).

Abbott opined that explanations other than race do not account for the areas moved in the 2022 Enacted Plan. According to Abbott, partisan gerrymandering does not explain the geographic areas moved because the Commission elections are nonpartisan. Maintaining the partisanship of the district cores also did not explain the particular moves because the precincts moved did not resemble the receiving districts, based on voting patterns in the 2018 Florida gubernatorial election. That is, Abbott observed that the areas moved were either much more or much less likely to vote for the 2018 Republican Party gubernatorial candidate than the districts into which they were moved.

¹⁵ These observations also were made when the precincts and “split-precincts” comprising the moved areas were analyzed: Abbott observed that the portions of the precincts split during the redistricting that remained in their prior district looked different in terms of VAPs from the other portions of those precincts that were moved. (Abbott Rpt. at 6–7).

Abbott also observed that the 2022 Enacted Plan is visually less compact than the 2013 plan, and thus maintaining compactness does not explain the moves.

Abbott also reviewed the alternative proposed maps that were not adopted which “tended to shore up existing racial compositions within individual Commission districts, particularly those of Districts 1, 2, and 5.” (Abbott Rpt. at 16–21). Abbott nonetheless concluded that the Commission’s 2022 Enacted Plan was “designed around racial and ethnic considerations.” (Abbott Rpt. at 21). Abbott found “no evidence that any factors other than race and ethnicity affected the drawing of district lines” apart from a small portion of District 2 that was moved into District 3. (Abbott Rpt. at 21–22).

2. Bryant J. Moy, Ph.D.

Also before the Court is the expert report of Bryant J. Moy, Ph.D. (ECF No. 24-32) (“Moy Rpt.”). Moy holds a Ph.D. in Political Science and currently serves as a Visiting Assistant Professor in the Department of Politics and as a Data Science Faculty Fellow in the Center for Data Sciences at New York University in New York, New York. (Moy Rpt. at 2). Moy’s area of expertise relates to local government, race and ethnic politics, and the use of advanced statistical models to understand political phenomena. (Moy Rpt. at 2).

As part of his analysis, Moy examined twenty elections from between 2017 and 2021 to determine whether and to what extent racially polarized voting exists in the City.¹⁶ (Moy Rpt. at 1). Moy summarized his conclusions as follows: (i) racially polarized voting existed in ten of those twenty elections; (ii) two of six municipal elections examined showed signs of racially polarized voting with the Latino-preferred candidate prevailing over the Anglo-preferred

¹⁶ As the Supreme Court has explained, “[f]or purposes of § 2 [of the Voting Rights Act], the legal concept of racially polarized voting incorporates neither causation nor intent. It means simply that the race of voters correlates with the selection of a certain candidate or candidates; that is, it refers to the situation where different races (or minority language groups) vote in blocs for different candidates.” *Gingles*, 478 U.S. at 62.

candidate; (iii) eight of fourteen federal, state, or county elections showed signs of racially polarized voting with Latino-preferred candidate prevailing over Black or Anglo-preferred candidates in five of the eight RPV elections; (iv) Latino-preferred candidates prevailed in a majority of the RPV elections, followed by Black-preferred candidates, and then Anglo-preferred candidates; and (v) there was overlap in the Black and Anglo-preferred candidates (six of ten of the RPV elections), but minimal overlap in the Black and Latino-preferred candidates (one of ten RPV elections). (Moy Rpt. at 2).

Moy estimated the proportion of Black, Anglo, and Hispanic registered voters required for their preferred candidate to prevail in the ten elections for which he found evidence of racially polarized voting. (Moy Rpt. at 42). He found that in elections where there was racially polarized voting, the Black preferred candidate would prevail when Black registered voters made up shares of as low as 5% of the registered voting population, to as high as approximately 49% of the registered voting population when racially polarized voting was more pronounced. *See generally* (Moy Rpt.). In none of the elections Moy examined in which he found racially polarized voting did he conclude that Black registered voters would need to make up more than 50% of the registered voter population for the Black preferred candidate to prevail.

C. Testimony of the City’s Redistricting Consultant, Miguel De Grandy

At the March 29, 2023 Evidentiary and Preliminary Injunction Hearing, the City tendered as a witness its redistricting consultant for the 2022 redistricting cycle, Miguel De Grandy, Esq. De Grandy testified that he is an attorney who is a member of The Florida Bar and the Bar of this Court, whose practice focuses on legislative redistricting, among other areas.

On direct examination, De Grandy testified that the City Commission provided ranked criteria to direct the redistricting of the Commission Districts. These included complying with the

United States Constitution and the Voting Rights Act, maintaining the cores of the districts, voter cohesion, and maintaining traditional neighborhoods if feasible. The order of the criteria provided mattered, De Grandy testified, because some of the Commission's redistricting criteria were mutually exclusive of one another.

De Grandy noted his view that the Hispanic community in the City of Miami is not monolithic, as the new Commissioner elected in District 2, who is Hispanic, would likely not be elected in the more conservative Districts 1, 3, or 4, which have large Cuban-American populations. Regarding the Commissioners' continued reference to District 2 as an "Anglo" district, De Grandy testified that District 2 is, in actuality, majority Hispanic and is not an Anglo district.

De Grandy also testified to the Commission's priority of maintaining a BVAP majority of over 50% in District 5. De Grandy testified that, with each redistricting cycle, the Black population majority in District 5 has decreased. According to De Grandy, District 5 is undergoing gentrification, and thus the desire to preserve a BVAP majority in District 5 was determined in light of this population trend.

When asked why the Black Registered Voting Age Population percentage for District 5 is higher than the BCVAP, De Grandy explained that District 5 was redrawn to contain FDC-Miami.

De Grandy was asked about specific geographic areas that were moved as part of the redistricting plan adopted in the Enacted Plan.¹⁷ The geographical triangle identified as Area 17 (the portion of the West Grove), De Grandy testified, was moved from District 2 to District 4 for population rebalancing. Area 6 along the Miami River near Overtown was described as a "natural"

¹⁷ A visual depiction of the specific areas that were the subject of De Grandy's testimony are located in the March 24, 2022 Redistricting the City of Miami Commission presentation by De Grandy and Stephen Cody. *See* (ECF No. 24-10 at 4).

move from District 5 to District 1 because District 1 already included portions of the Miami River. And, according to De Grandy, Areas 14 and 15 were moved from District 4 to District 3 in Little Havana because Commissioner Carollo desired to have influence in those areas.

De Grandy testified that the geographic areas moved into District 5 were more cohesive with District 5. According to De Grandy, the eastern portions of the City of Miami located along the water constituted a community of interest that is more affluent and, in De Grandy's words, the population residing there is more concerned with "first world issues" and social justice, whereas the population of District 5 is more concerned with potholes and having parks in their neighborhoods. An area described as the "condo canyon" remained in District 2 whereas the blocks directly north and south were moved to District 5 out of concerns that this condo canyon would dilute the Black voting power in District 5. *See* Figure 3, *supra* (providing a visual representation of the "condo canyon" which is located between Areas 10/11 and Area 12).

Overall, De Grandy testified that, in his opinion, the alternative configurations and maps proposed by the individual Commissioners were all constitutionally compliant. However, he noted that none of those plans received majority support.

On cross-examination, De Grandy was asked whether he raised the possibility with the Commission of redrawing the electoral map from scratch/anew. Because the Commission ranked higher in preference the criterion of maintaining the cores of the existing districts, the criterion of maintaining neighborhoods together could not be achieved; De Grandy testified that that criterion had not been honored in prior redistricting processes. Rather, De Grandy testified that, once he had received instructions to maintain the cores of the existing districts, compact districts could not be drawn given the shape of the geographic borders of the City.

Regarding the BVAP for District 5, De Grandy testified on cross-examination to his belief

that compliance with the Voting Rights Act required a BVAP of more than 50% in District 5, irrespective of the Commission's expressed objective to that effect.

De Grandy testified on cross-examination that based on an analysis conducted by his co-consultant Cody, the *Gingles* preconditions were met for the Black and Hispanic populations in the City. When asked if the *Gingles* pre-conditions were met for the white population in the City, De Grandy responded that that population was not a protected class under the Equal Protection Clause.

De Grandy was also asked on cross-examination about gentrification and the potential impact of gentrification in District 5. He testified that no studies had been conducted to assess the potential impact of gentrification in that district, and that his assessment of the effects of gentrification were based on (i) his personal experience having grown up in the City, (ii) his general awareness of construction and land use permitting activity in the City, and (iii) his understanding of general demographic trends in the City. However, De Grandy testified that no models or studies were conducted to assess the extent to which the Black population in the City would decrease over the next 10 years. De Grandy testified that his concerns about gentrification were communicated to the individual Commissioners in separate meetings with them, but that those communications are shielded by the attorney-client privilege.

De Grandy further testified on cross-examination about the decision to move FDC-Miami, which is located in Area 12, from District 2 to District 5. According to De Grandy, Area 12 including FDC-Miami was moved at the request of the Commissioners to preserve a 50% BVAP in District 5.

III. STANDARD OF REVIEW

Under Federal Rule of Civil Procedure 65(a), the Court may enter a preliminary injunction

to preserve the status quo “until the merits of the controversy can be fully and fairly adjudicated.” *Ne. Fla. Chapter of Ass’n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1284 (11th Cir. 1990) (quoting *Am. Radio Ass’n v. Mobile S.S. Ass’n, Inc.*, 483 F.2d 1, 4 (5th Cir. 1973)). To prevail on a motion for a preliminary injunction, a plaintiff must establish: “(1) substantial likelihood of success on the merits; (2) irreparable injury will be suffered unless the injunction issues; (3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and (4) if issued, the injunction would not be adverse to the public interest.” *McDonald’s Corp. v. Robertson*, 147 F.3d 1301, 1306 (11th Cir. 1998). “Failure to show any of the four factors is fatal” to the preliminary injunction inquiry. *Am. Civil Liberties Union of Fla., Inc. v. Miami-Dade Sch. Bd.*, 557 F.3d 1177, 1198 (11th Cir. 2009) (“*ACLU of Fla.*”).

The Eleventh Circuit has recognized that the first factor—a substantial likelihood of success on the merits—is “generally the most important” of the four factors. *Gonzalez v. Governor of Georgia*, 978 F.3d 1266, 1271 n.12 (11th Cir. 2020) (quoting *Schiavo ex rel. Schindler v. Schiavo*, 403 F.3d 1223, 1232 (11th Cir. 2005)). Moreover, “[t]he third and fourth factors ‘merge’ when, as here, the government is the opposing party.” *Gonzalez*, 978 F.3d at 1271 (cleaned up) (quoting *Swain v. Junior*, 961 F.3d 1276, 1293 (11th Cir. 2020)).

But courts must be mindful that “[a] preliminary injunction is an extraordinary and drastic remedy not to be granted unless the movant clearly establishes the burden of persuasion as to the four requisites.” *Keister v. Bell*, 879 F.3d 1282, 1287 (11th Cir. 2018) (quoting *ACLU of Fla.*, 557 F.3d at 1198). This is especially so where a plaintiff seeks a preliminary injunction over a legislative enactment, in which case a preliminary injunction must be entered “reluctantly and only upon a clear showing that the injunction before trial is definitely demanded by the Constitution

and by the other strict legal and equitable principles that restrain courts.”¹⁸ *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am.*, 896 F.2d at 1285.

IV. DISCUSSION

The Court’s analysis broadly proceeds in four parts. First, the Court addresses the City’s argument that Plaintiffs lack standing to bring their racial gerrymandering claim. Second, finding that Plaintiffs establish they have standing, the Court finds that Plaintiffs have met their burden that they are substantially likely to succeed in establishing that the drawing of Districts 1, 2, 3, 4, and 5 violates the Fourteenth Amendment’s Equal Protection Clause. Third, the Court finds Plaintiffs are irreparably harmed absent the entry of a preliminary injunction. And fourth, the Court finds that the balance of the equities weighs in favor of the entry of a preliminary injunction. Accordingly, the undersigned recommends that a preliminary injunction issue.

A. Standing

For purposes of this Motion, the City raises standing only to argue that Plaintiffs are unable to establish irreparable harm, the second showing they must make to seek preliminary relief. But, because standing implicates the Court’s subject matter jurisdiction, and therefore its power over this case, the Court must first assure itself of its jurisdiction before proceeding to the merits of Plaintiffs’ Motion. *See Ruhrgas AG v. Marathon Oil Co.*, 526 U.S. 574, 583 (1999) (“Article III generally requires a federal court to satisfy itself of its jurisdiction over the subject matter before it considers the merits of a case.”). Accordingly, the Court first takes up the City’s argument, summarized above, that Plaintiffs lack standing to bring this action.¹⁹

¹⁸ This is because, in such contexts, preliminary injunctions “interfere with the democratic process and lack the safeguards against abuse or error that come with a full trial on the merits.” *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am.*, 896 F.2d at 1285

¹⁹ The Court’s evaluation of Plaintiffs’ standing is made for the limited purpose of providing this Report and Recommendations to the District Court.

In its Response, the City poses a string of seemingly rhetorical questions challenging Plaintiffs' standing to bring this action. Specifically, the City asserts that Plaintiffs lack standing because the First Amended Complaint fails to comply with procedural pleading requirements, on the grounds that it is a "shotgun pleading" under Eleventh Circuit jurisprudence. According to the City, the First Amended Complaint is a shotgun pleading because it alleges a single claim for the racial gerrymandering of all five Commission Districts, without specifying which district each individual Plaintiff resides in. Because, the City argues, the First Amended Complaint does not allege whether any individual Plaintiff resides in the particular parcels moved in the redistricting process, Plaintiffs fail to establish that their injuries are reparable, and thus treat themselves as "fungible." (ECF No. 36 at 21).

Article III of the United States Constitution vests the judicial power in the federal courts and limits that power to "Cases" and "Controversies." U.S. Const. art. III, §§ 1–2; *see also Spokeo, Inc. v. Robins*, 578 U.S. 330, 337 (2016). A challenge to a plaintiff's standing to assert a claim presents a challenge to the Court's power to entertain the suit, as standing is one of the components of a justiciable case or controversy required for the Court to possess subject matter jurisdiction. *L.M.P. ex rel. E.P. v. Sch. Bd. of Broward Cnty., Fla.*, 879 F.3d 1274, 1281 (11th Cir. 2018). To establish standing, the burden is on a plaintiff to show that that plaintiff: "(1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." *Spokeo*, 578 U.S. at 338 (citing *FW/PBS, Inc. v. Dallas*, 493 U.S. 215, 231 (1990); *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992); *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000)).

As relevant here, in actions alleging racial gerrymandering brought under the Fourteenth Amendment's Equal Protection Clause, it is well-established that "[w]here a plaintiff resides in a

racially gerrymandered district . . . the plaintiff has been denied equal treatment because of the legislature’s reliance on racial criteria, and therefore has standing to challenge the legislature’s action.” *United States v. Hays*, 515 U.S. 737, 744–45 (1995) (citing *Ne. Fla. Chapter, Associated Gen. Contractors of Am.*, 508 U.S. 656). However, a plaintiff only has standing to challenge as racially gerrymandered the district in which that plaintiff resides. *See Gill v. Whitford*, 138 S. Ct. 1916, 1930 (2018) (citing *Hays*, 515 U.S. at 744–45) (“[A] plaintiff who alleges that he is the object of a racial gerrymander—a drawing of district lines on the basis of race—has standing to assert only that his own district has been so gerrymandered.”).

Moreover, it is well-established that an association “has standing to bring suit on behalf of its members when its members would otherwise have standing to sue in their own right, the interests at stake are germane to the organization’s purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit.” *Friends of the Earth, Inc.*, 528 U.S. at 181 (citing *Hunt v. Wash. State Apple Advertising Comm’n*, 432 U.S. 333, 343 (1977)); *see also Ala. Legislative Black Caucus v. Alabama*, 575 U.S. 254, 268–71 (2015) (“ALBC”) (reversing district court’s *sua sponte* finding that state-wide political caucus lacked standing in racial gerrymandering case where common-sense supported an inference that the state-wide political caucus had members in every district based on the testimony of its representative that it had members in every county and the organization’s representations regarding the purpose of its founding).

The City’s challenge to Plaintiffs’ standing on the ground that the First Amended Complaint is a shotgun pleading is a matter of procedural compliance implicating the rules for pleading under Federal Rules of Civil Procedure 8(a) and 10(b). This procedural pleading concern is distinct from the more substantive constitutional concern of Plaintiffs’ standing to bring this

case, which goes to subject matter jurisdiction and the heart of the Court's power to hear this dispute under Article III of the United States Constitution. Indeed, whether the First Amended Complaint is a shotgun pleading relates to whether that pleading gives adequate notice to the City of Plaintiffs' claim, not whether Plaintiffs have Article III standing. *See Weiland v. Palm Beach Cnty. Sheriff's Off.*, 792 F.3d 1313, 1323 (11th Cir. 2015) ("The unifying characteristic of all types of shotgun pleadings is that they fail to one degree or another, and in one way or another, to give the defendants adequate notice of the claims against them and the grounds upon which each claim rests."). In any event, the Court need not resolve whether the First Amended Complaint is a shotgun pleading to determine that Plaintiffs have standing to bring their claim, because Plaintiffs' standing is supported by the record.

Here, Plaintiffs expressly pled in the First Amended Complaint that the organizational plaintiffs each have members residing in multiple of the five Commission Districts. Plaintiff GRACE has members residing in Districts 2 and 4, Plaintiff Engage Miami has members residing in all five Commission Districts; Plaintiff South Dade NAACP has members residing in Districts 2, 3, and 4; and Plaintiff Miami-Dade NAACP has members residing in all five districts. (Am. Compl. ¶ 23). Moreover, the First Amended Complaint alleges that Plaintiff Cooper resides in District 2, Plaintiff Johnson resides in District 3, Plaintiff Miro resides in District 3, Plaintiff Contreras resides in District 4, and Plaintiff Valdes resides in District 5. (Am. Compl. ¶¶ 25–29). These averments all are supported by Plaintiffs' declarations: representatives from the organizational Plaintiffs each have submitted declarations attesting that their organizations have members residing in the five Commission Districts.²⁰ These declarations also attest to the

²⁰ *See* (ECF No. 24-33 at ¶ 4) (attesting that GRACE has members living in Districts 2 and 4); (ECF No. 24-34 at ¶ 4) (attesting that Engage Miami has members living in each of the five districts); (ECF No. 24-35 at ¶ 5) (attesting that South Dade NAACP has members living in Districts 2, 3, and 4); (ECF No. 24-36 at ¶ 5) (attesting that Miami-Dade NAACP has members living in Districts 1, 2, 3, and 5).

organizational Plaintiffs' missions, local natures, and focuses. *See ALBC*, 575 U.S. at 270–71. The individual Plaintiffs have likewise submitted signed declarations supporting their averments that they reside in the challenged districts.²¹ No evidence has been advanced to the contrary.

Well-established authority does not, as the City argues, require that a plaintiff reside in the particular or specific parcels or geographic areas that were moved between districts as part of the Enacted Plan. As explained in further detail below, the focus of a racial gerrymandering claim is the challenged *district*. *See ALBC*, 575 U.S. at 262. Thus, Plaintiffs need not reside in the particular parcels and geographic areas moved among the Commission Districts as part of the Enacted Plan to establish standing to bring their claim in this case.

Accordingly, the Court will not recommend a finding that Plaintiffs lack standing, and thus the Court turns to the four factors Plaintiffs must establish to obtain a preliminary injunction.

B. Substantial Likelihood of Success on the Merits

At the outset and to frame the analysis that follows, the Court begins by noting that the sole claim raised in the First Amended Complaint asserts that *all* of the five Commission Districts are unconstitutional racial gerrymanders, in violation the Fourteenth Amendment's Equal Protection Clause. (Am. Compl. ¶¶ 358–364). Plaintiffs do not here assert any statutory claim arising under the Voting Rights Act of 1965, Pub. L. No. 89-110, 79 Stat. 437 (as codified in Title 52 of the United States Code).

As described in further detail below, the Court must determine whether race was the predominant factor that the City considered in drawing the borders of each of the five Commission Districts. The determination must be made as to each Commission District, district-by-district,

²¹ *See* (ECF No. 24-37 at ¶ 1) (Plaintiff Cooper – District 2); (ECF No. 24-38 at ¶ 1) (Plaintiff Johnson – District 3); (ECF No. 24-39 at ¶ 1) (Plaintiff Miro – District 3); (ECF No. 24-40 at ¶ 1) (Plaintiff Contreras – District 4); (ECF No. 24-41 at ¶ 1) (Plaintiff Valdes – District 5).

and not as to the Enacted Plan as a whole. *ALBC*, 575 U.S. at 262 (“A racial gerrymandering claim, however, applies to the boundaries of individual districts. It applies district-by-district.”). Finding that race was the predominant factor the Commission considered in drawing each of the five Commission Districts, the burden shifts to the City to show that the City’s use of race in designing the districts withstands strict scrutiny. However, the City did not argue or present evidence that the consideration of race in the design of Districts 1, 2, 3, and 4 withstands strict scrutiny. The Court accordingly finds that the City has not met its burden and thus Plaintiffs are likely to prevail on showing that the City’s consideration of race in drawing the borders of Districts 1, 2, 3, and 4 violates the Fourteenth Amendment’s Equal Protection Clause. And because the City’s consideration of race in drawing the borders of District 5 was not narrowly tailored to comply with the VRA, the Court finds that the consideration of race in the design of District 5 does not withstand strict scrutiny.

The Court takes a moment to recognize the unusual circumstance this case presents. As the Commissioners’ explicit statements during the 2022 redistricting process reveal, their primary concern in this redistricting process was to ensure the preservation of a Commission to which three Hispanic, one Black, and one Anglo commissioner could be elected. The goal was expressed in laudable terms: the City of Miami is an ethnically and racially diverse majority-minority city. Indeed, approximately 70% of its residents are Hispanic, 16% are Black non-Hispanic, and 12% are white non-Hispanic. (Init. Rpt. at 7). Thus, the Commissioners’ expressed intent was to draw the borders of the Commission Districts to facilitate the election of commissioners who reflect that diversity—maximizing the Hispanic populations in Districts 1, 3, and 4; preserving the core of District 2 so that an Anglo commissioner had a high probability of being elected; and drawing District 5 as a district in which Black voters had an opportunity to elect preferred candidates. But

in that regard, race and ethnicity came close to being the *only* factors that the Commissioners considered during the six public redistricting sessions over 5 months. The law generally does not permit race to predominate in the drawing of districts unless there is a compelling reason to do so. And to that end the City misapprehended that, because it was required consider race in drawing District 5, it therefore could consider race in drawing the other four districts. The City does not argue in defense against Plaintiffs' Motion that any compelling reason existed for race to predominate in the drawing those other four Commission Districts. And as to the fifth—District 5—there is no evidence in the record before this Court of the kinds of analyses required to guide the City's consideration of race in drawing the borders of that district.

The Court turns to the law governing Plaintiffs' claim.

1. Legal Framework

“The Equal Protection Clause prohibits a State, without sufficient justification, from ‘separat[ing] its citizens into different voting districts on the basis of race.’”²² *Bethune-Hill v. Va. State Bd. of Elections*, 580 U.S. 178, 187 (2017) (alteration in original) (quoting *Miller v. Johnson*, 515 U.S. 900, 911 (1995)). As the United States Supreme Court has reiterated, “districting maps that sort voters on the basis of race ‘are by their very nature odious.’” *Wis. Legislature v. Wis. Elections Comm’n*, 142 S. Ct. 1245, 1248 (2022) (quoting *Shaw v. Reno*, 509 U.S. 630, 643 (1993)). This is because, “[w]hen the [government] assigns voters on the basis of race, 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.’”

²² It is well-established that political subdivisions of a state, including the City in the instant action, must comply with the Fourteenth Amendment. See *Avery v. Midland Cnty., Tex.*, 390 U.S. 474, 480 (1968) (“Although the forms and functions of local government and the relationships among the various units are matters of state concern, it is now beyond question that a State’s political subdivisions must comply with the Fourteenth Amendment.”); see also *Jacksonville Branch of NAACP v. City of Jacksonville*, --- F. Supp. 3d ---, No. 3:22-CV-493-MMH-LLL, 2022 WL 7089087, at *5 n.9 (M.D. Fla. Oct. 12, 2022), appeal dismissed, No. 22-13544-HH, 2023 WL 2966338 (11th Cir. Jan. 12, 2023) (“*Jacksonville I*”).

Miller, 515 U.S. at 911–12 (quoting *Shaw*, 509 U.S. at 647). Indeed, the Supreme Court has described “[t]he harms that flow from racial sorting [to] ‘include being personally subjected to a racial classification as well as being represented by a legislator who believes his primary obligation is to represent only the members of a particular racial group.’” *Bethune-Hill*, 580 U.S. at 187 (quoting *ALBC*, 575 U.S. at 263).

Courts engage in a two-step analysis when a voter sues government officials for “drawing such race-based lines[.]” *Cooper v. Harris*, 581 U.S. 285, 291–92 (2017). “First, the plaintiff must prove that ‘race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.’” *Id.* at 291 (quoting *Miller*, 515 U.S. at 916). Second, “if racial considerations predominated over others,” the burden shifts to the state to establish that “the design of the district . . . withstand[s] strict scrutiny.” *Id.* at 292 (citing *Bethune-Hill*, 580 U.S. at 193). That is, “[t]he burden thus shifts to the State to prove that its race-based sorting of voters serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end.” *Id.* While the Court’s application of law is reviewed *de novo*, “the court’s findings of fact—most notably, as to whether racial considerations predominated in drawing district lines—are subject to review only for clear error.” *Id.* at 293.

In this case, Plaintiffs allege in their First Amended Complaint that race was the predominant factor considered in the drawing of all of the five Commission Districts. “Racial gerrymandering claims proceed ‘district-by-district.’” *Bethune-Hill*, 580 U.S. at 191 (quoting *ALBC*, 575 U.S. at 262). That Plaintiffs in essence bring a “whole map challenge,” as the City argued at the March 29, 2023 hearing, does not preclude the instant action. No Supreme Court precedent the Court is aware of forbids Plaintiffs from challenging all five of the Commission Districts in this action. Rather, Supreme Court precedent appears to contemplate that possibility,

so long as Plaintiffs comply with the standing and evidentiary requirements that their challenges be brought with respect to the districts within which they reside and on a district-by-district basis. *See ALBC*, 575 U.S. at 263 (emphasis in original) (internal citations omitted) (“Voters, of course, can present statewide *evidence* in order to prove racial gerrymandering in a particular district. And voters might make the claim that *every* individual district in a State suffers from racial gerrymandering. But this latter claim is not the claim that the District Court, when using the phrase “as a whole,” considered here.”). Plaintiffs may, and do, in essence challenge the map as a whole by challenging each Commission District, district-by-district. *See id.* The Court thus turns to the first step of the analysis—whether race predominated.

2. Whether Race Predominated

The Court finds that Plaintiffs are substantially likely to prevail in establishing that race was the predominant factor considered in the drawing of each of the five Commission Districts.

At the outset, the Court finds that race was the predominant factor considered in the design of District 5. Neither side disputes that District 5 was designed to preserve a BVAP of more than 50%. Indeed, throughout the City’s Response, the City argues that Section 2 of the VRA required the City to draw the borders of District 5 such that it has a BVAP of more than 50%—the City argues that Plaintiffs have conceded this point. Moreover, at the March 29, 2023 hearing, the City agreed that the design of District 5 must withstand strict scrutiny—inherent in that agreement is the recognition that race was the predominant factor considered in the drawing of District 5. Thus, the Court finds that race was the predominant factor in the design of District 5. *See ALBC*, 575 U.S. at 267 (explaining that “expressly adopt[ing] and appl[y]ing a policy of prioritizing mechanical racial targets above all other districting criteria (save one-person, one-vote) provides evidence that race motivated the drawing of particular lines”).

Accordingly, the following analysis focuses on whether Plaintiffs are substantially likely to establish that race was the predominant factor considered in the drawing of Districts 1, 2, 3, and 4. The Court makes such a finding. *See Miller*, 515 U.S. at 911–12 (quoting *Shaw*, 509 U.S. at 647) (“When the [government] assigns voters on the basis of race, 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.’”). The principles governing that determination are as follows.

a. Applicable Law

Plaintiffs, through direct evidence of legislative intent and/or circumstantial evidence of a challenged district’s shape and demographics, bear the burden of “demonstrating that the [City] ‘subordinated’ other factors—compactness, respect for political subdivisions, partisan advantage, what have you—to ‘racial considerations.’” *Cooper*, 581 U.S. at 291. “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.” *Bethune-Hill*, 580 U.S. at 189–90. The City’s efforts to create districts of approximately equal population are not considered when conducting a racial predominance analysis. *See ALBC*, 575 U.S. at 272 (stating that that factor “is part of the redistricting background, taken as a given, when determining whether race, or other factors, predominate in a legislator’s determination as to *how* equal population objectives will be met”).

As noted above, the burden lies with Plaintiffs at this step, not the City. *Singleton v. Merrill*, 582 F. Supp. 3d 924, 945 (N.D. Ala. 2022). That burden has been described as demanding. *See, e.g., Cooper*, 581 U.S. at 319 (citing *Easley v. Cromartie*, 532 U.S. 234, 241 (2001)). Indeed, the Supreme Court has emphasized that federal courts must “exercise extraordinary caution in

adjudicating claims that a State has drawn district lines on the basis of race.” *Bethune-Hill*, 580 U.S. at 187 (internal quotation marks omitted) (quoting *Miller*, 515 U.S. at 916). “Federal-court review of districting legislation represents a serious intrusion on the most vital of local functions.” *Miller*, 515 U.S. at 915.

“Although race-based decisionmaking is inherently suspect, until a claimant makes a showing sufficient to support that allegation the good faith of a . . . legislature must be presumed.” *Id.* (internal citations omitted). As the Supreme Court has explained, “redistricting differs from other kinds of [governmental] decisionmaking in that the legislature always is *aware* of race when it draws district lines, just as it is aware of . . . a variety of other demographic factors.” *Bethune-Hill*, 580 U.S. at 187 (alteration and emphasis in original) (quoting *Shaw*, 509 U.S. at 646). Despite the awareness, racial considerations must nonetheless not be the motivating factor in the redistricting process. *Miller*, 515 U.S. at 916 (“The distinction between being aware of racial considerations and being motivated by them may be difficult to make.”).

To determine legislative intent, courts look to the relevant evidentiary factors set forth in *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252 (1977). *See Reno v. Bossier Par. Sch. Bd.*, 520 U.S. 471, 488 (1997) (“In conducting this inquiry, courts should look to our decision in *Arlington Heights* for guidance.”). The evidentiary factors, as recently summarized by the Eleventh Circuit, with supplementation, are:

- (1) the impact of the challenged law;
 - (2) the historical background;
 - (3) the specific sequence of events leading up to its passage;
 - (4) procedural and substantive departures;
 - and (5) the contemporary statements and actions of key legislators.
- And, because these factors are not exhaustive, the list has been supplemented:
- (6) the foreseeability of the disparate impact;
 - (7) knowledge of that impact, and
 - (8) the availability of less discriminatory alternatives.

Greater Birmingham Ministries v. Sec’y of State for State of Ala., 992 F.3d 1299, 1321–22 (11th Cir. 2021).

As the Supreme Court has explained, the “ultimate question remains whether a discriminatory intent has been proved in a given case.” *Abbott v. Perez*, 138 S. Ct. 2305, 2324–25 (2018). Thus, any evidence of past discrimination in the form of “historical background” is but one factor that is considered and does not change the presumption of legislative good faith. *See id.* at 2324. Moreover, “*Arlington Heights*’s ‘historical background’ factor should be ‘focus[ed] . . . on the specific sequence of events leading up to the challenged decision’ rather than ‘providing an unlimited lookback to past discrimination.’” *League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, 32 F.4th 1363, 1373 (11th Cir. 2022) (alterations in original) (quoting *Greater Birmingham Ministries*, 992 F.3d at 1325).

Nonetheless, “[r]ace 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*, 580 U.S. at 189 (alterations in original) (quoting *Shaw v. Hunt*, 517 U.S. 899, 907 (1996)). Evidence of a bizarre shape or a conflict or inconsistency between an enacted plan and traditional redistricting principles may be “persuasive circumstantial evidence” that tends to show that race predominated in the design of a district. *Id.* at 189–90. The Supreme Court has explained that “a conflict or inconsistency between the enacted plan and traditional redistricting criteria is not a threshold requirement or a mandatory precondition in order for a challenger to establish a claim of racial gerrymandering.” *Id.* at 190. However, “such evidence loses much of its value when the [government] asserts partisanship as a defense, because a bizarre shape . . . can arise from a ‘political motivation’ as well as a racial one.” *Cooper*, 581 U.S. at 308. Where such a defense is raised, the Court must “must make ‘a sensitive inquiry’ into all ‘circumstantial and direct evidence of intent’ to assess whether the plaintiffs have managed to

disentangle race from politics and prove that the former drove a district's lines." *Id.* (quoting *Hunt v. Cromartie*, 526 U.S. 541, 546 (1999)).

b. Analysis

The evidence before the Court supports a finding that Plaintiffs are substantially likely to succeed in establishing that race predominated in drawing the borders of Districts 1, 2, 3, and 4. The Court need not look much beyond what a majority of the Commissioners expressly stated on the record at public meetings regarding their understanding of historical redistricting cycles and their goal for the 2022 redistricting process resulting in the Enacted Plan. Indeed, on multiple occasions, a majority of the Commissioners expressed that their main concern for the redistricting process was to ensure that there would be three Hispanic commissioners, one Black commissioner, and one Anglo commissioner on the Commission, consistent with past redistricting cycles and the reason the City switched from city-wide commissioners to single-member commissioner districts. Those Commissioners reiterated that priority to the retained consultant tasked with proposing the redistricted map, as recounted above. And he acknowledged that he took instruction from the majority of Commissioners.²³ The resulting shapes of each of the individual Commission Districts adopted in the Enacted Plan and the racial demographic data before the Court for the Commission Districts reflects that the City achieved that goal by ensuring that the HVAPs in Districts 1, 3 and 4 were as high as possible, and through the preservation of the core of District 2. The Court nonetheless considers all the relevant *Arlington Heights* factors and begins with the presumption that the City acted in good faith in the most recent redistricting cycle.

Historical Background, Contemporaneous Statements of Key Commissioners, and Sequence of Events Leading to the Passage of the Enacted Plan. The Court begins with

²³ See (ECF No. 24-11) (Tr. Nov. 18 at 17:9–15).

statements by the Commissioners made during the 2022 redistricting process. Given the intertwined nature of the historical background and the statements of key commissioners, the Court assesses these factors together. In this case, a majority of the Commissioners unambiguously expressed on the record, at six legislative sessions held over the course of approximately 5 months, their understanding of the City's switch from city-wide commissioners to single-member commission districts, their understanding of how that switch factored into prior redistricting cycles, and their intention for how that switch would factor into the 2022 redistricting process culminating in the Enacted Plan.

The Court is mindful that its assessment of the *Arlington Heights* historical background factor should be focused on the specific sequence of events that led up to the Enacted Plan rather than an unlimited lookback to past discrimination. *See League of Women Voters of Fla.*, 32 F.4th at 1373. In this respect, the record contains evidence of contemporaneous news coverage regarding the City's 1997 switch to single-member districts, as well as news coverage, legislative documents, and consultant reports from the 2013 redistricting process. *See* (ECF Nos. 24-42 through 24-79).

But the Court need not delve into that historical evidence in this case because the Court need not draw inferences from that historical evidence. *Cf. Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *41 (citing *Abbott*, 138 S. Ct. at 2327) (“[T]he Court considers the 2011 historical evidence only to the extent it gives rise to inferences regarding the intent of the City Council in 2022.”). This is because a majority of the Commissioners during the 2022 redistricting process expressly discussed their own understanding of the historical context that informed their decision-making. That is, a majority of the Commissioners were abundantly clear on the record in *this* 2022 redistricting process that the City had switched from city-wide commissioners to single-member commissioner districts in the past to ensure there would be three Hispanic Commissioners, one

Black Commissioner, and one Anglo Commissioner. *See, e.g.*, (Tr. Nov. 18 at 15:22–16:22); (Tr. Nov. 18 at 28:2–29:3); (Tr. Dec. 9 at 14:5–14); (Tr. Dec. 9 at 24:8–10); (Tr. Feb. 7 at 50–51); (Tr. Feb. 7 at 54:5–15); (Tr. Feb. 7 at 67:19–68:9); (Tr. Mar. 11 PM at 8:8–21); (Tr. Mar. 24 at 56:12–57:1); (Tr. Mar. 24 at 38:23–39:20).

The Commissioners’ statements speak for themselves and are recounted at great length above. *See* Section II.A, *supra*. The City asserts that the Commissioners’ discussion of race was in reference to the political cohesiveness of minority groups. It was not so limited, as the passages above reveal. There was indeed some discussion of voter cohesion, including guidance to the consultant to consider evidence of voter cohesion. However there is a dearth of evidence that voter cohesion was in fact analyzed or considered in the Commissioners’ approval or revisions to the consultant’s proposed plans.

The City also asserts that “[t]he test for racial gerrymandering is not merely whether race was discussed, but whether it actually resulted in a racial gerrymander of a significant number of voters.” (ECF No. 36 at 17) (emphasis omitted). The evidence reveals not only that race was discussed but that the Commissioners themselves characterized the district map as a product of gerrymandering. Indeed, Commissioner Carollo expressly stated on the record that District 2 under the prior plans had been intentionally gerrymandered to be an Anglo district. (Tr. Feb. 7 at 51:10–15) (“It was gerrymandered but it was a legal gerrymander so that you would have an Anglo elected commissioner.”). At another session, Commissioner Carollo explained that, not only was District 2 historically gerrymandered, but also the Commission had “gerrymandered and broke[n] up numerous neighborhoods into the other three – in the other three districts, and particularly District 3 and District 4.” (Tr. Feb. 25 AM at 60:17–61:22); *see also* (Tr. Feb. 25 PM at 22:14–23).

The record in this case for the 2022 redistricting process contains substantial evidence that a majority of the Commissioners believed the cores of the existing districts had been intentionally designed with race as the predominant factor considered in that design, such that the composition of the Commission would be three Hispanic Commissioners, one Black Commissioner, and one Anglo Commissioner.

Nonetheless, and putting aside achieving substantially equal populations which is part of the redistricting background, *see ALBC*, 575 U.S. at 272, the Commissioners ranked preserving the cores of the existing districts as their top redistricting priority. (Tr. Nov. 18 at 35–36). This supports a finding that their intent was, as expressed, to preserve previously-drawn race-based lines of the Commission Districts in the 2022 redistricting process.

Indeed, the Commissioners were clear that they intended to honor in the 2022 redistricting process the overarching plan created in the late 1990s—that there would be three Hispanic districts, one Black district, and one Anglo district. *See, e.g.*, (Tr. Dec. 9 at 22:21–23:7) (Carollo); (Tr. Dec. 9 at 24:8–10) (Carollo); (Tr. Feb. 7 at 52:18–53:2) (Carollo); (Tr. Feb. 7 at 71:16–17) (Reyes); (Tr. Mar. 24 at 38:23–39:20) (Reyes); (Tr. Feb. 7 at 67:19–68:9) (Reyes).

Commissioner Díaz de la Portilla repeatedly spoke of maintaining the ethnic integrity and avoiding the dilution of the majority-Hispanic districts—Districts 1, 3, and 4. *See, e.g.*, (Tr. Dec. 9 at 6:13–15) (“[T]o maintain the integrity of each district, we sort of could figure out how these three districts, right, 1, 3, and 4 could be kept whole, for a lack of a better term, without going into District 2 and other areas like that.”); *see also* (Tr. Dec. 9 at 7:2–3); (Tr. Dec. 9 at 10:4–10); (Tr. Dec. 9 at 13:8–14:1). Again, after describing the relative “purities” of Districts 1, 3, and 4, Commissioner Carollo noted the danger to the balance and harmony of the City of changing one or two “of the Hispanic seats.” (Tr. Dec. 9 at 14:5–14). He also expressly stated that it was his

“main interest in my district and your district Commissioner Díaz de la Portilla and Mr. Reyes’ district is that I’m sure that we’re going to keep the balance of the Hispanic population where we’re going to be getting Hispanics elected there.” (Tr. Dec. 9 at 22:21–23:7). Indeed, and for example, Commissioner Russell’s revised plan, which would have extended District 3 east into parts of Brickell and not south into Coconut Grove, was rejected because it purportedly put at risk the ability of a Hispanic commissioner to be elected in District 3. *See* (Tr. Mar. 24 at 66:13–18) (Carollo); (Tr. Mar. 24 at 70:16–17, 71:15) (Díaz de la Portilla). De Grandy agreed that District 3 was a “stronger Hispanic district” under the base plan and not under Commissioner Russell’s revised plan. (Tr. Mar. 24 at 75:20–21).

Moreover, while the record reflects that Commissioners Reyes and Carollo were cognizant of the need to shift residents out of District 2 into neighboring districts, they were also expressly concerned with ensuring that District 2 would remain a competitive district that an Anglo would have a high probability of winning. *See* (Tr. Feb. 25 PM at 19:13–20:12) (Reyes); (Tr. Mar. 24 at 38:23–39:20) (Reyes); (Tr. Mar. 24 at 68:14–17) (Carollo). Commissioner Reyes told De Grandy the “most important question” the Commission had was whether the racial breakdown for both Districts 2 and 5 “was the best [De Grandy] can do to protect the African American seat? I’m gonna be blunt and the Anglo seat, but more important, the African American seat?” (Tr. Feb. 7 at 67:19–68:9). Commissioner Reyes also committed to making sure that Anglos would have someone sitting on the Commission who looked like them. (Tr. Feb. 7 at 71:16–17). This was despite De Grandy informing the Commission at the first session in November 2021 that white voters are not a protected class under the VRA. (Tr. Nov. 18 at 12:3–5).

This understanding of the historical background, and the explicit intention to draw the borders of Districts 1, 2, 3, and 4 to preserve the “ethnic integrity” of Districts 1, 3, and 4 and

preserve District 2 as a district where an Anglo could be elected, all was repeated on the record on multiple occasions across six sessions of the Commission over a period of 5 months, from November 2021 through March 2022. And in deference to the Commissioners' repeated emphasis on retaining the cores of the existing districts as much as possible, De Grandy's presentations of the preliminary plans focused on the racial breakdown of the proposed districts. (Tr. Feb. 7 at 8); (Tr. Feb. 25 AM at 6:1–19). As set forth below with respect to the "impact of the challenged law" factor, the 2022 Enacted Plan largely did preserve the racial breakdown of the prior districts, with three majority HVAP districts, one majority BVAP district, and one district with approximately 37% WVAP.

The Commissioners also unambiguously expressed that neighborhoods would be split to preserve the racial balance of the Commission. As noted above, Commissioner Carollo expressly stated at the February 7, 2022 Commission session that, if neighborhoods could not be separated, "[t]hen the outcome of that would be that guys like— that look like us, with last names like us, in the near future might not be elected necessarily from the districts that we represent." (Tr. Feb. 7 at 54:15–17). Commissioner Diaz de la Portilla and Commissioner Reyes echoed that traditional Hispanic neighborhoods had been broken up to preserve the racial balance of the Commission. *See, e.g.*, (Tr. Mar. 24 at 79:17–20) (Diaz de la Portilla); (Tr. Mar. 24 at 38:23–39:20) (Reyes). In this respect, the Commission disregarded its redistricting priority of keeping traditional neighborhoods together whenever feasible—the evidence before the Court is that this traditional redistricting criterion was set aside to preserve the racial composition of the Commission. *See Bethune-Hill*, 580 U.S. at 190–91 ("In general, legislatures that engage in impermissible race-based redistricting will find it necessary to depart from traditional principles in order to do so.").

Indeed, Commissioner Carollo urged his colleagues that compromise and the splitting up of traditional neighborhoods would be required to carry forward the overarching goal of preserving the racial composition of the Commission Districts and of the Commission.

The intention of preserving Districts 1, 3, and 4 as majority-Hispanic districts and District 2 as a district in which an Anglo could be elected was expressed by a majority of the Commissioners. The Court does not here impute the expressed intentions of one influential councilmember to a 19-member council as a whole. *Cf. Jacksonville Branch of NAACP v. City of Jacksonville*, No. 22-13544, 2022 WL 16754389, at *4 (11th Cir. Nov. 7, 2022) (“*Jacksonville IP*”) (finding that the district court did not afford too much weight to the statements of one councilmember who “was a key figure in the nineteen-member Council,” the appellants’ expert supported that conclusion, and “numerous direct quotes . . . suggested race was a primary motivating factor for that councilmember”).

In its Response, the City denies that the Commissioners’ references to political cohesion throughout the redistricting cycle were not, as Plaintiffs allege, code for race but rather evidence of the City’s prioritization of political cohesion. (ECF No. 36 at 16). The City argues that such partisan gerrymandering is not justiciable. (*Id.*). Indeed, the Court must take care when there are claims of partisan as opposed to racial gerrymandering. But there is an absence of evidence that the Commissioners actually considered political cohesion when discussing race—there is instead an abundance of evidence in the record that “cohesion” was used as a proxy for race, despite De Grandy’s efforts to rephrase the Commissioners’ comments. And in any event, Abbott opined that partisan gerrymandering did not explain the designs of the Commission Districts. *See* (Abbott Rpt. at 12–13). No rebuttal expert evidence has been adduced to the contrary.

The Commissioners were clear on the record that the priority of preserving the cores of the existing district, the preservation of the ethnic integrity of Districts 1, 3, and 4 as majority-Hispanic districts, the preservation of District 2 as a district where an Anglo could be elected, and the splitting up of neighborhoods, all was in furtherance of the wider goal of preserving three Hispanic seats, one Black seat, and one Anglo seat on the Commission. As the Court noted above, ensuring diversity of representation is undoubtedly a laudable goal. But where a government opts to preserve district cores to maintain the race-based lines created in previous redistricting cycles, “[t]he Supreme Court has been equally clear that this is not a legitimate objective.” *Jacksonville II*, 2022 WL 16754389, at *3 (citing *See North Carolina v. Covington*, 138 S. Ct. 2548, 2551 (2018) (per curiam)) (denying emergency motion to stay on appeal preliminary injunction entered against the City of Jacksonville, on the ground that the City of Jacksonville was not likely to succeed on the merits of their appeal of the district court’s preliminary injunction). Indeed, the evidence before the Court is that the Commissioners here “expressly adopted and applied a policy of prioritizing mechanical racial targets above all other districting criteria[.]” *ALBC*, 575 U.S. at 267.

Accordingly, the Court finds that these three *Arlington Heights* factors weigh strongly in favor of finding that racial considerations predominated in the City’s drawing of Districts 1, 2, 3, and 4.

Impact of the Challenged Law. The shapes of the borders, the racial makeup of the Commission Districts, and the splitting up of neighborhoods, all support a finding that race predominated in the City’s design of Districts 1, 2, 3, and 4 and that these districts were drawn in furtherance of the Commission’s express goal to preserve the composition of the Commission as having three Hispanic seats, one Black seat, and one Anglo or Anglo-access seat.

“In the context of redistricting, the Court judges the impact of the law by examining the [c]hallenged [d]istricts’ shapes and demographics.” *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *37.

Shape and Racial Demographics of District 2. The Court begins its analysis of this factor with District 2 because of its connection to District 5. Starting with the shapes of the districts, the Court finds that District 2 is not compact. A visual inspection of the map of District 2 under the Enacted Plan reveals that it is a relatively thin strip confined to the coast, extending from the northeast in the Morningside area, south through Edgewater, the eastern portion of Downtown and the eastern portion of Brickell, and continuing southwest along the water through Coconut Grove to the southern border of the City. *See* Figure 1, *supra*. As discussed above, neighborhoods were split in the design of District 2: Edgewater and Downtown Miami have been split between Districts 2 and 5. According to Plaintiffs’ expert, Abbott, the portions of Edgewater moved from District 2 to District 5, identified as Areas 10 and 11, had lower a lower WVAP proportion and greater BVAP and HVAP proportions than the areas around them that remained in District 2. (ECF No. 24-31) (Abbott Rpt. at 8–9).

A “condo canyon” south of Interstate I-395 and the MacArthur Causeway between Downtown Miami and the Omni area, bounded by Northwest 1st Avenue, Northwest 8th Street, and Northwest 10th Street, bulges into District 5—De Grandy testified on cross-examination that this “condo canyon” was kept in District 2 whereas all the areas around it were moved into District 5 out of concerns that moving the “condo canyon” would dilute the Black vote in District 5. Notably, De Grandy testified at the March 29, 2023 hearing that the border between District 2 and District 5 was redrawn so that District 2 lost and District 5 now includes parcels home to FDC-

Miami, the federal temporary detention center across the street from this Court. But only a few blocks north of FDC-Miami is the “condo canyon” that was retained in District 2.

Indeed, the City does not rebut that District 2 was designed and later preserved, as discussed in further detail above, as an Anglo district or district where an Anglo could be elected, apart from arguing that District 2 necessarily was racially gerrymandered to preserve the Black majority in District 5 that has shrunk with each redistricting cycle. As set forth in Table 2, *supra*, District 2 has the highest WVAP proportion of all the Commission Districts, at 37.4%. (Abbott Rpt. at 5–6). This represents an increase: prior to the 2022 redistricting under the borders in place from the 2013 plan, the WVAP in District 2 was 34.5%. *See* Table 3, *supra*; *see also* (Abbott Rpt. at 4). District 2’s HVAP and BVAP proportions are 48.6% and 7.2%, respectively, under the 2022 Enacted Plan. Under the 2013 plan borders prior to the 2022 redistricting process, the HVAP in District 2 was 51.9%.

Accordingly, based on the evidence in the record, this factor weighs in favor of finding that race predominated in the design of District 2.

Shapes and Racial Demographics of Districts 1, 3, and 4. As to Districts 1, 3, and 4, the Court does not find upon visual inspection of those districts that Districts 1, 3, and 4 are facially non-compact. *See* Figure 1, *supra*. Plaintiffs have not adduced quantitative evidence assessing the compactness of the Commission Districts. Nonetheless, the Court notes some irregular features in the shapes of those districts. The Court finds that the particular lines drawn in designing these districts and the resulting racial demographics weigh slightly in favor of a finding that race predominated in the designs of Districts 1, 3, and 4.

Indeed, the City’s redistricting consultant, De Grandy, agreed generally on cross-examination that once he had received instructions to maintain the cores of the existing

districts, compact districts could not be drawn given the shape of the geographic borders of the City. As noted above, De Grandy responded in the affirmative to Commissioner Díaz de la Portilla's question that it was a "foregone conclusion" that "[i]f you want to have an African American district and you want to have an Anglo district it's almost impossible. To emphasize compactness." (Tr. Dec. 9 at 28:22–29:2). And the Commissioners themselves at the Commission's December 9, 2021 session recognized that the districts under the 2013 plan were not compact. (Tr. Dec. 9 at 18:7–8). In the Enacted Plan, the cores of all the Commission Districts were preserved and, visually, the cores of Districts 1, 2, 3, and 4 in the Enacted Plan do not facially differ from the cores adopted part of the 2013 plan. This observation was also made by Plaintiff's expert, Abbott, who concluded that compactness did not explain the shapes of the districts in the Enacted Plan. *See* (ECF No. 24-31) (Abbott Rpt. at 15–16).

As to District 1, the shape of District 1 follows a staircase-like stepping pattern in its northeastern corner in Allapattah, denoted as Areas 7 and 8 in Abbott's report. *See* Figure 3, *supra*. As Abbott noted, and as was summarized above, the drawing of the borders of District 1 with respect to Areas 7 and 8 was race-driven. *See* (Abbott Rpt. at 6–7). District 1 also has an appendage extending toward Downtown Miami along the Miami River (Area 6 in Abbott's report): this area previously in District 5 was described by the Commissioners as an "attractive" area that was "mainly Hispanic or Anglo." (Tr. Dec. 9 at 3:11–18). Abbott concluded that the portion of a precinct that was moved from District 5 to District 1 in Area 6 had a higher HVAP proportion and lower BVAP proportion than the portion of that precinct that remained in District 5. (Abbott Rpt. at 6–7). The demographics of District 1 under the Enacted Plan are: BVAP of 11.0%; WVAP of 3.5% and HVAP of 89.5%. (Abbott Rpt. at 5–6).

District 3 has an irregular appendage in its southern portion that extends across U.S.

Highway 1 to the Natoma Manors area identified as Area 13 in Abbott's Report. This irregular appendage juts into District 2. While Abbott concluded that this area was not moved for racial reasons, Abbott did conclude, as noted above, that *other* areas (Areas 14 and 15) were moved from District 4 into District 3 to offset the lower proportion of Hispanic voters gained upon moving Area 13 (which has a HVAP of 37.6%) into District 3. (Abbott Rpt. at 11–12). Indeed, the racial demographics of District 3 under the Enacted Plan are: BVAP of 5.4%; WVAP of 7.7% and HVAP of 88.3%. (Abbott Rpt. at 5–6).

District 4, likewise, has racial demographic breakdowns similar to Districts 1 and 3 under the Enacted Plan: BVAP of 3.1 %; WVAP of 7.6% and HVAP of 89.5%. (Abbott Rpt. at 5–6).

Notably, the HVAP percentages of Districts 1, 3, and 4 remained largely the same both pre- and post-redistricting, with only slight percentage decreases. *Compare* Table 2, *supra*, with Table 3, *supra*.

Division of Traditional Neighborhoods. Moreover, the Court notes that traditional neighborhoods are divided among Districts 1, 2, 3, and 4 under the Enacted Plan.

The Enacted Plan divides traditional neighborhoods just as prior plans had. Among other neighborhoods, the Enacted Plan divides: Edgewater and Downtown Miami between Districts 2 and 5; Coconut Grove between Districts 2 and 4; Brickell between Districts 2 and 3; Silver Bluff and Shenandoah between Districts 3 and 4; Flagami between Districts 1 and 4; Allapattah between Districts 1 and 5; and Little Havana among Districts 1, 3, and 4. Indeed, Commissioner Díaz de la Portilla explained that Hispanic communities in the City had been divided by redistricting for decades, stated that “Coconut Grove doesn’t have a monopoly on being a community,” and therefore justified that Coconut Grove could also be split for the greater good of preserving the racial and ethnic composition of the Commission. (Tr. Feb. 7 at 60:6–18).

The City's Response. In its Response, the City argues that the shapes of the Commission Districts are all facially compact because they do not resemble the convoluted district shapes that were at issue in *Cooper v. Harris*, 581 U.S. 285 (2017). See (ECF No. 36 at 11). The City defends the shape of the border between District 2 and District 5 (*i.e.*, the redistricting “wall” De Grandy referred to in the November 18, 2021 and December 9, 2021 Commission sessions) on the ground that compliance with Section 2 of the VRA did not make it unconstitutional for the City to gerrymander District 5. (*Id.*). The City asserts that the only irregular aspect of the Enacted Plan is the area identified as Area 13 discussed above. And according to the City, the border between Districts 1 and 4, which has been largely unchanged for 20 years, could not have been drawn for racial reasons because Districts 1 and 4 have similar demographics. The City argues that the particular geographical movements in this case were contiguous and had minimal racial effect, and therefore the Enacted Plan did not affect a significant number of voters.

Again, the City's argument addresses only the changes made in redistricting and fails to consider the District as a whole. The Supreme Court has made clear that the Court must look to the *districts* that are challenged, not in isolation to the particular lines drawn. See *Bethune-Hill*, 580 U.S. at 191–92 (“Courts evaluating racial predominance therefore should not divorce any portion of the lines—whatever their relationship to traditional principles—from the rest of the district.”).

Assuming at this stage of the proceedings that the City in good faith was motivated by politics, not race, in making those minor changes, the Court is nonetheless required to look beyond those changes to determine the predominant motive for the design of the district as a whole. See *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *39.

Accordingly, the Court finds that this factor supports a finding that it was substantially

likely that race predominated in the designs of Districts 1, 2, 3, and 4.

Procedural and Substantive Departures. Plaintiffs have neither argued nor adduced evidence that the City failed to comply with procedures for redistricting set forth in relevant provisions of Florida law or the City's municipal code, and the record does not suggest any such failure. The Commission held six sessions regarding redistricting on the public record. And the Commission heard comments from the public.

Accordingly, the Court finds that this factor does not weigh in favor of a finding that racial considerations predominated in the designs of Districts 1, 2, 3, and 4.

Availability of Less Discriminatory Alternatives. Plaintiffs recount in their Motion a series of alternative proposals advanced but rejected by a majority of the Commissioners that Plaintiffs' expert attests would have had less of a discriminatory impact on the Commission Districts. The City does not respond or rebut this evidence, which the Court finds weighs slightly in favor of finding race predominated.

Summary. In sum, the Court's assessment of the *Arlington Heights* factors strongly supports a finding that Plaintiffs are substantially likely to succeed in establishing that racial considerations predominated in the City's design of Districts 1, 2, 3, and 4. The evidence in the record at this posture includes the unambiguous statements of a majority of the Commissioners that they: (i) believed that the City had in the past established single-member districts with the intention of creating a Commission with three Hispanic seats, one Black seat, and one Anglo seat; (ii) understood that some of the districts created in prior redistricting cycles were intentionally gerrymandered to preserve that overarching goal; and (iii) intended to preserve the cores of the existing districts in the 2022 Enacted Plan to perpetuate a Commission with three Hispanic districts, one Black district, and one Anglo-access district. The Commissioners directed the

redistricting consultant to preserve the cores of the existing districts reflecting that racial composition. *See Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *40 (“As stated in the underlying *Bethune-Hill* decision, core retention ‘holds a special place in the predominance balance’ because, among other reasons, it ‘may be used to insulate the original basis for the district boundaries.’”). Indeed, the Commissioners expressed their concerns that specific, proposed changes to the borders of Districts 1, 3, and 4 would dilute the “ethnic integrity” of those districts as majority-Hispanic districts; they redrew borders to avoid diluting those majorities and instead to preserve the HVAP super-majorities in those districts. The Commissioners expressed that District 2 should be preserved as a district in which an Anglo could be elected, and the core of that district, which Commissioner Carollo asserted had been gerrymandered in the past, was drawn to encompass the highest WVAP among the Commission Districts. The Commissioners directed the redistricting consultant to divide neighborhoods in furtherance of preserving the racial composition of all the districts consistent with previous redistricting cycles. The shapes of the Commission Districts contain irregular appendages and indeed reflect that neighborhoods were divided in the 2022 Enacted Plan. District 2 is facially not compact. And the racial demographic data for the resulting 2022 Enacted Plan reflect that the Commission succeeded in preserving the racial breakdowns of the prior redistricting.

Accordingly, the evidence before the Court supports a finding that Plaintiffs are substantially likely to succeed in establishing that racial considerations predominated in the designs of Districts 1, 2, 3, and 4.

3. Strict Scrutiny

Having found that Plaintiffs are substantially likely to succeed in establishing that racial considerations predominated in the designs of Districts 1, 2, 3, and 4, and given the Parties’

agreement that race did predominate in the design of District 5, the burden shifts to the City to establish that the City's use of race in designing the challenged Commission Districts withstands strict scrutiny. The Court first turns to District 5.

a. District 5

The Parties do not dispute that the City drew the borders of District 5 to comply with Section 2 of the VRA, and thus there is no dispute that the predominance of race in the design of District 5 was in furtherance of a compelling governmental interest. *See Abbott*, 138 S. Ct. at 2315. Accordingly, the dispute in this case centers on whether the City's consideration of race in the design of District 5 was narrowly tailored to comply with Section 2 of the VRA.

In a racial gerrymandering case, the burden is on the City to establish that "its race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper*, 581 U.S. at 292. Because the "Equal Protection Clause restricts consideration of race and the VRA demands consideration of race, a legislature attempting to produce a lawful districting plan is vulnerable to 'competing hazards of liability.'" *Abbott*, 138 S. Ct. at 2315 (quoting *Bush v. Vera*, 517 U.S. 952, 977 (1996)). Accordingly, the Supreme Court has consistently assumed that "compliance with the VRA may justify the consideration of race that would not be otherwise allowed," and therefore that complying with the VRA is a compelling governmental interest. *Id.* at 2315; *see also Bethune-Hill*, 580 U.S. at 193 ("As in previous cases, therefore, the Court assumes, without deciding, that the State's interest in complying with the Voting Rights Act was compelling."). In this regard, courts will find that the government's "consideration of race in making a districting decision is narrowly tailored and thus satisfies strict scrutiny if the [government] has 'good reasons' for believing that its decision is necessary in order to comply with the VRA." *Id.* (quoting *Cooper*, 581 U.S. at 293).

As the Supreme Court has explained, “[t]hat standard does not require the [the City] to show that its action was ‘actually . . . necessary’ to avoid a statutory violation, so that, but for its use of race, the [City] would have lost in court. Rather, the requisite strong basis in evidence exists when the legislature has ‘good reasons to believe’ it must use race in order to satisfy the Voting Rights Act, ‘even if a court does not find that the actions were necessary for statutory compliance.’” *Bethune-Hill*, 580 U.S. at 194 (emphasis in original) (internal citation omitted) (quoting *ALBC*, 575 U.S. at 278); see also *ALBC*, 575 U.S. at 278 (“[A] court’s analysis of the narrow tailoring requirement insists only that the legislature have a ‘strong basis in evidence’ in support of the (race-based) choice that it has made. . . . [L]egislators ‘may have a strong basis in evidence to use racial classifications in order to comply with a statute when they have good reasons to believe such use is required, even if a court does not find that the actions were necessary for statutory compliance.’”).

So, as relevant here, “[i]f [the City] has good reason to think that all the ‘Gingles preconditions’ are met, then so too it has good reason to believe that § 2 requires drawing a majority-minority district. But if not, then not.”²⁴ *Cooper*, 581 U.S. at 302 (internal citation omitted) (citing *Bush*, 517 U.S. at 978).

²⁴ The *Gingles* preconditions are as follows:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district. If it is not, as would be the case in a substantially integrated district, the multi-member form of the district cannot be responsible for minority voters’ inability to elect its candidates. Second, the minority group must be able to show that it is politically cohesive. If the minority group is not politically cohesive, it cannot be said that the selection of a multimember electoral structure thwarts distinctive minority group interests. Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed usually to defeat the minority’s preferred candidate. In establishing this last circumstance, the minority group demonstrates that submergence in a white multimember district impedes its ability to elect its chosen representatives.

Gingles, 478 U.S. at 50–51 (internal citations and footnotes omitted).

According to Plaintiffs, the City's adherence to a minimum BVAP of 50% for District 5 was arbitrary, not necessary to afford Black voters an opportunity to elect preferred candidates of their choice, and not informed by any pre-enactment functional analysis of the voting patterns of Black voters. Rather, Plaintiffs argue that the City's consideration of BVAP (Black Voting Age Population), as opposed to BCVAP (Black *Citizen* Voting Age Population), Black voter registration, or Black voter turnout, underestimates Black voting strength. (ECF No. 26 at 34). Plaintiffs assert that their expert, Moy, concluded that a Section 2 compliant district would afford Black voters the ability to elect candidates of their choice with Black *Citizen* Voting Age Population proportions of at least 48.8%, and District 5's current BCVAP proportion of 58.2% far-exceeds that minimum. Plaintiffs also note that De Grandy opined that BVAPs of less than 50% were Section 2 compliant for District 5.

The City responds that the VRA required a BVAP of more than 50% for District 5 in light of the declining size of City's Black population in both relative and absolute terms. The City disputes that Plaintiffs' expert opines District 5 needed any particular BCVAP proportion to permit Black voters to elect candidates of their choice, and that he instead only analyzes past races to conclude that racially polarized voting exists in the City. According to the City, it was not required to draw the borders of District 5 based on citizenship as opposed to total population. The City ultimately argues that it is not required to prove that it with mathematical precision determined and then drew the borders of District 5 to encompass the minimum population necessary for Black voters to have an opportunity to elect candidates of their choice. Rather, the City notes that the Commissioners were concerned, based on population trends, that a 51% Black majority in District 5 would not be sufficient.

Plaintiffs' Reply correctly points out that the City's Response addresses Plaintiffs' claims as though Plaintiffs brought a VRA challenge. Instead of addressing its burden, the City attacks Plaintiffs' ability to prove that the 50% BVAP floor set by the City was improper. The City simply ignores its burden to demonstrate that its use of race in redistricting was narrowly tailored.

The Court is mindful that “[d]etermining what minority population percentage will satisfy that standard is a difficult task[.]” *Bethune-Hill*, 580 U.S. at 194. The City is not necessarily required to memorialize in writing the functional analysis undertaken in determining the minority population percentage required for compliance with the VRA—but the City's determination of a minority population percentage for VRA compliance must nonetheless be well-supported. *See id.* at 195 (internal citations omitted) (“First, the challengers contest the sufficiency of the evidence showing that Delegate Jones in fact performed a functional analysis, in part because that analysis was not memorialized in writing. But the District Court's factual findings are reviewed only for clear error. The findings regarding how the legislature arrived at the 55% BVAP target are well supported, and ‘we do not . . . require States engaged in redistricting to compile a comprehensive administrative record.’” (omission in original)). Moreover, the City is not required to, “when redistricting, determine *precisely* what percent minority population” compliance with the VRA demands. *Bethune-Hill*, 580 U.S. at 195 (emphasis in original) (quoting *ALBC*, 575 U.S. at 278). Rather, the question is whether the City “had ‘*good reasons*’ to believe” the BVAP floor it selected “was necessary to avoid liability” under the VRA. *Id.* (emphasis in original).

With the foregoing principles in mind, the Court concludes that Plaintiffs are substantially likely to prevail in establishing that the City's design of District 5 does not withstand strict scrutiny. The City argues throughout its Response that the VRA required the City to maintain a BVAP of 50% in District 5. The City's Response does not clearly identify how that figure was determined,

beyond noting that the Commissioners were concerned about lower BVAPs in light of population trends within the City. The City ultimately misapprehends what the VRA required of it; as Plaintiffs note, the City has conflated a numerical 50% BVAP majority with the ability of Black voters to elect preferred candidates.

Nonetheless, the Court has reviewed De Grandy's presentations, initial report, and the transcripts of the redistricting sessions of the Commission. The Court notes that De Grandy in his Initial Report alluded to having conducted an analysis of the *Gingles* preconditions. *See* (ECF No. 50-11) (Init. Rpt. at 6, 15). The City has not offered into evidence in this proceeding any pre-enactment report memorializing that analysis—nor does the City argue in its Response that any such analysis, though not in evidence, would nonetheless support the City's decision. Indeed, as Plaintiffs note, the City has not adduced any evidence in this proceeding memorializing any pre-enactment analysis that was presented or provided to the Commissioners regarding the BVAP *or* BCVAP proportions that would facilitate Section 2 compliance. To the extent presentations and reports discussed BVAP proportions throughout the redistricting process, they provided summary-level, race-focused Voting Age Population breakdowns for the Commission Districts under different proposed plan configurations. *See* (ECF Nos. 24-3 through 24-10); (ECF No. 50-11).

The Court recognizes that De Grandy's April 2, 2022 Memorandum to Mayor Suarez, issued in response to the ACLU of Florida's second letter from March 31, 2022, does also assert that Black registered voter and Black actual voter proportions in District 5 were taken account into De Grandy's and Cody's analysis.²⁵ (ECF No. 50-12) (De Grandy Mem. at 4). However, the City does not direct the Court to any point in the six redistricting Commission sessions at which De

²⁵ De Grandy's Memorandum also argues that the Enacted Plan is a plan for the next decade and accounts for expected population trends, which he claimed that the ACLU of Florida had neglected in its second letter. (ECF No. 50-12 at 5).

Grandy made the Commission aware of that fact. The Court is, again, mindful that the City is not required to compile a comprehensive administrative record. *See Bethune-Hill*, 580 U.S. at 195. But to the extent the Commission relied upon De Grandy's pre-enactment analyses, those analyses have not been offered into evidence on the record in *this case*, and thus there is no evidence on the record before the Court that those analyses were completed, beyond De Grandy's passing references.

So, the Court is left only with the statements of the Commissioners and De Grandy at sessions of the Commission to determine the basis for the City's selection of a 50% BVAP quota in District 5. The Court declines to afford De Grandy's testimony much weight, given his testimony at the March 29, 2023 hearing contradicted his statements made during the redistricting process. For example, De Grandy presented on February 7, 2022 a preliminary plan with a BVAP of less than 50% in District 5 but later testified on March 29, 2023 that he believed the VRA required a BVAP of more than 50% in District 5.

Moreover, based on the Commissioners' statements, and as Plaintiffs note, the Commission was aware that the BVAP of District 5 would be Section 2 compliant even below 50% based on proposed plans that De Grandy presented to or discussed with the Commissioners. *See* (Tr. Feb. 7 at 8:12–19); (Tr. Mar. 24 at 8:5–9). Nonetheless, from the Commissioners' statements, it appears that they selected 50% as a floor in light of generalized expectations regarding population trends, *see, e.g.*, (Tr. Feb. 25 PM at 19:13–20:12); (Tr. Mar. 11 PM at 8:8–21), or possibly in light of what they believed Section 2 compliance required. But as to the former, and despite De Grandy's explanation that he too was designing a plan for the next 10 years, (Tr. Feb. 25 PM at 2:10–14), no analysis grounded in any data was conducted into population trends.²⁶ De Grandy further

²⁶ As noted above, De Grandy testified on cross-examination at the March 29, 2023 hearing that no studies were conducted to assess the potential impact of gentrification in District 5, and that his assessment of the effects were

testified that he did not develop models or attempt to quantify the need to preserve the ability of the Black minority voters to elect the candidate of their choice.

Plaintiffs' expert concluded based on statistical analysis that, where racially polarized voting existed, there were elections conducted in the City where the Black preferred candidate prevailed when Black *registered voters* made up 49% of the registered voting population. (Moy Rpt. at 54). Plaintiffs interpret the range of similar findings in terms of Black Citizen Voting Age Population, arguing that on the more conservatively-estimated end, only a BCVAP of approximately 48% was needed to ensure compliance with the VRA and afford Black voters the ability to elect preferred candidates, but the BCVAP of District 5 is 58% under the Commission's BVAP target of 50%. That is, Plaintiffs have adduced evidence in the form of expert analysis that Section 2 compliance might not necessarily require the City to select a BVAP minimum of 50% for District 5, which was what the Commissioners appeared to believe the law required.

Based on the foregoing, the Court finds that the City lacked strong evidence for drawing District 5, but instead mechanically set a minimum BVAP for the District. There is no evidence in the record before the Court of any pre-enactment analysis that informed the Commission's decision to select 50% as a BVAP floor; nor does the City point the Court to evidence that the Commissioners considered in selecting 50%. *See Cooper*, 581 U.S. at 306 (internal citation omitted) ("We by no means 'insist that a state legislature, when redistricting, determine precisely what percent minority population [§ 2 of the VRA] demands.' But neither will we approve a racial gerrymander whose necessity is supported by no evidence and whose *raison d'être* is a legal

based on his personal experience having grown up in the City, based on his general awareness of construction and land use permitting activity in the City, and based on his understanding of general demographic trends in the City. De Grandy would not reveal the extent to which he shared his personal forecasts with the individual Commissioners in private discussions invoking privilege for withholding any such communications. Accordingly I cannot assume, as it was suggested at the hearing, that a further basis in fact existed for the Commissioners' application of a greater than 50% BVAP.

mistake.”). Strict scrutiny requires more than “uncritical majority-minority district maximization.” See *Wis. Legislature*, 142 S. Ct. at 1249 (finding that the Wisconsin Governor failed to satisfy strict scrutiny in his design of an electoral map because “[h]e provided almost no other evidence or analysis supporting his claim that the VRA required the seven majority-black districts that he drew.”). Accordingly, the Court finds that Plaintiffs are substantially likely to succeed in establishing that the redistricting of District 5 does not withstand strict scrutiny.

b. Districts 1, 2, 3, and 4

As to Districts 1, 3, and 4, the City raises no argument that it had a good reason for drawing those districts to preserve their HVAP super-majorities. Nor does the City advance evidence that it had good reason to believe that the VRA required the City to create three districts each with HVAP super-majorities. In fact, review of the transcripts does not suggest that the City’s consideration of race in drawing Districts 1, 3, and 4 was directed to VRA compliance whatsoever.

The Court recognizes that De Grandy testified on cross-examination that based on an analysis conducted by his co-consultant Steve Cody, the *Gingles* preconditions were met for the Black and Hispanic populations in the City. The Court also observes that at the February 25, 2022 morning session of the Commission, De Grandy stated that Districts 1, 3, and 4 complied with the VRA because they enable the Hispanic majorities in those districts to elect preferred candidates.²⁷ There is no indication that the Commissioners’ consideration of race when drawing those districts was aimed at VRA compliance; notwithstanding that the Commissioners were simply attempting to maximize the HVAP of those districts, the basis for De Grandy’s opinion, that Districts 1, 3, and 4 are VRA compliant, has not been explained on the record before the Court.

²⁷ As noted above, the Court is unable to locate any *Gingles* analysis performed by the City’s redistricting consultants in the record and the City has not pointed the Court to or advanced any argument regarding any pre-enactment analysis for Districts 1, 3, and 4.

The City does not here assert that the consideration of race in the design of Districts 1, 3, and 4 withstands strict scrutiny. At best, the City argues that it was not impermissible for racial considerations to predominate in the drawing of Districts 1, 3, and 4 because it was required to create District 5 with a BVAP of more than 50% and therefore it was “not unconstitutional to deliberately place Hispanics in other Districts in order to diminish their influence [in District 5] and preserve the Black majority.” (ECF No. 36 at 13). This misapprehends the permissible use of race with respect to the design of *each Commission District*. Again, racial gerrymandering claims apply district-by-district, *see ALBC*, 575 U.S. at 262, and so permissible gerrymandering in one district does not necessarily license the exaggerated consideration of race in *other* districts, even where, like here, each Commission District is contiguous with at least three other Commission Districts. The record reveals moreover that the City’s predominant consideration of race and ethnicity to draw Districts 1, 3, and 4 was not limited to the impact on District 5. The City has failed to meet its burden to show that the redistricting of Districts 1, 3, and 4 withstands strict scrutiny.

These same considerations apply to District 2. The City advances no argument or evidence whatsoever to demonstrate that its consideration of race in the design of District 2 withstands strict scrutiny. No argument or evidence is advanced that the VRA required the City to draw the borders of District 2 so that an Anglo could be elected there; De Grandy testified that no determination of the *Gingles* factors for District 2 was even conducted, because it is not a protected class. Based on the City’s failure to offer any response or justification explaining the explicit gerrymandering of District 2, the Court finds that the redistricting of District 2 does not withstand strict scrutiny.

The Court therefore finds that Plaintiffs are substantially likely to succeed in establishing that Districts 1, 2, 3, and 4 are racial gerrymanders in violation of the Equal Protection Clause of

the Fourteenth Amendment. The permission to consider race in drawing District 5 did not warrant the City's exaggerated consideration of race in the other districts.

As the Court noted above, this is not to say that the Commissioners' goal of ensuring diversity of representation on the Commission is not a laudable one. The Court's conclusion should not be understood as a finding that the Commission's and therefore the City's focus on the laudable goal of diversity of representation is what renders the Commission Districts racial gerrymanders in violation of the Fourteenth Amendment. Rather, the Commissioners' own statements expressly show that they viewed means of achieving that goal through mechanical racial quotas. The Commissioners believed that doing so was required by law. But the categorization of residents and voters on the basis of their race, for compliance with the Fourteenth Amendment's Equal Protection Clause and the Voting Rights Act, requires more searching and fulsome analysis than that done here.

C. Irreparable Harm

Next, the Court finds that Plaintiffs have established that they will suffer irreparable harm absent the entry of a preliminary injunction.

Plaintiffs argue that, if elections are held under the Enacted Plan, they will be classified and sorted based on race. Plaintiffs also assert that commissioners elected under the Enacted Plan will be more likely to believe that their primary obligation is to represent only one racial group. Plaintiffs assert that impairments to their fundamental right to vote cannot be undone through monetary remedies.

The Court is mindful that irreparable injury is not here presumed. *See Siegel v. LePore*, 234 F.3d 1163, 1178 (11th Cir. 2000) ("The only areas of constitutional jurisprudence where we have said that an on-going violation may be presumed to cause irreparable injury involve the right

of privacy and certain First Amendment claims establishing an imminent likelihood that pure speech will be chilled or prevented altogether.”). Moreover, “[t]he plaintiff’s ‘success in establishing a likelihood it will prevail on the merits does not obviate the necessity to show irreparable harm.’” *Ne. Fla. Chapter of Ass’n of Gen. Contractors*, 896 F.2d at 1285 (quoting *United States v. Lambert*, 695 F.2d 536, 540 (11th Cir. 1983)). Rather, to establish entitlement to a preliminary injunction, the “standard requires plaintiffs seeking preliminary relief to demonstrate that irreparable injury is *likely* in the absence of an injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008).

Here, Plaintiffs have filed declarations attesting to the injuries Plaintiffs suffer under the Enacted Plan. The attested-to injuries include that the Enacted Plan classifies them on the basis of their race and sends the message to their commissioners that their duty is to represent the majority racial group within the respective Commission Districts.²⁸ There is no dispute that Plaintiffs’ concerns constitute injuries. As previously noted, “[w]hen the [government] assigns voters on the basis of race, 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.’” *Miller*, 515 U.S. at 911–12 (quoting *Shaw*, 509 U.S. at 647). Moreover, the Supreme Court has explained, as noted above, that “[t]he harms that flow from racial sorting

²⁸ See (ECF No. 24-33 at ¶ 9) (Plaintiff GRACE: stating that the Enacted Plan unfairly classifies Plaintiff GRACE’s members on the basis of race); (ECF No. 24-34 at ¶ 6) (Plaintiff Engage Miami: same for Plaintiff Engage Miami’s members); (ECF No. 24-35 at ¶ 6) (Plaintiff South Dade NAACP: same for Plaintiff South Dade NAACP’s members); (ECF No. 24-36 at ¶¶ 6, 8) (Plaintiff Miami-Dade NAACP: same for Plaintiff Miami-Dade NAACP’s members and also expressing concern that commissioners or districts surrounding District 5 “will think their job is primarily *not* to serve and represent Black constituents”); (ECF No. 24-37 at ¶¶ 6–7) (Plaintiff Cooper: stating that the Enacted Plan redistricts her based on her race and expressing concern that the Enacted Plan “sends a message to [her] commissioner that their job is to primarily serve white residents and be the commissioner for white voters”); (ECF No. 24-38 at ¶¶ 6–7) (Plaintiff Johnson: same but stating that the Enacted Plan sends the message that his commissioner is “elected to represent the interests of Hispanic voters only”); (ECF No. 24-39 at ¶ 5) (Plaintiff Miro: expressing concern that Hispanic residents had been packed into District 3 based on race); (ECF No. 24-40 at ¶ 6) (Plaintiff Contreras: same as to District 4); (ECF No. 24-41 at ¶ 6) (Plaintiff Valdes: expressing concern that Hispanic residents had been redistricted based on their race).

‘include being personally subjected to a racial classification as well as being represented by a legislator who believes his primary obligation is to represent only the members of a particular racial group.’” *Bethune-Hill*, 580 U.S. at 187 (quoting *ALBC*, 575 U.S. at 263).

Having found that Plaintiffs are substantially likely to succeed in establishing that the City’s use of race in the design of the challenged districts violates the Fourteenth Amendment and therefore that those districts are racial gerrymanders, and with the November 2023 general elections forthcoming, Plaintiffs’ injuries will likely become fully realized this fall. Monetary remedies cannot undo the impairments to Plaintiffs’ (or their members’) right to vote. *See Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010) (quoting *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987)) (observing in the context of a First Amendment case that “[a]n injury is irreparable ‘if it cannot be undone through monetary remedies.’”); *Ga. State Conf. of the NAACP v. Fayette Cnty. Bd. of Comm’rs*, 118 F. Supp. 3d 1338, 1348 (N.D. Ga. 2015) (quoting *Dillard v. Crenshaw Cnty.*, 640 F. Supp. 1347, 1363 (M.D. Ala. 1986)) (“Given the fundamental nature of the right to vote, monetary remedies would obviously be inadequate in this case; it is simply not possible to pay someone for having been denied a right of this importance.”).

Indeed, in recent cases district courts in the Eleventh Circuit have found that plaintiffs in voting rights cases have established irreparable harm on motions for preliminary injunctions, noting that the injury to a plaintiff of voting under an unconstitutional electoral map, or an electoral map that violates Section 2 of the VRA, “cannot be undone through any form of monetary or post-election relief[.]” *See, e.g., Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, 587 F. Supp. 3d 1222, 1320–21 (N.D. Ga. 2022) (citing *League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224 (4th Cir. 2014), for the proposition that “once the election occurs, there can be no do-over and no redress,” but ultimately denying the motion for a preliminary injunction

upon application of the *Purcell* principle upon balancing the equities); *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *49 (citing *League of Women Voters of N.C.*, 769 F.3d at 247) (“Plainly these are egregious harms that cannot be redressed once an election has occurred.”).

And, recently, the Eleventh Circuit denied a motion to stay a district court’s preliminary injunction entered against the City of Jacksonville, Florida in a Fourteenth Amendment racial gerrymandering case similar to the instant case, observing as follows:

Briefly, we also note Appellees have shown that the issuance of this stay would likely injure them and the people of the Challenged Districts. Numerous cases have described the immense harm caused by racial gerrymandering. *See, e.g., Bethune-Hill*, 137 S. Ct. at 797; *Miller*, 515 U.S. at 911–12; *Shaw v. Reno*, 509 U.S. 630, 643 (1993). Given that such gerrymandering would constitute irreparable harm to the Appellees, and the public has no interest in enforcing unconstitutional redistricting plans, we decline to require the residents of Jacksonville to live for the next four years in districts defined by a map that is substantially likely to be unconstitutional.

Jacksonville II, 2022 WL 16754389, at *5.

The City does not advance specific argument to refute that Plaintiffs fail to establish they stand to suffer irreparable harm. To the extent the City does so argue, it asserts that the issue of irreparable harm is tied to the issue of standing—that Plaintiffs fail to allege that any of the Plaintiffs reside in the particular parcels that were moved between districts upon the adoption of the 2022 Enacted Plan. (ECF No. 36 at 21). The Court has rejected that argument above in finding that Plaintiffs have standing to sue. As the Court noted above, a plaintiff in a racial gerrymandering case is not required to reside in the particular or specific parcels or geographic areas that were moved between districts as part of the Enacted Plan. *See ALBC*, 575 U.S. at 262. Rather, the Supreme Court has emphasized that the harms underlying a racial gerrymandering claim are personal and “directly threaten a voter who lives in the *district* attacked.” *Id.* at 263 (emphasis in original).

Accordingly, the Court finds that Plaintiffs have established that they stand to suffer irreparable harm absent the entry of a preliminary injunction.

D. Balance of Harms

Last, the Court turns to the balance of the equities. “The last two requirements for a preliminary injunction involve a balancing of the equities between the parties and the public.” *Florida v. Dep’t of Health & Hum. Servs.*, 19 F.4th 1271, 1293 (11th Cir. 2021). “Where the government is the party opposing the preliminary injunction, its interest and harm—the third and fourth elements—merge with the public interest.” *Id.* (citing *Swain v. Junior*, 958 F.3d 1081, 1091 (11th Cir. 2020)). Accordingly, the Court addresses the third and fourth prongs for a preliminary injunction together.

Plaintiffs assert that the irreparable harm to them outweighs any burden on the City, and that the entry of a preliminary injunction is in the public interest. According to Plaintiffs, the Miami-Dade County Supervisor of Elections requires the borders of the Commission Districts be set by August 1, 2023 to administer the November 2023 elections on behalf of the City. Plaintiffs claim the balance here “is not a close call.” (ECF No. 26 at 36).

The City raises two arguments in response. First, the City asserts that the entry of a preliminary injunction would disserve the public interest because a nonracial redistricting would lower the BCVAP in District 5 without increasing Black voters’ influence elsewhere. To that end, the City argues that there is no benefit to Black voters if the City is preliminarily enjoined. Second, the City argues that Plaintiffs unduly delayed seeking a preliminary injunction because they are both a year too late and 25 years too late. (ECF No. 36 at 22). According to the City, Plaintiffs are a year too late because they did not seek a preliminary injunction until over 11 months after the adoption of the Enacted Plan. The City proffers that a special election for District 2 has already

occurred, in February 2023. The City argues that there is insufficient time to enact a remedial map prior to August 1, 2023, and argues that Plaintiffs have not been diligent. The City asserts that Plaintiffs are 25 years too late because they complain of redistricting choices made in the late 1990s.

In their Reply, Plaintiffs aver that they diligently brought this case. Plaintiffs distinguish the City's caselaw and argue that they had to compile voluminous record evidence and wait for public records requests to be fulfilled. Plaintiffs also argue that their harms are not realized until an election takes place. Plaintiffs also aver that the City has sufficient time to adopt a remedial map by August 1, 2023, citing voting rights cases where 14 to 27 days were provided to submit an interim remedial map. Last, Plaintiffs assert that the *Purcell* principle does not warrant a heightened standard for preliminary relief in this case because Plaintiffs' Motion is not before the Court on the eve of an election, and because election administrators have provided assurances that they can comply with an injunction without throwing an election into chaos.

The Court first addresses Plaintiffs' diligence before discussing the harms and public interest.

1. Plaintiffs' Delay Versus Diligence

The Court first addresses whether Plaintiffs have been diligent or whether they have unduly delayed seeking preliminary relief. The Supreme Court has explained that "a party requesting a preliminary injunction must generally show reasonable diligence. That is as true in election law cases as elsewhere." *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018) (citing *Holmberg v. Armbricht*, 327 U.S. 392, 396 (1946)) (affirming denial of preliminary injunction where the plaintiffs did not seek preliminary injunctive relief "until six years, and three general elections,

after the 2011 map was adopted, and over three years after the plaintiffs' first complaint was filed").

At the outset, the Court rejects the City's argument that Plaintiffs are 25 years too late in seeking a preliminary injunction. The harms in this case are new harms resulting from the 2022 Enacted Plan, which is a different electoral map from that enacted in 1997 (although, with the same cores). See *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *51 ("To the extent the City contends that injunctive relief is not warranted because the alleged harms have been in existence since at least 2011 if not before, the Court is not persuaded. Plaintiffs in this case complain about a new harm—the maps enacted in 2022, and the harms posed by those maps, as described above, are irreparable and ongoing."). Indeed, as Plaintiffs note, two of the organizational plaintiffs GRACE and Engage Miami were founded in 2019 and 2015, respectively. (ECF No. 24-33 at ¶ 2); (ECF No. 24-34 at ¶ 2). One of the individual plaintiffs, Johnson, moved to Miami in 2021. (ECF No. 24-38 at ¶ 4). And there is no reason not to accept Plaintiffs' proffer in their Reply that one of the individual Plaintiffs, Contreras, was born after the City switched to single-member commissioner districts. (ECF No. 39 at 15). Thus, the Court rejects that Plaintiffs were 25 years too late in seeking preliminary relief.

However, the City's argument that Plaintiffs have delayed in seeking a preliminary injunction by approximately one year is well placed. As noted above, the Enacted Plan was adopted in March 2022; this suit was initiated 9 months later in December 2022. Moreover, Plaintiffs did not move for a preliminary injunction until February 10, 2023, just under 11 months after the Enacted Plan was adopted. A special election has already occurred in that intervening time—Commissioner Russell resigned as the commissioner of District 2 effective December 29,

2022 and a special election to fill that vacancy occurred on February 27, 2023. *See* (ECF Nos. 24-24 through 24-27).

Plaintiffs explain in their Reply that the delay was driven by prudence, the difficulties of coordinating among multiple organizational plaintiffs, and the collection of a voluminous record that, in part, necessitated public records requests of the City. Plaintiffs note for example that as of the time of their Reply in March 2023, they had still not received through a December 2022 public records request a copy of De Grandy and Cody's Initial Report—that Initial Report was made part of the record in this case when the City offered it into evidence at the March 29, 2023 hearing. But it is not clear why Plaintiffs waited from March 2022 until December 2022 to submit a public records request for a report that was created prior to a Commission session that occurred in November 2021. Moreover, six of the eight transcripts in this case bear transcription certifications reflecting August 2022 certification dates.²⁹ A large number of Plaintiffs' exhibits consist of news articles relating to redistricting cycles from decades past. Two of Plaintiffs' exhibits were authored by Plaintiffs' counsel. Nonetheless, the record is large, and Plaintiffs' evidentiary burden is high. While Defendant contends that Plaintiffs' delay is unexplained, there is no argument advanced that Plaintiffs' delay was "intentional, strategic, or even negligent." *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *52.

The delay is exacerbated by the occurrence of the special election to fill the vacancy in District 2. However, the Court notes that the vacancy that culminated in that election occurred after Plaintiffs' Complaint was filed and the special election occurred after the instant Motion was filed. Commissioner Russell's letter of resignation, providing the date and time certain for his resignation, was submitted to the City's Clerk after the filing of the Complaint in the instant

²⁹ One of the transcripts bears an October 2022 date, and one of the transcripts bears no certification but was nonetheless admitted into evidence without objection.

action.³⁰ Moreover, as Plaintiffs note, the City's Charter provided for the vacancy appointment of Commissioner Russell's successor by a majority of the remaining Commissioners, with a special election to be called only if the remaining Commissioners failed to or refused to fill that vacancy. See Miami City Charter § 12. Thus, while a possibility, it was not a foregone conclusion that a special election to fill the vacancy would be called. And in any event, unlike *Benisek* where three general elections had occurred, the February 2023 election was a special election and no general election involving a majority of the challenged districts has yet happened in this case. Cf. *Benisek*, 138 S. Ct. at 1944.

The Court is mindful that the Eleventh Circuit has explained, generally, that “[a] delay in seeking a preliminary injunction of even only a few months—though not necessarily fatal—militates against a finding of irreparable harm.” *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1248 (11th Cir. 2016) (affirming denial of preliminary injunction in trademark infringement case where the plaintiff “failed to offer any explanation for its five-month delay” between filing the complaint and seeking preliminary relief). And courts in racial gerrymandering cases similar to this one have noted that “every single day matters” where plaintiffs seek to compel a city to entirely redraw the district maps prior to an election. *Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *52 (finding “not egregious” a delay of 6 weeks between adoption of map and filing of the suit and 2-and-a-half-month delay between filing the suit and seeking preliminary relief). While this factor weighs against the issuance of an injunction, it must be balanced with the other harms.

³⁰ Commissioner Russell's first letter of resignation, dated June 3, 2022, provided an effective date of resignation conditioned upon the earlier of the date he would take office if elected to other office or the date his successor was required to take office as Commissioner of District 2. See (ECF No. 24-26). A concrete effective date of resignation was not known until Commissioner Russell's second letter of resignation, dated December 29, 2022, which provided an effective date of that same day, December 29, 2022, at 5:00 P.M. (ECF No. 24-27).

Plaintiffs’ harms in this case are irreparable even despite their relative lack of diligence, as noted above; those harms will not become realized fully realized until the November 2023 election. While the delay in this case is more “egregious” than in *Jacksonville I*, it is by no means as egregious as the delay in *Benisek*. Here, the Enacted Plan was adopted at the end of March 2022. This case was brought approximately 9 months later in December 2022. Plaintiffs sought their preliminary injunction 2 months after the Complaint was filed, and approximately 10-and-a-half-months after the Enacted Plan was adopted. From the vantage of when the Enacted Plan was adopted, the election for which Plaintiffs now seek to enjoin the use of the Enacted Plan was November 2023, approximately 20 months after the Enacted Plan was adopted. Thus, the request for preliminary relief in this case was filed near the midpoint between the adoption of the Enacted Plan and the November 2023 general election: close enough to the election that Plaintiffs’ irreparable harm would be imminent, but possibly not too close in time to November 2023 to implicate the *Purcell* principle.³¹

2. Harm

Accordingly, the Court turns to an assessment of the harms the City and the public would stand to suffer should the District Court preliminarily enjoin the City from calling any elections

³¹ *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam) teaches that “federal district courts ordinarily should not enjoin state election laws in the period close to an election.” *League of Women Voters of Fla.*, 32 F.4th at 1371 (quoting *Merrill v. Milligan*, 142 S. Ct. 879, 879 (2022) (Kavanaugh, J., concurring)). This is because “[c]ourt orders affecting elections . . . can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” *Purcell*, 549 U.S. at 4–5. When *Purcell* applies, it “only (but significantly) ‘heightens’ the standard that a plaintiff must meet to obtain injunctive relief that will upset a state’s interest in running its elections without judicial interference.” *League of Women Voters of Fla.*, 32 F.4th at 1372 (citing *Milligan*, 142 S. Ct. at 881 (Kavanaugh, J., concurring)). To that end, the Eleventh Circuit has explained that “courts issuing injunctions close to elections are ‘required to weigh, in addition to the harms attendant upon issuance or nonissuance of an injunction, considerations specific to election cases and its own institutional procedures.’” *Jacksonville II*, 2022 WL 16754389, at *2 (quoting *Purcell*, 549 U.S. at 4). While the Supreme Court has not defined what constitutes the eve of an election under the *Purcell* principle, a case fits within those bounds when an election is set to begin in less than four months. See *id.* at 1371. But see *Jacksonville II*, 2022 WL 16754389, at *2 (denying motion to stay preliminary injunction where the district court “issued its injunction three months prior to the candidate qualifying period and five months prior to the elections for a single county” and noting that “[a]pplying *Purcell* to this case would extend the ‘eve of an election’ farther than [the court] ha[d] before”).

Case No. 23-12472

United States Court of Appeals
for the Eleventh Circuit

CITY OF MIAMI,
Defendant/Appellant,

v.

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAAC ;
MIAMI!DADE BRACH OF THE NAAC ;
C" ARICE COO ER; YANE "IS #A"DES;
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CONTRERAS,

la&nt&ff'/Appellee'.

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VOLUME FOUR

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Attorneys for Defendant/Appellant

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under the 2022 Enacted Plan. The City identifies two harms. As noted above, the City first argues that the entry of a preliminary injunction would disserve the public because a nonracial redistricting would lower the BCVAP in District 5 without increasing Black voters' influence elsewhere, and thus there would be no benefit to Black voters if the City is preliminarily enjoined. Second, in arguing that Plaintiffs have unduly delayed seeking preliminary relief, the City implies that there is insufficient time to adopt an interim remedial map, asserting that “[e]ven if there is a ruling on the Motion, new districts would have to be drawn, face inevitable challenges by Plaintiffs, and be ruled on by this Court, and this does not even factor in any appellate remedies.” (ECF No. 36 at 22).

The first harm the City identifies—that a “nonracial redistricting” would disserve Black voters—is not responsive to the balance of the equities prong for a preliminary injunction and is instead responsive to the first prong: whether Plaintiffs are substantially likely to succeed on the merits of their racial gerrymandering claim under the Fourteenth Amendment. In arguing that there is no support for Plaintiffs' position, that a lower BVAP in District 5 would still afford Black voters an opportunity to elect preferred candidates, the City in effect argues that the predominance of race in the design of District 5 was narrowly tailored; that is, that the BVAP the Commission selected for District 5 “was necessary to avoid liability” under the VRA. *Bethune-Hill*, 580 U.S. at 195.

In any event, a “nonracial redistricting” is not the result should the District Court enjoin the City. Rather, the City would have to create an interim remedial map in compliance with the Voting Rights Act and the Fourteenth Amendment's Equal Protection Clause, which pull in opposite directions. *See Abbott*, 138 S. Ct. at 2314 (“At the same time that the Equal Protection Clause restricts the consideration of race in the districting process, compliance with the Voting

Rights Act of 1965, 79 Stat. 437, as amended, 52 U.S.C. § 10301 *et seq.* (VRA), pulls in the opposite direction: It often insists that districts be created precisely because of race.”); *see also Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (“When a federal court declares an existing apportionment scheme unconstitutional, it is therefore, appropriate, whenever practicable, to afford a reasonable opportunity for the legislature to meet constitutional requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan.”). Thus, the City should be required to redistrict applying these principles, which does not necessarily lead to the conclusion that the Black voters’ influence would be diminished in a revised plan.

The second harm—that there is insufficient time to adopt a remedial map—is implied and not directly argued or substantiated by the City. The harm, which is implied in passing, relates to the *Purcell* principle, which the City does not here raise or invoke. The next election is six months away; the City has not identified and this Court is not aware of any case where the Eleventh Circuit or the Supreme Court has applied *Purcell* under similar circumstances. *See also Jacksonville I*, --- F. Supp. 3d ---, 2022 WL 7089087, at *3.

The District Court’s review of the Motion, Response, Reply, this Report and Recommendations, and any objections thereto, necessarily will occur closer in time to the upcoming November 2023 election than the issuance of this Report and Recommendation. Given the passage of time between the entry of this Report and Recommendations and a final ruling on the Expedited Motion for Preliminary Injunction, the consideration of the *Purcell* principle may be required the time at which a final ruling on the Expedited Motion is entered, if necessary.

In sum, the Court finds that the balance of the equities weighs in favor of the entry of a preliminary injunction. While Plaintiffs’ lack of diligence weighs against the issuance of an

injunction, in this case, the balance of harms militates in favor of its issuance. Having found the Enacted Plan constitutionally infirm, and mindful of the undertaking that remains ahead to remediate the Enacted Plan, this Court nonetheless recommends that the City be enjoined from conducting an election implementing that Plan. *See Reynolds v. Sims*, 377 U.S. 533, 585 (1964) (“[I]t would be the unusual case in which a court would be justified in not taking appropriate action to insure that no further elections are conducted under the invalid plan.”).

V. RECOMMENDATIONS

Based on the foregoing, having found upon assessment of the requirements for a preliminary injunction and weighed the equities, the undersigned respectfully **RECOMMENDS** that:

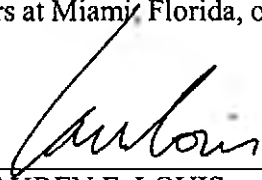
- (1) Plaintiffs’ Expedited Motion for Preliminary Injunction (ECF No. 26) be **GRANTED**;
- (2) The City of Miami, and its officers, agents, employees, and attorneys, be **PRELIMINARILY ENJOINED** from calling, conducting, supervising, or certifying any elections using the City Commission districts enacted in City of Miami Resolution 22-131 until the entry of final judgment in this case; and,
- (3) The District Court establish a schedule for the preparation of a remedial plan with new district lines; that plan must not use race as a predominant factor in the design of any district unless that use of race is narrowly tailored to comply with a constitutionally permissible compelling government interest.

A party shall serve and file written objections, if any, to this Report and Recommendation with the Honorable K. Michael Moore, United States District Judge for the Southern District of Florida, on or before **May 13, 2023**.³² Any response to a Party’s objections are due on or before

³² The objections period is shortened upon the consent of the Parties.

May 20, 2023. Failure to timely file objections will bar a *de novo* determination by the District Judge of anything in this recommendation and shall constitute a waiver of a party’s “right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions.” 11th Cir. R. 3-1 (2016); 28 U.S.C. § 636(b)(1)(C); *see also Harrigan v. Metro-Dade Police Dep’t Station #4*, 977 F.3d 1185, 1191–92 (11th Cir. 2020).

RESPECTFULLY SUBMITTED in Chambers at Miami, Florida, on this 3rd day of May, 2023.



LAUREN F. LOUIS
UNITED STATES MAGISTRATE JUDGE

cc: Honorable K. Michael Moore
Counsel of record

DE 55

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

DEFENDANT'S OBJECTIONS TO REPORT AND RECOMMENDATION DE 52

Defendant, City of Miami (the “City”), objects to the Report and Recommendation (“R&R” DE 52) on Plaintiffs, Grace, Inc. (“Grace”), Engage Miami, Inc. (“Engage Miami”), South Dade Branch Of The NAACP, Miami-Dade Branch Of The NAACP, Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras and Steven Miro¹ (collectively, “Plaintiffs”) Expedited Motion for Preliminary Injunction (the “Motion” DE 26), and requests the Court’s de novo review. 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b)(2)-(3); S.D. Fla. Mag. R. 4(b).

II. Memorandum of Law

A. Standard of Review

A party challenging a report and recommendation must “file . . . written objections which shall specifically identify the portions of the proposed findings and recommendation to which objection is made and the specific basis for objection.” *Macort v. Prem, Inc.*, 208 F. App’x 781, 783 (11th Cir. 2006) (cleaned up); *see also* Fed. R. Civ. P. 72(b)(2). A district court judge may accept, reject, or modify, in whole or in part, the recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge “shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Jeffrey S. v. State Bd. of Educ. of Ga.*, 896 F.2d 507, 512 (11th Cir. 1990)(citation omitted); *see also* 28 U.S.C. § 636(b)(1)(C). The district judge must “give fresh consideration to those issues to which specific objection has been made by a party.” *Id.* The parts of the report and recommendation to which no objection is made are reviewed for plain error. *United States v. Slay*, 714 F.2d 1093, 1095 (11th Cir. 1983).

B. Objections

The R&R recommends that the City of Miami’s entire electoral map be thrown out and redrawn because the Commissioners discussed race during the redistricting process. The R&R

¹ The first three are the “Organizational Plaintiffs.” The others are the “Individual Plaintiffs.”

feels constrained to find this way, even though the redistricting did not increase the concentration of Black or Hispanic residents in any district, and instead reduced it throughout the entire redistricting plan, and even though there is no claim that the Black or Hispanic vote were diluted in any district. This case is therefore unique. It throws out the entire map for racial gerrymandering because the conversation was racial, even though there was in effect no racial gerrymandering.

The R&R repeatedly focuses on statements that the districts were drawn to create a Black District (District 5), three Hispanic Districts (Districts 1, 3, and 4) and the so-called “Anglo access” district (District 2).² “The Court need not look much beyond what a majority of the Commissioners expressly stated on the record at public meetings” DE 52 p.64. But while a majority of Commissioners expressed various opinions and ideas throughout the process, only some of those ideas were put to a motion and voted upon, reflecting the will of the City. The R&R cites Mr. de Grandy’s testimony in the inaugural redistricting meeting that he would do what a majority of the commissioners directed, DE 52 p.64, but ignores that Mr. de Grandy expressed the City should provide that direction through majority-approved motions. DE 24-11 p.17:9-15. The City provided such express directions which were adopted by motion without objection. The City gave directions to maintain the core of existing districts. DE 24-11 p.17:18-19:2. The City gave directions to draw districts with politically cohesive minorities. DE 24-11 p.19:20-21:15. The City gave directions to

² “Anglo” is undefined. It is not a census term. The R&R uses it interchangeably with “white” but the Commission included Asians. DE 24-12 p.23:17-23; DE 24-18 p.56:16-18. Even in the 2013 benchmark map, there was no White district. District 2 maintained a HVAP of 51.9% and a WVAP of 34.5% at the close of the 2020 census. DE 24-31 p 4. There is no “Anglo district” because even District 2 is more Hispanic than White (DE 52 p.40), and just elected a Hispanic commissioner.

draw districts with substantial equality of population, not mathematical equality. DE 24-11 p.21:21-22:4. These directions were memorialized in adopted Resolution R-21-0485. DE 50-1.

The Commission's instructions to Mr. de Grandy in that official act were to:

- a. Comply with the United States Constitution and the Voting Rights Act;
- b. Maintain the core of existing districts to avoid voter confusion;
- c. Factor in voter cohesion;
- d. Achieve substantial equality of population as opposed to mathematical equality; and
- e. Maintain communities of interest and neighborhoods where feasible.

DE 50-1. At the hearing, Mr. de Grandy testified that these were the directions he followed in drawing the districts.

Critically, the R&R finds, without citation, that Plaintiffs' expert attests there were alternative rejected maps that "would have had less of a discriminatory impact." DE 52 p.77. This is simply incorrect. Dr. Abott made no such assertion, and Plaintiffs did not even argue it. Rather, Dr. Abott lays out the demographics of these alternative plans, demonstrating they are essentially the same, if not more concentrated in the alternatives.³ "All maps tended to shore up existing racial

³ Compare the Enacted Plan to the three alternative plans on page 24 of the R&R. DE 24-31 pp.23-24. They all break up so-called traditional neighborhoods. In each alternative plan the Black Voting Age Population ("BVAP") in District 5 would be the same, and the Black Citizen Voting Age Population ("BCVAP") would be higher than the Enacted Plan. The White Voting Age Population ("WVAP") of District 2, the so-called Anglo district, is either the same or a mere couple tenths of a percent lower in these plans, and the WCVAP is actually higher in the alternative plans. The Hispanic voting age populations (HVAP) in Districts 1, 2 and 4 are essentially the same. The alternative plans lower the HVAP in District 3 slightly and raise it in District 4 slightly. But all three remain supermajorities, and there is no claim these minor variances would be significant.

compositions within individual Commission districts....” DE 24-31 p.16. There is no alternative plan where Miami does not maintain districts with supermajorities of Hispanic residents for one simple reason: the City has a supermajority of Hispanic residents. The R&R recommends an amorphous injunction: a “remedial plan with new district lines; that plan must not use race as a predominant factor in the design of any district unless that use of race is narrowly tailored to comply with a constitutionally permissible compelling government interest.” As described below, any such plan would closely resemble the existing plan. Because Plaintiffs fail to state a cognizable claim, the Court should deny the Motion for Preliminary Injunction.

The City posed the question at the hearing and in its papers: what do Plaintiffs want specifically? Plaintiffs gave no substantive answer other than to say they do not have to give an alternative map. DE 39 p.10. They assert that they just want the map to be drawn in a way that is not race based. *Id.* As the City has asked, if it redraws the same map without considering race, would it then pass muster? Or, could the City simply adopt one of the alternative plans alluded to in the R&R, even though the racial and ethnic compositions are essentially identical? This is an important question, given the R&R’s analysis, because either (a) the map will pass muster if it is adopted without looking at race, even if it is the same map, or (b) no map can pass muster.

It is undisputed the City had good reason to conclude that the Voting Rights Act (the “VRA”) required the preservation of a district where Black residents could elect a candidate of their choice.⁴ “[T]here is no dispute that the predominance of race in the design of District 5 was

⁴ To be clear, the VRA protects the rights of racial and language minorities to participate in the political process, it does not protect district boundaries or demographic make-up. *See* 52 U.S.C. § 10301. Though Hispanics make up a supermajority of the City’s population, they are still protected

in furtherance of a compelling governmental interest.” DE 52 p.79. While the R&R finds race predominated in drawing the City’s Districts, it focuses primarily on areas surrounding District 5 where it indisputably serves a compelling governmental interest. When discussing racial predominance in the other districts, the R&R makes no distinction between districting choices made regarding areas abutting District 5 and other areas unrelated to District 5. Instead, the R&R blurs the distinction between the two.

For example, the R&R quotes Commissioner Reyes’s statements in the penultimate meeting for the assertion that the overarching goal “was to preserve the racial composition of the Commission with three Hispanic commissioners, one Black commissioner, and one white Commissioner.” DE 52 p.35. Yet Commissioner Reyes only referenced District 5, the lone Black district required by the VRA: “[M]y main concern is to save that seat that now is occupied by Ms. King. And I will vote for any plan that will save that seat. Is that clear? So let’s get race out of this.” DE 24-16, 44:8-10. While the Commissioners frequently referenced a Black district and three Hispanic districts—references inescapably descriptive of Districts 1, 3, 4, and 5 because of the majority minority populations in those districts—the references to the remaining district as a “White” district were more a function of poorly-worded descriptors and not improper intent. There would inevitably be at least three Hispanic majority minority districts in any redistricting plan, but no district would ever have a white majority. DE 24-21 p.2. Commissioner Diaz de la Portilla aptly if inadvertently articulated this distinction in the afternoon session on March 11, 2021: “Our goal

under the VRA. In a redistricting plan in which at least four of the five districts are inescapably majority minority districts, the discussion of race should not be surprising. There is no White majority district, and it would be impossible to make one. DE 24-21 p.2 (Abott report).

here is to have an African American district, for the lack of a better term, a white district, which is the coastal district, and three Hispanic districts.” District 2 is a *coastal district by design*, not a White district. *See* DE 24-14, 8:19-20. If it was intended to be a gerrymandered White district, an impossible task, it is an incompetent gerrymander: Hispanics make up the largest plurality in District 2. DE 52 p.40; DE 24-31 p.6. It is plain the Commission’s focus was preserving District 5, because the other districts would invariably result in at least three, and possibly four, majority Hispanic districts.

In another example, the R&R quotes from Plaintiffs’ expert, Dr. Abott, who primarily discussed moves into or out of District 5 as racially motivated. DE 52 pp.44-45.⁵ The areas are highlighted on the map from Dr. Abott’s report (page 41 of the R&R).



⁵ As discussed below, the redistricted areas not abutting District 5 were not racial motivated.

In its findings, the R&R addresses the shape and demographics of the districts. Addressing District 2, the R&R exclusively discusses areas 10/11 and the condo canyon between areas 10/11 and 12, all of which are between Districts 2 and 5. DE 52 p.73. District 2 had to shed population after the 2020 Census (DE 52 p.44), and allowing race to predominate redistricting decisions where it abuts District 5 is permissible. The R&R asserts that the WVAP increased in District 2 because of the change, rising from 34.5% to 37.4%. (DE 52 p.73) This is still a minority White district with a higher percentage of Hispanics. DE 52 p.40.

Likewise, when discussing District 1, the R&R exclusively discussed Areas 6, 7 and 8, between District 1 and District 5. DE 52 p.74. In discussing District 3, the R&R first addresses an area that does not adjoin District 5, the so-called irregular appendage at Area 13. This area was moved from District 2 to District 3, but the R&R concedes that Dr. Abott concluded that it was not moved for racial reasons. DE 52 p.45. The R&R even addresses Area 14/15, from District 3 to 4. As Dr. Abott noted: “Area 14/15 did not strongly differ from the areas immediately surrounding it, either in District 3 or District 4.” DE 24-31 p.12. This move did not change the racial demographics of either district. As noted previously, the minority racial concentrations of every district decreased because of the redistricting, but this reflected the City’s population growth. Compare DE 24-31 p.4 with p.6. More importantly, the City is being dunned for redistricting moves even if they raise or lower concentrations of minority voters, or even keep them the same.

In their Amended Complaint and in their Motion, Plaintiffs never claimed that any group had their vote diluted anywhere. They alleged that there was packing of groups, but only in the “colloquial” sense, not the legal sense. DE 39 p.3. In their reply brief, Plaintiffs abandoned defending the claim that any particular area being moved as part of the redistricting was impermissibly racially motivated. Instead their case changed and instead focused solely on the

argument that the redistricting “preserved” the core of areas *originally* drawn based on race. *Id.* at pp.3-6. In other words, this case ceased being about what the City did as part of the redistricting, and instead focused on what it did not do. Despite this, the R&R still goes through each redistricting area changed. Those changes to preserve District 5 were permissible, and the others were not racial, but were intended to equalize population.

Like Plaintiffs, the R&R then turns to the claim that the original districts were drawn based on race and that decision was preserved by the current map. DE 52 p.4,77-78. In so doing, the R&R primarily but impermissibly relies on post-enactment statements of prior intent of Commissioner Carollo—who was mayor, not a commissioner at the time. But such post-enactment statements are not proper indicia of legislative intent. *Blanchette v. Connecticut Gen. Ins. Corps.*, 419 U.S. 102, 132 (1974) (“[P]ost-passage remarks of legislators, however explicit, cannot serve to change the legislative intent of Congress expressed before the Act’s passage); and *Greater Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1324 (11th Cir. 2021) (observing “determining the intent of the legislature is a problematic and near-impossible challenge” and rejecting the assertion that discriminatory intent could be found in the statements of one legislator, even where the legislator may be the sponsor).

Additionally, the R&R’s reliance on various commissioners’ statement about their personal understanding of the history of the districts is misplaced. DE 52 p.65-66. For example, the R&R highlights Commissioner Carollo’s statement “[t]hen the outcome of that would be that guys like—that look like us, with last names like us, in the near future might not be elected necessarily from the districts that we represent,” and implies this was done to preserve “the racial balance of the commission.” DE 52 p.69. This statement is taken out of context. The Commissioner was talking about “them” being voted out of “their district” but that could not change the balance of the

Commission in a City that is 70% Hispanic. As shown in this Objection, there is no way to subdivide the City without creating at least three Hispanic Districts.

The R&R puts the City in a mathematically impossible position. The City is 70% Hispanic. As demonstrated by the R&R, the Western parts of the City, which are the most compact, have the highest concentrations of Hispanic voters. It is impossible to create three districts that will not have a supermajority of Hispanic residents. Even if one were to intensively racially gerrymander the districts to overcome the existing residential segregations and evenly spread the Hispanic population out to make the supermajority as small as possible, one would still have five 70% Hispanic districts. This would be impermissible by definition because it would use race as the predominant factor without a compelling government interest, something the Equal Protection Clause forbids. DE 52 p.100. And according to Plaintiffs, this would violate the VRA because the City had to create a district where Black residents can elect a candidate of their choice. If one were to draw District 5 with a 48% BVAP—the number proffered by Plaintiffs—the district would be at most 52% HVAP, and the other four districts necessarily would be greater than 70% HVAP.⁶

District 2 had to shed population. To move population from District 2 to Districts 3 or 4, that population would have to mostly come from Coconut Grove. Plaintiff's pleadings and motion are replete with allegations railing against any division of Coconut Grove, but there is no evidence the City's map drawer made this specific move for predominantly racial reasons. District 2 had one area in the South that adjoined District 4, which was not in Coconut Grove, because it was on

⁶ Ironically, the VRA Black district would potentially be a majority Hispanic district. For reasons discussed below, this would be problematic and could result in a district that would not perform for Black residents, as the Plaintiffs concede the existence of racially polarized voting.

the Northwest side of US-1 (the Golden Pines area, or Area 16). Areas 16 had an 81.8% HVAP (7,291/8,912). DE 24-6, p.9. Compare this to District 2 before redistricting, which had a 51.9% HVAP, or District 4 which had a 91.6% HVAP . DE 24-31 p.4. The Golden Pines area was the most Hispanic area of District 2, but still less than District 4. It lowered both District 4 and District 2's HVAP as a percentage, but necessarily raised the WVAP in District 2. The R&R argues the WVAP increased slightly in District 2 to find race predominated in the making of District 2. DE 52 p.73. This finding ignores the realities of both the map and the math. Had Area 16 stayed in District 2, it would have been necessary to intensely gerrymander the southern part of the City, ignore the significant boundary of US-1, further break up traditional neighborhoods like Coconut Grove and all for racial reasons.⁷ It is a Catch-22. And it cannot be overstated that District 2 was the only district that needed to shed population. Overall, the racial changes to any of the districts were insignificant. DE 52 p.40. Whether a move changes the racial makeup of a district to concentrate it or dilute it, it should not be presumed to have been made for predominantly racial reasons. *See Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018) (recognizing the presumption of good faith that attaches to legislative redistricting plans).

The R&R also incorrectly finds that the division of traditional neighborhoods supports the finding that race predominated in the designs of Districts 1, 2, 3, and 4. DE 52 p.75-76. This finding underscores the impossible situation created by the R&R. The division of neighborhoods for racial

⁷ When the NAACP entities addressed the Commission, they requested that the City not break up the historic West Grove into two different districts and not dilute the Black vote in District 5. DE 24-14 p.14. The City honored that request and then got sued for not breaking up Coconut Grove more and for not diluting the Black vote in District 5.

reasons to preserve District 5 is permissible as discussed above. The division of Coconut Grove is also faulted by the R&R as breaking up a traditional neighborhood thus demonstrating race predominated as a factor. Coconut Grove is in District 2, which had to lose population. As the R&R pointed out, District 2 had the highest proportion of white population. To keep the whiter Coconut Grove intact would be to preserve the white population in District 2, which the R&R also said shows that race predominated. DE 52 p.73. If the City cannot keep it together and cannot break it apart, the City cannot draw a map. The same issue applies to Brickell. To keep it together in District 2 preserves District 2's WVAP and demonstrates racial motive, but to break it up divides a traditional neighborhood and does the same.

The R&R also incorrectly found that splitting neighborhoods between the three Hispanic Districts was evidence of racial motive: Silver Bluff and Shenandoah between Districts 3 and 4; Flagami between Districts 1 and 4; and Little Havana among Districts 1, 3 and 4. DE 52 p.75. These divisions did not disenfranchise or dilute any community. They were race neutral in effect. Yet the R&R found that any division of any traditional neighborhood proved the districting was predominantly for racial reasons without regard to whether there was any racial effect.

The R&R found that:

The shapes of the borders, the racial makeup of the Commission Districts, and the splitting up of neighborhoods, all support a finding that race predominated in the City's design of Districts 1, 2, 3, and 4 and that these districts were drawn in furtherance of the Commission's express goal to preserve the composition of the Commission as having three Hispanic seats, one Black seat, and one Anglo or Anglo-access seat.

DE 52 p.71. The shapes of the borders, the splitting of neighborhoods, and the design of the districts do no such thing. Rather, the R&R's analysis, if adopted by the Court, will create a situation where any map made by the City will be unconstitutional. Once one draws a performing Black district required under the VRA, one will have three supermajority Hispanic districts and a

coastal district with a racial plurality of Hispanic and White voters. No redistricting decision could be made where Plaintiffs or a future plaintiff could not point to a section of the R&R to claim that that decision was impermissible. Conversely, if the R&R's position is these districts are only made impermissible because they were created in the context of the Commissioners' statements, then an identical map would be acceptable as long as it is adopted without the offending racial justification discussion. But taken at face value, the R&R would create a round robin where different constituencies could shoot down every possible combination.

The only issue with District 5 is whether the City gave it an excessively high percentage of Black residents by setting it at a mere 50.3% BVAP. The R&R couched this in evidentiary terms. It does not find that the number was too high. Rather it states that, while the number need not be precise, and while the City has no duty to memorialize the analysis or compile a comprehensive record, and while Mr. de Grandy testified that he performed the analysis, the R&R concluded there was insufficient evidence to support strict scrutiny. DE 52 pp.82-86. The R&R would grant Plaintiff's preliminary injunction and leave the number to be decided, but this should be resolved now. The R&R conceded that the population did not have to be set precisely. DE 52 p.82 (citing *Bethune-Hill v. Va. State Bd. of Elections (Bethune-Hill I)*, 580 U.S. 178, 195-96 (2017)). Otherwise governments would be "trapped between the competing hazards of liability" under the Voting Rights Act and the Equal Protection Clause. *Id.* at 196. If Plaintiffs prevail on their number, it effectively sandwiches the City between 50.3% and 48% BVAP. This is the exact danger about which the Supreme Court warned. If they don't prevail, however, it stays at 50.3%. Either way, the injunction should not issue.

The City's plan had BVAP at a mere 50.3%. Plaintiff's expert, Dr. Moy did not opine that Black voters in District 5 need any particular percentage of the voting age citizens to elect the

candidates of their choice. He simply analyzed past races to conclude that there is racially polarized voting. DE 24-32 p.58. For example, the Plaintiffs and the R&R highlight one race discussed by Dr. Moy where he concluded that for the Black preferred candidate to prevail, they would need to be 49% of the registered voters (or 48% of VAP). DE 39 p.8 & DE 52 p.85 (both citing DE 24-32 p.55). He also opined for the Latino candidate to prevail in that race, they would only need to be 44% of the voters. *Id.* In other words, decreasing the percentage of Black voters to 49% by increasing the percentage of Hispanic voters to 44% would cause it to no longer be a district where Black candidates could elect the candidate of their choice, even with 49%. Dr. Moy did not opine that any particular percent was needed. He opined that there was racially polarized voting—a fact not in dispute and compels the conclusion a majority minority district should have been drawn.

To undercut the facial validity of a bare 50%,⁸ the R&R observed that the BCVAP is 58%. DE 52 p.85. This line of reasoning is based on a misreading of *Negron v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997), in Plaintiffs’ briefing. The City is aware of no case that *required* a City, when drawing a district under the VRA, to base it on the *citizen* population.⁹ *Negron* stood for the inverse. To prove a dilution case, a plaintiff needed to establish that they had a sufficiently large and compact minority voter population to elect a representative, and that the population was divided among districts to dilute their impact. In *Negron*, the Court stated that if a plaintiff claims they have sufficient numbers to create a majority minority district in compliance with the VRA, but there are not enough voting eligible minority residents to allow that minority

⁸ 50.3% is hardly “uncritical majority-minority district maximization.” DE 52 p.86.

⁹ Legislatures are not required to draw boundaries by citizenship rather than total population.

Evenwel v. Abbott, 578 U.S. 54, 58 (2016).

group to elect their desired representative, it is impossible for them to meet the standard. But the opposite is not true. Not all citizens vote, or even can vote. Plaintiffs proffered evidence that only 52.76% (25,307/47,958) of registered voters in District 5 were Black as of February 1, 2023. DE 24-93 p.37. It also ignores the population trend. Black registered voters were down from 56.86% the previous year (26477/45562). DE 24-93 p.35. As laid out in the City’s response memorandum, Plaintiffs’ own filings show that the Black population in the City of Miami decreased in both relative and absolute terms in each cycle; there were 10% fewer Black residents in the City in 2023 as compared to the previous census. DE 36 pp.4-5 (citing DE 26 p.4; DE 24-76 p.12; DE 24-78 p.6; DE 24-9 pp.5-6). Despite the foregoing, and Mr. de Grandy’s testimony about why that trend was occurring due to gentrification—and that he drew the district to perform not just for the next election but the next decade, DE 24-15 2:6-14—the R&R finds that “no analysis grounded in any data was conducted into population trends” and no models were done. DE 52 p.84-85. The trend is a fact, not an opinion. Modelling may play a role to rebut the fact of this demographic trend and argue that, despite it, there would be a reversal. But no one argued that. An actual existing trend need not be modeled. It exists. An expert need not say, “yes, that is a decrease.”

The R&R rejected a bare 50% majority as arbitrary. It is not arbitrary. It is mathematically the definition of a majority. In the voting context over 50% wins, under 50% loses.¹⁰ It is also the threshold required to bring a claim under Section 2 of the VRA. It is a paradox to conclude that a plaintiff must assert that a minority population is sufficiently large and geographically compact to draw a majority minority district to state a valid claim, but it is constitutionally impermissible to

¹⁰ While the Commissioners had good reason to be concerned that 50% might not be sufficient for future elections in light of the demographic trends, they set the BVAP at barely over 50% anyway.

draw that same district in the first instance. To argue it is arbitrary, Plaintiffs alleged, and the R&R accepted, that a less than 50% population would vote in coalition with others to allow them to elect a candidate of their choice. This would upend the VRA. *See Bartlett v. Strickland*, 556 U.S. 1, 15 (2009) (“Nothing in § 2 grants special protection to a minority group's right to form political coalitions.”). In *Negron*, the Eleventh Circuit found that the Plaintiffs did not establish a claim under the VRA because they did not have 50% Hispanic majority that would be eligible to vote. 113 F.3d at 1563. Plaintiffs are asking this Court to make reversible error. No published case of which the City is aware has ever found that an election district that needed to be created under the VRA nevertheless had to be created at less than 50%.

The R&R concludes at the end “[t]hus, the City should be required to redistrict applying these principles, which does not necessarily lead to the conclusion that the Black voters’ influence would be diminished in a revised plan.” DE 52 p.99. As the City pointed out, District 5’s population is smaller than the surrounding areas. The Black vote is not alleged to be diluted in any other district. The City protected the District by not moving more non-Black residents into it. If it lowers the BVAP percentage by moving more non-Black voters in, it will dilute that vote without a corresponding increase elsewhere. If it moves some Black voters out of District 5 to lower the majority a percent or two, more non-Black residents must move in, and a percent or two in a different district would not give Black voters meaningful influence there. Plaintiffs do not even claim that Black voter influence is diminished elsewhere or could be increased. Despite the R&R’s optimism, there is no way to redistrict without diminishing Black voter influence and jeopardizing the slim majority in District 5, other than to leave it as it is.

In summation, the Court concluded that race was the predominant factor in placing a significant number of voters within a particular district. That was permissible regarding District 5.

Regarding the other districts, demographic reality was the most significant factor. It would be impossible to create districts that did not have supermajorities of Hispanics. The test for racial gerrymandering is not merely whether race was discussed, but whether it actually resulted in a racial gerrymander of a significant number of voters. *Cooper v. Harris*, 581 U.S. 285, 291 (2017) (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)). The redistricting changes themselves did not result in any racial gerrymandering, and the lines of the districts can be shimmied about but they won't significantly change the racial makeup of the districts. The plaintiffs do not contend that any group's vote was diminished anywhere. This is a racial gerrymandering case without a racial gerrymander.

C. Plaintiffs Face Threshold Standing Issues.

As set forth in the Motion to Dismiss, and will not be fully restated but which is incorporated here, Plaintiffs assert a shotgun pleading. Racial gerrymandering claims are brought on a district by district basis. Each Plaintiff must have standing to support their individual claim as to each particular district they challenge. The Complaint is full of alleged challenges to districting decisions that are irrelevant, that undermine their claims, or that were done 25 years ago. The R&R finds that their harms were not based on the decisions of 25 years ago but "new harms" from the current plan. DE 52 p.94. As set forth in the City's filings, no one was harmed by any redistricting choice. The R&R also finds they bring a whole map challenge. *Id.* p.59.

"A racial gerrymandering claim, however, applies to the boundaries of *individual districts*. It applies *district-by-district*." *Alabama Legis. Black Caucus v. Alabama*, 575 U.S. 254, 262 (2015) (emphasis added). A plaintiff who complains of gerrymandering, but who does not live in a gerrymandered district, "assert[s] only a generalized grievance against governmental conduct of which he or she does not approve." *Gill v. Whitford*, 138 S. Ct. 1916, 1930 (U.S. 2018) (citing

United States v. Hays, 515 U.S. 737, 745 (1995)). Plaintiffs who complain of racial gerrymandering in their State cannot sue to invalidate the whole State’s legislative districting map; such complaints must proceed “district-by-district.” *Id.* (citing *Alabama Legis. Black Caucus*).

The R&R, like the Plaintiffs, matches no particular plaintiff to any particular redistricting decision that affected their particular district. The R&R states that their harm arises from “[w]hen the [government] assigns voters on the basis of race, 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.’” DE 52 p.89 (quoting *Miller*, 515 U.S. at 911–12). The harms flow from “racial sorting.” *Id.* (quoting *Bethune-Hill*, 580 U.S. at 187). The City understands why observations at the Commission meetings raised concerns, and does not seek to make light of it. The issue here is that comments on their own are not enough because they are not directly or causally linked to the drawing of any particular line or any decision to place a group of voters within or without a district based on their race. Plaintiffs were not actually racially sorted. No impermissible racial gerrymander occurred, and it is impossible to create districts that will not have substantially the same demographics. Neither the Plaintiffs nor the R&R claim otherwise. Plaintiffs have not made a case they were harmed either by the core districts remaining the same or by any redistricting change.

D. The Plaintiffs Unduly Delayed Seeking Preliminary Injunctive Relief.

The ordinance being challenged was enacted in March, 2022. This case was filed in December 2022, nine months later. Plaintiffs then waited two more months before filing the Motion. A special election was held on February 27, 2023, and another election is coming on November 7, 2023. DE 26 pp.2, 4. Moreover, the challenge essentially boils down at an attack on decisions not made in March 2022, but made 25 years earlier.

The R&R brushes off the Special Election because it did not involve most of the challenged districts. DE 52 p.96. This is inaccurate. Plaintiffs bring a “whole map challenge.” *Id.* p.59. While the special election was for District 2, the redistricting plan shed parcels from District 2, making cascading movements through Districts 1, 3, 4, and 5, thus all were affected if one accepts the reasoning that each move was constitutionally infirm. If the R&R is correct that District 2 was drawn to create a White district (that incidentally elected a Hispanic candidate), then elections have undoubtedly occurred under affected districts. Given the R&R’s conclusion that the Organizational Plaintiffs had standing to challenge all Districts (DE 52 p.55), and given that no Individual Plaintiff resides in District 1, the Special Election affected every Plaintiff.

If Plaintiffs are challenging decisions that have been in place for 25 years and simply preserved in 2022, then Plaintiffs as a group are 25 years too late. The R&R’s conclusion that 25 years of elections are irrelevant because Plaintiffs are suing for “new harms” is inconsistent with the R&R’s findings that the redistricting “preserved the cores” of racially segregated districts. DE 52 pp.4, 77-78. The redistricting itself reduced concentrations of Black and Hispanic residents. The alleged harms have been in place for every election cycle. If anything, the current plan lessens those alleged harms. The R&R observes that not each Plaintiff had standing for all of the 25 years, but that avoids the issue. Engage Miami was founded in 2015. It may not have delayed 25 years, but it did for 7. GRACE, formed in 2019, delayed 3 years, and did not challenge the 2020 or 2021 elections. Even Plaintiff Johnson allowed the 2021 election to go unchallenged. The R&R’s rejection that the challenge was “25 years” too late misses the point. Plaintiffs’ delay is undeniable.

Further, Plaintiffs admit that the new districts would have to be set by August 1. DE 26 p.36. “[A] party seeking a preliminary injunction must generally show reasonable diligence. That is true in election law cases as elsewhere.” *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018). Yet,

Plaintiffs waited nine months after the City passed the redistricting ordinance to file their lawsuit, and an additional two months to seek preliminary injunctive relief. The R&R recognizes this delay was problematic [DE 52 p.95], but concluded that it was justified because, as Plaintiffs “explain in their reply” they needed the time to prepare their case. DE 52 p.95. Plaintiffs put on no evidence other than argument of counsel to justify or excuse the delay. Rather, the R&R implies that the City bore the burden to prove that the delay was “intentional, strategic, or even negligent.” That is not the standard. Plaintiffs must show reasonable diligence where there has been delay.¹¹

The R&R also finds the *Purcell* principle inapplicable because the next election is not until November.¹² DE 52 p.97,99. The Miami-Dade County Supervisor of Elections requires any new plan be in place by August 1, 2023. If the Court issues an injunction, that deadline will be a mere two months away. DE 52 p.10. Any new plan would have to go through a public hearing process, be adopted by the Commission, face an inevitable challenge,¹³ and have to be resolved.

The R&R concedes that the Supreme Court found that issuing an injunction four months

¹¹ Plaintiffs had a year to work on the Injunction; the City had thirty days to respond. Given the timetable, the City had a mere ten calendar days to object to a 101 page R&R (actually less given the late filing of the R&R and the last day being a Saturday), and had to do so before the transcript of the hearing was even prepared. The delay certainly was a strategic benefit to Plaintiffs. The City objects to being forced to object to a 101 page R&R under such a foreshortened schedule.

¹² “*Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam) teaches that ‘federal district courts ordinarily should not enjoin state election laws in the period close to an election.’” DE 52 p.97.

¹³ As stated above, in light of the comprehensive R&R faulting every decision regardless of racial effect, a challenge to any plan is essentially guaranteed.

before an election would fit within the *Purcell* principle. Any injunction here would only enjoin using the old plan, it would not put the new plan in place. A new plan in place by August 1 would be barely more than three months before the November 7, 2023 election. Moreover, it is not simply the administration of the election at issue: there are the issues of voter confusion and candidate qualifying that are implicated. The *Purcell* harms of voter confusion and consequent incentive to remain away from the polls are squarely present here. This is particularly true if the end result is a massive change to the Districts rather than a minor change such as the adoption of one of the alternative plans referred to by the R&R. Because the R&R leaves it an open question, it acknowledges that “ the consideration of the *Purcell* principle may be required [by] the time at which a final ruling on the Expedited Motion is entered.” DE 52 p.99.

All of this is compounded by Plaintiffs’ refusal to propose any specifics other than to repeat they do not have to provide alternative plans to bring a challenge. While they may sit back under some circumstances and take shots at subsequent adopted remedial plans, they cannot do so in one breath, and then say in the next breath they have not unreasonably delayed and that the *Purcell* principle is inapplicable. Because of the foregoing, the City respectfully submits that *Purcell* applies right now. The scheduled election should go forward on the current map, the case should proceed to a January trial on the merits, and the process should not be rushed.

WHEREFORE, the City respectfully objects to the Report and Recommendation (DE 52), and requests this Court deny Defendant Plaintiffs’ Expedited Motion for Preliminary Injunction (DE 26).

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/ George T. Levesque
George T. Levesque

DE 60

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

ORDER

THIS CAUSE came before the Court upon the Report and Recommendation of the Honorable Lauren F. Louis, United States Magistrate Judge (“R&R”) (ECF No. 52). Therein, Magistrate Judge Louis recommends that the Court grant Plaintiffs’ Expedited Motion for Preliminary Injunction (“Motion” or “Mot.”) (ECF No. 26).¹ *See generally* R&R. Defendant City of Miami (“City” or “Defendant”) filed objections to the R&R (“Obj.”) (ECF No. 55), Plaintiffs filed a response (“Resp.”) (ECF No. 57), and Defendant filed a reply (“Reply”) (ECF No. 59). As set forth below, the Court ADOPTS the Report and Recommendation.

I. BACKGROUND

The factual circumstances of this case have been discussed at length, both in the Parties’ briefings and in the R&R. Therefore, for the purposes of this Order, the Court presumes that the Parties are familiar with the relevant background and adopts the facts as set forth in the R&R.

¹ Plaintiffs in this Action are Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras Steven Miro, (“Individual Plaintiffs”), and GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP and Miami-Dade Branch of the NAACP (“Organizational Plaintiffs”) (collectively, “Plaintiffs”).

II. PROCEDURAL HISTORY

Plaintiffs bring this Action alleging that Defendant approved a new redistricting plan (the “Enacted Plan”) for the five electoral districts in the City of Miami which resulted in a racial gerrymander, thereby violating the Equal Protection Clause of the Fourteenth Amendment. *See* (ECF No. 23 ¶¶ 358–64) (“Am. Compl.” or “Amended Complaint”). After initiating this Action, Plaintiffs filed the Motion requesting that the Court enjoin Defendant from conducting the election in November 2023 under the Enacted Plan. *See generally* Mot. The Court referred the Motion to Magistrate Judge Louis for an R&R, *see* (ECF No. 27), who in turn recommended that the Court grant the injunction. *See generally* R&R.

III. LEGAL STANDARD

The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). The Court “must determine *de novo* any part of the magistrate judge’s disposition that has been properly objected to.” Fed. R. Civ. P. 72(b)(3). A *de novo* review is therefore required if a party files “a proper, specific objection” to a factual finding contained in the report. *Macort v. Prem, Inc.*, 208 F. App’x 781, 784 (11th Cir. 2006). “It is critical that the objection be sufficiently specific and not a general objection to the report” to warrant *de novo* review. *Id.*

However, a party’s objections are improper if they expand upon and reframe arguments already made and considered by the magistrate judge, or simply disagree with the magistrate judge’s conclusions. *See Melillo v. United States*, No. 17-CV-80489, 2018 WL 4258355, at *1 (S.D. Fla. Sept. 6, 2018); *see also Marlite, Inc. v. Eckenrod*, No. 10-23641-CIV, 2012 WL 3614212, at *2 (S.D. Fla. Aug. 21, 2012) (“It is improper for an objecting party to . . . submit [] papers to a district court which are nothing more than a rehashing of the same arguments and

positions taken in the original papers submitted to the Magistrate Judge. Clearly, parties are not to be afforded a ‘second bite at the apple’ when they file objections to a R & R.”) (quoting *Camardo v. Gen. Motors Hourly-Rate Emps. Pension Plan*, 806 F. Supp. 380, 382 (W.D.N.Y. 1992))).

When the objecting party has improperly objected, or failed to object, to the magistrate judge’s findings, “the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 addition; *see Lopez v. Berryhill*, No. 1:17-CV-24263, 2019 WL 2254704, at *2 (S.D. Fla. Feb. 26, 2019) (stating that a district judge must “evaluate portions of the R & R not objected to under a clearly erroneous standard of review”).

IV. DISCUSSION

As set forth in the R&R, Magistrate Judge Louis recommended that the Court grant Plaintiffs’ Expedited Motion for Preliminary Injunction. *See generally* R&R. In doing so, Magistrate Judge Louis found that Plaintiffs collectively had standing, met each of the Eleventh Circuit’s prerequisites for the granting of a preliminary injunction, and that the potential grant of an injunction by Plaintiffs’ requested May 23, 2023 deadline would not occur too close to an election period such that a remedy would be impracticable. *See generally id.* Defendant’s Objections consisted of both generalized grievances with the R&R’s conclusions, as well as proper, specific objections to the R&R’s findings. *See generally* Obj. Where the objections are proper, the Court reviews the R&R’s findings *de novo*. *Macort*, 208 F. App’x at 784. Where Defendant makes an improper objection or raises no objection at all, the Court reviews the R&R for clear error. *Lopez*, 2019 WL 2254704, at * 2.

The Court’s analysis below mirrors the structure of the R&R and proceeds in two parts. The Court first addresses whether Plaintiffs have standing to bring the instant Action. Next, the Court analyzes whether Plaintiffs have properly demonstrated that a preliminary injunction should be granted. In doing so, the Court specifically considers the findings of fact and law in the R&R, Defendant’s Objections, Plaintiffs’ Response to Defendant’s Objections, and the record as a whole.

A. Standing

The R&R found that the Individual and Organizational Plaintiffs have standing to bring the instant Action. *See* R&R at 52–56. An individual who resides in a racially gerrymandered district “has standing to challenge the legislature’s action” in that specific district. *United States v. Hays*, 515 U.S. 737, 745 (1995). The R&R found that the Individual Plaintiffs satisfied this standard because the Individual Plaintiffs each “submitted signed declarations supporting their averments that they reside in the challenged districts” and that Defendant produced no evidence to the contrary. R&R at 55–56. Regarding the Organizational Plaintiffs, standing exists when: (1) the interests at stake are germane to the organization’s purpose; (2) the claim does not require the participation of individual members in the lawsuit, and (3) its members would otherwise have standing to bring suit. *Friends of the Earth, Inc. v. Laidlaw Env’t Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000). Here, the R&R found that the unrefuted evidence demonstrates the Organizational Plaintiffs satisfied the requirements for standing. *See* R&R at 52–56; *see also* Am. Compl. ¶¶ 19–29 (noting that the Organizational Plaintiffs have members residing in each challenged district); (ECF No. 24-33); (ECF No. 24-34); (ECF No. 24-35); (ECF No. 24-36) (explaining the interests of each Organizational Plaintiff as relevant to the instant Action).

After carefully evaluating the R&R’s findings, the Court agrees that Plaintiffs have standing to bring this Action. The record demonstrates that Plaintiffs reside in each challenged

district. Further, as the R&R correctly identified, each Organizational Plaintiff attested to having members residing in each challenged district, and that the interests at stake in the instant Action were germane to the organization’s purpose. *See* R&R at 55 n.20. Thus, the Court agrees with the R&R and finds that both the Individual and Organizational Plaintiffs satisfy the standing requirements to bring this Action.

Defendant raises three objections to this conclusion: (1) Plaintiffs assert a shotgun pleading; (2) Plaintiffs failed to demonstrate a link between any specific plaintiff and any specific districting decision; and (3) Plaintiffs have not suffered any harm. *See* Obj. at 16–17. The Court finds that the objections are properly pled and reviews them *de novo*. For the following reasons, the Court finds each objection unavailing.

First, Defendant objects to the R&R’s conclusion that Plaintiffs have standing because according to Defendant, Plaintiffs assert a shotgun pleading. *Id.* This argument has no bearing on the question of standing. A shotgun pleading analysis is relevant to a determination of whether Plaintiffs have complied with the procedural requirements to give Defendant adequate notice of the claims against it, not whether the Court has power to adjudicate the dispute. *See Weiland v. Palm Beach Cty. Sheriff’s Off.*, 792 F.3d 1313, 1320 (11th Cir. 2015) (explaining that a shotgun pleading involves the violation of Federal Rule of Civil Procedure 8(a)(2) or 10(b)). Accordingly, the Court finds that this objection is irrelevant to the R&R’s standing analysis. Even so, the Court holds that the Amended Complaint is not a shotgun pleading because Plaintiffs assert a single cause of action, against one Defendant, with each factual allegation in the Amended Complaint supporting Plaintiffs’ claim that the Defendant’s redistricting process resulted in a racial gerrymander. *See generally* Am. Compl. The Amended Complaint surely “give[s] the defendant[] adequate notice of the claims against [it] and the grounds upon which [the] claim rests.” *Vibe*

Micro, Inc. v. Shabanets, 878 F.3d 1291, 1294–95 (11th Cir. 2018) (internal quotations omitted).

As such, Defendant’s objection is overruled.

Next, Defendant argues that Magistrate Judge Louis erred because the R&R found that Plaintiffs bring a “whole map challenge,” and the R&R failed to “match[] [any] particular plaintiff to any particular redistricting decision that affected their particular district.” Obj. at 17. Both of Defendant’s assertions are factually untrue. First, the R&R did not characterize the Action as a “whole map challenge,” but rather stated that “the Court must decide whether race was the predominate factor that the City considered” and that this decision “must be made as to each Commission District, district-by-district, and not as to the [E]nacted [P]lan as a whole.”² R&R at 56–57. The R&R did just that, identifying specific Plaintiffs who reside in each district and finding that each district was impacted by the redistricting decisions. *See id.* at 55–56. On these facts, the Court rejects this objection.

Finally, Defendant argues that the R&R incorrectly found Plaintiffs had standing because “Plaintiffs have not made a case they were harmed.” Obj. at 17. As discussed later, a plaintiff suffers harm when the legislature racially gerrymanders its citizens because such assignment arises from the assumption that voters of a particular race, “think alike, share the same political interests, and will prefer the same candidate at the polls.”³ *Miller v. Johnson*, 515 U.S. 900, 911 (1995) (internal quotations omitted). Here, the Court finds that a racial gerrymander did occur.

² Defendant mistakes the R&R’s analysis with its own. Defendant cites to the following quote to support its argument that the R&R found that Plaintiffs bring a whole map challenge: “[t]hat Plaintiffs in essence bring a ‘whole map challenge,’ as the City argued at the March 29, 2023 hearing, does not preclude the instant Action. No Supreme Court precedent the Court is aware of forbids Plaintiffs from challenging all five of the Commission Districts.” R&R at 59 (emphasis added). Defendant improperly cites to the R&R’s restatement of Defendant’s position on the issue, not the R&R’s overall conclusion on the matter. And the R&R plainly found that Plaintiffs bring a district-by-district challenge. *See id.* at 55–56.

³ *See* Section IV.B, *infra*.

Therefore, the Court finds that Plaintiffs, citizens of the City, were harmed when the City racially gerrymandered its districts. Accordingly, the Court rejects Defendant's objection.

Having dispensed with Defendant's objections to standing, the Court next proceeds to the merits of Defendant's arguments as to the preliminary injunction.

B. Preliminary Injunction

Pursuant to Federal Rule of Civil Procedure 65(a), the Court may enter a preliminary injunction "to preserve the status quo until the merits of the controversy can be fully and fairly adjudicated." *Ne. Fla. Chapter of Ass'n of Gen. Contractors of Am. v. City of Jacksonville*, 896 F.2d 1283, 1284 (11th Cir. 1990) (quoting *Am. Radio Ass'n v. Mobile S.S. Ass'n, Inc.*, 483 F.2d 1, 4 (5th Cir. 1973)). Before a court grants a preliminary injunction, the plaintiff must establish four conditions: (1) a substantial likelihood of success on the merits; (2) a showing that the plaintiff will suffer irreparable injury if an injunction does not issue; (3) proof that the threatened injury to plaintiff outweighs any harm that might result to the defendant; and (4) a showing that the public interest will not be disserved by the granting of a preliminary injunction. *See id.* at 1284–85 (citing *Cunningham v. Adams*, 808 F.2d 815, 819 (11th Cir. 1987)). The "[f]ailure to show any of the four factors is fatal" to a motion for a preliminary injunction. *Am. Civil Liberties Union of Fla., Inc. v. Miami-Dade Sch. Bd.*, 557 F.3d 1177, 1198 (11th Cir. 2009). Where the government is the opposing party, "[t]he third and fourth factors merge" in the preliminary injunction analysis. *Gonzalez v. Governor of Ga.*, 978 F.3d 1266, 1271 (11th Cir. 2020) (internal quotations omitted).

Finding that Plaintiffs satisfied their burden as to each of the four factors, the R&R recommended that the Court grant the Expedited Motion for Preliminary Injunction. *See generally* R&R. Defendant offers multiple objections. *See generally* Obj. The Court summarizes the R&R's

findings, analyzes each factor necessary to grant a preliminary injunction, and considers Defendant's objections in turn.

i. Substantial Likelihood of Success on the Merits

Plaintiffs bring this Action alleging each of the five Commission Districts were drawn in violation of the Fourteenth Amendment's Equal Protection Clause. *See* Am. Compl. ¶¶ 358–64. Specifically, Plaintiffs allege that the City impermissibly racially gerrymandered the districts. *See id.* Under the Fourteenth Amendment, “[w]hen a voter sues state officials for drawing such race-based lines,” the court undertakes “a two-step analysis.” *Cooper v. Harris*, 581 U.S. 285, 291 (2017). First, Plaintiffs must first prove that “race was the predominate factor motivating the legislature’s decision to place a significant number of voters within or without a district.” *Miller*, 515 U.S. at 916. Next, should Plaintiffs succeed, Defendant must demonstrate that its sorting of voters by race withstands strict scrutiny, that is, Defendant must show that the race-based sorting of citizens constitutes a compelling interest that is narrowly tailored to that end. *See Cooper*, 581 U.S. at 292 (citing *Bethune-Hill v. Va. State Bd. Of Elections*, 580 U.S. 178, 193 (2017)).

a. Whether Race was the Predominate Factor

When considering whether race was the predominant factor considered in the drawing of the districts, the Court considers each gerrymandering claim on a “district-by-district basis.” *Bethune-Hill*, 580 U.S. at 191; *see also Ala. Legis. Black Caucus v. Ala.* (“*ALBC*”), 575 U.S. 254, 262 (2015). Plaintiffs must show that in each challenged district, Defendant “‘subordinated traditional race-neutral districting principles’ . . . to racial considerations.” *Miller*, 515 U.S. at 916; *see also Cooper*, 581 U.S. at 291. To prove racial predominance, Plaintiffs can submit direct evidence of legislative intent and circumstantial evidence of a challenged district’s shape and demographics. *See Bethune-Hill*, 580 U.S. at 187; *Cooper*, 581 U.S. at 291. Nevertheless, a court

must “exercise extraordinary caution in adjudicating claims that a State has drawn district lines on the basis of race” because of the “intrusive potential of judicial intervention into the legislative realm.” *Miller*, 515 U.S. at 916. Though “race-based decisionmaking is inherently suspect,” the good faith of the Commissioners “must be presumed.” *Id.* at 915.

The R&R found that “Plaintiffs are substantially likely to prevail in establishing that race was the predominant factor considered in the drawing of each of the five Commission Districts.” R&R at 59. The Court addresses the R&R’s findings as to each individual district.

At the outset, the Court notes that neither Party objects to the R&R’s finding that “race was the predominant factor considered in the design of District 5” because Defendant attempted to design this district to comply with the Voting Rights Act (“VRA”). *Id.* at 60; *see also* Obj. at 15 (“The Court concluded that race was the predominant factor in placing a significant number of voters within a particular district. That was permissible regarding District 5.”). Accordingly, the Court reviews this finding for clear error. *Lopez*, 2019 WL 2254704, at * 2. Here, the R&R analyzed Defendant’s argument that “Section 2 of the VRA required the City to draw the borders of District 5 such that it has a BVAP of more than 50%,” and further, Defendant’s concession that District 5 must withstand strict scrutiny, to conclude that Defendant itself recognized race was the predominant factor considered. R&R at 60. Finding no clear error in this analysis, the Court adopts the R&R’s findings that race predominated in the drawing of District 5.

As to Districts 1–4, the R&R found that race predominated in the design of each of the remaining districts through a review of direct evidence of legislative intent and the weighing of circumstantial evidence. *See id.* at 60–78. In support of this finding, the R&R thoroughly catalogued multiple occasions where a majority of Commissioners expressed their intent on the

public record that District 2 would be an “Anglo district,” Districts 1, 3, and 4 would be “Hispanic districts,” and District 5 would be a “Black district.” *See id.* at 65–71.

Regarding Districts 1–4, the Court agrees that it “need not look much beyond what a majority of the Commissioners expressly stated on the record at public meetings regarding their understanding of historical redistricting cycles and their goal for the 2022 redistricting process resulting in the Enacted Plan.” *Id.* at 64. When the record is replete with evidence that legislators instructed a mapmaker to draw districts to comport with a “purposefully established [] racial target,” as is the case here, the Court may properly conclude that race predominated. *See Cooper*, 581 U.S. at 300–01 (holding that when legislators instructed the mapmaker to draw districts so that a particular district would be “a majority black district,” and the mapmaker followed such instructions, that this evidence showed the announced racial target “subordinated other districting criteria”); *see Jacksonville Branch of NAACP v. City of Jacksonville (“Jacksonville IP”)*, No. 22-13544, 2022 WL 16754389, at *4 (11th Cir. Nov. 7, 2022) (“relevant, contemporaneous statements of key legislators are to be assessed when determining whether racial considerations predominated in redistricting processes”).

As the R&R meticulously catalogued, multiple Commissioners over the course of six meetings expressed their desire that Districts 1, 3, and 4 remain “Hispanic districts,” and that District 2 remain an “Anglo district.”⁴ *See, e.g.*, (ECF No. 24-14) (Tr. Feb. 25 AM at 60:17–61:22) (Carollo stated: “[w]e, yes, gerrymandered District 2, so that someone that would be of an Anglo

⁴ The R&R thoroughly catalogued statements demonstrating this intent. *See, e.g.*, R&R at 65 (citing (Tr. Nov. 18 at 15:22–16:22); (Tr. Nov. 18 at 28:2–29:3); (Tr. Dec. 9 at 14:5–14); (Tr. Dec. 9 at 24:8–10); (Tr. Feb. 7 at 50–51); (Tr. Feb. 7 at 54:5–15); (Tr. Feb. 7 at 67:19–68:9); (Tr. Mar. 11 PM at 8:8–21); (Tr. Mar. 24 at 56:12–57:1); (Tr. Mar. 24 at 38:23–39:20)). The Court adopts these facts as stated in the R&R. For a more elaborate discussion of the Commissioners expressing their goals with respect the redistricting plan, see R&R at 11–40, 65–71.

background, not Hispanic, would be elected”); (ECF No. 24-17) (Tr. Mar. 11 PM at 8:8–21) (Commissioner Diaz de la Portilla stated: “[o]ur goal here is to have an African American district, for the lack of a better term, a white district, which is the coastal district, and three Hispanic districts”). The Commissioners instructed De Grandy, the consultant charged with proposing the redistricted map, to adhere to their redistricting goals to preserve the racial makeup of these districts, and De Grandy explained that he followed these instructions.⁵ See (ECF No. 24-12) (Tr. Dec. 9 at 24:8–10). Speaking to the other Commissioners and De Grandy, Commissioner Carollo stated; “[t]his is what I feel that I have an obligation to protect. Not just [District 5]. District 4, and District 1. The other districts, like I said, no matter how we carve them, they’re going to have the representation that we intended those districts to have for some time to come.”); see also (ECF No. 24-11) (Tr. Nov. 18 at 17:9–15) (De Grandy stated: “[i]f there’s three of you [Commissioners] that want to maintain the core of existing districts, that’s what I do.”). Accordingly, the Court considers the repeated, explicit statements from the majority of Commissioners in conjunction with De Grandy’s admission that he followed such instructions, and that the Enacted Plan largely preserved this racial breakdown, to be sufficient in finding that Districts 1–4 were also drawn with race as the predominate factor.

Defendant proffers multiple objections, proper and improper, to these findings. See *generally* Obj. Specifically, Defendant objects to the following findings in the R&R:

- (1) The R&R improperly focused on the Commissioners’ statements that the districts were drawn to create a Black district, three Hispanic districts, and a so-called White district, when the city provided Mr. De Grandy with instructions adopted in Resolution R-21-0485 that did not incorporate such statements;

⁵ Miguel De Grandy, Esq. was Defendant’s redistricting consultant during the 2022 redistricting process.

- (2) The R&R improperly found that Plaintiffs' expert attested that there were alternative maps that would have had less of a discriminatory impact;
- (3) The R&R recommended a remedial plan with new district lines, but any such plan would closely resemble the existing plan, or alternatively, a new, constitutionally conforming map could not be created under the R&R's guidance;
- (4) The R&R made no distinction between districting choices made regarding areas abutting District 5 and other areas unrelated to District 5;
- (5) The changes to Districts 1–4 were not racial, but were intended to equalize population;
- (6) The R&R impermissibly relied on post-enactment statements from Commissioner Carollo to determine legislative intent;
- (7) The R&R impermissibly relied on the personal understanding of various Commissioners about the history of the how the districts were designed;
- (8) The R&R incorrectly found the division of traditional neighborhoods, shape of the borders, and designs of the districts support a finding that the consideration of race was a predominate factor.

See generally id. As discussed below, the Court finds that each of these objects are unavailing, irrelevant to the analysis, or improper.

Regarding Defendant's first objection, the Court does not find that the R&R erred by reviewing "what a majority of Commissioners expressly stated on the record at public meetings." R&R at 64. To prove that districting decisions were made with race as the predominant factor, a plaintiff is entitled to use direct evidence of legislative intent. *Cooper* 581 U.S. at 291 ("The plaintiff may make the required showing through direct evidence of legislative intent, circumstantial evidence of a district's shape and demographics, or a mix of both.") (internal quotations omitted). Here, the record is replete with evidence suggesting the Commissioners intended that the districts be drawn in a particular manner to ensure candidates of certain ethnicities would be elected. *See* R&R at 64–71. And, while it is true that Defendant instructed its consultant to comply with the United States Constitution and VRA, maintain the core of existing districts,

consider voter cohesion, achieve substantial equality of population as opposed to mathematical equality, and maintain communities of interest and neighborhood where feasible in Resolution R-21-0485, *see* (ECF No. 50-1), the R&R correctly noted that the Commissioners frequently and explicitly emphasized over the course of six public meetings their intention to maintain three Hispanic districts, one Black district, and one Anglo district. *See* R&R at 64–71. Therefore, the R&R did not err in relying on the Commissioners’ repeated instructions to De Grandy to preserve the “ethnic integrity” of each district, even if those instructions were not contained in the resolution itself. *See id.* at 68–69.

Defendant’s second objection takes issue with one particular aspect of circumstantial evidence that the R&R considered: namely, the R&R’s finding that Plaintiffs’ expert opined there were alternative rejected maps that would have had less of a discriminatory impact than the Enacted Plan.⁶ *See* Obj. at 3. Specifically, Defendant argues that Plaintiffs’ expert, Dr. Abott, only “lays out the demographics of these alternative plans, demonstrating they are essentially the same [as the Enacted Plan].” *Id.* Yet, Defendant’s argument is factually incorrect because it mischaracterizes Dr. Abott’s report. Dr. Abott opined that the current districts’ configurations were discriminatory because “areas moved from one district to another were done so on the basis of race and that other areas could have been moved without further segregating the districts by race but were rejected by the Commission.” (ECF No. 24–31, at 2). As the R&R also found, Defendant “does not respond or rebut this evidence.” R&R at 77. Because Defendant failed to rebut the evidence that these alternative maps could have had less of a discriminatory impact, the

⁶ Defendant’s objection on this point purports to undermine the R&R’s conclusion regarding one of the eight factors to determine circumstantial evidence of legislative intent articulated in *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977).

R&R found this evidence “weighs slightly in favor of finding race predominated.” *Id.* Given that Defendant incorrectly characterizes the R&R and Plaintiffs’ expert report, the Court rejects this objection. Rather, the Court finds that the R&R did not err in its consideration of the expert report on less discriminatory alternative map configurations as circumstantial evidence that race predominated.

Defendant also improperly objects to the overall conclusion of the R&R by asserting that should the R&R be adopted, a new map “will pass muster [either] if it is adopted without looking at race, even if is the same map, or [] no map can pass muster.” Obj. at 4. Additionally, Defendant argues that as a practical matter, new districts cannot be created without creating “supermajorities of Hispanics,” and that Defendant is in a “mathematically impossible position.” *See id.* at 4, 9, 14. To the extent Defendant objects to the R&R as a whole, the objection is improper because Defendant does not identify the “portions of the proposed findings and recommendation” which it claims to be erroneous. *See Macort*, 208 F. App’x at 783. Further, any practical argument is misplaced and premature at this point in the litigation; the inquiry here focuses solely on if Plaintiffs are substantially likely to succeed on the merits and whether an injunction should be granted. The Court therefore rejects this objection.

Likewise, the Court also considers improper Defendant’s objection that the changes to Districts 1–4 “were not racial, but were intended to equalize population.” Obj. at 8. To reiterate, objections must “specifically identify the portions of a proposed finding” to which objection is made. *Macort*, 208 F. App’x at 783. Here, Defendant has not identified any specific factual finding it disputes, but rather, objects generally to the R&R’s analysis of each district and its conclusion regarding racial predominance in each of Districts 1–4. *See* Obj. at 8. This objection is thus improper.

Defendant also objects to the R&R’s findings of racial predominance insofar as it allegedly fails to make a “distinction between districting choices made regarding areas abutting District 5 and other areas unrelated to District 5.” *See id.* at 5. According to Defendant, the R&R fails here by erroneously “focus[ing] primarily on areas surrounding District 5 where [race-based sorting] indisputably serves a compelling government interest.” *Id.* Not so. The R&R properly and thoroughly conducted a district-by-district analysis examining factors relevant to each district on an individualized basis. *See* R&R at 60–78. Defendant cites to no authority suggesting the Court is required to consider the portions of the other districts abutting District 5 differently from the other areas within those districts, nor is the Court aware of any such requirement. *Obj.* at 5; *see also Bethune-Hill*, 580 U.S. at 192 (“Concentrating on particular portions [of district lines] in isolation may obscure the significance of relevant districtwide evidence, such as stark splits in the racial composition of populations moved into and out of disparate parts of the district, or the use of an express racial target.”). Thus, the Court overrules this objection.

The Court next addresses Defendant’s objection that the R&R improperly relied on Commissioner Carollo’s statements about the history of why the City originally adopted a five-district electoral map with one “Black district,” one “Anglo district,” and three “Hispanic districts” as circumstantial evidence of legislative intent in the 2022 redistricting cycle.⁷ *See* *Obj.* at 8. Defendant argues that the R&R cannot rely on statements that Carollo made when he was Mayor about why the City originally designed the districts in this manner. *Id.* (citing *Blanchette v. Conn. Gen. Ins. Corps.*, 419 U.S. 102, 132 (1974)) (explaining that generally, a court cannot rely on post-enactment statements of a legislator to determine legislative intent).

⁷ Commissioner Carollo recounted this decision which occurred in 1997, when he was mayor. *See* (ECF No. 24-1) (Tr. Nov. 18 at 28:2–12).

However, that is not what the R&R does. Rather, the R&R considered Commissioners' statements regarding the history of the City's change to a single-member district system only insofar as it informed the Commissioners' present intent to preserve the racial breakdown of the districts *in this 2022 redistricting process*. See R&R at 65 ("But the Court need not delve into that historical evidence in this case because the Court need not draw inferences from that historical evidence."). The R&R's consideration of the Commissioners' statements in this context is permissible, even if the Commissioners based their current intent on their understanding of the historic evidence. Cf. *Jacksonville Branch of NAACP v. City of Jacksonville* ("*Jacksonville P*"), --- F. Supp. 3d ---, No. 3:22-CV-493-MMH-LLL, 2022 WL 7089087, at *41 (M.D. Fla. Oct 12, 2022), (citing *Abbott v. Perez*, 138 S. Ct. 2305, 2315 (2018)) ("[T]he Court considers the 2011 historical evidence only to the extent it gives rise to inferences regarding the intent of the City Council in 2022."). Instead of relying on Commissioner Carollo's description of why the City originally changed to single-member districts to determine legislative intent, the R&R instead focused on the myriad of statements from multiple Commissioners explaining that they desired to preserve three Hispanic districts, one Black district, and one Anglo district in the *2022 redistricting process*. See R&R at 11–40, 65–71. Therefore, the Court finds that contrary to Defendant's assertions, the R&R did not improperly rely on Commissioner Carollo's understanding of the history of the electoral districts, but rather, the R&R properly analyzed the *contemporaneous* statements of multiple Commissioners as relevant to their *present legislative intent*.

For the same reasons, the Court rejects Defendant's objection that the R&R mistakenly relied upon other various Commissioner's "statement[s] [sic] about their personal understanding of the history of the districts." Obj. at 8 (annotations omitted). Defendant proffers no additional argument why the R&R is not permitted to rely on such statements, nor does it refute the R&R's

assertion that the R&R considered the Commissioners' statements regarding the history of the districts only insofar as it informed their contemporaneous statements intending to preserve the racial breakdown of these districts in the 2022 redistricting cycle. *See id.* As noted above, the Court finds that the stated intent of multiple Commissioners is sufficient to demonstrate that the body considered race as the predominant factor in redistricting decisions. Because the R&R extensively details multiple Commissioners' statements regarding their desire to implement a plan to preserve the racial breakdown of each of the districts in the 2022 redistricting cycle, the Court finds that this objection is also unavailing. *See R&R* at 64–71.

Defendant's last objection argues the R&R improperly found that the splitting of neighborhoods, the racial makeup of the districts, and the shape of districts supported a finding that race predominated. *See Obj.* at 11. Defendant argues that the R&R should not have found the splitting of neighborhoods supports racial motive because "[t]hese divisions did not disenfranchise or dilute any community." *Id.* This argument fails; legally, a Fourteenth Amendment claim involves whether race was the predominate factor in drawing district lines, not whether vote dilution occurred. *Cooper*, 581 U.S. at 291. Further, Defendant argues that the R&R's finding regarding the splitting of neighborhoods, the racial makeup of the districts, and the shapes of the districts was an improper analysis, and if adopted, "will create a situation where any map made by the City will be unconstitutional." *Obj.* at 11. Again, rather than contesting a specific finding in the R&R or alleging that it improperly considered certain evidence, Defendant proffers an argument about the practical difficulties in drawing a constitutional map. As noted above, such a practical argument is not relevant to the question of whether race predominated in the districting decisions. Consequently, these objections are also unavailing.

In sum, the Court adopts the R&R's finding that race was the predominate consideration in each of the challenged districts and overrules each of Defendant's objections.

b. Strict Scrutiny

Once the R&R found that Plaintiffs were likely to succeed in establishing that racial considerations predominated in the drawing of each district, Magistrate Judge Louis then addressed whether Defendant met its burden of establishing that its use of race withstands strict scrutiny. *See* R&R at 78–88. To withstand strict scrutiny, “the burden [] shifts to the State to prove that its race-based sorting of voters serves a ‘compelling interest’ and is ‘narrowly tailored’ to that end.” *Cooper*, 581 U.S. at 292. For the following reasons, the Court adopts the R&R's conclusion that Defendant has failed to demonstrate any of the challenged districts withstand strict scrutiny.

First, regarding District 2, Defendant failed to proffer any argument or justification for its consideration of race. *See* R&R at 87. As such, the R&R found that the design of this district does not withstand strict scrutiny because Defendant did not demonstrate that its consideration of race constituted a compelling governmental interest. *See id.* For that same reason, the Court agrees that District 2's design does not withstand strict scrutiny.

As to Districts, 1, 3, and 4, Defendant argued that it had to consider race when designing these districts as a necessary consequence of its mandate to consider race in District 5 pursuant to the VRA. *See id.* at 86–88. Notably, Defendant argued that it could consider race in Districts 1, 3, and 4, but never explained how doing so would constitute a compelling governmental interest as to those specific districts. *See id.* The R&R found that Defendant's argument for why it could consider race was not a compelling governmental interest because Defendant failed to produce any evidence that (1) it had “good reason to believe that the VRA required the City to create three

districts each with HVAP super-majorities,” and (2) “review of the transcripts does not suggest that the City’s consideration of race in drawing Districts 1, 3, and 4 was directed to VRA compliance whatsoever.” *Id.* at 79, 86. Explaining that racial gerrymandering in one district “does not necessarily license the exaggerated consideration of race in other districts,” the R&R found that the racial considerations in Districts 1, 3, and 4 also failed to withstand strict scrutiny because Defendant failed to articulate a compelling governmental reason to consider race in the design of these districts. *Id.* at 87.

Regarding the R&R’s findings as to 1, 3, and 4, Defendant proffers no objection, and accordingly, the Court reviews the findings for clear error. *See generally* Obj. The Court first notes that Defendant only argued that racial considerations with respect to Districts 1, 3, and 4 were permissible when considering the design of District 5 under the VRA, but it did not demonstrate on an individualized basis how each district would withstand strict scrutiny. *See id.* at 57. Because Defendant does not argue that the racial considerations of any of Districts 1–4 were justified by a compelling governmental interest that was narrowly tailored to that end, the Court finds that Defendant failed to meet its burden. Accordingly, Defendant’s use of racial considerations in the design of Districts 1–4 fails to withstand strict scrutiny.

Lastly, as to District 5, Defendant argued that (1) its consideration of race was a compelling governmental interest because it was required to ensure District 5 complied with the VRA, and (2) in doing so, its use of a 50% Black Voting Age Population (“BVAP”) was narrowly tailored to achieve that goal. *See* Obj. at 12–15. The R&R acknowledged that the consideration of race when designing this district to comport with the VRA was a compelling governmental interest. *See* R&R at 79–86. However, the R&R found that Defendant’s attempt to comply with the VRA was not narrowly tailored because its “adherence to a minimum BVAP of 50% for District 5 was arbitrary,

and not necessary to afford Black voters an opportunity to elect preferred candidates of their choice, and not informed by pre-enactment functional analysis of Black voters.” *Id.* at 81. Thus, because the R&R found Defendant’s method for complying with the VRA was not narrowly tailored to that end, the R&R found that racial considerations within District 5 also did not withstand strict scrutiny. *See id.* at 86.

The Court agrees that Defendant has not met its burden to demonstrate that the racial considerations in the design of District 5 withstand a strict scrutiny analysis. Though the Court also acknowledges that VRA compliance is a compelling governmental interest, Defendant has failed to provide “good reason” for its belief that a 50% BVAP figure was required when designing that district. *See Abbott*, 138 S. Ct. at 2315. As the Court explains further below when addressing Defendant’s objection, Defendant failed to provide sufficient pre-enactment analysis explaining what good reason it had for selecting the 50% BVAP figure, and without such evidence in the record, the Court cannot conclude that Defendant’s consideration of race in the design of District 5 was narrowly tailored to achieve VRA compliance. *See R&R* at 83; *see generally* *Obj.* As such, the Court adopts the R&R’s finding that the racial considerations which predominated in District 5 do not withstand strict scrutiny.

Defendant proffers one objection to this portion of the R&R, asserting that its method of complying with the VRA in District 5 was narrowly tailored.⁸ Specifically, Defendant argues that the R&R erred when finding the Defendant’s adherence to a minimum BVAP of 50% for District

⁸ Defendant also argues “there is no way to redistrict without diminishing Black voter influence and jeopardizing the slim majority in District 5, other than to leave it as is.” *Obj.* at 15. The Court does not construe this as a proper objection because it fails to identify any dispute to a finding within the R&R. As explained several times above, the focus at this juncture is on the potential infraction, not the remedy. Further, Defendant does not advance this argument to demonstrate its design of District 5 was narrowly tailored to a compelling interest and is therefore irrelevant to this analysis. *See id.* (arguing that redistricting could impact Black voter influence).

5 was arbitrary and not narrowly tailored to the goal VRA compliance. *See* Obj. at 14. Defendant avers that it had to ensure District 5 was designed so that it contained a BVAP of at least 50% because that is “the threshold required to bring a claim under Section 2 of the VRA,” and further, that 50% is “the mathematical definition of a majority,” which would ensure Black voters could elect a candidate of their choosing. *Id.* According to Defendant, it would be “reversible error” for the Court to conclude “that an election district that needed to be created under the VRA nevertheless had to be created at less than [a BVAP of] 50%.” *Id.* at 15.

The Court agrees with the R&R that Defendant confuses its burden under the Fourteenth Amendment with a VRA claim. Plaintiffs brings their claim under the Fourteenth Amendment. *See generally* Am. Compl. And as the Court has made clear, Defendant therefore must demonstrate that its use of predominately racial considerations was narrowly tailored to a compelling interest, (here, compliance with the VRA). Not only has it failed to do so, but among Defendant’s scattered arguments about what BVAP figure is required under the VRA, the phrase “narrowly tailored” is never even mentioned. *See* Obj. at 14–15. Thus, even if the Court were to conclude the R&R was incorrect when finding the Defendant’s use of the 50% figure for BVAP in District 5 was arbitrary, Defendant still advances no argument as to how that figure is narrowly tailored to achieve the goal of compliance with the VRA. *See id.*

And to be clear, the Court finds that the R&R correctly concluded the 50% figure for BVAP in District 5 was arbitrary and not narrowly tailored to VRA compliance. Though Defendant was not required to “determine precisely what percent minority population” is required for VRA compliance, it must have “good reasons” to believe the BVAP figure it selected is sufficient to avoid violating the VRA. *Bethune-Hill*, 580 U.S. at 194 (emphasis omitted). As the R&R correctly identified, Defendant failed to offer sufficient pre-enactment analysis presented to the

Commissioners explaining why it had for selected the 50% BVAP figure. *See* R&R at 83. Indeed, at various points in the pre-enactment process, both De Grandy and various Commissioners stated their belief that a BVAP figure would be VRA compliant with a figure below 50%. *See id.* at 84 (citing Tr. Feb. 7 at 8:12–19); (Tr. Mar. 24 at 8:5–9)). And, despite Defendant’s assertion that “[n]o published case of which the City is aware has ever found that an election district that needed to be created under the VRA nevertheless had to be created at less than 50%,” Plaintiffs have identified multiple such examples. *See* Resp. at 5–6 (citing *Jacksonville Branch of NAACP v. City of Jacksonville* (“*Jacksonville IIP*”), No. 3:22-cv-493-MMH-LLL, 2022 WL 17751416 (M.D. Fla. Dec. 19, 2022); *De Grandy v. Wetherell*, 794 F. Supp. 1076, 1088, 1089 n.5 (N.D. Fla. 1992)).

In sum, Defendant fails to provide sufficient evidence demonstrating why and how the Commissioners decided that the 50% BVAP figure was sufficient for VRA compliance. To the extent Defendant provides any justification for choosing the 50% figure, it fails to demonstrate how that justification constituted a “good reason” to believe it complied with the VRA. Without a showing that Defendant had “good reason” to use the 50% BVAP figure in the design of District 5, the Court finds that Defendant’s method of attempting to comply with the VRA was not narrowly tailored and thus, does not withstand strict scrutiny.

After careful review of the R&R’s findings, the Court finds that Plaintiffs are substantially likely to succeed on the merits to demonstrate: (1) race was a predominate factor in the design of each individual district; and (2) Defendant has not met its burden to demonstrate that the design of these districts withstands strict scrutiny. Consequently, Plaintiffs have met the first requirement necessary to grant a preliminary injunction.

ii. Irreparable Harm

The R&R found that Plaintiffs would likely suffer irreparable harm if elections were held under the Enacted Plan in November 2023. *See* R&R at 88–92. In a racial gerrymandering case, a plaintiff suffers harm by virtue of the racial sorting itself and the subsequent participation in an election conducted pursuant to an unconstitutional map. *See ALBC*, 575 U.S. at 263. The R&R concluded that Plaintiffs would likely suffer irreparable harm here based on two factors: (1) Supreme Court and Eleventh Circuit precedent establishing that a plaintiff who votes under an unconstitutional electoral map suffers a harm that cannot be undone; and (2) Defendant does not specifically refute Plaintiffs’ argument that they stand to suffer irreparable harm. *See* R&R at 89–91.⁹ Consequently, the R&R found that Plaintiffs have also satisfied the second prerequisite necessary to grant a preliminary injunction.

The Court agrees with the R&R that Plaintiffs will likely suffer irreparable harm should they be required to vote in racially gerrymandered districts in the November 2023 election. Well-established precedent supports this proposition. *See, e.g., Miller*, 515 U.S. at 911–12 (“When the [government] assigns voters on the basis of race, 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.’”) (quoting *Shaw v. Reno*, 509 U.S. 630, 657 (1993)); *Bethune-Hill*, 580 U.S. at 187 (“The harms that flow from racial sorting ‘include being personally subjected to a racial classification as well as being represented by a legislator who believes his primary obligation is to represent only the members of a particular racial group.’”) (quoting *ALBC*, 575 U.S. at 263); *Jacksonville II*, 2022 WL 16754389, at *5 (“Given that such gerrymandering would constitute irreparable harm to the Appellees . . . we

⁹ The R&R noted that Defendant does not refute the argument about irreparable harm, but “asserts that the issue of irreparable harm is tied to the issue of standing.” R&R at 91. As noted before, the Court adopts the R&R’s conclusion that Plaintiffs have standing for the purposes of this Motion.

decline to require the residents of Jacksonville to live for the next four years in districts defined by a map that is substantially likely to be unconstitutional”). Furthermore, the harm that Plaintiffs would suffer from voting under an unconstitutional electoral map without the grant of an injunction “are egregious harms that cannot be redressed once an election has occurred.” *Jacksonville I*, 2022 WL 7089087, at *49 (citations omitted). Once the Court has concluded that Plaintiffs have demonstrated a substantial likelihood of success on the merits regarding their claim that each district has been racially gerrymandered in violation of the Fourteenth Amendment, the harm that flows from such racial sorting is apparent. *See ALBC*, 575 U.S. at 263. Should Plaintiffs vote in the November 2023 election pursuant to the Enacted Plan, they will suffer a fundamental harm which cannot be remedied.

Defendant erroneously attempts to refute this finding by alleging that no group’s voting power was diluted. *See* Obj. at 16. Defendant once again confuses the issues. Plaintiffs’ burden in demonstrating irreparable harm under the Fourteenth Amendment does not require a showing of vote dilution, as Defendant seems to repeatedly suggest. *See Miller*, 515 U.S. at 911–12. Rather, Plaintiffs’ harm arises by virtue of the racial sorting itself and the subsequent participation in an election where voting occurred under an unconstitutional map. *See ALBC*, 575 U.S. at 263. As such, the Court adopts the R&R’s finding that Plaintiffs are likely to establish irreparable harm.

Aside from vote dilution, Defendant essentially offers one objection: “Plaintiffs have not made a case they were harmed either by the core districts remaining the same or by any redistricting change.” Obj. at 17. Like much of Defendant’s filing, this argument is not a proper objection because it fails to “specifically identify the portions of the proposed findings and recommendation” that Defendant disputes. *Macort*, 208 F. App’x at 783. A blanket assertion that the Defendant disagrees with the R&R’s conclusion will not do. At no point in the Objection does

the Defendant dispute any factual finding or portion of the R&R's analysis regarding irreparable harm. *See generally* Obj. And as mentioned above, a harm exists because Plaintiffs were racially gerrymandered in an unconstitutional map. *See ALBC*, 575 U.S. at 263. Therefore, the Court rejects this objection and finds that the R&R correctly concluded that Plaintiffs are likely to suffer irreparable harm.

iii. Balance of Harms

Turning to the last prerequisites required to grant a preliminary injunction, the R&R assessed the remaining two factors together: (1) whether the threatened injury to Plaintiffs outweighs any harm that might result to Defendant; and (2) whether the public interest will not be disserved by the granting of a preliminary injunction. *See* R&R at 92 (citing *Fla. v. Dep't of Health & Hum. Servs.*, 19 F. 4th 1271, 1293 (11th Cir. 2021)) (“Where the government is the party opposing the preliminary injunction, its interest and harm—the third and fourth elements—merge with the public interest.”). In its analysis, the R&R weighed the harm that Plaintiffs would suffer against Defendant's argument that Plaintiffs unduly delayed in seeking a preliminary injunction. *See id.* at 92–97. Further, the R&R addressed Defendant's arguments that an injunction would disserve the public because redistricting would lower the Black Citizen Voting Age Population (“BCVAP”) in District 5 without increasing Black voters' influence, and secondly, that there is insufficient time to adopt an interim remedial map. *See id.* at 97–98. Ultimately, the R&R concluded that: (1) Plaintiffs' potential injury outweighs any harm Defendant may suffer “even despite [Plaintiffs'] relative lack of diligence” in filing the Motion; (2) the alleged harm that nonracial redistricting “would disserve black voters” is “not responsive to the balance of the equities prong for a preliminary injunction;” and (3) given that the next election is six months

away, there is sufficient time for the City to draw a map that comports with the Constitution.¹⁰ *See id.* at 96, 98, 99.

First, the Court finds that Plaintiffs demonstrated a relative, but not fatal, lack of diligence in filing the Motion. Any lack of diligence must be weighed against the harm a plaintiff suffers. *Jacksonville II*, 2022 WL 16754389, at *2 (citing *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006)). Further, while the Court is wary that “[a] delay in seeking a preliminary injunction of even only a few months” can “militate[] against a finding of irreparable harm,” such delay is not necessarily fatal. *Wreal, LLC v. Amazon.com, Inc.*, 840 F.3d 1244, 1248 (11th Cir. 2016). Here, the Enacted Plan was adopted in March 2022, but Plaintiffs did not file the instant Action until December 2022 and they did not file the Motion until February 2023 (a period of nearly nine and eleven months, respectively). *See* R&R at 94–95. Though in relative terms this delay is lengthy, the Court gives credence to Plaintiffs’ argument that its delay arose from caution and a need to ensure that Plaintiffs could satisfy their high evidentiary burden on such a large record. *See id.* at 95. Indeed, despite the relative delay, at the time the Motion was filed, the November election was still nine months away. Furthermore, despite the amount of time it took Plaintiffs to file the Motion, the delay was not so “egregious” that the Court would deny Plaintiffs relief from the grave harm they stand to suffer. *Cf. Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018) (citing *Holmberg v. Armbrrecht*, 327 U.S. 392, 396 (1946)) (denying a preliminary injunction where the plaintiffs filed a motion for preliminary injunction “six years, and three general elections[] after the 2011 map was adopted, and over three years after the plaintiffs’ first complaint was filed”). To the extent

¹⁰ The R&R also explained Defendant’s argument that “there is insufficient time to adopt a remedial map” was “implied and not directly argued or substantiated.” R&R at 99. In fact, Defendant “does not [] raise or invoke” the *Purcell* principle when alleging this harm. *Id.* Defendant raises this argument for the first time in its Objection.

that the Court finds that Plaintiffs lacked diligence, it also finds that any lack of diligence does not weigh strongly in favor of denying the Motion.

On the other hand, the Court finds that Plaintiffs suffer serious harm when the legislature sorts its citizens based on race, and subsequently, when those individuals vote in racially gerrymandered districts. *See ALBC*, 575 U.S. at 263. Such harm to Plaintiffs cannot be redressed with monetary remedies. *Scott v. Roberts*, 612 F.3d 1279, 1295 (11th Cir. 2010). Weighing the serious nature of this harm against the Plaintiffs' relative lack of diligence, the Court finds Plaintiffs' potential harm is greater.

Turning to Defendant's next argument, the Court disagrees that there is insufficient time to redraw constitutionally conforming maps. *Cf. Jacksonville I*, 2022 WL 7089087, at *54–55 (granting an injunction against the City of Jacksonville on October 12, 2022 and ordering the City to file an interim remedial plan by November 8, 2022, to be finalized by December 16, 2022 for a March election).¹¹ Ordering Defendant to draw a conforming map on May 23, 2023, the date of this Order, allows for a 70 day window prior to August 1, 2023 (i.e. the date the Miami-Dade County Elections Department said that it would need a map transmitted to it). The election will not occur until November. Such a timeline is within the date that Plaintiffs requested, is less condensed than the remedial plan that the court ordered in *Jacksonville I*, and accordingly, the Court sees no reason why the Parties could not comply with the Order here.

Finally, the Court also finds that based on the aforementioned timeline, this case does not fall within the *Purcell* principle. "Federal district courts ordinarily should not enjoin state election

¹¹ Much like in *Jacksonville I*, the Parties in this case "worked backwards" from the August 1, 2023 deadline to craft a briefing schedule considering the potential time needed for a remedy. *Id.* at *4 (finding the Parties knew that to proceed with the March 2023 general elections, the City Council needed district boundaries by December 16, 2022, which in turn, informed the Parties briefing schedule).

laws in the period close to an election.” *League of Women Voters of Fla., Inc., v. Fla. Sec’y of State* (“*LOWV*”), 32 F. 4th 1363, 1371 (11th Cir. 2022) (internal quotations omitted). The Supreme Court “has never specified precisely what it means to be on the eve of an election for *Purcell* purposes.” *Jacksonville I*, 2022 WL 7089087, at *3 (internal quotations omitted). The Eleventh Circuit has found the *Purcell* principle to apply when an election is set to begin in less than four months, *see LOWV*, 32 F. 4th at 1371, but not when the elections for a single county occurred five months after an injunction. *See Jacksonville II*, 2022 WL 16754389 at *2. From the time of this Order, the November 2023 election is over four months away from May. To find that this Order implicates the *Purcell* Principle “would extend the eve of an election” farther than the Eleventh Circuit has before. *See id.* (internal quotations omitted).

Thus, after a careful review of the R&R, the Court determines that given the Plaintiffs’ likelihood of success on the merits, the harm Plaintiffs will suffer outweighs any harm to Defendant—namely harm arising from Plaintiffs’ alleged lack of diligence and the practical concerns about how quickly a constitutionally conforming map could be enacted.

Defendant offers two categories of objections to the R&R’s findings, one of which relates to various findings in the R&R supporting the conclusion that Plaintiffs did not unreasonably delay filing the Motion, and the other relating to legal questions arising under *Purcell* and whether there is sufficient time to implement a remedial map that comports with the Constitution. Obj. at 17–20. Regarding the first category, Defendant asserts three objections: (1) Plaintiffs are challenging decisions that, in essence, were made twenty-five years prior to the Enacted Plan; (2) because a Special Election already occurred in February 2023, the R&R should have found the filing of the Motion had been unreasonably delayed; and (3) the R&R erroneously concluded that Defendant had the burden to prove the delay was “intentional, strategic, or even negligent,” when actually

Plaintiffs had the burden to demonstrate “reasonable diligence.” *Id.* at 18–19. As to *Purcell*, Defendant argues this Court should not grant the injunction largely because the R&R stated that “the consideration of the *Purcell* principle may be required [by] the time at which a final ruling on the Expedited Motion is entered.” *Id.* at 20.

Beginning with Defendant’s objection that Plaintiffs are actually challenging a districting decision from twenty-five years ago, the Court notes that Defendant is seeking a “second bite at the apple.” *Marlite, Inc. v. Eckenrod*, No. 10-23641-CIV, 2012 WL 3614212, at *2 (S.D. Fla. Aug. 21, 2012) (“It is improper for an objecting party to . . . submit [] papers to a district court which are nothing more than a rehashing of the same arguments and positions taken in the original papers submitted to the Magistrate Judge”) (internal quotation omitted). Defendant has already argued this exact point and the R&R expressly considered and rejected it. *See* R&R at 94 (“At the outset, the Court rejects the City’s argument that Plaintiffs are 25 years too late in seeking a preliminary injunction. The harms in this case are new harms resulting from the 2022 Enacted Plan, which is a different electoral map from that enacted in 1997.”).

After careful review, the Court agrees with the R&R that this is not a case brought twenty-five years too late. *Jacksonville I* is instructive. There, the “racial percentage of a district’s residents was a significant factor” in designing voting districts during the 2011 redistricting cycle. *Id.* at *9. In the 2021 redistricting cycle, “it was immediately apparent that equalizing the district populations would not require drastic changes [to the 2011 plan].” *Id.* at *11. Ultimately, the court found that the “contemporary statements of key legislators in the 2021 redistricting cycle,” demonstrated an “unequivocal intention to maintain the shape of these Challenged Districts,” with slight alterations, to preserve the racial demographics of the 2011 redistricting cycle. *Id.* at *48. The *Jacksonville I* Court rejected the defendant’s argument that the plaintiffs delayed in filing the

preliminary injunction motion because plaintiffs were essentially attempting to enjoin decisions from the 2011 redistricting cycle. *Id.* at *51–52. In doing so, the court held that “to the extent the City contends that injunctive relief is not warranted because the alleged harms have been in existence since at least 2011 if not before, the Court is not persuaded. Plaintiffs in this case complain about a new harm—the maps enacted in 2022.” *Id.*

In the instant Action, Defendant presents the same unavailing argument. While true, the contemporary statements of multiple Commissioners demonstrate that their intent was to preserve the demographic breakdown of each district from the original redistricting decisions in the late 1990s, like in *Jacksonville I*, the harms in this case arise from the new Enacted Plan and the result of the most recent redistricting. Accordingly, the Court finds that R&R correctly rejected Defendant’s argument that “Plaintiffs are 25 years too late in seeking a preliminary injunction.” R&R at 94.

The Court now turns to Defendant’s second objection regarding the February 2023 Special Election and what bearing it has on the R&R’s finding that Plaintiffs did not delay in filing the Motion. From what the Court can decipher, Defendant appears only to take issue with the fact that the R&R allegedly “brushes off the Special Election because it did not involve most of the challenged districts.” Obj. at 18.

The R&R did no such thing. Rather, the R&R carefully considered the timing of the Special Election in relation to when the Motion and Amended Complaint were filed. *See* R&R at 95–96. Indeed, the R&R explained that “the vacancy that culminated in [the Special Election] occurred after Plaintiffs’ Complaint was filed and the [S]pecial [E]lection occurred after the [M]otion was filed.” *Id.* at 95. Moreover, the R&R noted that, based on the City’s Charter, “it was not a foregone conclusion that a [S]pecial [E]lection to fill the vacancy” regarding

Commissioner Russel’s successor “would be called.” *Id.* at 96. Considering these facts, the R&R found that the Special Election contributed to a finding that Plaintiffs unreasonably delayed filing the Motion, but the delay was not as egregious as the delay in *Benisek*. *See id.* at 96.

At no point did the R&R “brush off” the Special Election. *See* Obj. at 18; R&R at 95–96. Nor did the R&R’s analysis of the Special Election mention how the election would or would not impact the other challenged districts. *See* R&R at 95–96. Defendant’s characterization of the R&R’s findings regarding the Special Election is flatly incorrect and has no basis in the text of the R&R. Rather, the Court finds that the R&R properly evaluated Plaintiffs’ diligence in filing the Motion by assessing the timing of both the Motion itself and the Amended Complaint in relation to the Special Election. Defendant’s objection to this point is therefore unavailing.

Lastly, Defendant argues that the R&R applied the incorrect standard to determine whether Plaintiffs unreasonably delayed in filing their Motion. Obj. at 19. Defendant states that the “R&R implies that [Defendant] bore the burden to prove that the delay was ‘intentional, strategic or even negligent.’” *Id.* (citing R&R at 95). Correctly, Defendant notes that the proper standard mandates that “Plaintiffs must show reasonable diligence where there has been delay” in filing the Motion. *Id.*; *see also Benisek*, 138 S. Ct. at 1944. However, for the following reasons, the Court reiterates that Plaintiffs’ relative delay was not unreasonable.

“The Supreme Court has explained that a party requesting a preliminary injunction must generally show reasonable diligence.” R&R at 93 (quoting *Benisek*, 138 S. Ct. at 1944) (internal quotations omitted). Here, the R&R properly examined the arguments regarding the alleged filing delays through a lens of Plaintiffs’ reasonableness. *See id.* at 94–96. Specifically, the R&R examined whether Plaintiffs’ delay was reasonable by analyzing (1) the time it took for Plaintiffs to file the Complaint and the Motion after the Enacted Plan was executed; (2) the impact of the

Special Election that occurred in February 2023; and (3) the time it took for Plaintiffs to gather sufficient evidence to file their Motion. *See id.* at 96–98. In doing so, the R&R even found that Plaintiffs demonstrated a “relative lack of diligence.” *See id.* at 97. After a *de novo* review, the Court finds that the R&R properly analyzed whether Plaintiffs’ delay was reasonable. Considering Plaintiffs’ evidentiary burden in filing the Motion, the impact of the February Special Election, and that the Motion was filed well before the November election, the Court finds that Plaintiffs’ delay was not unreasonable. The Court therefore rejects each of Defendant’s objections.

To conclude, the Court finds that Plaintiffs have satisfied each element necessary for the granting of a preliminary injunction. For the foregoing reasons, the Court ADOPTS the R&R.

V. CONCLUSION

UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Report & Recommendation (ECF No. 52) is ADOPTED. Plaintiffs’ Expedited Motion for Preliminary Injunction (ECF No. 26) is GRANTED. Upon the entry of this Order, the Court shall issue separate Orders referring the Parties to supplemental mediation and setting a Status Conference. At the Status Conference, the Parties shall be prepared to discuss a potential timeline to create and implement a constitutionally conforming remedial map.

DONE AND ORDERED in Chambers at Miami, Florida, this 23rd day of May 2023.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record

DE 69

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

SCHEDULING ORDER

Pursuant to the Court's Order Granting Plaintiffs' Expedited Motion for Preliminary Injunction (ECF No. 60) and the Parties' June 2, 2023 Status Conference (ECF No. 62), it is hereby ORDERED AND ADJUDGED that:

1. The Parties shall complete mediation by June 22, 2023.
2. The Parties shall inform the Court of the status of mediation discussions by June 23, 2023.
 - a. If the Parties reach a settlement regarding the interim remedial plan, the Parties shall notify the Court of the settlement within **three (3) days** of the mediation conference.
3. Should the Parties fail to reach an agreement on an interim remedial map, Defendant shall have until **June 30, 2023** to enact and file its own proposed interim remedial map with the Court.
 - a. If Plaintiffs have no objection to Defendant's proposed interim remedial map, Plaintiffs shall notify the Court within **two (2) days** of their receipt of Defendant's proposed interim remedial map.

- b. If Plaintiffs object to Defendant's proposed interim remedial map, Plaintiffs shall have **seven (7) days** to file a memorandum in opposition, which shall not exceed 30 pages. In turn, the Defendant may file a reply within **five (5) days** of the filing of Plaintiff's memorandum, which shall not exceed 10 pages.
4. Should the Parties fail to reach an agreement and Defendant is unable to enact and file with the Court a proposed interim remedial plan by **June 30, 2023**, Defendant shall notify the Court by close of business on **June 30, 2023**. Each Party shall then have until **July 5, 2023** to propose their own interim remedial plans for the Court's consideration. The proposals shall not exceed 30 pages.
- a. Each Party will have until **July 14, 2023** to file a response brief which shall not exceed 20 pages.
5. By **August 1, 2023**, Defendant shall provide the Court's Order approving any interim remedial plan to the Miami-Dade County Elections Department along with all files and data necessary to implement the plan in the November elections.

DONE AND ORDERED in Chambers at Miami, Florida, this 2nd day of June, 2023.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record

DE 77

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

DEFENDANT'S NOTICE OF PASSAGE OF REDISTRICTING PLAN

Defendant, City of Miami (the "City"), pursuant to the Court's Scheduling Order, ECF 69, Defendant hereby gives notice that it has enacted a new redistricting plan, City of Miami Resolution 23-271, to replace the redistricting plan presented in City of Miami Resolution 22-131, which was enjoined by the Court (ECF 60). Additionally, Defendant provides the following materials related to its enactment of City of Miami Resolution 23-271:

1. City of Miami Resolution 23-271;
2. Statistical Tables for Enacted Plan, generated after passage of the plan and not considered by the City Commission prior to passage of City of Miami Resolution 23-271;
3. Miami City Commission Redistricting Presentation by Miguel DeGrandy, June 14, 2023;
4. Plaintiff's Correspondence, May 23, 2023, enclosing Plaintiffs' Plans 1 and 2;
5. Plaintiffs' Plan 3, June 13, 2023;

6. Verbatim Draft Minutes of City of Miami Commission meeting, June 14, 2023.

Dated this 30th day of June, 2023.

Respectfully submitted,

By: /s/ Christopher N. Johnson
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CITY OF MIAMI
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KEVIN R. JONES, Deputy City Attorney
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Telephone: (305) 416-1800
Facsimile: (305) 416-1801
Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on June 30, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: /s/ Christopher N. Johnson
Christopher N. Johnson
(FBN 69329)



**City of Miami
Certified Copy**

City Hall
3500 Pan American Drive
Miami, FL 33133
www.miamigov.com

File Number: 14173

Enactment Number: R-23-0271

A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PROVIDING THE NEW JURISDICTIONAL BOUNDARIES OF THE CITY COMMISSION DISTRICTS FOLLOWING THE RESULTS OF THE 2020 UNITED STATES CENSUS; OFFICIALLY DELINEATING THE BOUNDARIES OF EACH DISTRICT AS SET FORTH IN "COMPOSITE EXHIBIT 1," ATTACHED AND INCORPORATED; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the voters of the City of Miami ("City") adopted a Charter Amendment on September 4, 1997, providing for a non-voting Executive Mayor elected City-wide, and five (5) City Commissioners elected from districts; and

WHEREAS, the City Commission adopted Resolution No. 97-495 providing for the jurisdictional boundaries of the City Commission Districts; and

WHEREAS, on May 8, 2003, the City reapportioned district boundaries in Resolution No. 03-0448 following the results of the 2000 Census; and

WHEREAS, on May 23, 2013, the City reapportioned district boundaries in Resolution No. R-13-0208 following the results of the 2010 Census; and

WHEREAS, on March 24, 2022, the City Commission reapportioned the district boundaries in Resolution No. R-22-0131 ("2022 Map") following the results of the 2020 Census; and

WHEREAS, on December 15, 2022, nine (9) months after the adoption of the 2022 Map, certain community organizations filed a federal lawsuit against the City of Miami challenging the new redistricting plan alleging it violated the 14th Amendment's Equal Protection Clause; and

WHEREAS, the Federal court entered an order enjoining the City from calling, conducting, supervising, or certifying any elections using the 2022 map; and

WHEREAS, the City Commission retained the services of a professional redistricting consultant to provide redistricting advice to the City; and

WHEREAS, the results of the 2020 Census show that in 2020, the population of the City had grown to 442,241, an increase of 42,752 or 10.7 percent and that the growth has not been uniform across all five of the City's Commission districts; and

WHEREAS, the 14th Amendment to the U.S. Constitution as interpreted by federal case law requires "substantial equality" of population among single member districts and a review of the Census data shows that the current plan is malapportioned and cannot be used for subsequent elections; and

File Number: 14173

Enactment Number: R-23-0271

WHEREAS, Section 2, 52 U.S.C. § 10301 of the Voting Rights Act of 1965 (the "Voting Rights Act"), is a permanent nationwide prohibition on voting practices that discriminate on the basis of race, color, or membership in a language minority group (as defined in Sections 4(f)(2) and 14(c)(3) of the Act, 52 U.S.C. §§ 10303(f)(2), 10310(c)(3)) and prohibits both voting practices that result in citizens being denied equal access to the political process on account of race, color, or membership in a language minority group, and voting practices adopted or maintained for the purpose of discriminating on those bases; and

WHEREAS, the Supreme Court observed in *Reynolds v. Sims*, 377 U.S. 533 (1964), that all that is necessary when drafting state legislative districts is achieving "substantial equality of population among the various districts." The phrase "substantial equality of population" has come to generally mean that a legislative or local government plan will not be held to violate the Equal Protection clause if the overall deviation between the smallest and largest district is less than 10%. In *Avery v. Midland County*, 390 U.S. 474 (1968), the United States Supreme Court applied the *Reynolds* decision to local governments; and

WHEREAS, the City's redistricting consultant met individually with the five district City Commissioners for the purpose of getting input from them to develop a new map that addressed the concerns of the federal court and also achieved compliance with the Voting Rights Act and the Equal Protection Clause; and

WHEREAS, as a result of the meetings, the redistricting consultant developed an amalgamated proposed map that took into consideration the policy and political suggestions of the City Commissioners, resident input and the Court's order and named the map Version 12; and

WHEREAS, the City's redistricting consultant analyzed the polarized voting patterns in the City and determined that the Version 12 map was consistent with the three factors enunciated in the case of *Thornburg v. Gingles*, 478 U.S. 30 (1986); and

WHEREAS, on June 14, 2023, at a Special City Commission meeting, the redistricting consultant presented the Version 12 map to the City Commission and the public; and

WHEREAS, after hearing from the public, the City Commission considered the Version 12 map and made some modifications which among other changes included reuniting a portion of Coconut Grove into District 2, made changes between the boundaries of D3 And D4 to restore the Domino park area to D3, moved an area from District 1 into District 5 that contained a restaurant that the District 5 Commissioner had committed significant effort and funding to ensure its success and made other changes necessary to rebalance the population and reduce the Map's overall deviation; and

WHEREAS, the amendments to the Version 12 map were named the District 3 Version 3 Map ("D3 V3 Map"); and

WHEREAS, the D3 V3 Map achieves substantial equality of population among the districts; and

WHEREAS, the D3 V3 Map is legally sound and meets the City Commission's prime directive that the redistricting plan should abide by the Constitution and the Voting Rights Act;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

File Number: 14173

Enactment Number: R-23-0271

Section 1. The recitals and findings contained in the Preamble to this Resolution are adopted by reference and incorporated as fully set forth in this Section and represent findings of the City Commission.

Section 2. The City delineates the jurisdictional boundaries of each of the five (5) delineated City Commission districts, as set forth in "Composite Exhibit 1," attached and incorporated. These election districts shall be applicable for all purposes, including but not limited to, any election of City Commissioners, following the effective date of this resolution.

Section 3. This Resolution shall become effective immediately upon adoption and signature by the Mayor.¹

DATE:	6/14/2023
RESULT:	ADOPTED
MOVER:	Alex Diaz de la Portilla, Commissioner
SECONDER:	Manolo Reyes, Commissioner
AYES:	Christine King, Joe Carollo, Alex Diaz de la Portilla, Manolo Reyes
NAYS:	Sabina Covo

I, Todd B. Hannon, City Clerk of the City of Miami, Florida, and keeper of the records thereof, do hereby certify that this constitutes a true and correct copy of Resolution No. R-23-0271, with attachment(s), passed by the City Commission on 6/14/2023.



City Clerk, Deputy City Clerk
(for Todd B. Hannon, City Clerk)

June 29, 2023
Date Certified

¹ If the Mayor does not sign this Resolution, it shall become effective at the end of ten (10) calendar days from the date it was passed and adopted. If the Mayor vetoes this Resolution, it shall become effective immediately upon override of the veto by the City Commission.



City of Miami

Master Report

City Hall
 3500 Pan American Drive
 Miami, FL 33133
 www.miamigov.com

Enactment Number: R-23-0271

File Number: 14173	File Type: Resolution	Status: ADOPTED
Revision:	Controlling Body: City Commission	
File Name: Resolution Adopted Map D3 V3 - 3.6 Dev - Redistricting of City Commission Districts		Introduced: 6/15/2023
Requesting Dept: City Commission	Final Action Date: 6/14/2023	

Title: A RESOLUTION OF THE MIAMI CITY COMMISSION, WITH ATTACHMENT(S), PROVIDING THE NEW JURISDICTIONAL BOUNDARIES OF THE CITY COMMISSION DISTRICTS FOLLOWING THE RESULTS OF THE 2020 UNITED STATES CENSUS; OFFICIALLY DELINEATING THE BOUNDARIES OF EACH DISTRICT AS SET FORTH IN "COMPOSITE EXHIBIT 1," ATTACHED AND INCORPORATED; MAKING FINDINGS; AND PROVIDING AN EFFECTIVE DATE.

Notes:

Links:

Attachments: 14173 Composite Exhibit 1(PDF)

History of Legislative File:

Revision:	Acting Body:	Date:	Action:	Result:
	City Commission	6/14/2023	Meeting	Completed
	City Commission	6/14/2023	ADOPTED	Passed
	Mayor's Office	6/23/2023	Unsigned by the Mayor	Completed
	City Clerk's Office	6/23/2023	Signed and Attested by the City Clerk	Completed
	Legislative Division	6/27/2023	Legislative Division Review	Completed
	George K. Wyszong III	6/29/2023	ACA Review	Completed
	Marie Gouin	6/29/2023	Budget Review	Completed
	Victoria Méndez	6/29/2023	Approved Form and Correctness	Completed
	City Clerk's Office	6/29/2023	Rendered	Completed

City of Miami Commission Districts Adopted June 14, 2023

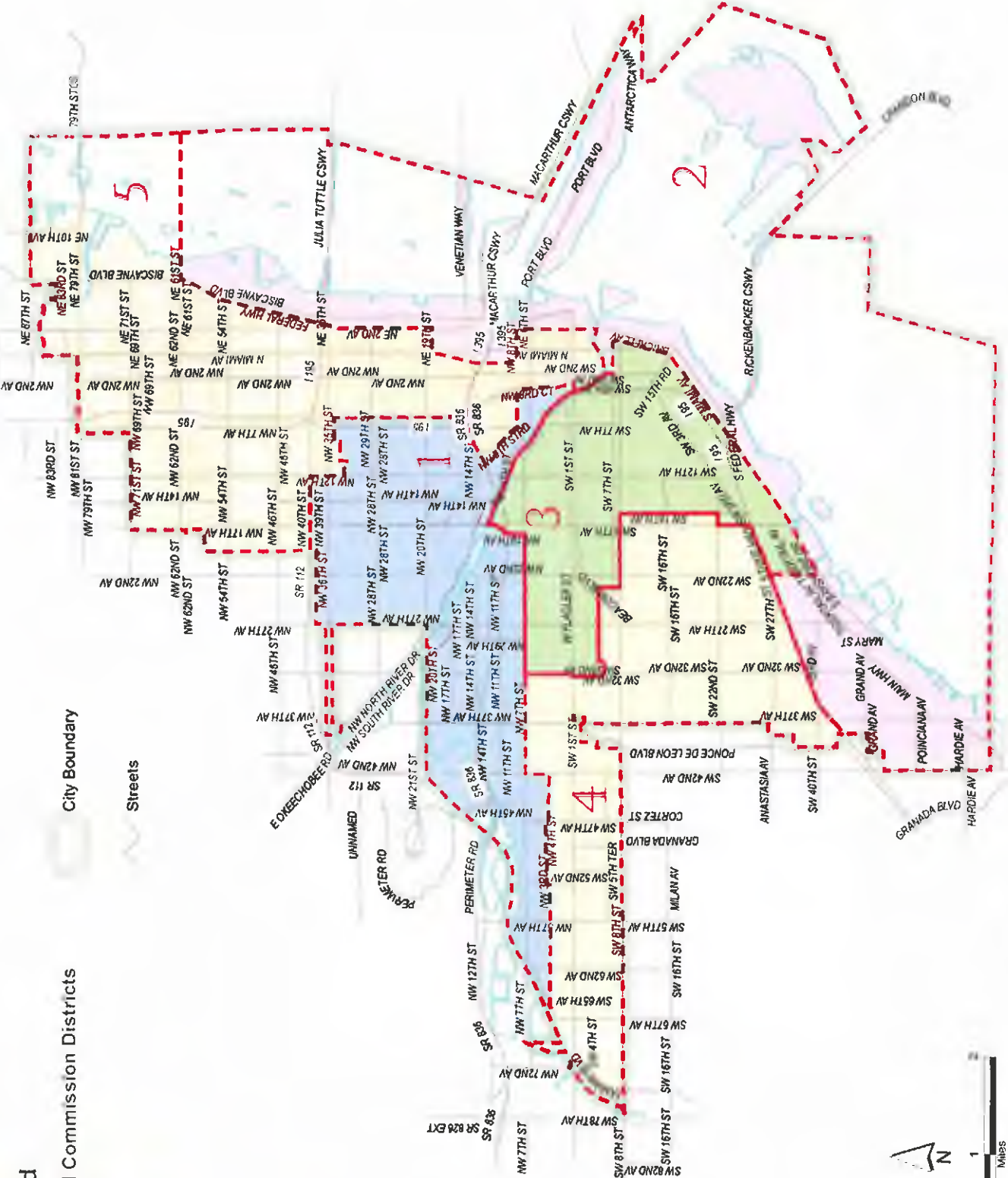


Legend

Adopted Commission Districts

City Boundary

Streets



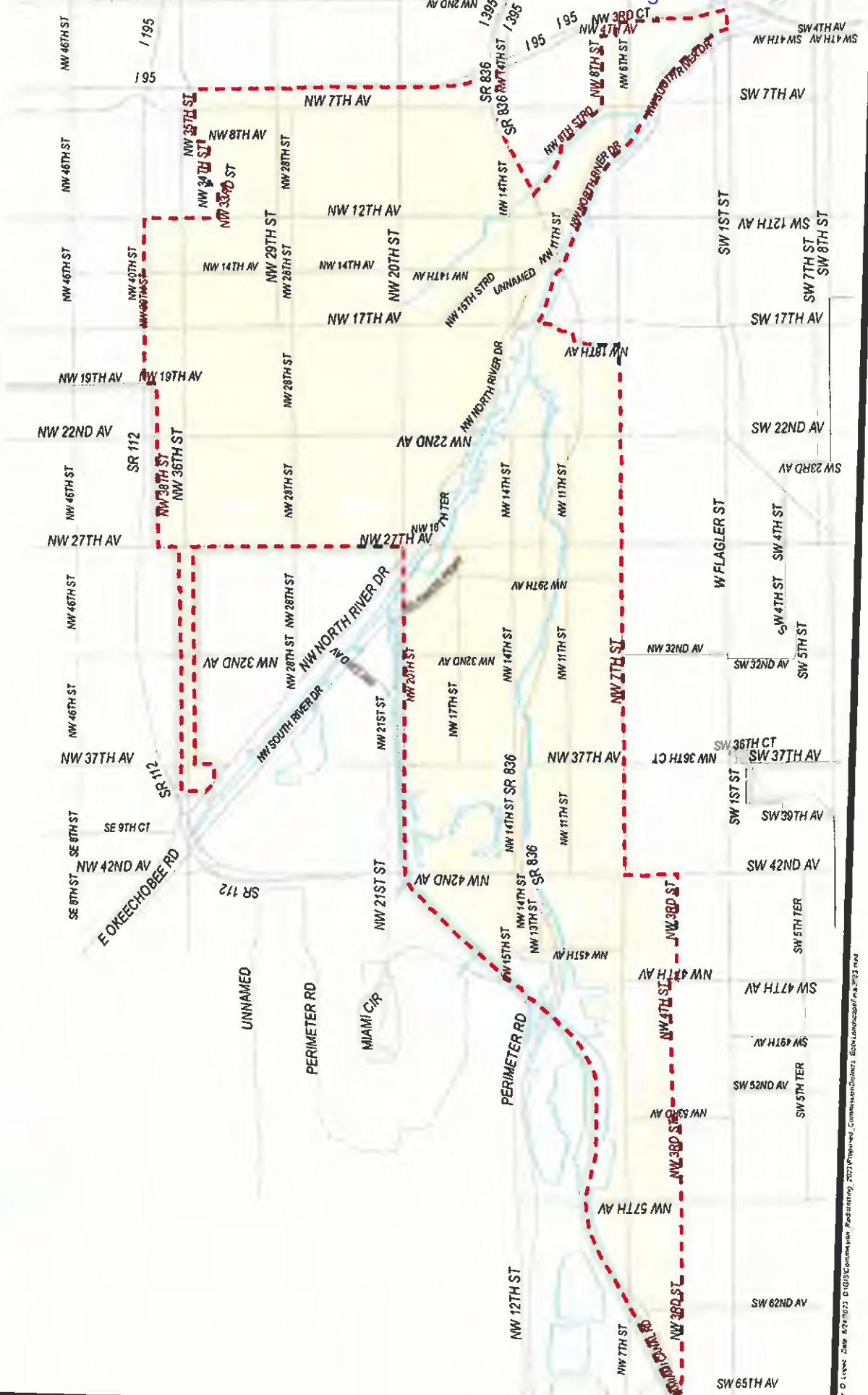
City of Miami Commission Districts Adopted June 14, 2023

Commission District: 1

Legend

City Boundary

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City of Miami Commission Districts Adopted June 14, 2023

Commission District: 3

Legend
City Boundary



City of Miami Commission Districts Adopted June 14, 2023



Commission District: 4



Legend

City Boundary



STATISTICAL TABLES FOR ENACTED PLAN

NOTE: This data was not presented to the Miami City Commission prior to enactment of City of Miami Resolution 23-271, but is provided to the Court.

Table 1 - 2020 Census Total Population for D3_V3 2023 Enacted Plan

District	Total	White NH	Black NH	BNH and BW NH (DOJ 1st		AP Black (DOJ 2nd		Hisp
				Def)	AP Black NH	Def)		
1	87,455	3,941	4,722	4,819	4,934	9,484	77,291	
2	89,593	32,465	5,026	5,612	5,911	7,086	44,375	
3	89,194	9,775	1,702	1,862	2,008	4,824	74,755	
4	89,555	7,393	663	755	874	2,882	79,491	
5	86,444	8,255	40,334	40,941	41,507	45,110	34,560	
Totals:	442,241	61,829	52,447	53,989	55,234	69,386	310,472	

Table 2 2020 Census Total Population Percentages for D3_V3 2023 Enacted Plan

District	White NH	Black NH	BNH and BW NH (DOJ 1st		AP Black (DOJ 2nd		Hisp
			Def)	AP Black NH	Def)		
1	4.51%	5.40%	5.51%	5.64%	10.84%	88.38%	
2	36.24%	5.61%	6.26%	6.60%	7.91%	49.53%	
3	10.96%	1.91%	2.09%	2.25%	5.41%	83.81%	
4	8.26%	0.74%	0.84%	0.98%	3.22%	88.76%	
5	9.55%	46.66%	47.36%	48.02%	52.18%	39.98%	
Totals:	13.98%	11.86%	12.21%	12.49%	15.69%	70.20%	

Table 3 - 2020 Census Voting Age Population for D3_V3 2023 Enacted Plan

District	Total	White NH	Black NH	BNH and BW NH (DOJ 1st		AP Black (DOJ 2nd		Hisp
				Def)	AP Black NH	Def)		
1	72,422	2,482	3,862	3,937	4,022	7,869	64,982	
2	78,060	28,523	4,318	4,771	5,003	5,973	38,677	
3	74,010	7,768	1,385	1,500	1,599	4,004	62,511	
4	76,272	5,478	551	608	709	2,372	68,668	
5	68,436	7,177	30,860	31,316	31,764	34,436	27,814	
Totals:	369,200	51,428	40,976	42,132	43,097	54,654	262,652	

Table 4 - 2020 Census Voting Age Population Percentages for D3_V3 2023 Enacted Plan

District	White NH	Black NH	BNH and BW NH (DOJ 1st Def)		AP Black (DOJ 2nd Def)		Hisp
				AP Black NH			
1	3.43%	5.33%	5.44%	5.55%	10.87%	89.73%	
2	36.54%	5.53%	6.11%	6.41%	7.65%	49.55%	
3	10.50%	1.87%	2.03%	2.16%	5.41%	84.46%	
4	7.18%	0.72%	0.80%	0.93%	3.11%	90.03%	
5	10.49%	45.09%	45.76%	46.41%	50.32%	40.64%	
Totals:	13.93%	11.10%	11.41%	11.67%	14.80%	71.14%	

Miami City Commission Redistricting

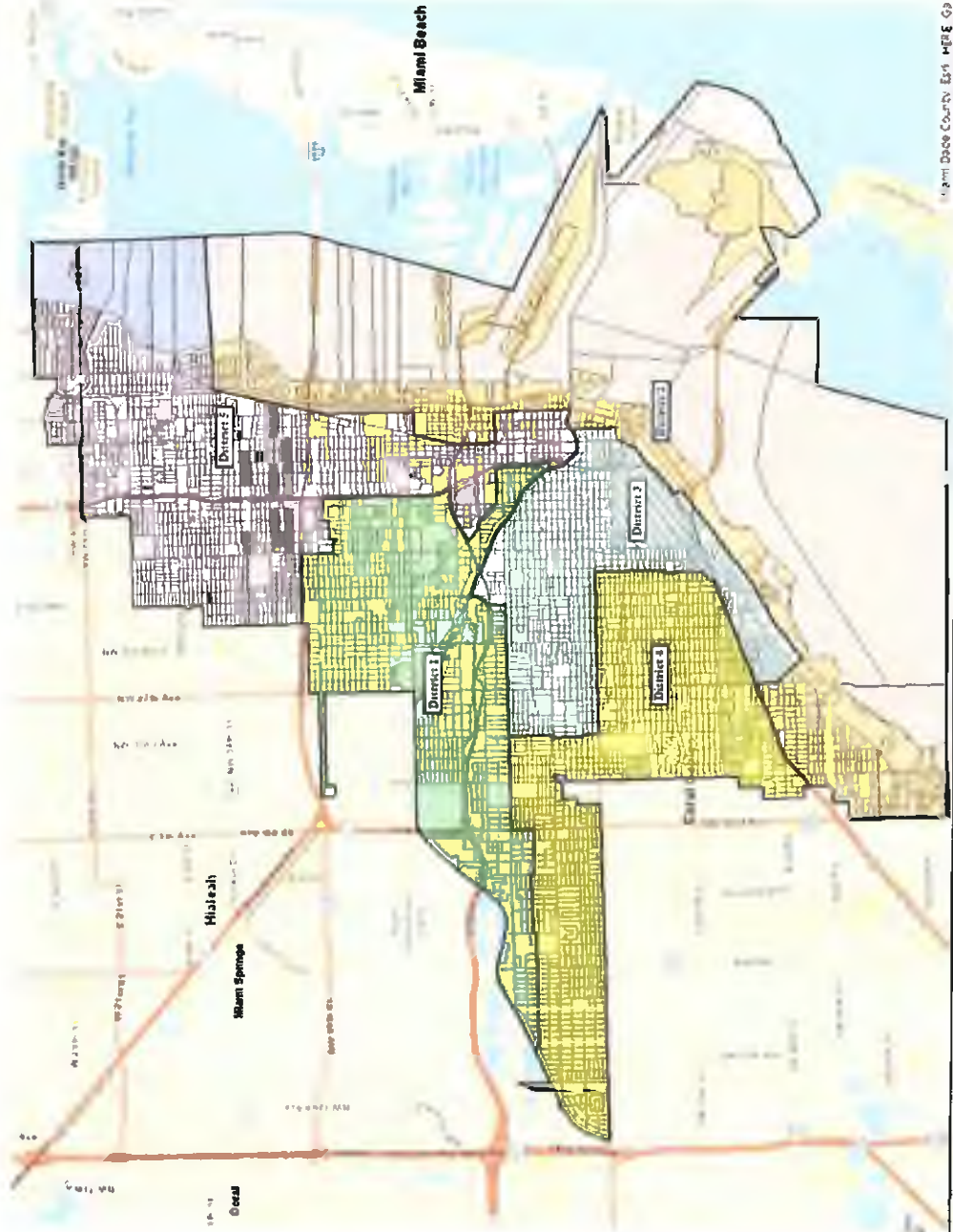
Presentation by Miguel A. De Grandy, Esq.



June 14, 2023

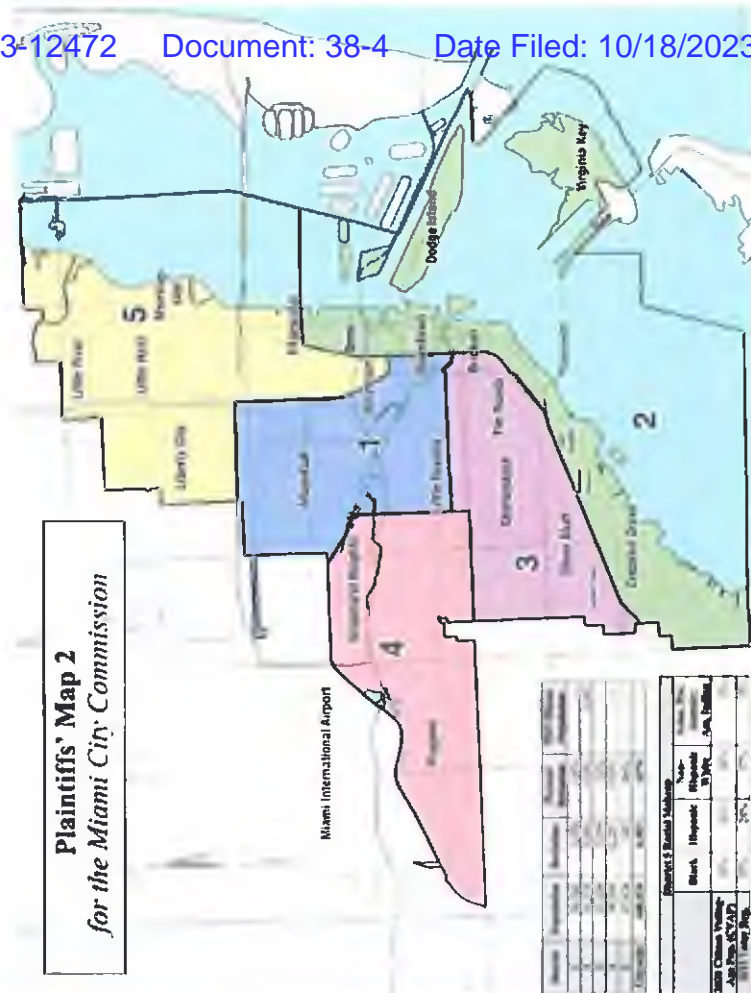
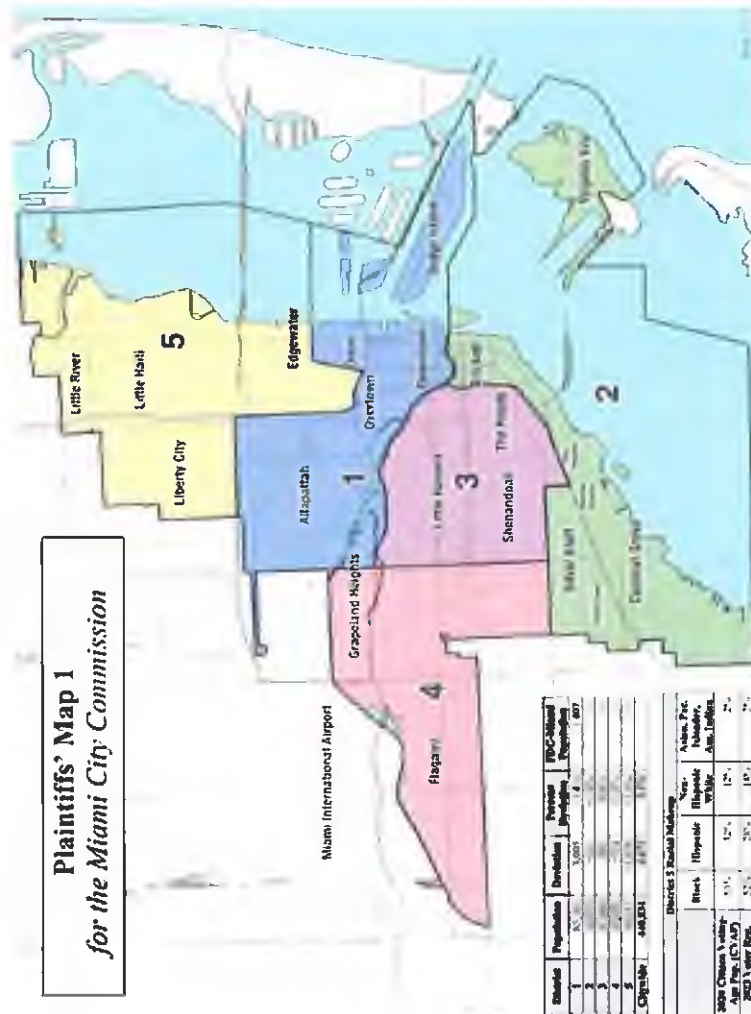
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The Draft Plan Proposal



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Plaintiff's Alternative Plans:



District 4

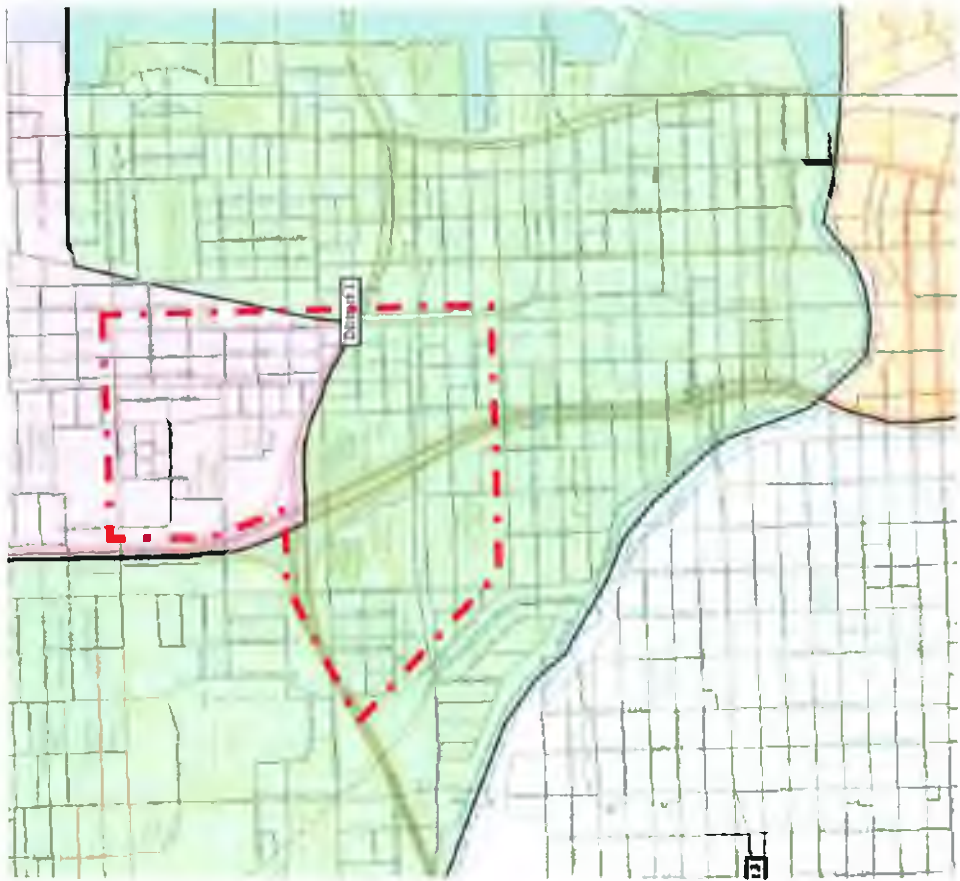
Plaintiffs' ALT. 1
Hispanic VAP
95.05

Plaintiffs' ALT. 2
Hispanic VAP
95.55%

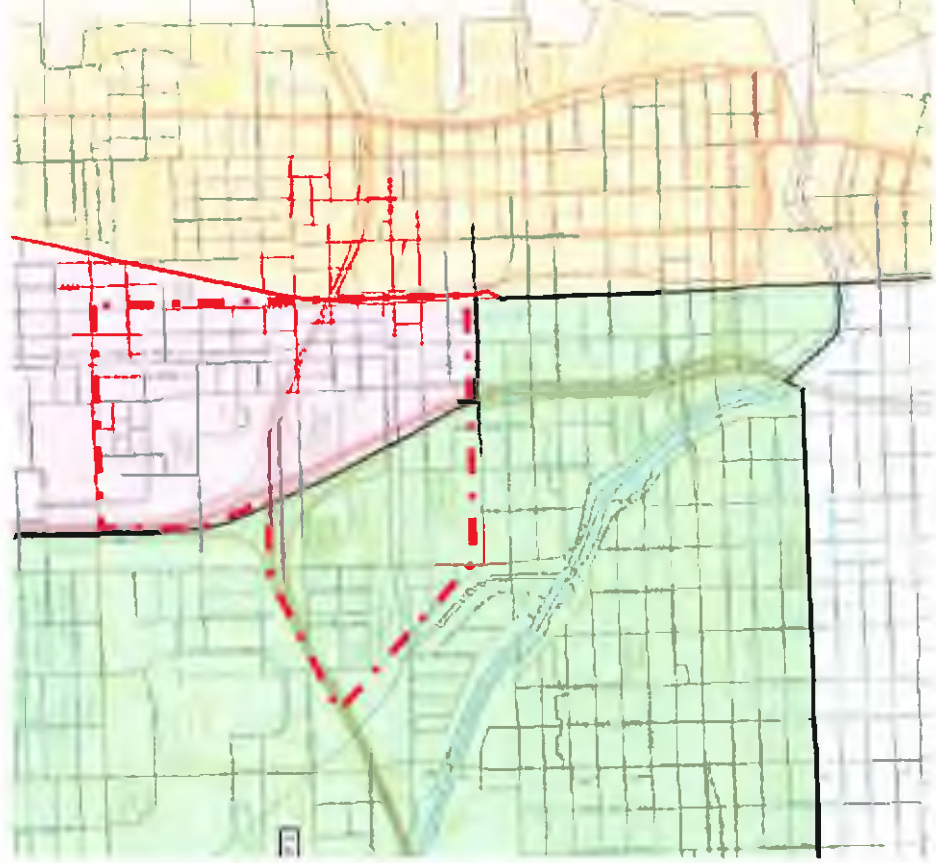


District 5:

Plaintiffs' ALT. 1 Overtown



Plaintiffs' ALT. 2



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Performance of D1 in Plaintiff's Alt 1 vs. Draft Proposal

- *Republican registered voters drop by 9%*
- *13.8% increase in presidential election vote for Biden.*
- *DeSantis 15% lower in 2018 Gubernatorial election.*
- *Republican candidate in Atty Gen. race also 15% lower*

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Performance of D1 in Plaintiff's Alt 2 vs.

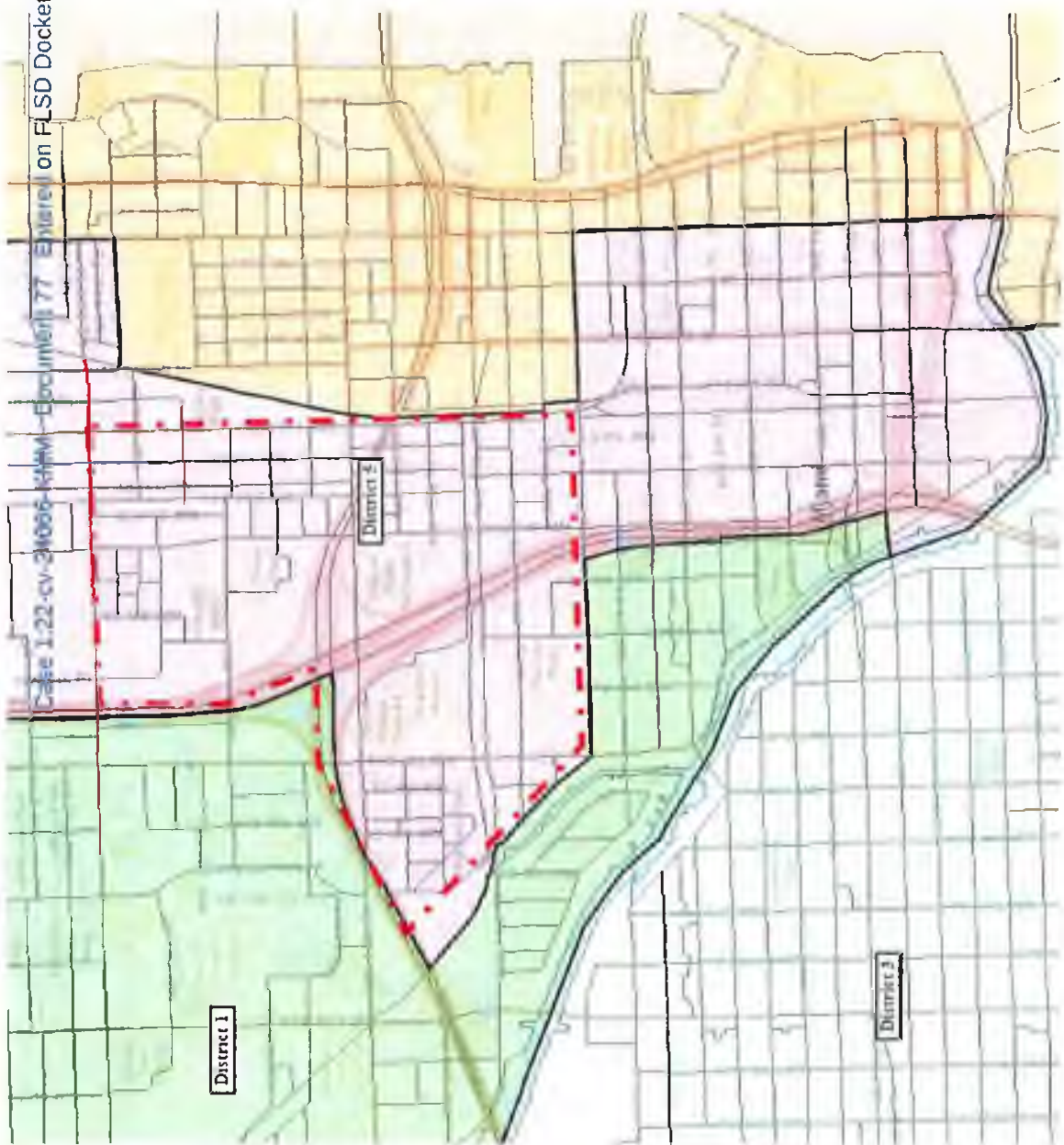
Draft Proposal

- Republican registered voters drop by 6%
- 7.5% increase in presidential election vote for Biden.
- DeSantis 9% lower in 2018 Gubernatorial election.
- Republican candidate in Atty Gen. race also 9% lower

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Proposal District 5

Historic Overtown In Proposed Plan



Draft Proposal



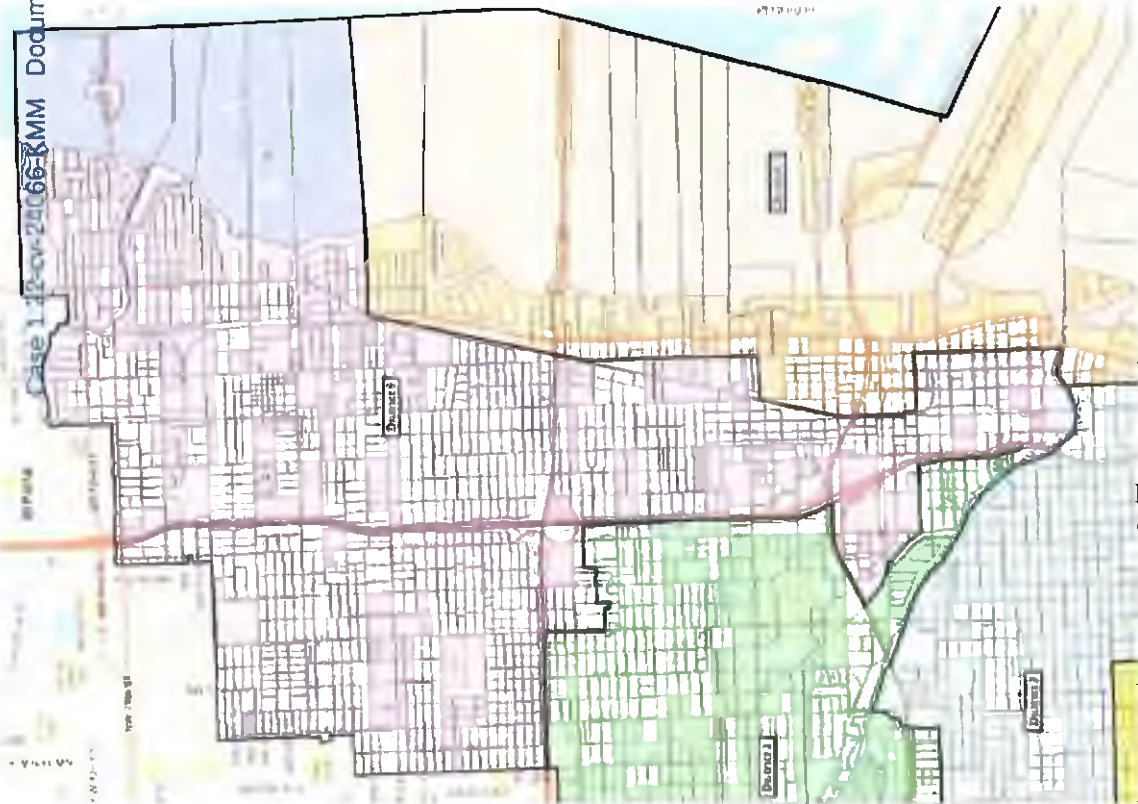
Plaintiffs' ALT. 2



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District 5

The Voting Rights Act District



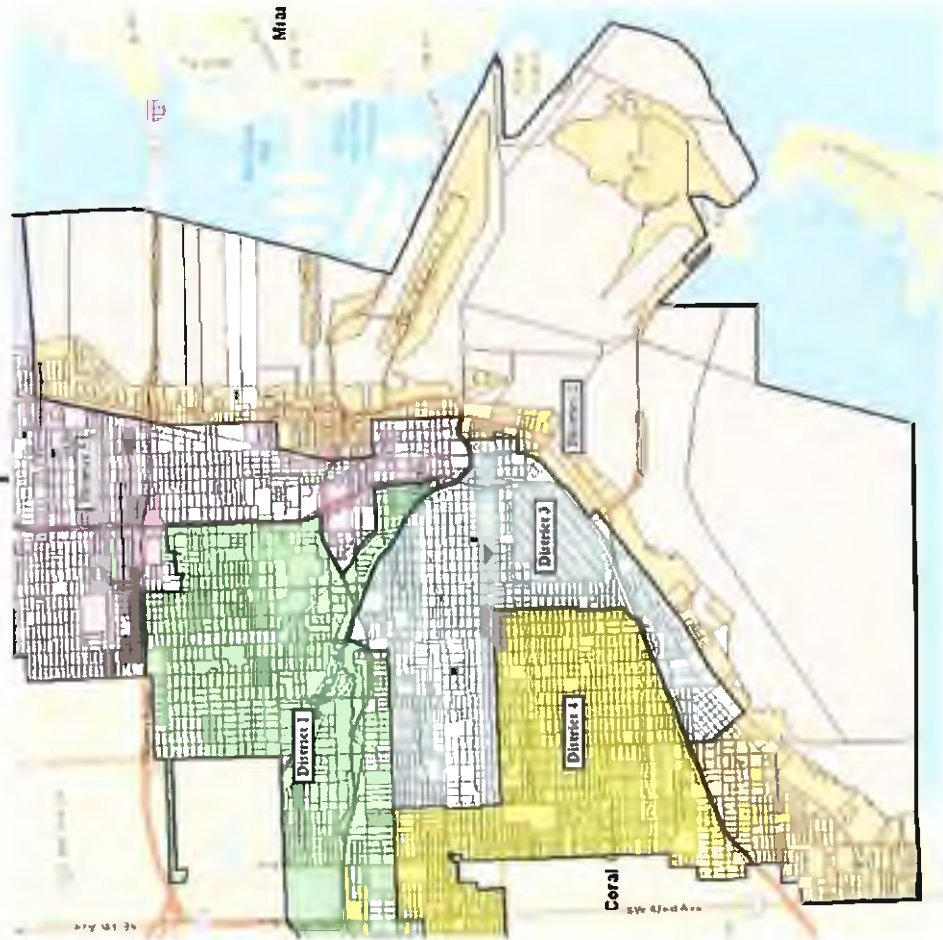
District 1



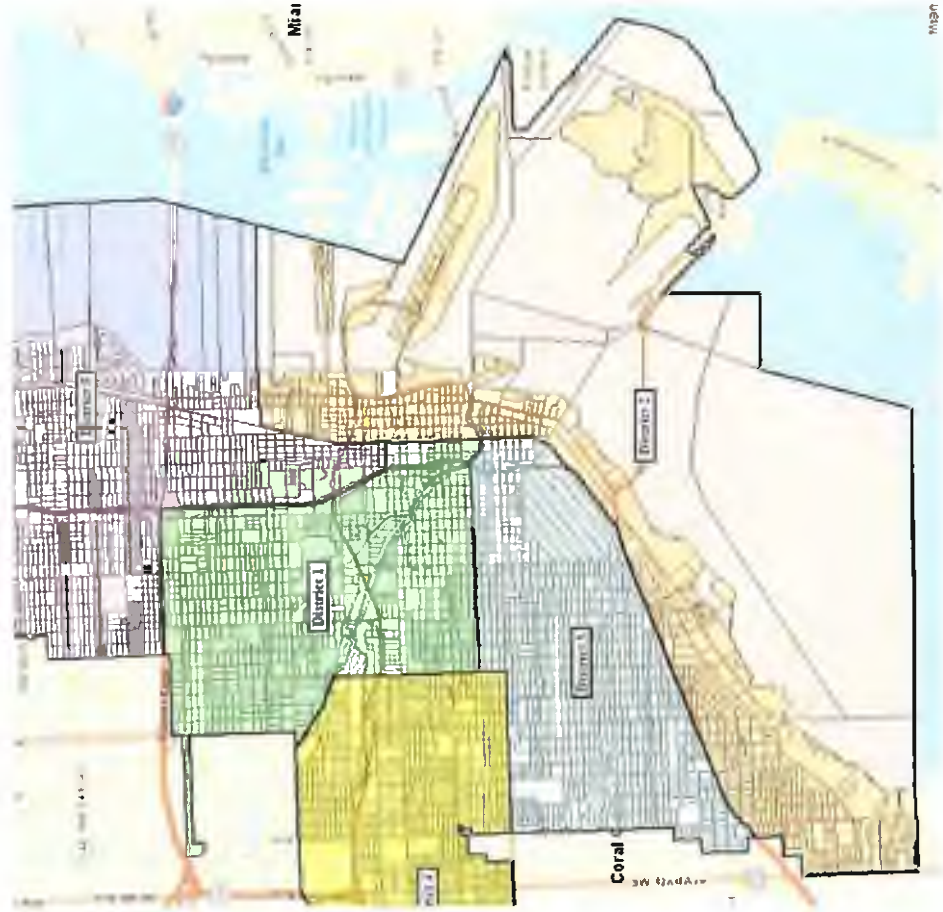
Case 1:22-cv-24066-KMM Document 77 Entered on FLSD Docket 06/30/2023 Page 30 of 125

District 2: The Coastal District

Proposal



Plaintiffs' ALT 2



District 2 Compared to Prior Reyes Plan

Proposal



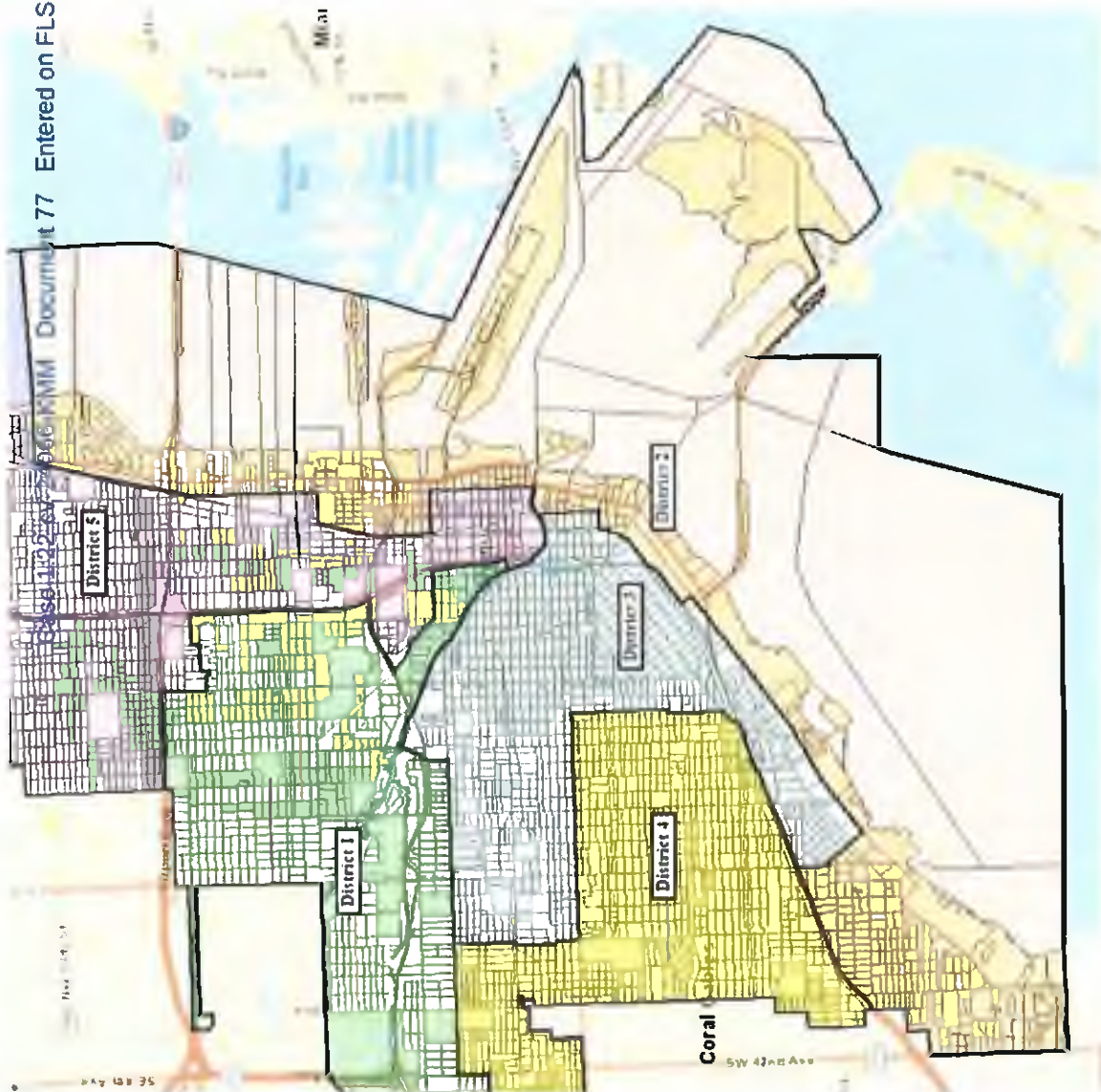
Reyes Plan



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District 2

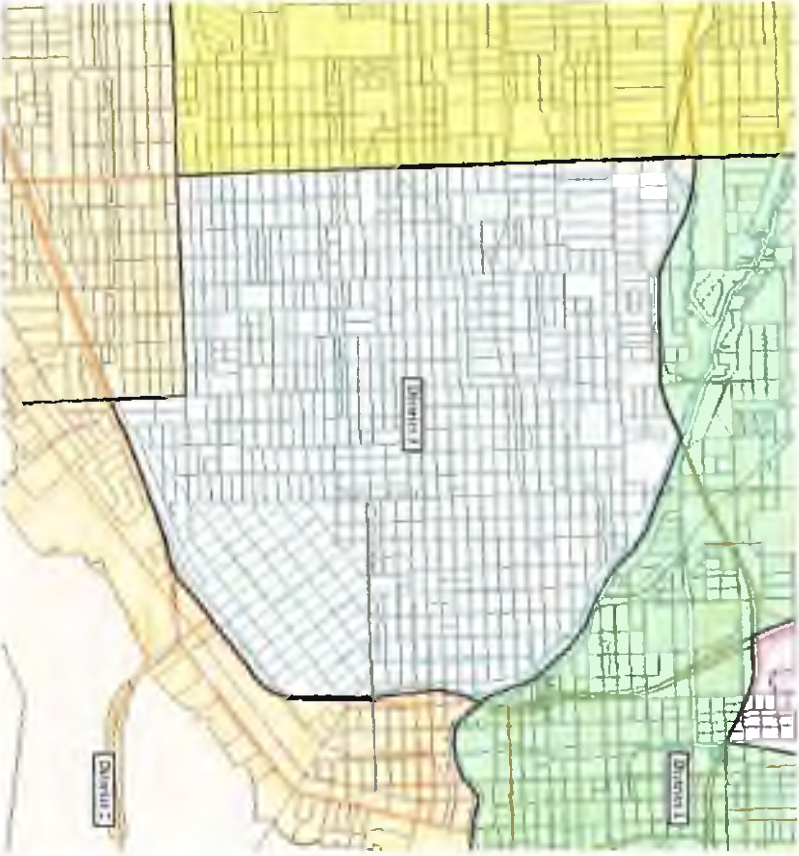
The Coastal District



Plaintiffs' District 3

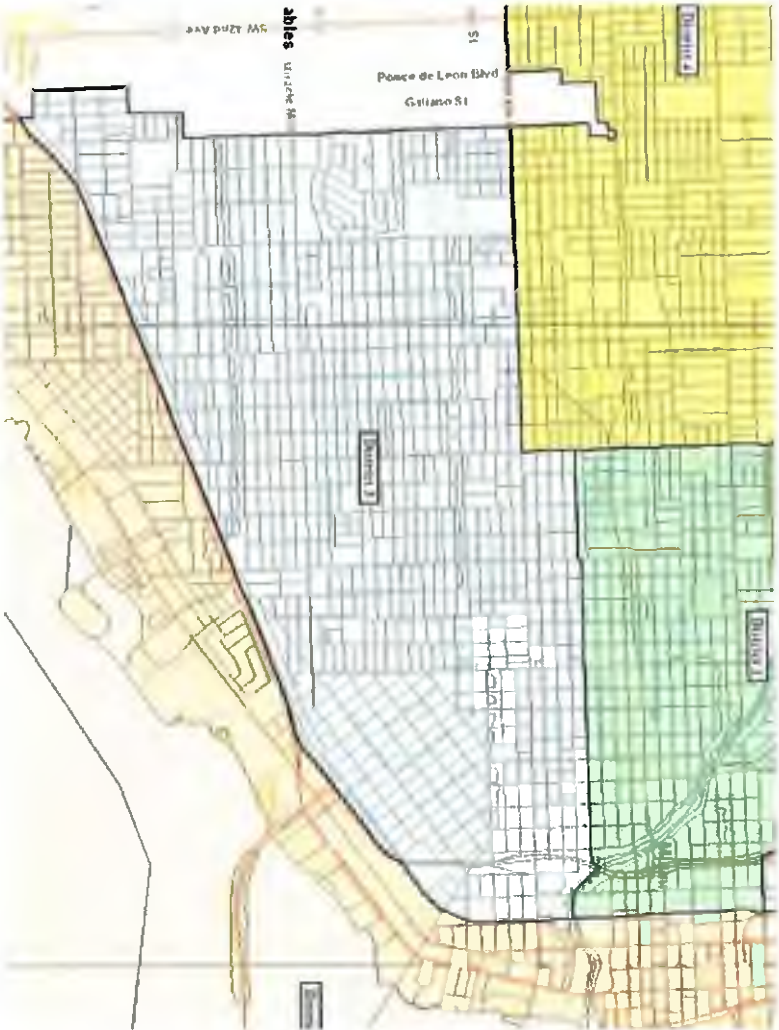
Plaintiffs' ALT. 1

Hispanic VAP 90.83%



Plaintiffs' ALT. 2

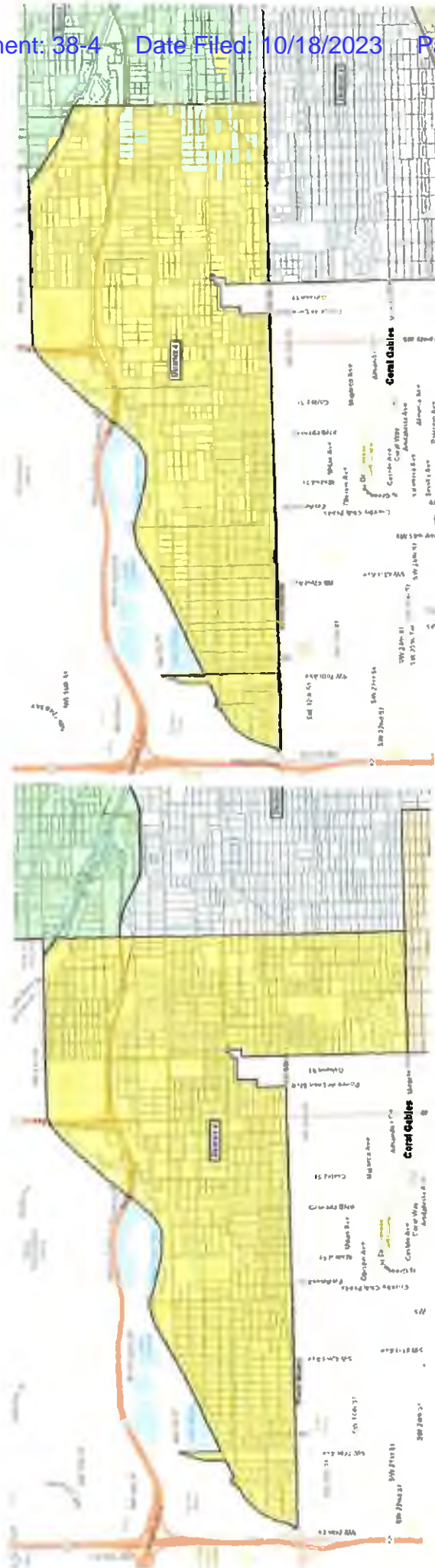
Hispanic VAP 84.81%



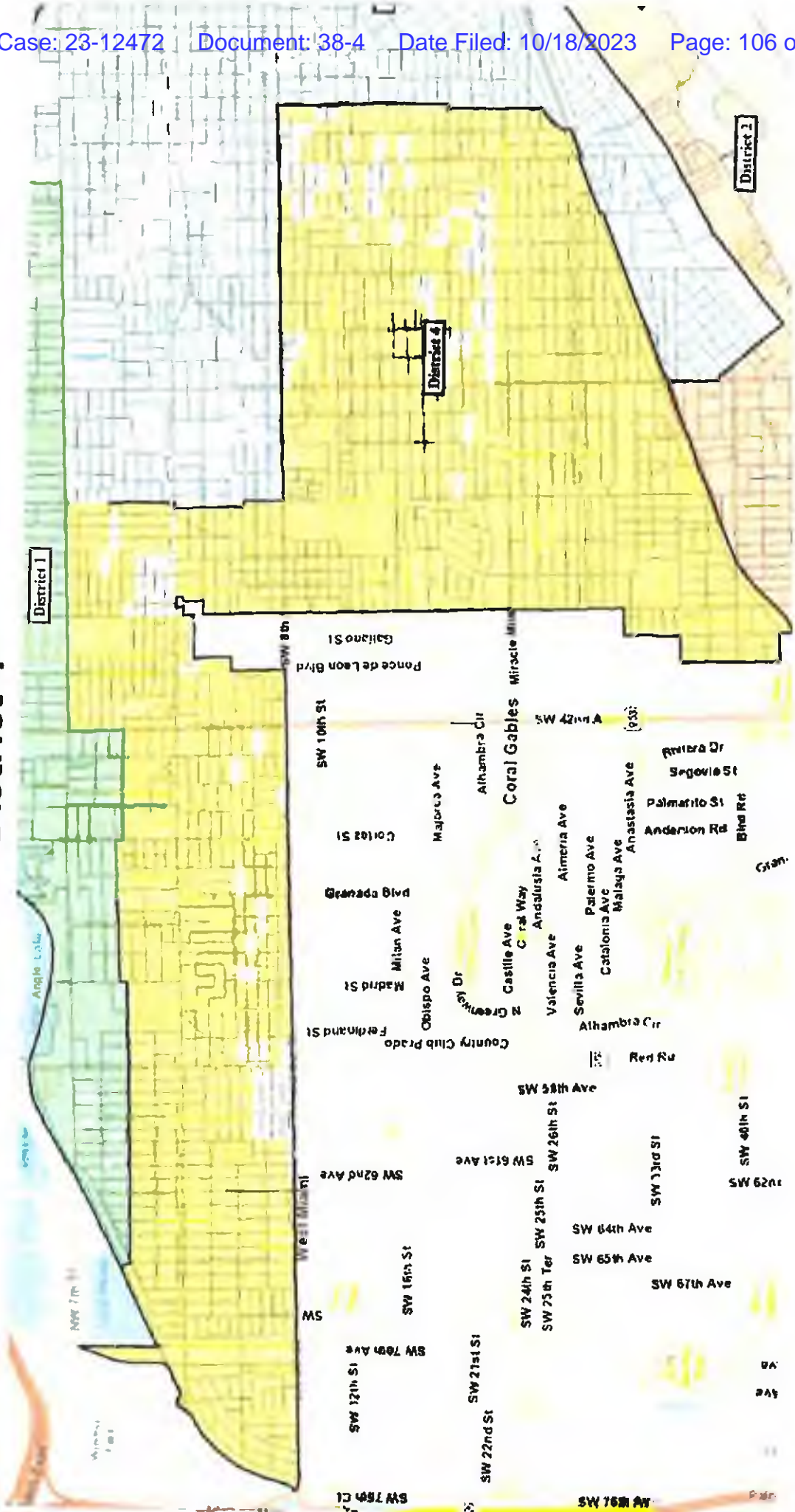
Plaintiffs' District 4

Plaintiffs' ALT. 2
Hispanic VAP
95.55%

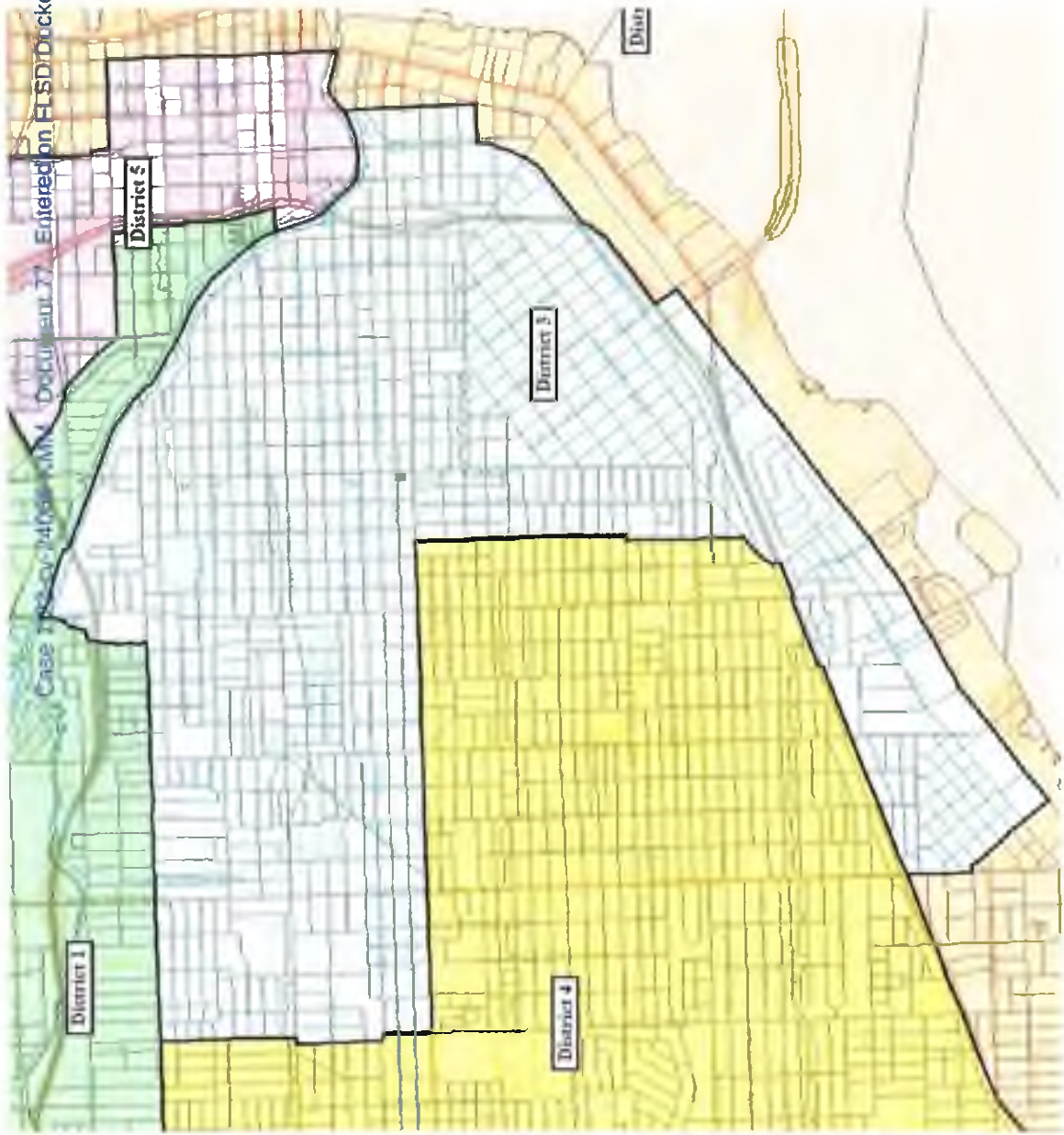
Plaintiffs' ALT. 1
Hispanic VAP
95.03%



District 4



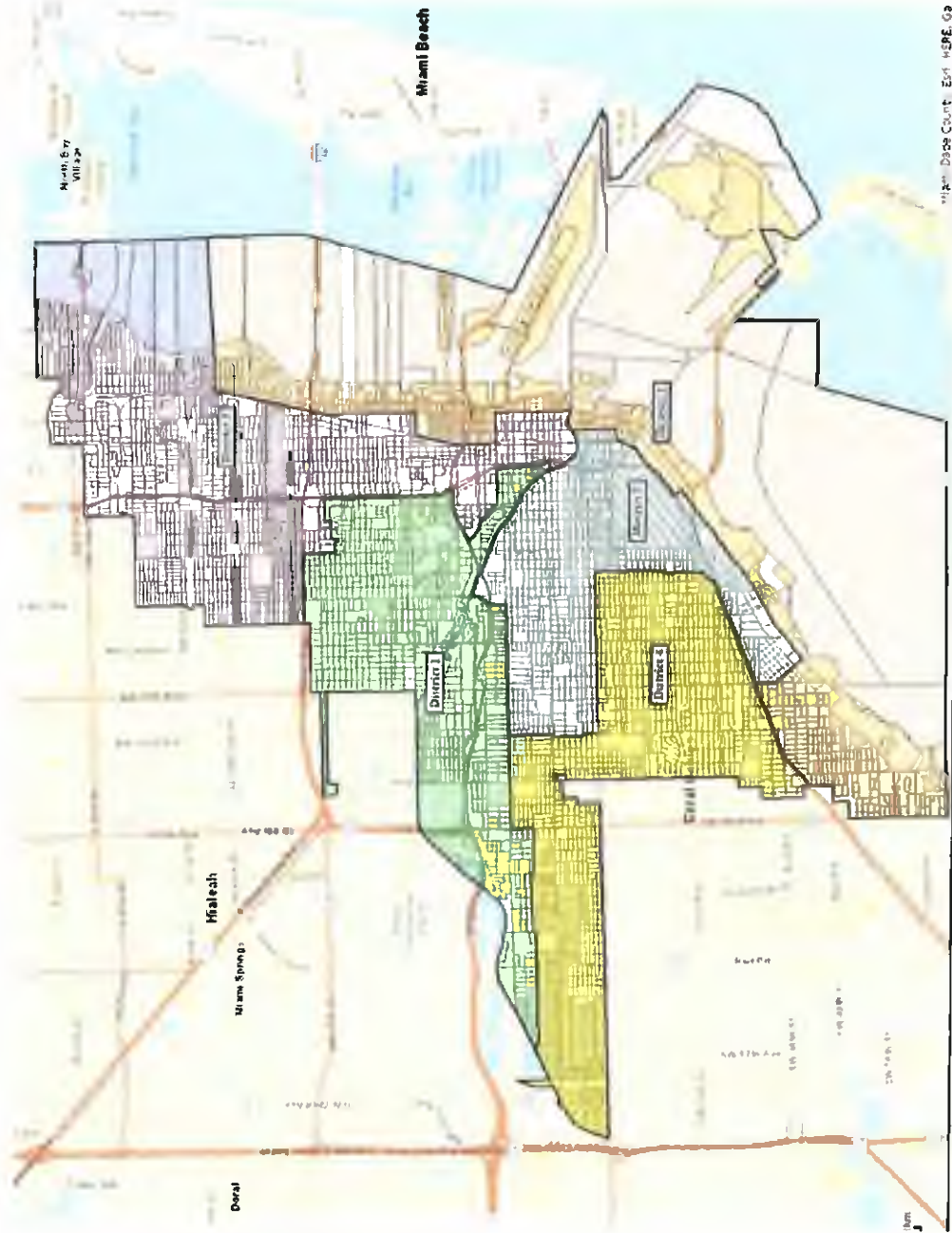
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District 3

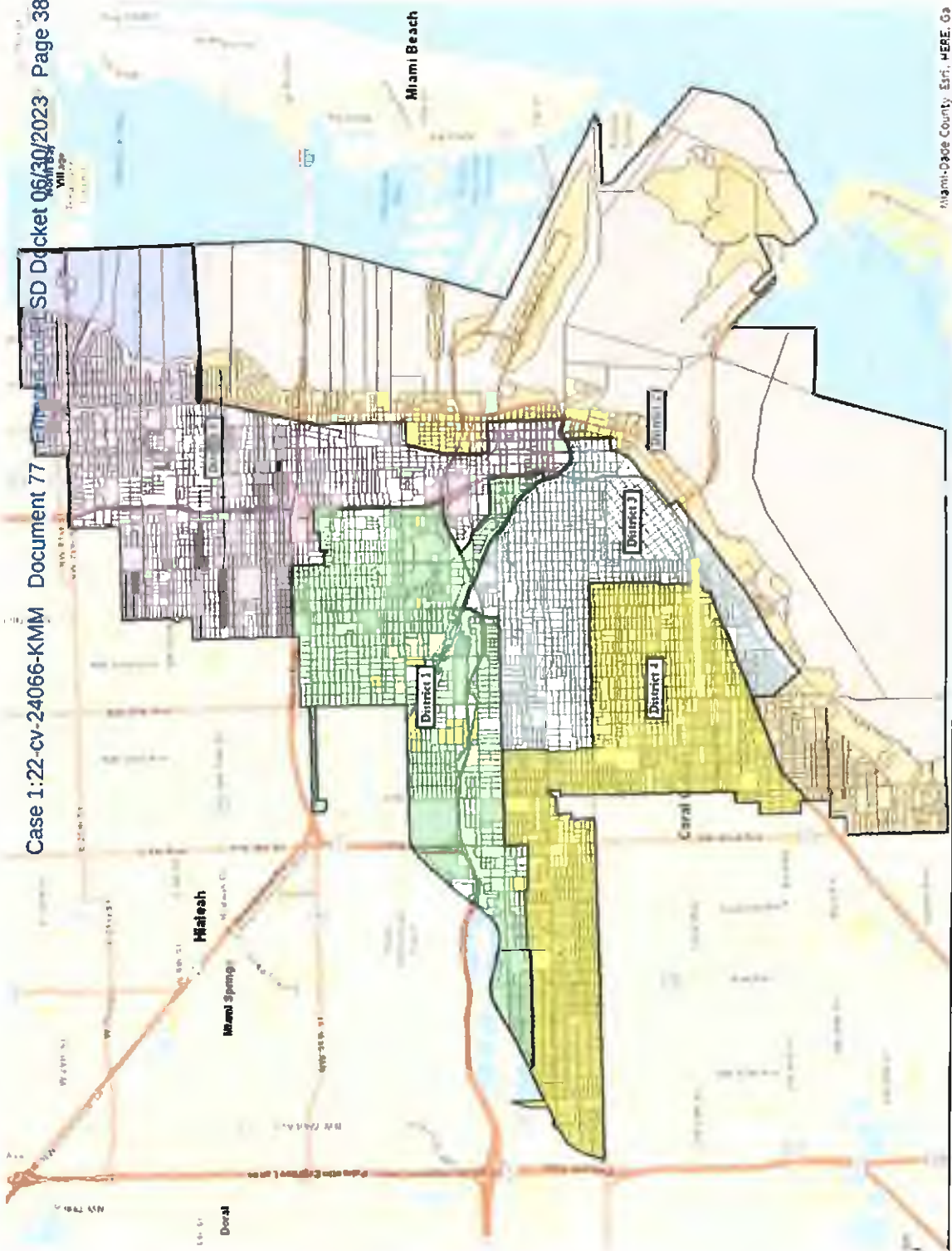
Case 1:22-cv-24066-KMM Document 77 Entered on FLSD Docket 06/30/2023 Page 37 of 125

Proposal overall Deviation: 2.6%



The Draft Plan Proposal

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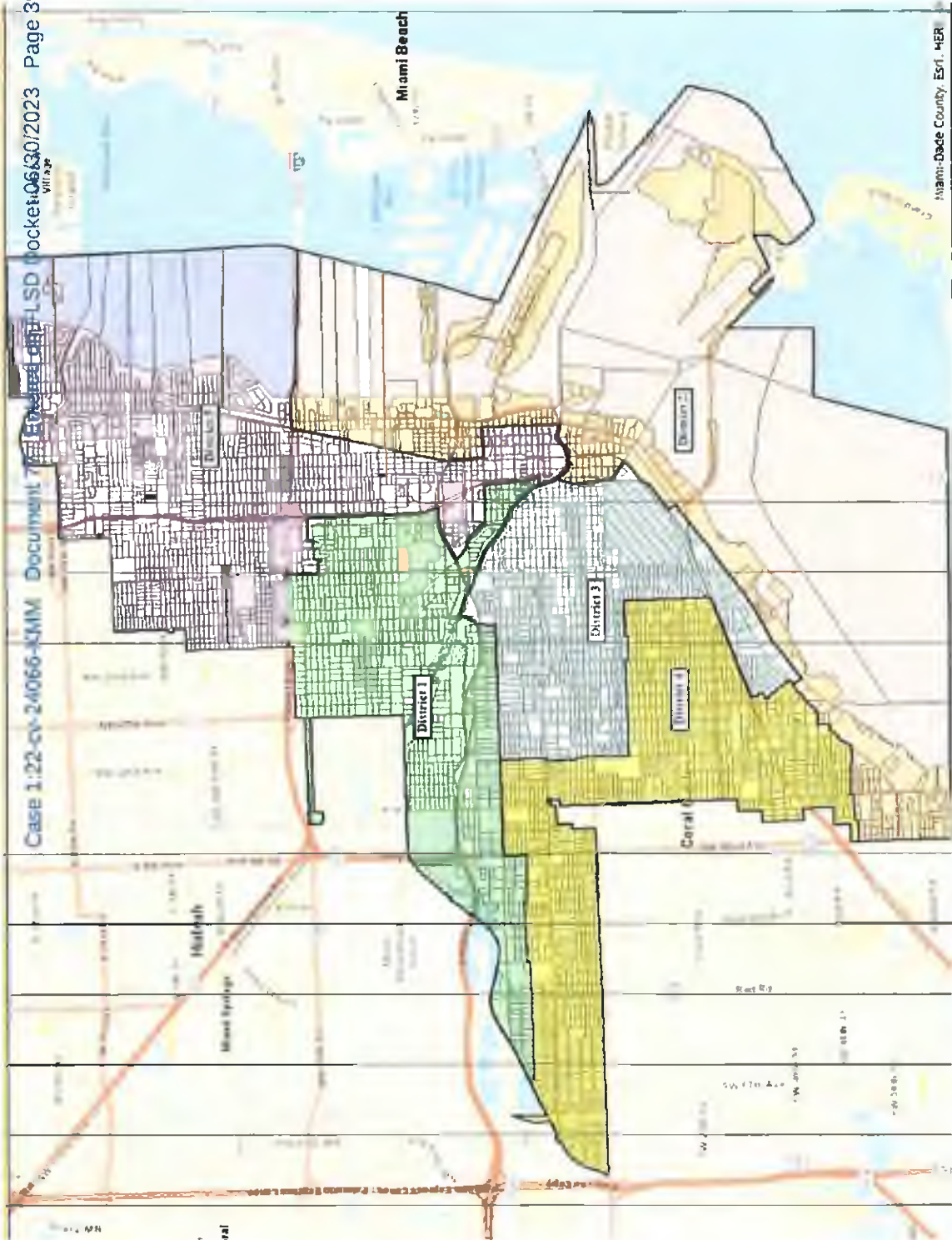


Miami-Dade County, Fla. HERE, Ga

D1 alt. Map

Dev. 2.3%

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LSD Pocket 06/30/2023

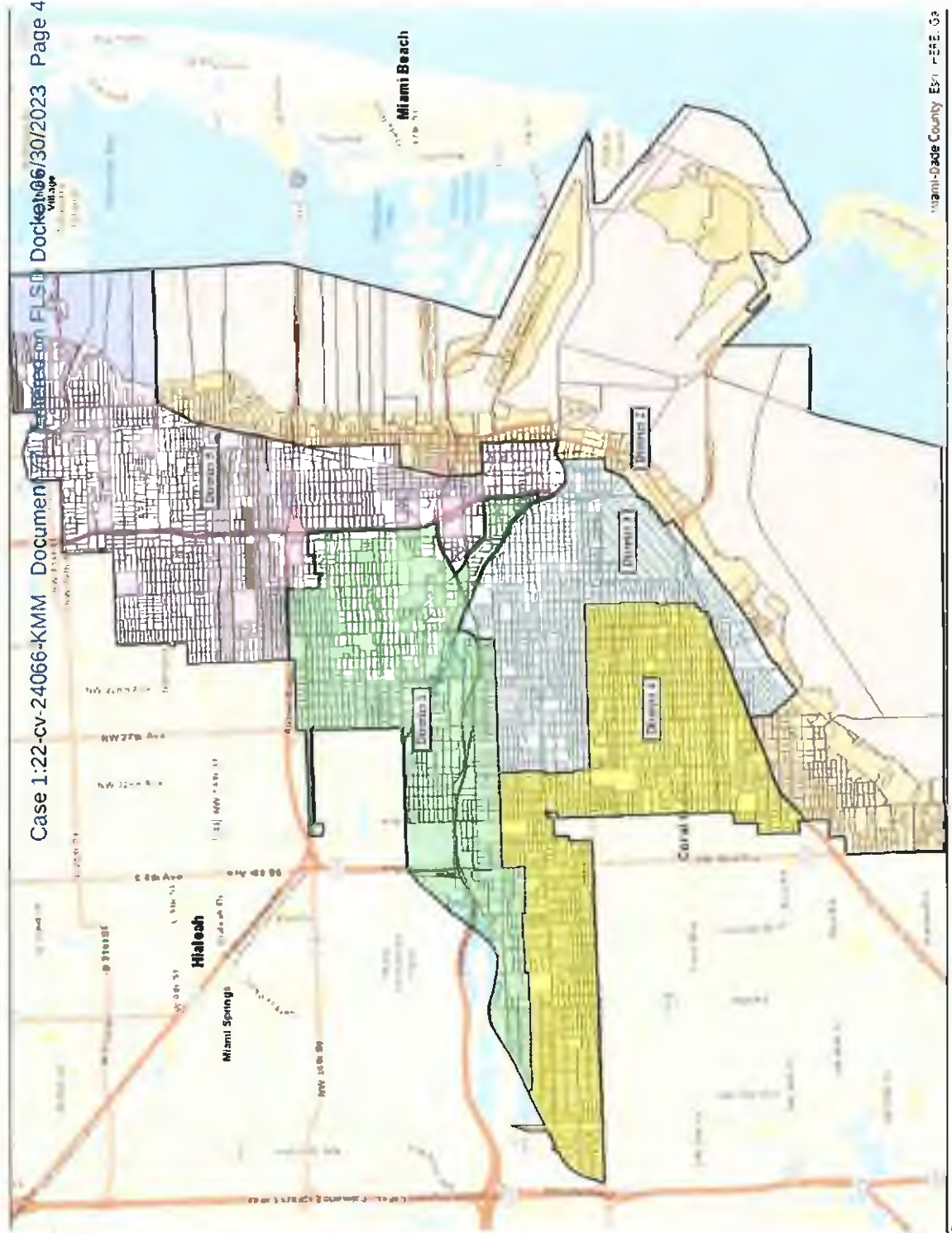


Miami-Dade County, Esrl. MER

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D5 alt. Map

Dev. 3.4%

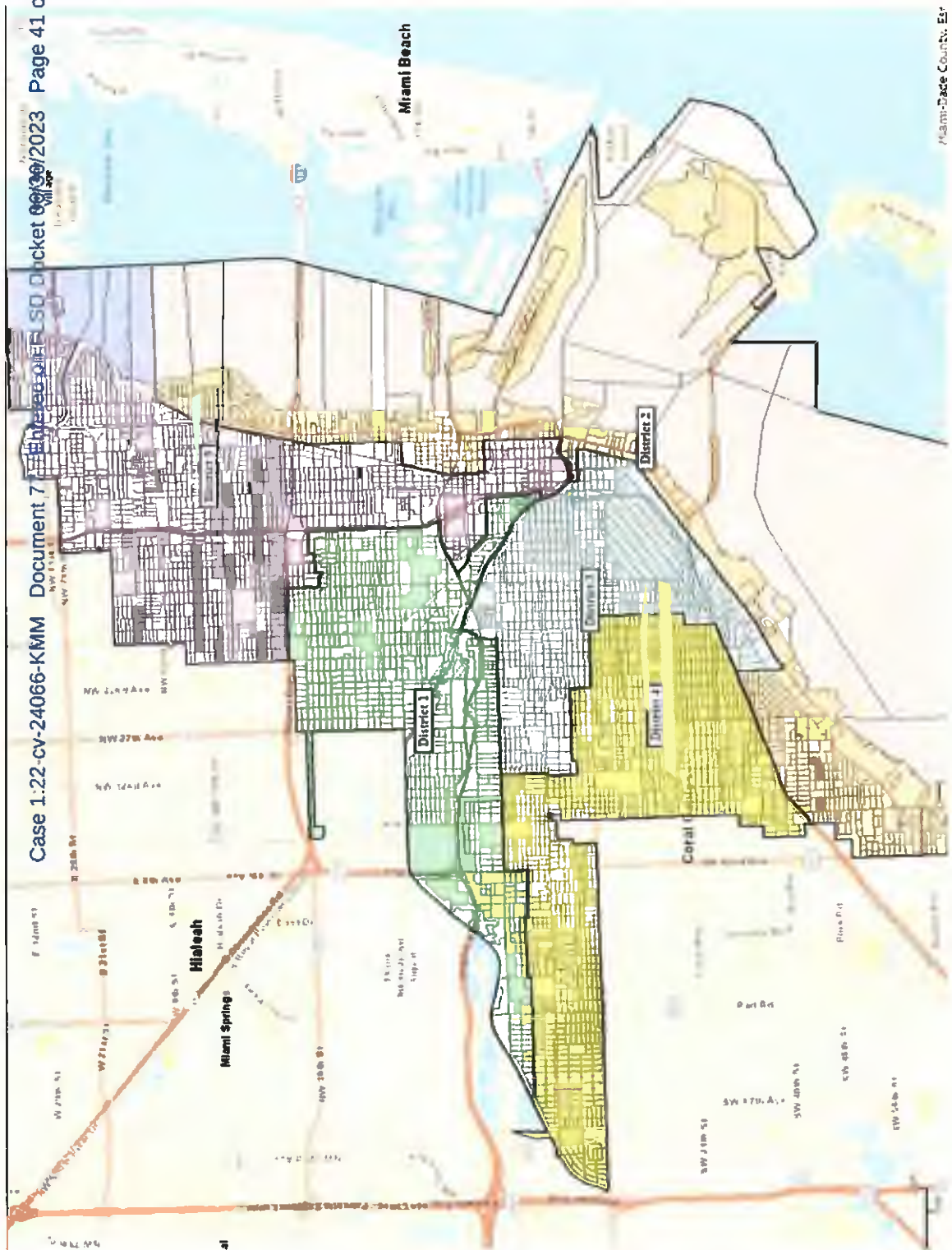


Miami-Dade County Esri | 11/22/23

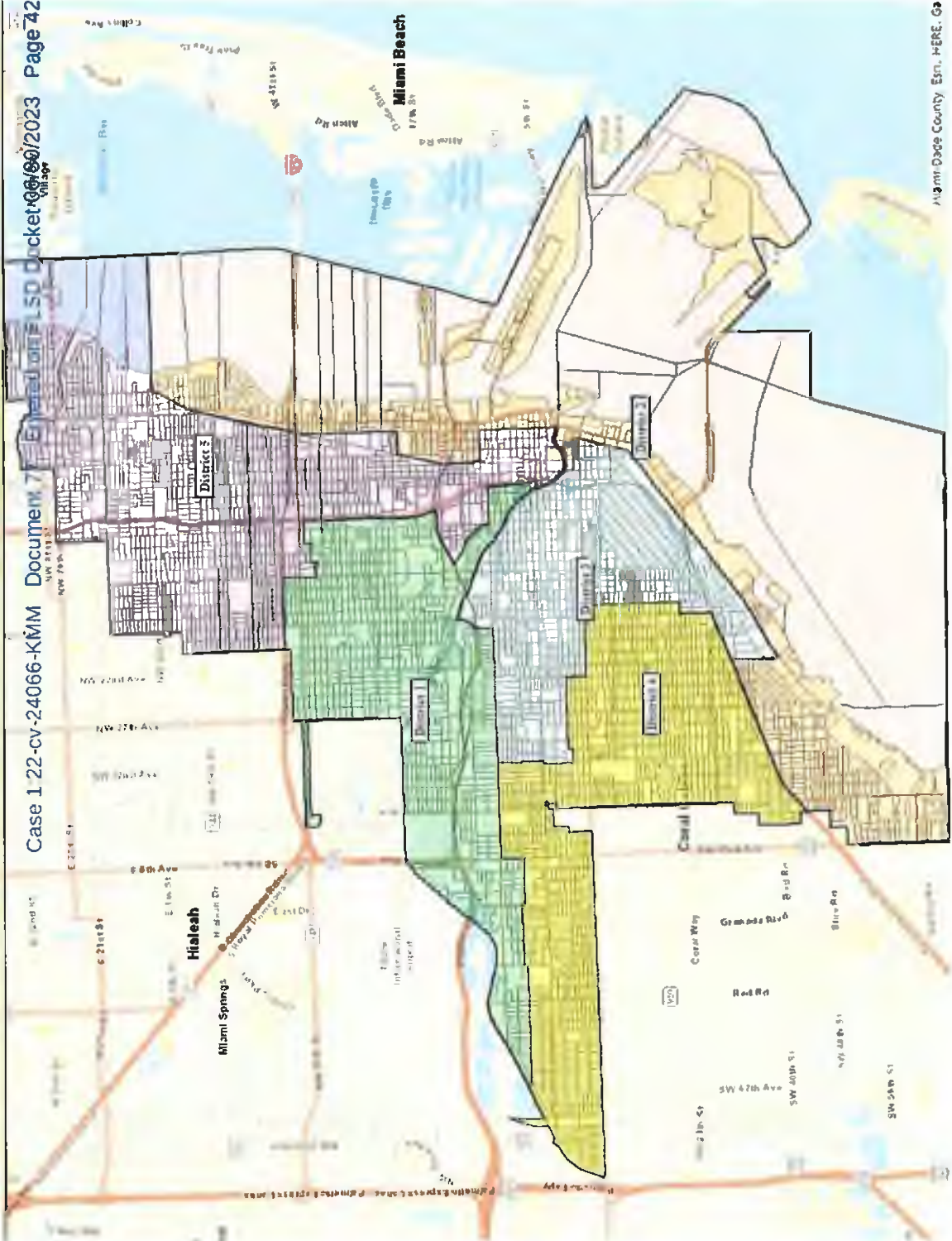
D3 alt. Map

Dev. 3.5%

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Miami-Dade County, FL

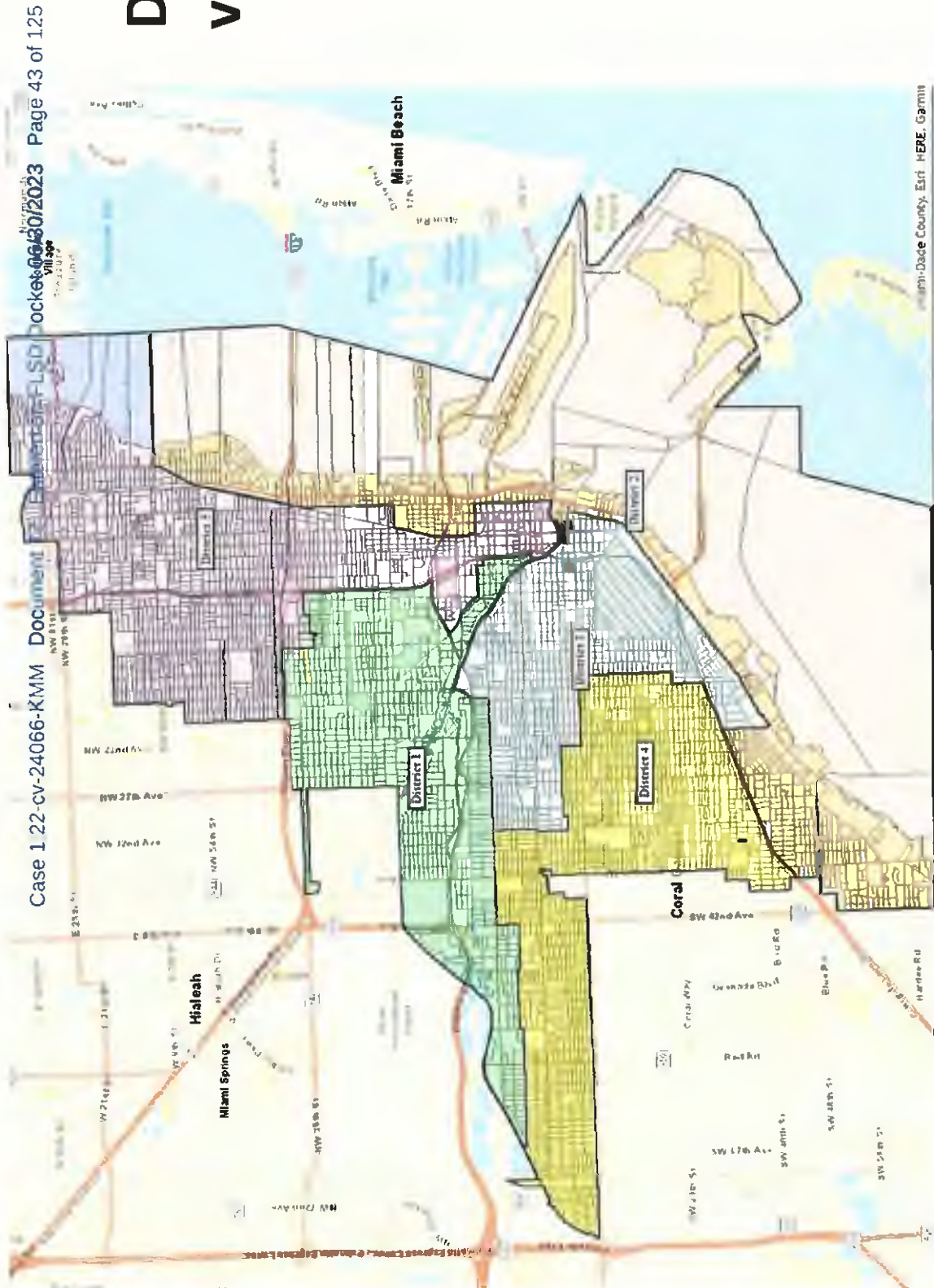


D3 alt. Map v.2

Dev. 3.3%

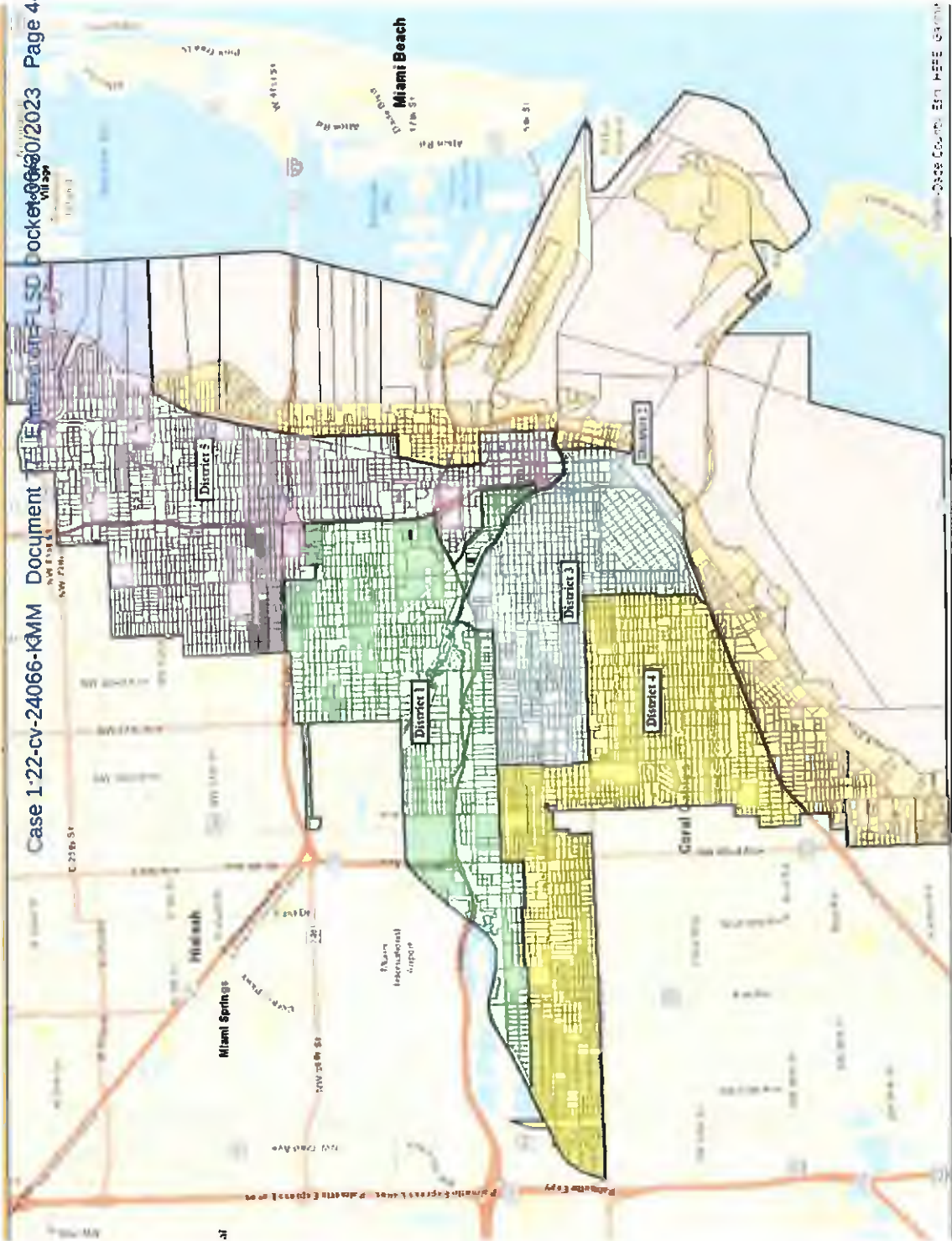
D3 alt. Map v.3

Dev. 3.6%



D2 alt. Map

Dev. 4.2%



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Document 00000000/2023

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Public Copy

Public Copy



May 23, 2023

Miami City Commission
3500 Pan American Drive
Miami, FL 33133

3680 Thomas Ave.
Miami, FL 33133

Christopher Hudson
Board Secretary

Re: Plaintiffs' Proposed Remedial City Commission Maps

Dear City Commissioners,



863 NE 79th St.
Miami, FL 33138

Rebecca Pelham
Executive Director

Earlier today, the U.S. District Court for the Southern District of Florida issued a preliminary injunction in *GRACE, Inc., et al. v. City of Miami*, our challenge to the City Commission map. The Court found we are substantially likely to prevail on our claim that the map is an impermissible racial gerrymander that unconstitutionally divides voters along racial lines, slicing through our neighborhoods and violating our rights—as well as the rights of all Miamians.

The Court has given the City an opportunity to undo those violations and remedy those wrongs. As the Commission re-embarks on its mapmaking process, we submit for your consideration two new maps that cure the problems the Court identified. These maps can be viewed on Google Maps here: bitly.ws/Fhli. More materials and data files are at aclufl.org/miami-maps. Printed copies are enclosed here as well.



These **Plaintiffs' Maps 1 and 2** present a new vision for Miami: one that moves us forward, rather than holds us back; one that advances representation for all residents, rather than constrains it; one that brings us together, rather than divides us.

P.O. Box 971515
Miami, FL 33197

Harold Ford
President

Both maps feature compact and logical districts that respect neighborhoods, follow major geographic boundaries, and preserve genuine communities of interest. They undo the racial gerrymandering that has violated Miamians' rights to equal protection of the laws, while also complying with the crucial mandates of the Voting Rights Act.

Miami-Dade Branch

Plaintiffs' Map 1 is our first-preference map. In Map 1:

P.O. Box 315
Opa-Locka, FL 33054

Daniella Pierre
President

1. **District 1** unites all of Allapattah and Downtown, plus much of Overtown, Omni, and areas between the Miami River and Dolphin Expressway. It is bordered on the south by the Miami River and Dolphin Expressway; on the west by NW 27th Avenue and the city limits; on the north by the city limits, SR 112, I-95, I-395, FEC Railway, and NE 21st Street; and on the east by the bay.

2. **District 2** unites all of Brickell, Coconut Grove, and Silver Bluff, including Golden Pines. It is bordered by Coral Way, SW 17th Avenue, US 1,

I-95, the Miami River, the bay, and the city limits.

3. **District 3** unites Shenandoah, the Roads, and much of Little Havana east of 27th Avenue, including the heart of Calle Ocho. It is bordered on the north by the Dolphin Expressway and Miami River; on the east by I-95; on the south by US 1, SW 17th Avenue, and Coral Way; and on the west by 27th Avenue.

4. **District 4** sits compactly in the western end of the city, uniting all of Flagami and the West Flagler area. It encompasses everything west of 27th Avenue and north of Coral Way, including Coral Gate and Grapeland Heights.

5. **District 5** is situated on the northern end of the city, uniting all the neighborhoods north of the Julia Tuttle/SR 112, including Liberty City, Little Haiti, and the Upper East Side. It also encompasses portions of Overtown north of I-395, and part of Edgewater. Its southern border runs along SR 112, I-95, I-395, the FEC Railway, and NE 21st Street.



Plaintiffs' Map 2 is our second-preference map. In Map 2:

1. **District 1** unites all of Allapattah, much of Little Havana, and part of Downtown. It is bordered on the south by the Miami River and SW 4th Street; on the west by 22nd Avenue, the Miami River, and the city limits; on the north by the city limits and SR 112; and on the east by I-95, NW 8th Street, and the Metrorail.

2. **District 2** includes everything on the bay side of US 1, I-95, the Metrorail, and the FEC Railway, from the southern city limits up to NE 23rd Street. It includes all of Coconut Grove, part of Brickell, and much of Downtown and Omni.

3. **District 3** unites Shenandoah, the Roads, Silver Bluff, and much of Little Havana, including the heart of Calle Ocho. It is bordered on the north by Calle Ocho, SW 22nd Avenue, SW 4th Street, and the Miami River; on the east and south by the Metrorail, I-95, and US 1; and on the west by the city limits.

4. **District 4** sits compactly in the western end of the city, uniting all of Flagami and the West Flagler area. It encompasses everything north of Calle Ocho and west of 22nd Avenue to the Miami River, including Grapeland Heights.

5. **District 5** is situated on the northern end of the city, uniting all the neighborhoods north of the Julia Tuttle/SR 112, including Liberty City, Little Haiti, and the Upper East Side. It also encompasses much of Overtown including down to the historic Lyric Theater, and some of Edgewater. Its southern border runs along SR 112, I-95, NW 8th Street, the FEC Railway, and NE 23rd Street.

The Voting Rights Act:

Consistent with the expert analysis credited by the Court, District 5 in both maps will continue to provide Black voters with the ability to elect preferred candidates, as the Voting Rights Act requires.

In Map 1, District 5 is:

- **53% Black**, 32% Hispanic, 12% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by Citizen Voting-Age Population (CVAP) from the Census Bureau’s 2020 American Community Survey.
- **52% Black**, 28% Hispanic, 18% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by 2023 voter registration.¹

In Map 2, District 5 is:

- **55% Black**, 31% Hispanic, 11% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by CVAP.
- **53% Black**, 28% Hispanic, 17% non-Hispanic white, and 2% Asian, American Indian, or Pacific Islander by voter registration.²

We plan to provide you with further expert analysis regarding these maps’ compliance with the Voting Rights Act in the coming weeks.

Other Legal Requirements:

These maps fully comply with all other requirements of law, including the U.S. Constitution’s equal-population mandate. In fact, both these maps better comply with the “One Person, One Vote” requirement than the unconstitutional 2022 map:

Plaintiffs’ Map 1				
District	Population	Deviation	Percent Deviation	FDC-Miami Population ³
1	85,162	-3,005	-3.4%	1,407
2	89,078	+911	+1.0%	—
3	87,666	-501	-0.6%	—
4	89,091	+924	+1.0%	—
5	89,837	+1,670	+1.9%	—
Citywide	440,834	4,675	5.3%	

¹ These voter registration statistics exclude voters whose race is unknown, multi-race, or “other.” These voters are 7% of District 5 in Map 1.

² Voters whose race is unknown, multi-race, or “other” are 7% of District 5 in Map 2.

³ Consistent with recent caselaw in the Eleventh Circuit, we have excluded from the redistricting count the 1,407 individuals the 2020 Census counted as incarcerated at the Federal Detention Center in Downtown Miami. *See Calvin v. Jefferson Cnty.*, 172 F. Supp. 3d 1292 (N.D. Fla. 2016). Because these individuals come from across the county and region, because FDC-Miami is a federal facility, and because *nobody* is registered to vote at FDC-Miami, they lack the “representational nexus” with city commissioners required to include them in the population count for City Commission redistricting. *Id.* at 1310.

Regardless of whether the FDC population is included or excluded, however, Plaintiffs’ Maps 1 and 2 conform to equal-population requirements, and do so better than the unconstitutional 2022 map.



Plaintiffs' Map 2				
District	Population	Deviation	Percent Deviation	FDC-Miami Population
1	86,541	-1,626	-1.8%	—
2	91,173	3,006	+3.4%	1,407
3	85,108	-3,059	-3.5%	—
4	90,388	+2,221	+2.5%	—
5	87,624	-543	-0.6%	—
Citywide	440,834	6,065	6.9%	

We urge you to consider these maps as you continue your legislative process. We look forward to following your deliberations in the coming days, and we welcome the opportunity to collaborate with you on a map that fairly represents all Miami. We submit these options in the spirit of collaborative and constructive dialogue.



Please do not hesitate to contact any of us if you would like to discuss this matter further. If you wish to have a meeting including our attorneys, please reach out to the City Attorney's Office to facilitate that.

Thank you for your consideration.



Sincerely,

Christopher Hudson
Secretary, GRACE
gracegrove@gmail.com
(786) 337-1703

Rebecca Pelham
Executive Director, Engage Miami
rebecca@engage.miami
(802) 522-4266



Harold Ford
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(786) 253-9400

Daniella Pierre
President, Miami-Dade NAACP
presidentofmiamidadenaacp@gmail.com
(877) NAACP-09

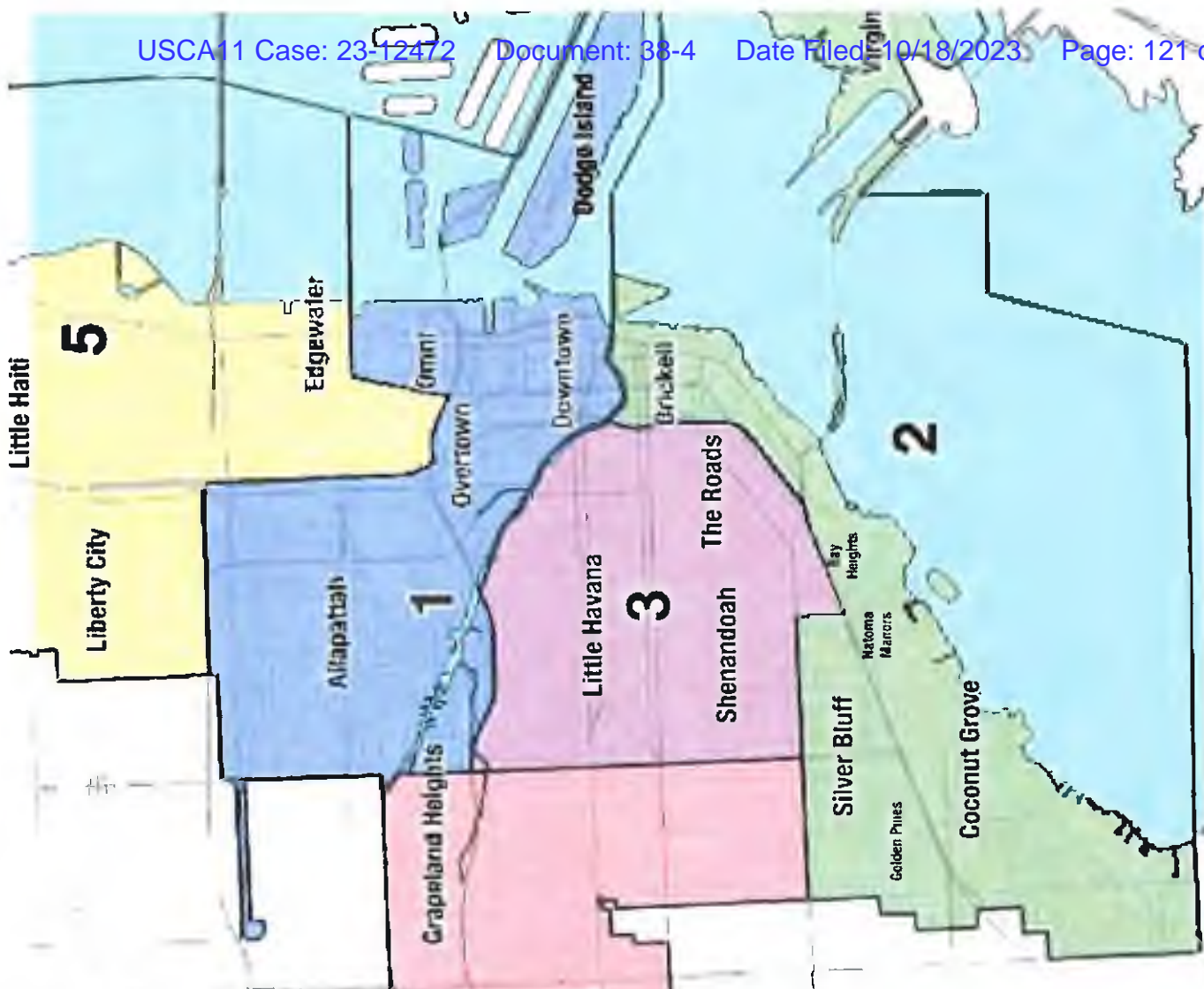
Alexandra Contreras

Clarice Cooper

Jared Johnson

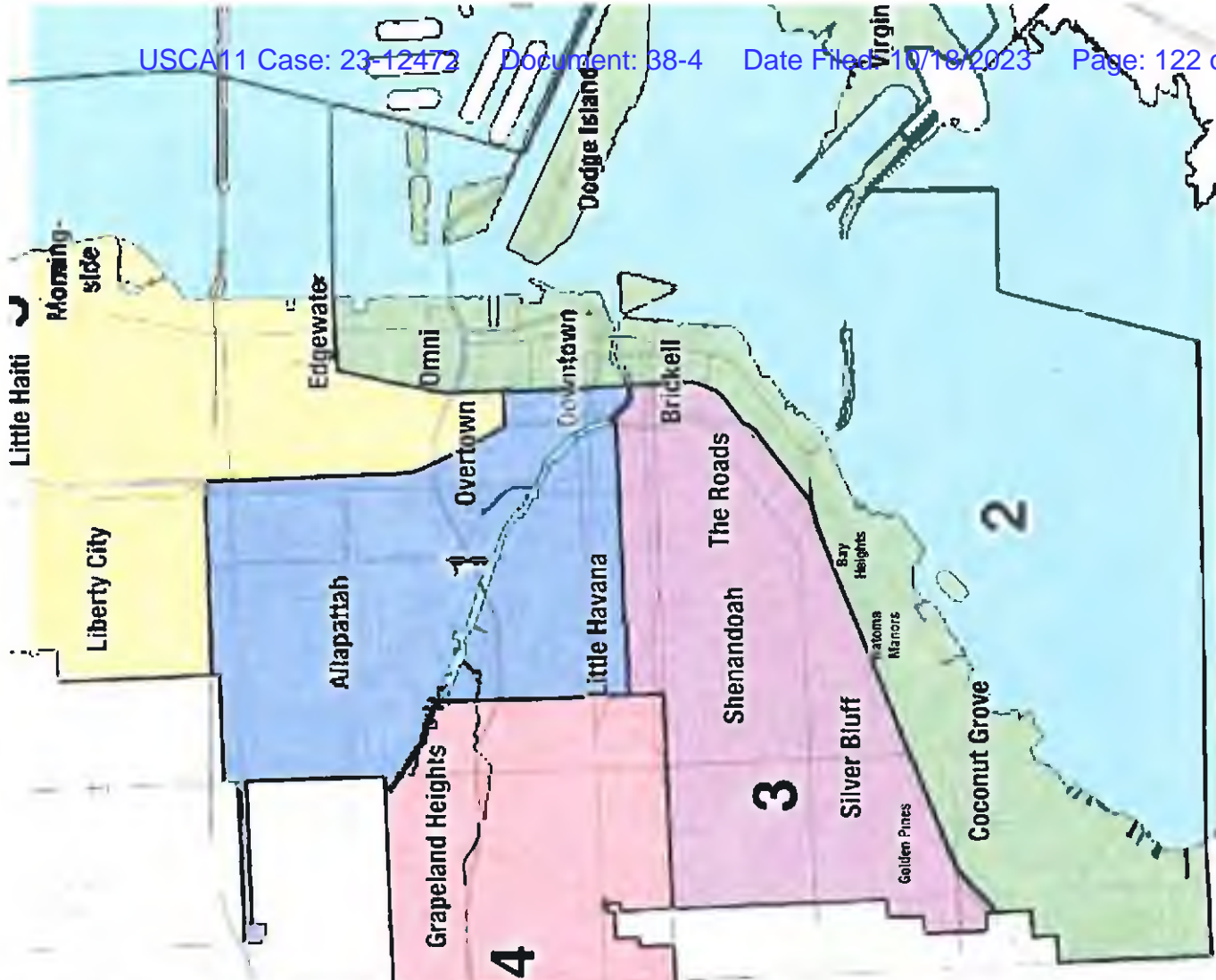
Steven Miro

Yanelis Valdes



District	Population	Deviation	Percent Deviation	FDC-Miami Population
1	85,162	3,005	3.4%	1,407
2	89,078	+911	+1.0%	
3	87,666	-501	-0.6%	
4	89,091	+924	+1.0%	
5	89,837	+1,670	+1.9%	
Citywide	440,834	4,675	5.3%	

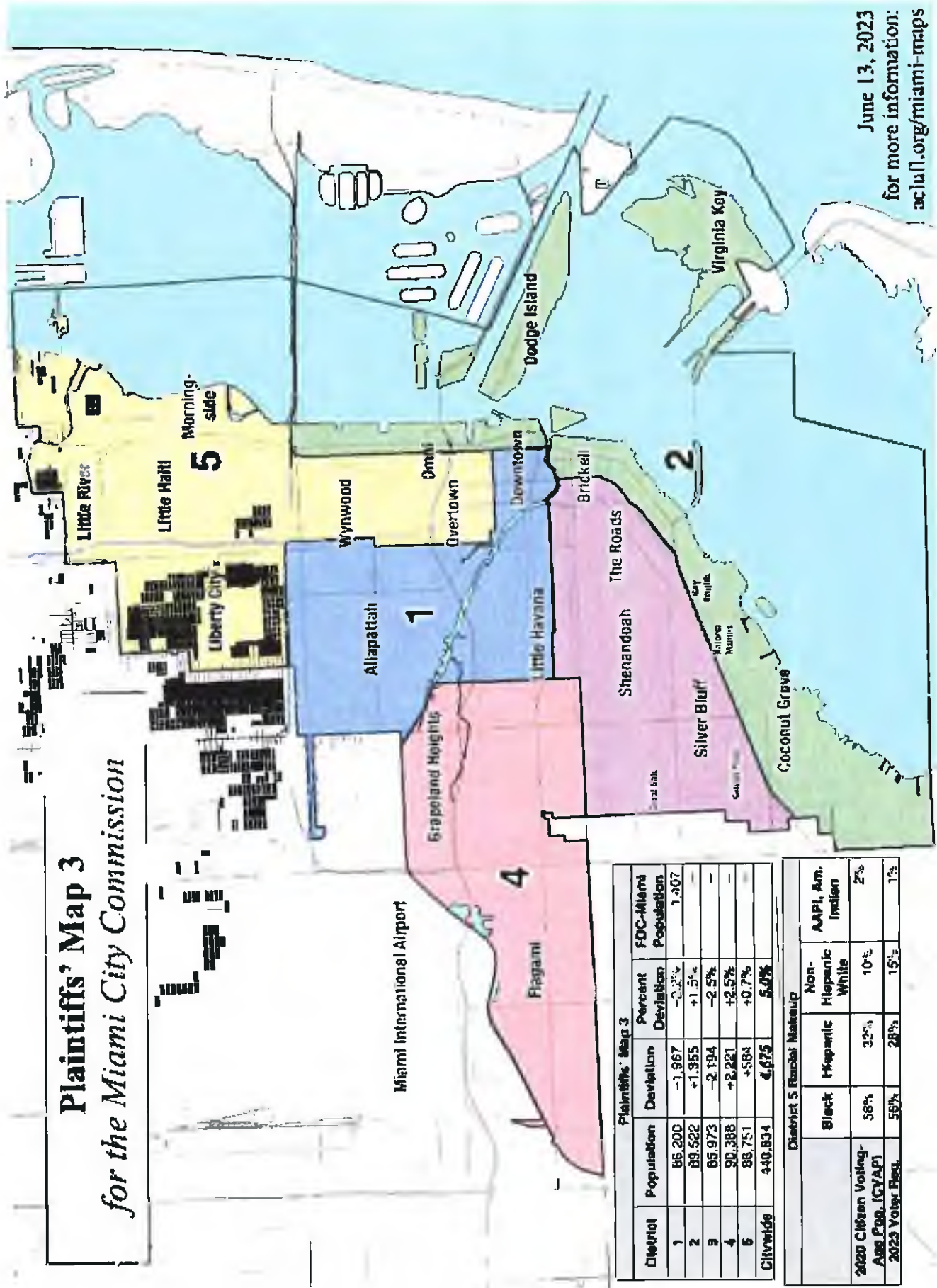
District 5 Racial Makeup				
	Black	Hispanic	Non-Hispanic White	Asian, Pac. Islander, Am. Indian
2020 Citizen Voting-Age Pop. (CVAP)	53%	32%	12%	2%
2023 Voter Reg.	52%	28%	18%	2%



District	Population	Deviation	Percent Deviation	FDC-Miami Population
1	86,541	-1,626	-1.8%	
2	91,173	3,006	+3.4%	1,407
3	85,108	-3,059	-3.5%	
4	90,388	+2,221	+2.5%	
5	87,624	-543	-0.6%	
Citywide	440,834	6,065	6.9%	

District 5 Racial Makeup				
	Black	Hispanic	Non-Hispanic White	Asian, Pac. Islander, Am. Indian
2020 Citizen Voting-Age Pop. (CVAP)	55%	31%	11%	2%
2023 Voter Reg.	53%	28%	17%	2%

Plaintiffs' Map 3 for the Miami City Commission



Plaintiffs' Map 3			
District	Population	Deviation	Percent Deviation
1	86,200	-1,967	-2.3%
2	89,522	+1,355	+1.5%
3	85,973	-2,194	-2.5%
4	90,388	+2,221	+2.5%
5	88,751	+584	+0.7%
Citywide	440,834	4,675	5.0%

District 5 Racial Makeup			
	Black	Hispanic	Non-Hispanic White
2020 Citizen Voting-Age Pop. (CVAP)	56%	33%	10%
2023 Voter Reg.	56%	28%	15%

June 13, 2023
for more information:
aclufl.org/miami-maps

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Chair King: (INAUDIBLE) redrawing our maps for redistricting as we are required to do by federal law. Today is June 14th, 2023, and we shall begin shortly. We just have to get two more of my colleagues here. I didn't want to start until we had everyone because this is important to the entire city of Miami.

Commissioner Reyes: (INAUDIBLE).

Chair King: No, we have five. We have five.

Commissioner Reyes: We have five?

Chair King: Yes, we have five.

Commissioner Reyes: (INAUDIBLE).

Chair King: But I didn't -- although we had a quorum, I didn't want to start until we had everyone here because this is important to the entire city of Miami. So, hold on one second. As is tradition, we will open this meeting with prayer. I am honored to have Father Denrick Rolle from St. Agnes located in Overtown.

Invocation delivered.

Chair King: And at this time, Commissioner Alex Diaz de la Portilla, would you honor us with the pledge of allegiance?

Pledge of allegiance delivered.

Chair King: At this time, I will have the City Attorney read a statement into the record.

Victoria Méndez (City Attorney): Thank you, Madam Chair. Detailed information about the processes, order of business, rules of procedure, scheduling or rescheduling of City Commission meetings can be found in Chapter 2, Article 2 of the City Code, a copy of which is available online at www.municode.com. Any person who is a lobbyist pursuant to Chapter 2, Article 6 of the City Code must register with the City Clerk and comply with related City requirements for lobbyists before appearing before the City Commission. A person may not lobby a city official, board member, or staff member until registering. A copy of code section about lobbyists is available in the City Clerk's Office or online at www.municode.com. Any person making a presentation, formal request or petition to the City Commission concerning real property must make the disclosures required by the Code in writing. A copy of this Code section is available at the Office of the City Clerk or online at www.municode.com. The City of Miami requires that anyone requesting action by the City Commission must disclose before the hearing any consideration provided or committed to anyone for agreement to support or withhold objection to the requested action pursuant to City Code Section 2-8. In accordance with Section 2-33(f) and (g) of the City Code, the agenda and material for each item on the agenda is available during business hours and the City Clerk's Office, online 24 hours a day at www.miamigov.com. Any person may be heard by the City Commission through the Chair for not more than two minutes on the proposition before

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the City Commission unless modified by the Chair. Public comment will begin at approximately 10:45 and remain open until public comment is closed by the chair. Members of the public wishing to address the body may do so by submitting written comments via the online comment form. Please visit www.miamigov.com/meetinginstructions for detailed instructions on how to provide public comment using the online public comment form. The comments submitted through the comment form have been and will be distributed to elected officials, their staff, and the City Administration throughout the day so that the elected officials may consider the comments prior to taking any action. Additionally, the online comment form will remain open during the meeting to accept comments and distribute to the elected officials, their staff, and City Administration up until the chair closes public comment. Public comment may also be provided live at City Hall located at 3500 Pan America Drive, Miami, Florida, subject to any and all rules as they may be amended. If the proposition is being continued or rescheduled, the opportunity to be heard may be at such later date before the City Commission takes action on such proposition. When addressing the City Commission, the member of the public must first state their name, their address, and what item will be spoken about. Any person with a disability requiring assistance, auxiliary aids, and services for this meeting may notify the City Clerk. The City has provided different public comment methods to indicate, among other things, the public's support, opposition, or neutrality on the items and topics to be discussed at the City Commission meeting in compliance with Section 286.0114(4)(c), Florida Statutes. The public has been given the opportunity to provide public comment during the meeting and within reasonable proximity and time before the meeting. Anyone wishing a verbatim record of the item considered at this meeting may request it at the Office of Communications or view it online at www.miamigov.com. Please silence all cell phones and other noise making devices at this time. This meeting will be viewed live on Miami TV, the City's Facebook page, the City's Twitter page, the City's YouTube channel, and Comcast Channel 77. The broadcast will also have closed captioning. Thank you.

Chair King: Thank you, Victoria. Mr. City Clerk, do you need to read a statement for the record?

Todd B. Hannon (City Clerk): No, ma'am.

Chair King: Okay.

Chair King: At this time, I will begin the public comment, but before I begin the public comment, I'd like to recognize seniors from my district who have come to participate in this process. Welcome, you guys. Good to see you.

Applause.

Chair King: So, at this time, I'm going to open the floor for public comment. Anyone wishing to make a comment on this matter, redistricting, please step forward.

Unidentified Speaker: May I speak?

Chair King: Better idea. The Plaintiffs have a presentation, and perhaps it would be better if the Plaintiffs made their presentation so that public comments can be borne after the Plaintiffs make

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their presentation. So, I'm going to allow the Plaintiffs to make their presentation, and then we'll have public comments. Plaintiffs?

Yanelis Valdes: Hello. Good morning. My name is Yanelis Valdes. I am the director of Organizing and Advocacy at Engage Miami. I'm also a resident in the city of Miami. I'm from the Omni area, and I'm an individual plaintiff on the lawsuit. I want to start off by saying thank you for convening this special meeting to advance the process to remedy the racial gerrymander that unconstitutionally divides voters along racial lines and slices through our neighborhoods, violating our rights. We sent a letter last month that we continue to stand by with two proposed maps that present a new vision for Miami. One that moves us forward rather than holds us back. One that advances representation for all residents rather than constrains it. One that brings us together rather than divides us. Yesterday we shared a new map incorporating community feedback and input from you all. I have printed copies that I can share with you all. All the maps that we've submitted feature compact and logical districts that respect neighborhoods, follow major geographic boundaries, and preserve genuine communities of interest. They don't pack Hispanic voters into three specific districts and no longer designate one district as an Anglo-access seat. They also fully comply with the VRA (Voting Rights Act) and provides black voters with the ability to elect their preferred candidate in District 5. The new map, Map 3, unites Overtown once again in District 5, which was divided in the map passed last year. It also keeps other key neighborhoods unified like Flagami, Edgewater, Allapattah, and Shenandoah. The court has given you all an opportunity and the responsibility to undo the violations and remedy the wrongs in the map passed last year. I hope that the community is centered throughout the discussion today and the maps that we've worked hard to put together are discussed at length and are very seriously considered. Miami residents deserve to have their vote and voice reflected in the makeup of our city districts. Thank you.

Chair King: Thank you.

Victoria Méndez (City Attorney): I'm sorry Madam Chair, I just wanted -- oh, are you passing out the maps? Thank you.

Chair King: And at this time, I will have the representatives for the City of Miami present the map that they have prepared.

Ms. Valdes: I just want to add, we're out of the printed maps, but we'll be available to answer questions if you all have any. Thank you.

Commissioner Díaz de la Portilla: Can I ask a question, a quick one? For Engage Miami, who are you? Who do you represent? You have to say it here.

Ms. Valdes: Yeah, so we are one of the plaintiffs in the case. We do civic engagement, civic education in the community. So, redistricting was a really important process for us to be involved in.

Commissioner Díaz de la Portilla: How long have you been in existence?

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Ms. Valdes: I'm sorry?

Commissioner Díaz de la Portilla: How long have you been in existence?

Ms. Valdes: Since 2015.

Commissioner Díaz de la Portilla: Since 2015. And who are your members?

Ms. Valdes: Our members are a variety of young folks from across the county. We have, I don't know off the top of my head, but a good amount in the city of Miami as well.

Commissioner Díaz de la Portilla: You don't remember how many members you have?

Ms. Valdes: Not in the City of Miami, but we have about 150 members. I would say somewhere between 30 and 50 are in the City of Miami.

Commissioner Díaz de la Portilla: Okay, thank you.

Ms. Valdes: Thank you.

Miguel DeGrandy: Madam Chair, we just need a couple of minutes to set up, but while that's happening, the map that you have in front of you was delivered to me at 8 o'clock yesterday.

Unidentified Speaker: (INAUDIBLE) closer to the mic, please?

Mr. DeGrandy: Can you hear me? So, we haven't had a chance to do a full review of that map. However, I could tell you, you know, some of the things is very similar in performance to their Alternative 2, which is what we had prepared to discuss today and compare to our proposal. So, at the end, I'll give you some thoughts on the map that's in front of you that was delivered yesterday. But again, it works the same political calculus as the maps in Alternative 2. And with that, let's go to slide two. And again, good morning, Commissioners. Now on the screen right now is our proposed plan. But before I walk you through it, let me take a few minutes to discuss where we are in comparison to the Plaintiff's proposals. We've now had an opportunity to review their Alternative 1 and their Alternative 2 fully. And the one thing that this Commission and the Plaintiffs agree with is that District 5 is required by the Voting Rights Act. But we believe the configuration of Plaintiffs' D5 (District), which includes severing parts of Overtown, may negatively impact the ability of this compact and cohesive community to have an equal opportunity to elect a candidate of choice throughout the decade that this plan will be in place. Indeed, Plaintiffs seem to ignore the fact that in the last 30 years, the demographic trends evidence significant gentrification in D5 and the fact that the black population in the city has continued to decline both in absolute and relative terms. Now I know this commission has reviewed and is very aware of these gentrifying development issues because they necessarily come before this body, so I will not spend time in our presentation going through what you already know. Now, we approached the draft of a new plan by using Plaintiff's proposed Alternative 2 as a template and making changes consistent with the policy choices of the majority of the selected body. And at the outset, it is important to acknowledge the obvious. Approximately 70 percent of Miami's

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population is Hispanic. And once you draw District 5 in compliance with the VRA, the fact remains that the remaining population of the city is now approximately 75 percent Hispanic. It is also a fact that the majority of the Hispanic residents live in the central and western parts of the city. Now, because of this reality, both of the Plaintiff's alternative plans necessarily include three majority Hispanic districts in that area. Next slide. The Plaintiff's alternatives, which are on the board, intentionally pack the more conservative Hispanic voters in the western areas of the city. Next slide. Plaintiff's preferred alternative makes D4's voting age population slightly over 95 percent Hispanic. Plaintiff's Alternative 2 results in making D4's voting age population almost 96 percent Hispanic. Now, this slide illustrates how both plans pack the more conservative voters in the western part of the city into D4. By packing more conservative voters into D4, shifting areas around, and submerging part of the compact and cohesive Overtown community in D1, the plan is geared to result in a more liberal voting pattern for D1. In their correspondence, Plaintiff's claim that the reason they drew D4 the way that they did it is because they wanted to unite all of Flagami and West Flagler. This despite the fact that in the six publicly noticed hearings we had before this Commission and the five publicly noticed hearings we had in your respective districts, not one resident that I am aware of came to complain that Flagami or West Flagler was divided into two districts. On a side note, it's important to point to the fact that Plaintiff's alternatives also split some traditional neighborhoods, such as Little Havana. And that is because, as in our draft plan, the goal of keeping traditional communities intact in one district is necessarily subordinate to the need to comply with the constitutional requirement of substantially equalizing district populations. And in that regard, which traditional community may have to be divided is quintessentially a legislative choice. Both of Plaintiff's alternatives also remove parts of Overtown from D5. Again, in the six public meetings and five district meetings that we had, not one resident or organization, including Plaintiff NAACP (National Association for the Advancement of Colored People), suggested that you should move Overtown out of D5, so we are at a loss to understand this radical shift in position. Next slide. So, again, moving Overtown into D1 in both alternatives and removing from D1 the most conservative voters from the northwest part of Flagami and West Flagler results in a more liberal leaning electorate in that district. Next slide. For example, in Plaintiffs' Alternative 1, the percentage of Republican registered voters in D1 drops by close to 9 percent compared to our proposal. In our proposal, President Biden would have received 50 percent of the vote in the 2020 presidential election in D1, while in the Plaintiffs' alternative, he garners 68 -- 63.8 percent of the vote. In the 2018 race for governor, DeSantis, the conservative candidate, was over 15 percentage points lower in the Plaintiffs' Alternative 1 than in our proposal. And in the 2018 Attorney General race, the conservative candidate, Moody, drops just under 15 percent compared to our proposal. Next slide. In their Alternative 2, the percentage of Republican registered voters in D1 drops by 6 percent in the Plaintiffs' plan compared to our proposal. In our proposal, President Biden would have received 50 percent of the vote in the 2020 presidential election in D1, while in the Plaintiffs' proposal, he enjoys 57.5 percent of the vote. In the 2018 race for governor, DeSantis, the conservative candidate, was 9 percentage points lower in the Plaintiffs' D1 plan than in our proposal. And in the 2018 Attorney General race, the conservative candidate also drops 9 percent compared to our proposal. So, the political objectives of the Plaintiffs' plans are clear, measurable, and significant. And Plaintiffs' plan may also negatively impact the ability of black voters to elect the candidate of choice throughout the decade in D5 while submerging parts of the compact and cohesive black community of Overtown in a district in which they will not have such equal opportunity. Next slide. In contrast, you will see in this slide our proposed plan keeps historic Overtown intact in District 5. Now, as I stated at the beginning,

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in developing the draft plan that I'm going to present for your consideration, we actually began our work off the Plaintiffs' plan, specifically Alternative 2. Next slide. In fact, as you can see, the general configuration of the districts in Plaintiffs' Alternative 2 are in many respects very similar to our plan. And while it is true that the Plaintiffs' Plan is certainly visually more compact than our proposal, compactness is not a constitutional requirement. Indeed, federal case law clearly holds that a district may take any shape, even a bizarre shape, as a result of policy or political objectives as long as they are not racially driven. As you will see, the Plaintiffs' alternative plan shows three districts in the central part of the city going east to west, a district going north to south, District 5, and a narrow coastal district, District 2. Frankly, we agree that this is generally the only configuration that makes sense, but there are notable differences in how they draw the lines to distribute the population among the districts in order to achieve a political objective. In the Plaintiffs' proposed alternative, District 1 remains in the north central part of the city, although its connection to the west is completely cut off, and those are the conservative voters. District 2 remains a coastal district, although it shifts more to the south. District 3 does change significantly, resulting in splitting Little Havana. District 4 migrates west and packs more conservative voters all into one district, and District 5 generally runs north to south, but removed parts of Overtown and D5's connection to the river, the Wharf, and the MRC (Miami Riverside Center). Now, our plan takes into account the political and policy considerations, such as where commissioners have invested district resources in their projects, or the need to balance poor areas with areas that have significant economic potential or activity as requested by Commissioner King and the majority of this commission. Thus, we've made modifications to the Plaintiffs' alternatives that would result in a different political calculus than the considerations which clearly drive the Plaintiffs' plans. As you can see in the slide -- let me make sure that I've got the right slide. Yes, as you can see in the slide before you, the configuration of Plaintiffs' D5 is similar and in most of the northern end, identical to the D5 proposed in our plan. Now, recognizing that D5 is subject to the VRA, the legal directive in crafting this district was to ensure compliance with the Voting Rights Act, but we did so with an emphasis on using natural and man-made boundaries and keeping as many communities of interest together as feasible. Next slide. We were also cognizant of Commissioner King's desire to include areas that would generate significant economic activity and would enhance what she has publicly described as the lowest per capita income district in the city. So, logically we started at the northern end of the city's municipal boundaries and worked our way down. As you can see in the northern end, D5 includes all of the traditional neighborhoods of Shorecrest, Belle Meade, Bayside, Little River, Lemon City, Liberty City, and Buena Vista. Going further south, areas such as Wynwood, Midtown, and the Design District, which have significant economic and employment activity, were included. Commissioner King is working diligently on issues such as affordable housing, public transit solutions, et cetera, and she has strongly advocated to have Overtown remain in her district because the residents of that area share the same concerns and needs with regard to those issues as the more central and northern parts of her district, and our proposed plan accommodates that request. Finally, we included a small part of the riverfront and downtown based on the chairwoman's request to include the Wharf and the MRC in her district. We also had to make minor jagged edges to keep the overall deviation low. Nevertheless, District 5 boundaries consistently -- consist mainly of natural and man-made boundaries, such as the City's municipal boundaries, the bay, the railroad, the Miami River, an expressway, and the contours of traditional neighborhoods. Now in regard to District 1 -- next slide -- we restored the connection to part of the western part of the city, thereby distributing the more conservative voters in the west within two districts. Both our plan and the Plaintiffs' alternative acknowledge that there should

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be a district containing the bulk of the Miami riverfront. This is an important business community organized through the Miami River Commission that is politically active in matters such as land use and other issues affecting the river and its shores. However, we approach it in a different configuration only because of the decision to keep Overtown in D5 and Commissioner King's request to keep the economic potential of the Wharf, the redeveloping MRC, as well as portions of downtown in her district. As you can see when you look at the southeast portion of D1, that finger coming down looks irregular only because the eastern part follows the contours of Overtown. Now, apart from the river constituency, the district includes traditional neighborhoods of Allapattah, Civic Center, Grapeland Heights, and parts of West Flagler and Flagami. The majority of District 1's boundaries also track significant man-made and natural boundaries, such as water boundaries, major roads, the city's municipal boundaries, the borders -- and the borders of traditional neighborhoods, as well as I-95. Next slide. Now Plaintiffs' alternatives demonstrates that it makes logical and planning sense to configure D2 as a coastal district, and in fact, they did so, just like we did so. In both the Plaintiffs' alternatives and our proposed plan, D2 remains a coastal district. Indeed, the residential uses in the central and northeastern coastal areas consist to a significant degree of high-rise condominiums and apartments in the city's waterfront and are markedly different than the suburban residential uses and infrastructure challenges to the west. Both plans do move a sliver of the North Grove south of US-1 that had been placed in D4 back into D2. Next slide. However, our proposed plan smooths out and extends the area north that was in D2 and was assigned to D3 in a similar manner as in the plan Commissioner Reyes had proposed back when in order to equalize population, which was ultimately not adopted by this commission. And this approach was actually referred to by the court as an alternative map with less of a discriminatory impact. Next slide. Our proposed D2 goes further north than the Plaintiffs' alternative to take parts of Morningside while Plaintiffs' alternative ends around Edgewater. D2 includes significant portions of traditional neighborhoods such as Morningside, Bay Point, Omni, Downtown, Brickell, and Coconut Grove. Now the Plaintiffs' configurations of D3 and D4 are markedly different in our proposed plan than in the Plaintiffs' alternative. However, it's important to first note the obvious. Put the first -- the next slide up. As I said, it's important to note the obvious, which is -- put the other slide up, and the next slide up if you may. These two slides show of the Plaintiffs' own alternatives help to illustrate that there is no way to apportion the population of those two districts in a manner that would not result in majority Hispanic percentages in both simply because the great majority of Hispanics live in that area. That is just a fact based on the demographics of the folks that live in those areas. Accepting this fact, it is clear that the different approaches in crafting the two districts between our proposal and the Plaintiffs' alternative are nothing but a difference in policy and political considerations. Now, as I explained before, the Plaintiffs' Plan was designed to concentrate the most conservative voters into D4, and you see it right there. Thus, the Plaintiffs' plan makes policy choices as to which communities belong in the respective districts. But those policy choices are uniquely a legislative prerogative. For example, Plaintiffs' configuration removes all of Shenandoah and parts of Silver Bluff from D4 and joins those communities with parts of a fractured Little Havana. Next slide. Our proposed plan unpacks their District 4 in the West, which does result in a split of Flagami, but District 4's configuration in our draft preserves the bulk of Shenandoah in D4, Silver Bluff and Coral Gate in one district. Now it's important to note that the decision to design D4 in that manner was based in part on the request of Commissioner Reyes to maintain in his district areas such as Shenandoah, which through his leadership, the City has invested and will be investing significant resources and capital to improve parks and infrastructure. Now we also extended the southern border of D4 to US-1 in

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order to use that highway as a logical boundary. D4's other boundaries include the City's municipal boundaries, the border between most of Shenandoah and other traditional communities. Now, next slide please. Finally, District 3 now wraps around District 4. Again, that configuration was necessary to preserve most of Shenandoah in D4 while preserving Little Havana intact in D3, as well as the need to equalize population. In our draft, the traditional neighborhoods of Little Havana and the Roads, as well as significant parts of Riverside, are kept within D3. D3 utilizes man-made and natural borders, such as the Miami River, Bayshore Drive, as logical boundaries. Next slide. Finally, Plaintiffs' proposed alternative has a 6.9 percent deviation while our plan better complies with the goal of substantial equality among districts with 2.6 percent deviation, making it more consistent with constitutional requirements. Now, let me make a couple of comments, if I can pull them up on the map that we received yesterday. On visual observation, you could see the same political objective of packing conservative voters in District 4, because it is the same District 4 as in the alternative that we were able to fully review. The configuration of District 1 looks very similar to the configuration we reviewed, and I would expect the same political performance. Indeed, the initial data that we were able to extract last night indicates almost identical political performance than the Alternative 2 that we evaluated. I could also tell you, as I understand the community of Overtown, that it fractures the cohesive Overtown community. I think Plaintiffs have their own impression of where Overtown is, but if you Google for Miami neighborhood maps, the ones I've seen, including your NET (Neighborhood Enhancement Team) map, shows a configuration consistent with our understanding. But I'll leave that to the district commissioner, who is in the best position to tell us what constitutes Overtown. Their plan also continues their Alternative 3 to split Little Havana. So, in summary, Commissioners, we believe our plan better reflects the political and policy choices of this Commission. It incorporates much of the input provided in previous public hearings and complies with both the Constitution and the Voting Rights Act. And with that, I thank you for the time and opportunity to make this presentation.

Commissioner Covo: Madam Chair, can we make -- do questions now or later on?

Chair King: After public comment.

Commissioner Covo: Okay, because I have some. Thank you.

Chair King: At this time, I'll open the floor for public comment. You have seen what the Plaintiffs are proposing, and you are seeing what the City's attorneys are proposing and now you may make your comments.

Victoria Méndez (City Attorney): Madam Chair, the Plaintiffs said that they're available -- the Plaintiffs' attorneys are available if the Commission has any questions.

Chair King: Good morning.

Nathaniel Robinson: Good morning, Commissioner -- Chairwoman King. My name is Reverend Nathaniel Robinson III, Senior Pastor of Greater St. Paul AME (African Methodist Episcopal) Church and one of the plaintiffs in the case. What I want to say very quickly today is that the City Commission is the only body with the authority to adopt a map. It's the only -- we -- the Plaintiffs

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in the case don't have the authority to do that. As a result of the ruling that the judge gave, the Plaintiffs in the case were given three days to offer a recommendation to the City Commission. What's being presented here today is somewhat a false narrative in my opinion that the Plaintiffs have a plan. There's no plan from the Plaintiffs. It's an opportunity to present a recommendation for the Commission to consider as they are the only governing body with the authority to vote on a map. What we did do that we believe was not done by the consultants who had months and months to do this is, since we made those recommendations, we had conversations with communities. And after mediation that ended at 6 p.m. yesterday, in two hours, we responded to the conversations we've had with community members and council for the City and made adjustments. That's why the map was only given at 8 o'clock last night. But it took into consideration what the BNA (Biscayne Neighborhood Association) asked for. It took into consideration the new map that we presented as a recommendation, puts Overtown back, the entirety of traditional Overtown, back into District 5. It also includes economic drivers like the Southwest CRA (Community Redevelopment Agency) and parts and portions of the Omni CRA. So these are things that we're doing on the fly within hours, within days, that our City consultants were not able to do, but only as recommendations, because we don't have the authority to present any plan or implement anything. But as Plaintiffs and as residents of the city and organizations from our city, we're doing our best to help and assist the City by offering recommendations. And for our recommendations to be attacked seems to be somewhat of a false narrative today. In addition, we talked -- we looked at 0.5 percent of a change. And 0.5 percent is not a big change but thank you for your time.

Chair King: Thank you. Good morning.

James Fried: Hi, hi. James Fried, 2575 South Bayshore Drive, Miami. I support neighborhoods. I believe that the ACLU (American Civil Liberties Union) states voting districts should respect neighborhoods. Drawing borders to show prejudice to race is illegal. Why is the consultant talking about race and politics? It sounds like gerrymandering. I have seen how eager the residents of the West Grove have been to remain part of the traditional Coconut Grove. I believe that the North Grove should remain intact. I want to thank everybody for their time and consideration. Please keep our neighborhoods together and please keep the North Grove part of District 2. Thank you so much, Madam Commissioner.

Chair King: Thank you. Good morning.

Sam Latimore: Good morning, good morning. My name is Professor Sam Latimore, 937 Northwest 55 Street. I've been a resident of the City of Miami, Liberty City, for a number of years, going back to the '59. We are here to advocate for some things that I think we have just become involved in. And we feel very strongly that Overtown needs to remain in District 5. And our assumption is not based upon what I hear all the time and what is fractioning our community, is that we have a conservative base versus a progressive base, a conservative base versus a liberal base. And that seems to be the tenor of much of the discussion, not only in Miami, but around the state. Our point is that that has always been a historically black community. We grew up in there. It was the foundation of a lot of things that happened in the city of Miami. And so we would be arguing and suggesting that it remain as it was and we keep politics out of it. It's becoming frustrating for us to hear the conservative. What is a conservative? Is a conservative one person

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that adopts a political position versus another assertion? And that's what I've heard all this morning, that we want to put conservatives here and liberals here. My point is that we will be arguing that Overtown remains that. It's always been historically black. It is a foundation of what the City of Miami arose out of. And we also would like to see that the Wharf and the MRC remain in District 5 as well. We have -- because of the conservatives and this, we have a community which has been disfranchised, which will not -- which do not have the economic basis that other groups have. And we would suggest and we would like to offer that MRC and the Wharf remain in District 5 because it begins to give back to those communities some of the things that conservatively have been taken away. This is a tremendously underserved community, and it's not underserved because it chose to do that but because of the fractionalization of this community. There is a financial report, support that this particular place has for us, and it is critical that for those of us who have been here long before the change in our communities, that we put -- we leave those two positions and areas intact. Thank you very much, Commissioner.

Chair King: Thank you.

Mr. Latimore: Thank you.

Chair King: Good morning.

Marcos Loureiro: Good morning. Thanks for the opportunity. My name is Marcos Loureiro. I'm the vice president of Biscayne Neighborhood Association. We have the Biscayne Neighborhood Association, BNA, goes from the Arshat Center to the 38th Street, all the way to the track of the train. This is an association that is in place for over 10 years, almost 15 years, and we have made a lot of progress. I have reached the Plaintiff. I spoke with Commissioner Covo, Commissioner Reyes, and I had the opportunity today to discuss with the consultant. Our ask, don't divide us. Don't put an Edgewater, one piece in one district, another piece in another district. We want to continue having the success that we are having. Thank you.

Chair King: Thank you. Good morning.

Vivian Perkins: Good morning. My name's Vivian Perkins. My address is 1150 Northwest 49th Street. I am here to speak on PS.1 [sic], 14148. Districting, to the Commissioners, please, listen very carefully. Everything that lives together, grows together. To split up a community that has been traditionally put there and the CRA growing it, and because it's a low-income area, let's keep it growing. Let's keep it loving. Let's keep it by law. And the law shows love. In order to give that love, we're determined to face equal challenges, and those challenges would be to keep it the same. Why change? Why change it in the way that it's not going to help anyone? How can you help anyone if you change and change and go on with things that you're determined to do it by data, by people? But it does take people and their votes. So let's remember that we are about people. The people I represent and the community I represent, we're all Commissioner Christine King's plan, mainly because it's the right one. Thank you.

Chair King: Thank you.

Ms. Perkins: Oh, it's flag day.

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Commissioner Díaz de la Portilla: And Trump's birthday.

Anthony Parrish: Good morning, Commissioners.

Chair King: Good morning.

Mr. Parrish: Andy Parrish, 3940 Main Highway. I'm grateful to be here. I've been in a lot of these. I'm learning a lot about redistricting. I thought I knew a little bit, but I didn't. Every one of these meetings I come to, I learn more. I started out saying, I know there's a 10 percent requirement that all the districts have to be within 10 percent of each other. And I thought it was mainly about making sure that the black vote is not disenfranchised. And that's about all I knew. And now, as I've come to more of these meetings, I see what the Voting Rights Act to me is about is communities of interest. Communities of interest, while they do take into account ethnicity and race, it's much more than that. It's really, from my take of what I've learned so far, and I'm learning every day, it's about neighborhoods. So, to me, communities of interest, which the Voting Rights Act talks about, is using the building blocks of neighborhoods and also geographic boundaries and natural boundaries and US-1 and all that, but also to put voters together in a community based on neighborhoods. So, any plan that supports neighborhoods to the maximum amount, I think is what should be done. And then I think we'll start getting voter participation again in the city, which as we all know, is abysmally low. The turnout for local elections is probably less than 15 percent. If we reunite neighborhoods, I think we're going to see the voting percentage go up hugely and we're going to see people say, yes, this is my neighborhood and it includes black, white, Hispanic. We all know that the city is mostly Hispanic, but I think communities of interest bridges over that and it's based on neighborhoods. Thank you so much for letting me speak.

Chair King: Thank you.

Barbara Lang: My name is Barbara Lang, 3901 Braganza Avenue, Coconut Grove. I'm going to be quick.

Unidentified Speaker: Microphone.

Commissioner Díaz de la Portilla: Come closer.

Ms. Lang: This is a bad map. You need to reunite Coconut Grove.

Applause.

Miguel Gabela Hello, good afternoon. My name is Miguel Gabela, 1701 Northwest South River Drive, Miami, Florida 33125. I am a candidate and I'd like to ask, it's not clear to me, I can't see the map here. My house is right on the very border on 17th Avenue. Can somebody tell me please if my house is inside the district or not? Because here's the --

Chair King: I'm sorry, sir.

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Mr. Gabela: -- problem that we're going to have.

Chair King: I'm sorry, sir.

Mr. Gabela: Well -- okay.

Chair King: What district?

Mr. Gabela: My -- I'm in District 1. I am a candidate against this gentleman here in the City of Miami since February, and it appears that in this map that you've drawn up, my house is right outside the district. What a coincidence. Can I see the map? Maybe I'm talking out of line. That's why I'd like to see the map so I can determine whether my house has been intentionally left outside the district or whether it's in the district. If it's in the district, there's no problem. I walk away. I'm not going to give any speech. Can I -- can somebody tell me? 1111 Northwest 17th Court, Miami, Florida 33125, 1701 Northwest South River Drive. I've been there for 23 years. I need to know if my house is there. I am a contender candidate since February of this year, walking, knocking on doors against this gentleman here with all due respect. And I just need to know if my house has been left intentionally outside the district or not. If it's in the district, I have no problem, ma'am. I will turn away and walk away.

Chair King: Hold on one second. Let me get the --

Mr. Gabela: Can somebody find out for me please?

Chair King: Where's attorney?

Mr. Gabela: Because I don't want to give you a speech for no reason if my house is in the district and waste your time.

(COMMENTS MADE OFF THE RECORD)

Chair King: Did Mr. DeGrandy leave the building?

Mr. Gabela: It's moved to District 3. What a coincidence it's moved to District 3. Well, okay, now I do have a speech to say.

Chair King: Wait, wait. Let me get -- from the consultants.

Mr. Gabela: Okay, okay.

Chair King: Victoria.

Ms. Méndez: We will -- we will go find Mr. DeGrandy. Mr. Gabela, we'll go find him and if you could just wait a moment.

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Mr. Gabela: No, no, I'd like to say my speech because I know you're going to find him --

Chair King: Okay, let --

Mr. Gabela: -- and he's going to give me excuses why he left me out and I think this was done intentionally by this gentleman here.

Chair King: Okay, sir, sir.

Mr. Gabela: Yes, ma'am. Can I give my speech and I'll be out of here?

Chair King: No, let me -- let me -- maybe you don't need to give your speech.

Mr. Gabela: Okay.

Chair King: Let us see and then if so --

Mr. Gabela: But have you seen the map? Have you seen where my house is?

Chair King: Yes, I --

Mr. Gabela: Have you seen --

Chair King: I don't -- sir --

Mr. Gabela: -- have you seen the map of my (UNINTELLIGIBLE)?

Chair King: Sir, this is the first --

Mr. Gabela: What a coincidence.

Chair King: -- sir, this is the first --

Mr. Gabela: What a coincidence that I'm a candidate --

Chair King: Sir, sir.

Mr. Gabela: -- against this gentleman and my house is left out. My house is --

Ms. Méndez: (INAUDIBLE) moment to find this.

Chair King: Mr. DeGrandy, could you please pull up the map so we can confirm? Thank you. Good morning.

Fleta Stamen: Good morning. My name is Fleta Stamen. I'm a long-time resident of Coconut Grove, and I'm at 3078 Aviation Avenue, Coconut Grove, Florida. I'm also a native of Miami.

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And I would just like to ask you all to please preserve and put back together the 30 neighborhoods that were divided. And also, I would like to stress that each of us needs to be fully represented by a commissioner. But I would also like to point out today, I'm not used to coming to these hearings except on this particular matter, which I find very important, and I'm stunned that we're getting maps from two different groups at this in the audience. We didn't even get your map. So, it's very hard to respond appropriately without the information in our hands, and I would like to request that.

Chair King: I understand. As the Plaintiff said, they were working on these maps till 8 o'clock last night. So were our consultants. I just got the map this morning.

Ms. Stamen: Right.

Chair King: So it's not that we're not trying to get the information. They were working both sides diligently late into the night last night.

Ms. Stamen: No, no, I respect that, but maybe we need another hearing so we have an opportunity

Chair King: I don't think we have time.

Ms. Stamen: -- to respond.

Chair King: We are on a tight deadline imposed by the court.

Ms. Stamen: But that kind of cuts the --

Ms. Méndez: Here's a copy -- a copy of the --

Ms. Stamen: No, I accept that, but you know, it just cuts us out of the process and we're the constituents. That's all I'd like to mention but thank you.

Chair King: Thank you. Good morning.

Andres Althabe: Morning. Andres Althabe, 1900 North Bayshore. You all know me. I've been before this Commission many times and I appreciate the words of the new officers of BNA saying that in the last ten years, we have accomplished many things because, in those ten years, I was the president of BNA getting those accomplishments. I don't have any doubt on the good intentions of the commissioners when they approved the last map in March of 2022. But there were -- you accomplished something and it's that nobody liked it, especially in Coconut Grove, which is a neighborhood where people have lived there for 30 years. It has a history as a community and is probably the only one neighborhood that has that kind of history. Second would be Brickell, and I have been advocating for keeping Edgewater and Omni together, but that doesn't mean that necessarily on District 2. Everybody agrees that District 2 has to be reduced. And this last map that came from bad to worse, they keep -- they just take out of District 2 Morningside and they keep on District 2 the most affluent people in the city. What I don't think that is the philosophy

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of anybody, especially it didn't seem to have been the philosophy of this lawsuit. The philosophy was diversification and integration in every district. I don't blame anybody because they have not been participating. The Edgewater has probably more connection to Wynwood than to other districts. So, my message is definitely to integrate Coconut Grove again and don't try to keep all the most affluent people in the coast in District 2 when there is a history of Edgewater working together, especially with Wynwood and the Design District. So, I think that is my message. Keep Omni and Edgewater together. Definitely keep Coconut Grove together. And Omni and Edgewater, I think it would be a much more smooth integration to District 5 than keep complaining that the District 2 Commissioner doesn't do anything for us because it's ridiculously large. Thank you.

Chair King: Thank you. Good morning.

Nathan Kurland: Good morning. Nathan Kurland, 3132 Day Avenue. I was thinking today about a riddle that I heard. The riddle goes like this, what do you call 14 rabbits walking backwards? And the answer is a receding hairline. And what I notice about this particular discussion is that we seem to be going backward. The Plaintiffs gave us easily to understand map of what they are recommending for our districts. The City gave us nothing but maps we couldn't even see from the seats in this auditorium. That's backwards. Las Vegas already has a line on how late the city commission of Miami will meet. I lost, I bet on the under and it was on the over, backwards. Changing our communities, as Mr. Parrish mentioned, changing the neighborhoods which change our communities make for a population that really, you know, separates itself from the governing body and the city of Miami. Backwards. Commissioners, it is time to move forward. The fact that we don't even get to see a map on the fact -- you know, by the City is making this public comment kind of moronic. We're supposed to be talking intelligently about a map we can't see and we don't even know what it says. Mr. DeGrandy did as good a job as he could, but again, if the Plaintiffs can do this, why can't the City? We believe the neighborhood should stay the same. And certainly, and I really don't understand why a third of the City's presentation had to do with who voted for Biden, who voted for this. I understand that we can't have districts based on race, but we also can't have districts based on who's voting for who. Thank you very much.

Chair King: Thank you.

Mr. Kurland: Keep neighborhoods together, keep Coconut Grove together.

Chair King: Thank you. Victoria, do we have the answer to the question?

Vice Chair Carollo: What question?

Chair King: Where is his house?

Vice Chair Carollo: Oh.

Mr. Gabela: May I speak?

Chair King: No, not yet.

draft

Chris Johnson: May I, Madam Chair? Yes, so the line between those districts runs along a canal, and the property the gentleman showed me is on the eastern side of the canal in the District 3.

Vice Chair Carollo: Now --

Todd B. Hannon (City Clerk): Chair, can I have the speaker's name? Sir, sir if you just --

Mr. Johnson: Oh, I'm sorry. I beg your pardon. My name is Chris Johnson. I'm here as part of the presentation.

Vice Chair Carollo: Chris, since I have you up here, where -- if we could put that map up here again -- where is 17th Avenue here? I'm a little lost with this map and the boundaries. What I have is very small to -- maybe if you could kind of draw it and we could see it.

Mr. Johnson: So, this is the map zoomed in to the area --

Vice Chair Carollo: Right.

Mr. Johnson: -- the gentleman was asking about.

Vice Chair Carollo: Right.

Mr. Johnson: The --

Vice Chair Carollo: Where would 17th Avenue be?

Mr. Johnson: 17th Avenue runs along -- trying to get the mouse to show you. Sorry, Commissioner, I'm trying to get the mouse to show. 17th Avenue runs -- if you look at the -- where the road intersects the river, that's 17th Avenue.

Vice Chair Carollo: Could you write with a magic marker in there so we can all see it up there? Is it possible?

Mr. Johnson: One moment.

Vice Chair Carollo: Thank you.

Mr. Johnson: So, this is 17th Avenue, Commissioner.

Vice Chair Carollo: Where at?

Mr. Johnson: I'm going to make the line brighter. That would be 17th Avenue.

Vice Chair Carollo: Oh, okay.

draft

Mr. Johnson: Right there.

Vice Chair Carollo: Way over there. I was looking to the right.

Mr. Johnson: This is a canal that runs along that section right along there.

Vice Chair Carollo: I see. So, that's 17th Avenue there. Yeah, so 7th Street is right almost at the tip there, right above where you got the circle at the bottom -- correct? -- on the line?

Mr. Johnson: I beg your pardon, Commissioner?

Vice Chair Carollo: Northwest 7th Street is right above where you have the circle?

Mr. Johnson: That is correct. This is Northwest 7th Street.

Vice Chair Carollo: Okay, all right. And can -- Madam Chair, can I take him lower into the district to ask him a question now or should I wait for later?

Chair King: We should wait.

Vice Chair Carollo: Okay, alright, that's fine. Thank you.

Chair King: Sir, go ahead.

Mr. Gabela: Thank you, ma'am. My name is Miguel Gabela, 1701 Northwest South River Drive, Miami, Florida, 33125 for the record. It has now become evident that my house, 1111 Northwest 17th Court, Miami, Florida, 33125 and 1701 Northwest South River Drive, which is a vacant land adjacent to my house, which I have lived there for 23 years as my residence along with my wife and my daughters, homesteaded for 23 years. I ran in 2019 against this gentleman here and I was the runner-up. I've been running since February. Okay, this is quite obvious that this is a political move on somebody's behalf. This will not stand. There is case law about this. I was warned about this on Saturday morning. I was warned about this on Saturday morning. I couldn't believe that somebody would be capable of doing this obvious. Because if you look at that map, you will see that I am the only one on that corner of the northeast of the intersection. I am on the northeast of the intersection, right next to the 17th Avenue Bridge. There's no other house there. That's my house, right there. So, what a coincidence that you guys, or somebody decided that they were going to cut it right there when it's been like that in the district for years, since I first ran in 2015. Okay, what I have to say, I know this is politically motivated, okay, and here's what I'm going to say. You, Mrs. King, Commissioner Covo, Commissioner King, Commissioner Reyes, have the authority to stop this when it comes to the vote, okay. You don't need any more lawsuits in the city of Miami. You have enough right now. Please don't do this to me and don't make me go out and get myself an attorney and have to sue the city because I don't want to do this. Okay, put me back. The remedy is, put me back as I was before so I can continue running against this gentleman.

Chair King: Thank you.

draft

Mr. Gabela: Okay, I haven't finished.

Chair King: No, your two minutes are up.

Mr. Gabela: Oh, my two minutes are up.

Chair King: Thank you.

Mr. Gabela: I see.

Chair King: Thank you.

Mr. Gabela: Thank you very much.

Chair King: Good morning.

Christi Tasker: Good morning, Commissioners. Thank you very much for allowing public comment. My name is Christi Tasker. I live at 150 Southeast 25th Road in the Roads. My district is not -- will remain District 2 no matter what, but what we've heard here today is absolutely appalling and could potentially cost the City a lot more money. Furthermore, it is gerrymandering. We've heard even the City consultants state facts based on national elections, when all of you sitting in the seats are supposed to be nonpartisan, working together. I simply ask that you keep the communities together. Furthermore, avoid lawsuits. I don't know the gentleman that just spoke, but the reality is when you have someone running against Mr. De La Porta [sic] -- Portilla -- sorry, I apologize, Mr. De La Portilla.

Commissioner Díaz de la Portilla: Okay, Díaz de la Portilla, but okay.

Ms. Tasker: I'm not going to waste my two minutes trying to pronounce your name, so I apologize.

Commissioner Díaz de la Portilla: That's okay.

Ms. Tasker: But regardless, we need to --

Commissioner Díaz de la Portilla: Okay.

Ms. Tasker: -- make sure that we are keeping communities together instead of dividing communities. District 2 needs to be further divided in terms of squaring it up, very much like the ACLU maps are, and the lines need to be clean. Right now, it looks like a divot of a mess. You've got little sections divoting down. And Ms. King, I understand that you are working on different portions, you know, throughout the city and your district is rather large. So I would just ask for you to consider working with the future commissioner of each district if it happens to be divided so that we can keep the district nice, square, and clean. Thank you very much.

Chair King: Thank you. Good morning.

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Rose Pujol: Good morning. Rose Pujol, 2455 South Bayshore Drive. Commissioners, Chairman, I would like to say that you have heard from the community that obviously we'd like to see the neighborhoods intact. That's overwhelming. It's almost deafening. I would not like to see what happened in Michigan in 2018 when they actually passed a commission initiative that the legislature made the decision as to who would be representing the people. I ask you -- we know you. Commissioner Carollo, in the middle of all your scrutiny, I really appreciate that you took the time to take a look at that map and ask where this gentleman's address is. Commissioner Alex DLP, I love -- personally, I love mischievous people and I understand where you're coming from but do the right thing. Add him. It doesn't take much. Thank you to everybody.

Chair King: Thank you. Anyone else for public comment? Is there anyone else who'd like to speak on behalf of this redistricting process? Seeing none, the public comment period is now closed.

Chair King: I am going to start with my Vice Chair. Do you have any questions?

Vice Chair Carollo: I do.

Chair King: Mr. DeGrandy, can you put the map up that we are working from?

Vice Chair Carollo: Okay, before I inquire into boundaries, because it's very small for me to figure out where boundaries are at. I can't see avenues or streets.

Mr. DeGrandy: Would you like me to blow up -- I'll blow up a D3 (District).

Vice Chair Carollo: If you would, to begin with.

Mr. DeGrandy: Okay, if we could blow up a D3.

Vice Chair Carollo: I'd appreciate it, but while you're doing with that, Chair, if I may say --

Chair King: Can you put the streets and the avenues --

Vice Chair Carollo: Yeah.

Chair King: -- on the map as well?

Mr. DeGrandy: They would show if the plan is augmented enough.

Vice Chair Carollo: Yeah.

Mr. DeGrandy: It does show the streets.

Chair King: Oh, okay.

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Vice Chair Carollo: Well, while they're doing that, if I may make the following statement, Chair. Our positions, whether commissioners or even the mayor of the city, they are and always have been nonpartisan positions, meaning we don't run by parties. We're nonpartisan. And I, for one, that's the philosophy that I very strongly have followed, not to get into the petty politics of either parties or French parties. I've worked with everyone from both sides of the aisle, as they say, from both parties, major parties, even other smaller parties, and I guess that's why I was able to win my re-election with a majority from Republicans, Democrats, and Independents. I've been very non-partisan. To me, some of the things I've heard here are what clearly have been described as. The area of my district, we went up already, so I know now where 17th Avenue is going. On the new border with District 4, between District 4 and District 3, what avenue is that?

Chris Johnson: May I, Commissioner?

Vice Chair Carollo: Yes, sir.

Mr. Johnson: So, the western border is 32nd Avenue, the far western border. The northern border is 8th Street.

Vice Chair Carollo: Right, then I'm going down.

Mr. Johnson: And this border is --

Vice Chair Carollo: What avenue is that?

Mr. Johnson: I believe that is 4th. Let me double check.

Vice Chair Carollo: No, no, it can't be 4th.

Mr. Johnson: 14th, I believe.

Vice Chair Carollo: No.

Mr. Johnson: Yeah, hang on.

Vice Chair Carollo: It could be 14th, I don't know.

Commissioner Reyes: It could be --

Victoria Méndez (City Attorney): 4th Avenue?

Mr. Johnson: 14th, 14th.

Vice Chair Carollo: It's 14th Avenue?

Mr. Johnson: Yes, Commissioner.

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Vice Chair Carollo: Okay, now, as --

Ms. Méndez: I'm sorry. Are we looking at the yellow, Commissioner?

Commissioner Reyes: Yes.

Vice Chair Carollo: Yeah, between the yellow and the blue.

Ms. Méndez: And the blue, right so that --

Vice Chair Carollo: So --

Ms. Méndez: -- should be 4th Avenue because the next one says 3rd Avenue.

Vice Chair Carollo: No, no, no, no, no, no, no, no, that's got to be 14th Avenue.

Unidentified Speaker: It's 14th.

Vice Chair Carollo: There's no 4th Avenue there.

Unidentified Speaker: 14th.

Mr. Johnson: 14th.

Vice Chair Carollo: Yeah.

Mr. Johnson: It's 14th.

Vice Chair Carollo: Now, it -- you have 8th Street and then it cuts off at 14th Avenue, correct?

Unidentified Speaker: Yes.

Mr. Johnson: Correct.

Vice Chair Carollo: Okay, now coming down where it kind of does like a triangle at the bottom, where does it do the extreme part of the triangle? Is that 16th Avenue?

Mr. Johnson: So, this is 3rd Avenue that curves along here. The blocks are shaped irregularly.

Vice Chair Carollo: Right.

Mr. Johnson: So, it comes down to 3rd and then runs along 3rd to Dixie Highway.

Vice Chair Carollo: Okay, so that -- yeah, that's what we call 3rd Avenue. The -- down here -- okay, where would Coral Way be? Just up a little bit.

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Mr. Johnson: The far western boundary?

Vice Chair Carollo: Yeah.

Mr. Johnson: I'm sorry, I don't under -- were you asking me to --?

(COMMENTS MADE OFF THE RECORD)

Mr. Johnson: Right here?

Commissioner Díaz de la Portilla: No, (INAUDIBLE). Go down.

Mr. Johnson: 22nd is right here.

Vice Chair Carollo: 22nd is Coral Way, just up a little bit.

Mr. Johnson: Right here.

Commissioner Díaz de la Portilla: No, that's (INAUDIBLE).

Mr. Johnson: Okay, I'm sorry.

Vice Chair Carollo: Yeah.

Mr. Johnson: Right.

Vice Chair Carollo: In the bottom.

Commissioner Díaz de la Portilla: Go down, go down (INAUDIBLE).

Mr. Johnson: 22nd Street is right here, Commissioner.

Vice Chair Carollo: Yeah, okay. Miguel, this area between 22nd Street, Coral Way, then on the left, as we look at it, is 17th Avenue that goes all the way to US-1 and then back to the district border. That little square there, that divides that part of Silver Bluff even more, where we just invested some significant amounts in a park. How many people does that little square have? It can't be that many.

Mr. DeGrandy: I'd have to actually run the program, but we can get you those numbers.

Vice Chair Carollo: Yeah, but what I want to be able is whatever we do, we can do today.

Mr. DeGrandy: Yes, no, absolutely. We can take a break --

Vice Chair Carollo: Okay.

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Mr. DeGrandy: -- whenever you want, Commissioners.

Vice Chair Carollo: Can you get those numbers in that minute square, if we can? You see what I'm pointing to?

Commissioner Reyes: Yes, you are --

Vice Chair Carollo: The park is right on the other side.

Commissioner Reyes: That's right. You're talking about Silver Bluff.

Vice Chair Carollo: Well, yeah, it's the other side of Silver Bluff.

Commissioner Reyes: Yes.

Vice Chair Carollo: Now we're dividing it --

Commissioner Reyes: Yes.

Vice Chair Carollo: -- into even more.

Commissioner Reyes: Yes, that's right. And I also have a comment also on this now that you are mentioning it. You're taking District 4 out west to 14th Avenue. That will cut also from District 1, which is Little Havana, Domino Park, you see.

Vice Chair Carollo: No, not really. On 14th Avenue, it's fine because Domino Park is really from --

Commissioner Reyes: 15.

Vice Chair Carollo: -- 9th Street -- 15th Avenue.

Commissioner Reyes: 15th Avenue.

Vice Chair Carollo: Yeah, and it goes from 9th Street to 8th Street, the -- what we call Domino Plaza.

Commissioner Reyes: That's right, Domino Plaza, but it's cut from District 3 in this map.

Vice Chair Carollo: I don't believe so.

Commissioner Reyes: Yes, sir.

Vice Chair Carollo: Because -- well, you -- no because the plaza still goes from 9th Street to 8th Street.

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Commissioner Reyes: From 9th to 8th, but it is on 15th Avenue.

Vice Chair Carollo: It's 15th, but it will go from 8th Street to --

Commissioner Reyes: What I'm trying to say, Commissioner, is that my belief is that Domino Park should be part of District 3, of Little Havana.

Vice Chair Carollo: Well, the -- that would be simple. We could just, in that same line as before, where the cut was 9th Street, leave it at 9th Street.

Commissioner Reyes: Leave it at 9th Street, okay. That's right.

Vice Chair Carollo: You know, I -- I'm fine with the Commissioner. I'm glad you pointed that out. These are small, minute tweaks that don't matter much in population basis. But -- so, Mr. DeGrandy, on the bottom, so that we can see what we're doing, down in Silver Bluff, that little square that we mentioned, from 22nd Street, Coral Way, down 17th, you know, back into the district, 17th to US-1 to the district, if he could figure out how many people we have there. And then on the top, from your cut on 14th Avenue that you made, instead of bringing it all the way to 8th Street, if you could maybe bring it to 9th Street, up until 17th Avenue.

Commissioner Reyes: Yeah.

Vice Chair Carollo: A little less.

Commissioner Reyes: So we can keep --

Vice Chair Carollo: Yeah.

Commissioner Reyes: Okay.

Vice Chair Carollo: 9th Street to 17th Avenue, that would be part from 14th to 17th Avenue.

Mr. DeGrandy: Okay.

Vice Chair Carollo: 8th Street to 9th Street, it's a minute amount of population.

Mr. DeGrandy: Of course.

Vice Chair Carollo: I doubt it if you have more than 50 people living there but --

Mr. DeGrandy: Okay.

Vice Chair Carollo: -- the other question that I would have, down in the bottom, across US-1, what you did, it stops at the expressway there going into Virginia Key and Key Biscayne.

Mr. DeGrandy: Basically, yes.

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Vice Chair Carollo: Yeah, the little strip where, I don't know if my eyesight -- I can't see it, but where District 3 would end, from there to Simpson Park.

Mr. DeGrandy: You're looking north.

Vice Chair Carollo: Yeah, way in the bottom --

Mr. DeGrandy: North and south of US-1.

Vice Chair Carollo: -- way in the bottom to the right.

Mr. DeGrandy: North and south of US-1.

Vice Chair Carollo: Yeah, there's a little strip where South Miami Avenue is, so that you make it more square. If you could figure out in that little strip how many people you have, I would estimate you have somewhere between 200 to 300 people that live there, because those are very large lots compared to others.

Mr. DeGrandy: To get to Simpson Park?

Vice Chair Carollo: Yeah, to get to Simpson Park. Between South Miami Avenue, the boundary line that you have for the district and the two point -- Simpson Park and where you had ended the district as you turn into Virginia Key. And then over 3rd Avenue, which is Coral Way, the other side of Simpson Park, that little strip that's in District 2 that goes up to a strip that's been in my district, how many voters do we have in that strip?

Mr. DeGrandy: That's probably more dense.

Vice Chair Carollo: Yeah, that's more dense.

Mr. DeGrandy: Yeah.

Vice Chair Carollo: That's why I'm inquiring that. And that little strip in 3rd to --

Mr. DeGrandy: Maybe a couple thousand.

Vice Chair Carollo: I think it would be less than that, but you know --

Mr. DeGrandy: Okay.

Vice Chair Carollo: -- that's why I'm asking you to run it and see what we have to there.

Mr. DeGrandy: We'll run all the numbers on that.

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Vice Chair Carollo: Yeah, and last but not least, you have from 27 to 22nd. You know, when we talk about the Grove, and I've lived there and I've lived in this city for a lot longer than a lot of the people that I've been hearing from, when you talk about the Grove, you're talking about different neighborhoods. I know the -- it sounds great, one Grove, but you're talking about different people, different neighborhoods. And let me start all the way to the end. The area where Stallone and Madonna used to live in, South Miami Avenue, that was the Grove into itself. Then you cut across the street from Vizcaya and you look at Bay Heights. That's a different Grove.

Mr. DeGrandy: To (UNINTELLIGIBLE) neighborhood.

Vice Chair Carollo: Yeah. They even pay for their own security there. Then you go across 17th Avenue to 22nd Avenue, you've got some of the biggest lots that you have in the whole city of Miami, and certainly, I would say the biggest lots that are not in the bay, in the whole city, in that section there. That's very different than when you go across 22nd Avenue to 27th Avenue, that now the homes are reduced in lots, they're not as expensive, and it's a very changing area from what I've been seeing. Frankly, you have a lot more Hispanics moving in there with younger families and so on, and they're fixing up the older homes there and making them a lot more expensive. Then from 27th Avenue, when you go into the Center Grove, it's totally different than all the other areas that I mentioned. You have more townhouses, a lot of townhouses. You have more apartments. Then you go into the South Grove, and you get into, again, very expensive areas. You take that South Grove almost to Cocoplum. That's a whole different Grove than the rest that I described. And last, but not least, you go into the -- what we now have named Little Havana, the old Black Grove, and that's very different. And that's changing every week as we speak because it's being gentrified like there's no tomorrow in that area. So, in what we call Coconut Grove, you have many, many different communities within that Grove that have major differences in many ways, in more ways than I've described here. And you also have certain similarities, like you do with any community. Having said that, in -- I'm just trying to get numbers from you. On the part where you cut the Grove beginning in 27th down to 22nd --

Mr. DeGrandy: Hold on. Let me wait till it's on the --

Vice Chair Carollo: Yeah.

Mr. DeGrandy: -- on the screen.

Vice Chair Carollo: If you could give me numbers also and how many people live there. Okay, and then, if you would come down -- in other words, this whole area that you did, the full amount of people that lived there, and then if you would come down Aviation, 27th through Aviation, where you make it a little tighter, the other side of Aviation is practically very few homes. It's -- in other words, you're going to give me amounts of people in the square that you did there from 27th to 22nd, and then you're going to make it even tighter. From 27, you cut it on Aviation to 22nd, a second one. Do you follow me, Miguel, in what I'm asking?

Mr. DeGrandy: I'll -- yeah, I'll certainly look at the map.

Vice Chair Carollo: Yeah, the --

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Mr. DeGrandy: And if I have any questions --

Vice Chair Carollo: -- the one in Aviation is just going to make it a little lesser in population.

Mr. DeGrandy: Okay.

Vice Chair Carollo: That's all. And when we break, if we could see that then --

Ms. Méndez: So, Commissioner, your main concerns were to keep certain communities together and certain neighborhoods together with regard to that as well? And you need just some questions on numbers.

Vice Chair Carollo: I'm asking just for numbers now --

Ms. Méndez: Okay, thank you.

Vice Chair Carollo: -- so that I could see the shifts. The area that I did express a concern was on --

Ms. Méndez: Well, he'll give us numbers in the break and then we'll talk about it.

Vice Chair Carollo: Yeah, sure.

Ms. Méndez: Thank you.

Vice Chair Carollo: Thank you.

Mr. DeGrandy: And we've had -- I'm happy to do that and we'll come back to you with numbers. We've had other commissioners also make requests for review of plans. I know Commissioner Díaz de la Portilla has proposed an alternative that we found to be compliant. Commissioner Covo sent me a couple. One I couldn't evaluate, but the other I could and gave her my response that that was also constitutionally compliant. So, we're happy to review any --

Chair King: So, that is exactly what we -- I'd like for us to get all of our comments out and then take a break for lunch.

Mr. DeGrandy: Yes, ma'am.

Chair King: Have you work on it to present and then we can come back and vote. Commissioner Covo, do you have --?

Commissioner Covo: Yes, I do. I am extremely confused with the presentation because, as I expressed when we were going back and forth with this situation, I am an advocate of keeping the identity of Coconut Grove together. I do understand Commissioner Carollo's point that it's very diverse, but I think the city as a whole is very diverse. And what I'm seeing in District 2, which

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is the district that I represent with a lot of effort, because it's very diverse, is that we're splitting Coconut Grove and we're splitting Morningside. Those two are neighborhoods that have been together, that are historic. It doesn't matter how much they're changing in many ways because the whole city is changing. And probably in 10 years, we're going to be going through this with a totally different map, because we're very multicultural. So, I would like to see the same breakdown, please, that you presented for the other two districts, for District 2, because I do understand that District 2, because it is the one going vertical, and it is going to continue to go vertical because we have the zoning for that. We are overpopulated. So, I do understand that we need changes. I just want to make sure that the changes that we have represent the community, because as commissioners, we are the ones that draw the lines, right? But we are the voice for our community. And what my community has expressed to me is that they want to keep Coconut Grove together. So, it's tough, you know, trying to see the emails, listen to what they think. And also as a commissioner, I think that the type of service that we could give, if the districts look alike, of course, is much, much better. So, that would be my request.

Mr. DeGrandy: Yes, ma'am. And I think you can confirm, I did speak with your chief of staff yesterday. I did give him my analysis of your map, Alternative 1. The overall deviation was in the six point something, which is within constitutional parameters. So, if you'd like us to, you know, basically model that and give you a photocopy of it and you can present it, that's fine, you're absolutely correct. I'm just here to make proposals. I don't make the decisions. You all will make those decisions. So, I'm happy to present, you know, to give you a copy of your plan so you could present it. We'll also put it on the board. Whatever Commissioner Carollo, you know, has requested, we will model that. I know Commissioner Díaz de la Portilla has a version that we've been able to look at also, like we did with yours. And we will come back after the break and tell you here's our proposal, here's the different alternatives, and you all are elected to make that decision, not me.

Chair King: Now did I hear, did I hear that you split Morningside? No?

Mr. DeGrandy: Yes, Morn --

Commissioner Covo: Morningside is split in this map.

Mr. DeGrandy: Yeah.

Chair King: Into D5?

Mr. DeGrandy: Half of Morningside goes into D5. Half of Morningside is on the --

Chair King: Okay, so up to last night, I did not get a briefing on that. I did not know that Morningside -- I was getting half of Morningside. So, I would have something to say about that.

Mr. DeGrandy: What would you like? Would you like to see a plan with all of Morningside in your district?

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Chair King: No, I don't think that any of Morningside should go to my district. Wouldn't that be splitting up neighborhoods?

Mr. DeGrandy: Okay.

Applause.

Chair King: I mean, not that I don't love Morningside, don't get me wrong, and I'm in Morningside all the time. They are my neighbors, but I, you know -- is that what you want?

Mr. DeGrandy: Commissioner Covo's plan -- well, do you permit me to comment on it?

Commissioner Covo: Of course.

Commissioner Reyes: Well, I haven't --

Mr. DeGrandy: Commissioner Covo --

Commissioner Reyes: Excuse me. I haven't seen her map.

Chair King: Right, I haven't seen --

Mr. DeGrandy: Right.

Chair King: Well, you know, I haven't seen --

Commissioner Reyes: I want to know what she's coming with.

Chair King: -- right, I haven't seen her map and I had --

Commissioner Reyes: And if --

Commissioner Covo: I -- just I love Morningside, and I've been working super hard, not only in my few hundred days, but when I was campaigning. But when we were trying to see what would make sense, Madam Chair, we noticed that, of course, our district is overpopulated. So, we felt, okay, if the sense of the community and even of the Plaintiff was to keep Coconut Grove together, it wouldn't make sense to split Morningside. And that's what this plan is doing, splitting Morningside. If I was for me, I wouldn't lose any of my neighborhoods. I love my constituents and I've been working hard towards all of them, but I do understand that I'm the district that has more population and we need to be fair.

Mr. DeGrandy: Yes.

Commissioner Covo: And I also understand that, again, this should be based on the right of the people to vote and population as well. Not only -- I just don't get the partisan topic and it's just not --

draft

Mr. DeGrandy: All right. Now, if I understand, just to clarify.

Commissioner Reyes: I have a question. I have a question.

Mr. DeGrandy: Can I clarify for a second?

Commissioner Reyes: Oh, sure, sure, sure.

Mr. DeGrandy: If I understand, Commissioner Covo's plan would seek to put Morningside into D5. What you're telling me is you want Morningside in D2. Do I understand that correctly?

Chair King: Yes, I'd like to see the impact of the proposal.

Commissioner Covo: And me as well, Madam Chair. Me as well.

Chair King: Because --

Commissioner Covo: It's not that I want to put it in her district.

Chair King: -- you know --

Commissioner Covo: I just want to see the difference.

Mr. DeGrandy: All right, I'll show you and then you'll see the numbers.

Commissioner Covo: See -- see the difference.

Chair King: If this is --

Commissioner Covo: If it's something that makes sense.

Chair King: Morningside is in this -- because in the map that I received last night, I don't believe that Morningside was in my district.

Commissioner Covo: No, it's split.

(COMMENTS MADE OFF THE RECORD)

Ms. Méndez: So, just to be clear, I believe that Commissioner Covo wanted to keep Morningside in District 2. That was your direction, and you want to see the numbers.

Mr. DeGrandy: No, no, the direction that she asked, if I understand it correctly, is to put Morningside together into D5.

draft

Commissioner Covo: So, technically what we proposed was to analyze how that would look. So, I'm not redrawing it finally. I just want to make sure what makes more sense to keep the neighborhoods together. I just think that for District 2 to have Coconut Grove divided and Morningside divided doesn't make sense.

Mr. DeGrandy: Okay, so we will present --

Chair King: But I don't think there was ever an effort to divide Morningside, correct? At least not in any of our conversations.

Mr. DeGrandy: Yeah, I -- there's not a conscious effort, Commissioner, to divide any community. It's all driven by numbers and the need to equalize. But just to be clear, because I want to be responsive to every Commissioner, you want the plan consistent with the map -- the one you sent me. Would that be correct?

Commissioner Covo: Yes, but of course if you provide different numbers, we can also analyze it. That's why we're here.

Mr. DeGrandy: Of course.

Commissioner Covo: Because it was also until 8 p.m. yesterday. This morning, I hadn't seen any plan. That's the whole situation. We need to make clear where we're heading.

Mr. DeGrandy: Sure. I got your plans yesterday, so all I could do was respond by yesterday.

Chair King: So, can you give us a copy of each of our maps?

Mr. DeGrandy: If you all release them.

Chair King: And we'll take a recess.

Mr. DeGrandy: Commissioner Covo has told me that she has no problem releasing her plans, so I can model it and release it. Now, to tell you what I mean by modeling is Commissioner Covo's plan delineates her district. Now, I can see by the way she's delineated her district that it involves changes between these districts but doesn't impact the others. So, when I responded to her chief of staff, I said, I assume, other than these changes, you're not impacting the other districts. If that's correct, I can model that plan, which means I can give her a five-district plan that has all the numbers based on where she would like the lines drawn in D2. So we --

Commissioner Covo: Exactly. And we also have other lines that we have changed that my chief of staff is telling me. But at the same time, what I wanted to say is that my main request was to see what works for everyone and how we can keep the neighborhoods integrated. I reiterate this because the attorneys came to our office and said, what's your priority? So, it's not like we're just coming out with a definite plan. We're just seeing the priorities of our constituents. So, it's not about this is the final plan that you drew. No. I want to make sure that what I'm doing is aligned

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to what my constituents are petitioning, if the numbers -- and of course, under the Constitution, make sense.

Mr. DeGrandy: Yes, yes.

Commissioner Covo: It's not that I want to -- I don't want to lose any of the neighborhoods. I love my district, but I do understand that I'm the most conflicted district because it is the one that is growing. It has 75 percent -- probably more than 75 percent of the taxes. So, I mean, I'm willing to work.

Mr. DeGrandy: Understood. To your comment about the second plan, let me explain to you why I couldn't give your chief of staff an opinion on that plan. That plan drew the lines for District 2 but changed the lines for District 3 and did not contain lines for the other three districts. And so, I cannot tell you whether the overall deviation complies with the Constitution, et cetera because to do that I would have to have five drawn districts. Now, once you reconfigure District 3, I'm not the one that can say, you'd like 4 this way, you'd like 5 this way, et cetera. It's up to you to tell me, here's how I'd like the plan drawn, and then I'm happy to generate the data for you.

Commissioner Covo: Thank you.

Mr. DeGrandy: Sir, I'm sorry.

Commissioner Reyes: Madam Chair, I heard that there is another map in the making also, because we are all in the business of making maps, you see. I don't know why we are hiring you, man. You see, we're all making maps. So, I heard there is another map by Commissioner Díaz de la Portilla. I would like to have a copy of it also when we go to -- if we are going to be analyzing all the maps, you see.

Mr. DeGrandy: Sure.

Commissioner Reyes: Now --

Mr. DeGrandy: If Commissioner --

Chair King: I thought --

Commissioner Reyes: I would have -- I would like a copy of Commissioner -- copy -- Covo and Commissioner Díaz de la Portilla --

Mr. DeGrandy: Sure.

Commissioner Reyes: -- and anybody else that has a map, I would like to see it too.

Chair King: I thought this map was representative of all of our interests.

Commissioner Reyes: It is.

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Chair King: I thought this was the map that you were working from that expressed --

Commissioner Reyes: Absolutely, that's what I heard.

Chair King: -- all of the priorities.

Ms. Méndez: Right, Version -- so Version 12 --

Chair King: 12.

Ms. Méndez: -- is the only one that he initially crunched numbers on to give a baseline --

Commissioner Reyes: Okay.

Ms. Méndez: -- and then it's a presentation for all of you to move around.

Chair King: Okay, so what I'd like to do is recess so that you can speak with all of us and we could -- we're working off of this map, you could speak with all of us, reiterate our priorities, and then we come back. So, I'm proposing a three-hour recess so we could grab a bit of lunch and you have adequate time to meet with all of us so that we can come back and vote on a map.

Mr. DeGrandy: Yeah, and here's what -- I don't know that you can vote on a map. I'm being a realistic, Commissioner, because if each one of you makes different tweaks, it's impossible to generate all those into one map.

Commissioner Díaz de la Portilla: Well --

Mr. DeGrandy: Some may be mutually exclusive. So, this is what I would suggest. You know, anyone that wants to present a plan, I'm happy to do the analysis. I'm happy to tell you does it comply with the Constitution. And you can all pick from those versions which map you would like.

Commissioner Díaz de la Portilla: Madam Chair, Version 14, which is the map that I put together, you've already said on the record that it's constitutionally compliant. Is that correct?

Mr. DeGrandy: That's my understanding, yes.

Commissioner Díaz de la Portilla: So -- all right, so there's no tweaking on that plan. That's already constitutionally compliant, correct?

Mr. DeGrandy: That would be your proposal, yes.

Commissioner Díaz de la Portilla: My proposal, yes, sir.

Mr. DeGrandy: Yes.

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Commissioner Díaz de la Portilla: Correct.

Vice Chair Carollo: What is that?

Mr. DeGrandy: And Commissioner --

Commissioner Díaz de la Portilla: That's Version 14, which is -- was submitted about a week ago, about five days ago, and he's reviewed it and he's -- that plan, I'm not changing anything else. That plan itself was Version 14, is constitutionally compliant. That's the only thing I'm interested in right now in terms of what the record should reflect.

Mr. DeGrandy: Yes, as Commissioner Covo was also --

Commissioner Díaz de la Portilla: That we may very well end up voting for a very tweaked -- because tweaking is tweaking and changing is changing, it's two different things, right? So, if there's a couple of blocks, Domino Park, things of that nature, that could be a slight adaptation of Version 12, right? So, it's minor changes in Version 12. We also have the option available to us to recess the meeting at a particular juncture and come back tomorrow morning. We don't adjourn; we recess. I mean, I'm telling you what the options are. You can deny it if you want, but I mean, we can.

Mr. DeGrandy: I can't be here tomorrow morning. I'm in --

Commissioner Díaz de la Portilla: Well, you don't have to be here. He can be here. We have like seven lawyers, don't we?

Chair King: Well, I can't be here tomorrow morning either.

Commissioner Díaz de la Portilla: But you can answer a lot of the questions, right, today and then tomorrow's a different conversation, you know.

Mr. DeGrandy: Absolutely.

Commissioner Díaz de la Portilla: Yeah.

Mr. DeGrandy: But what I'll tell you is this.

Commissioner Reyes: Which version --

Mr. DeGrandy: You know --

Commissioner Reyes: -- is this?

Chair King: Version 12.

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Commissioner Díaz de la Portilla: That's Version 12. That's Version 12.

Chair King: Version 12.

Mr. DeGrandy: Version 12.

Chair King: Which incorporates your Version 14?

Commissioner Reyes: I haven't seen --

Commissioner Díaz de la Portilla: No, no.

Chair King: Oh.

Commissioner Reyes: -- Version 14.

Commissioner Díaz de la Portilla: No, no, no. Version --

Mr. DeGrandy: Commissioner -- Commissioners, may I -- may I please?

Commissioner Díaz de la Portilla: There's two different --

Vice Chair Carollo: I don't think I have either.

Commissioner Díaz de la Portilla: Wait, hold on a second. It's very simple. Version 12 is the City's map, the ones that takes into account everybody's input in different conversations.

Commissioner Covo: Not mine, not mine.

Commissioner Díaz de la Portilla: Well --

Commissioner Covo: My input is not in this version.

Commissioner Díaz de la Portilla: Well, okay, not yours. But my understanding is that it's been discussed for about over a week in long meetings, with different commissioners independently of each other, right? So, that's Version 12. That's the plan that you presented to us today. Is that correct?

Mr. DeGrandy: That's correct.

Commissioner Díaz de la Portilla: Okay. Version 14 is my version. We may very well not use that. That's fine. It's the will of the body, right? But you've already reviewed Version 14.

Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: And that's constitutionally compliant, correct?

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Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: Okay. The other tweaks that are going to happen in the break, that's a different conversation for later. We may very well come back and debate Version 12 with some minor adaptations. I agree with Commissioner Carollo, I think they both agree -- what I heard is that, you know, it should be probably 16th Avenue, not 14th Avenue, something like that, and Domino Park stays in District 3, if Commissioner Carollo -- if I'm phrasing your position correctly.

Vice Chair Carollo: Well, the --

Commissioner Díaz de la Portilla: And if you want to keep Domino Park, you've represented, you've invested a lot in it.

Vice Chair Carollo: I believe Domino Park is still going to stay in the district. What Commissioner Reyes pointed out, rightly so, that Domino Plaza would then go --

Commissioner Reyes: That's right.

Vice Chair Carollo: -- towards 9th Street. So, what we're looking at is really from 15th Avenue to 17th Avenue, 9th Street, keeping it --

Commissioner Reyes: That's all.

Vice Chair Carollo: -- in District 3 like it was. You're looking maybe 50 people that live in those two blocks.

Commissioner Reyes: Yeah.

Commissioner Díaz de la Portilla: Well, that's what I meant, right.

Vice Chair Carollo: And then the other area --

Commissioner Díaz de la Portilla: It's minor. It's a minor change.

Vice Chair Carollo: -- that I asked for the simple purpose of the park we're building that's about an acre or so in that part of Silver Bluff, to leave that section as it was from Coral Way down 17th Avenue to the highway. And I can't imagine that you have more than 100 people there or less. So, between both areas that I'm talking about, maybe I'm guessing we have 150 people or so, not much more than that, I don't think. Certainly under 200.

Commissioner Díaz de la Portilla: What my understanding is --

Vice Chair Carollo: So, it's a minute --

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Commissioner Díaz de la Portilla: What my understanding, Commissioner Carollo and Chairwoman King, what my understanding is that these are minor changes that can take place. I think what I heard here today, that you're happy with the way it looks. Commissioner Carollo and Commissioner Reyes share a boundary there. They can move around. It appears they're both happy with those changes. I can live with Version 12 at the end of the day. So, to me, it's not that it wasn't proposed. So, at the end, you know, that's four at least that I can hear. I know you have concerns of the Grove, and obviously, your concerns will be addressed, and you have every right to have those concerns, but we just need to vote out a map so that the City has a map --

Chair King: Right, so --

Commissioner Díaz de la Portilla: -- to go to the courts and say this is the official -- because we don't have any official map. We don't have an official map here until this Commission votes it out.

Chair King: Right.

Mr. DeGrandy: Absolutely.

Commissioner Díaz de la Portilla: It's not when anybody comes to us and presents this in Version 1, 2, 3 to 14.

Chair King: Right.

Commissioner Díaz de la Portilla: Because we have to vote it out --

Chair King: So --

Commissioner Díaz de la Portilla: -- by a majority of the Commission.

Chair King: So, I'd like to take a recess.

Commissioner Díaz de la Portilla: Yes.

Mr. DeGrandy: Well, let me just --

Commissioner Díaz de la Portilla: I have ribs, Commissioner Carollo.

Mr. DeGrandy: -- be clear as to what's --

Commissioner Díaz de la Portilla: I'll leave you happy today. I have ribs.

Chair King: I'm sorry.

Commissioner Díaz de la Portilla: Flanigan ribs in my office.

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Chair King: I'm sorry, what did you --

Commissioner Díaz de la Portilla: You too, Flanigan ribs.

Chair King: What happened?

Commissioner Díaz de la Portilla: Ribs.

Mr. DeGrandy: May I be --?

Chair King: Go ahead.

Mr. DeGrandy: Okay. I just want to be clear as to what we can do and what we will do. We will sit with each one of you, make whatever changes to the plan you need. I don't think you need any. We will then publish three hours from now --

Chair King: Yes.

Mr. DeGrandy: -- whatever you want to publish, three, four alternatives. It's your decision. It's not my decision.

Ms. Méndez: Yes.

Mr. DeGrandy: All I can do is give you the version.

Chair King: Understood.

Commissioner Díaz de la Portilla: And I do not need to meet with you. Now, you're going to miss out on the ribs.

Chair King: Understood.

Commissioner Díaz de la Portilla: That's your loss.

Chair King: So, we're going to be --

Mr. DeGrandy: Well, it's a three-hour lunch, so I --

Commissioner Díaz de la Portilla: You can come by.

Mr. DeGrandy: -- may take you up on it.

Commissioner Díaz de la Portilla: I'll save you a rack. I'll save you a rack.

Chair King: So, we're in recess.

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Mr. DeGrandy: Yes.

Chair King: We will adjourn -- we will return at 3.30. Can I see you in my office?

Commissioner Reyes: 3:30 in the morning --

Mr. DeGrandy: Right now?

Commissioner Reyes: -- or in the afternoon.

Chair King: Right now. In the afternoon.

Commissioner Reyes: Okay.

Commissioner Covo: What time (INAUDIBLE)?

Chair King: 3:30.

[Later...]

Chair King: Good afternoon, everyone. Welcome back to the second half of the June 14th, 2023 redistricting hearing. We are going to now begin. I believe our attorneys are printing -- they're in the process of printing the final maps or map --

Unidentified Speaker: Yes.

Chair King: -- maps.

(COMMENTS MADE OFF THE RECORD)

Chair King: Okay, no, he told me that. So, we're just waiting for us to get a copy of the versions that we discussed during the break. And prayerfully, we will be ready to make a motion and a second and settle on a map.

Commissioner Díaz de la Portilla: Can we make the motion now?

Ms. Méndez: No, no. There has to be a --

Commissioner Díaz de la Portilla: For the purpose of discussion?

Ms. Méndez: -- a presentation. He has a little presentation -- a mini presentation.

Commissioner Díaz de la Portilla: We can still make the motion now for the purpose of discussion, right?

Ms. Méndez: Okay.

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Commissioner Díaz de la Portilla: Right?

Ms. Méndez: Yes.

Commissioner Díaz de la Portilla: Okay.

Vice Chair Carollo: Make a motion for what?

Commissioner Díaz de la Portilla: A motion for the Version 12 map that we've agreed to and everybody's spoken to. And then we can discuss it.

Vice Chair Carollo: Well, I haven't seen what the final --

Chair King: Yes, we need to see the final --

Vice Chair Carollo: Yeah.

Chair King: -- version of it.

Commissioner Díaz de la Portilla: Okay.

Chair King: Here they come.

Commissioner Díaz de la Portilla: I thought we were reconvening the meeting because we had -- everybody was ready.

Commissioner Reyes: Yes, but --

Commissioner Díaz de la Portilla: Yeah, right?

Commissioner Reyes: Yeah.

Chair King: Well, we were and then he was going to (INAUDIBLE).

Commissioner Reyes: Map 12 -- through the Chair, Map 12, I think that it had some additions and subtractions. I would like to see --

Commissioner Díaz de la Portilla: Right, right.

Commissioner Reyes: That's right, as amended.

Commissioner Díaz de la Portilla: That --

Chair King: As amended.

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Commissioner Díaz de la Portilla: As amended --

Commissioner Reyes: As amended.

Commissioner Díaz de la Portilla: -- was a motion, really, yeah.

Commissioner Reyes: Yes.

Commissioner Díaz de la Portilla: But instead of waiting for the maps to come in, we know what

Vice Chair Carollo: Remember, when you take out from one area, you've got to make it up in another, so that's what we've got to see --

Commissioner Díaz de la Portilla: Correct.

Vice Chair Carollo: -- what they have.

Commissioner Díaz de la Portilla: Correct.

Commissioner Covo: So, technically, we're not going to see the other maps?

Chair King: Huh?

Commissioner Covo: We're not going to see the other maps that you're going to do?

Chair King: If there's more than one, we will see.

Commissioner Covo: I have a different one that I would like you to see.

Chair King: We will see.

Commissioner Covo: And would like you all to see.

Chair King: We will see. Whatever they have, we will all review. Good afternoon, guys.

Mr. DeGrandy: Good afternoon.

Mr. Johnson: Good afternoon, Madam Chair.

Mr. DeGrandy: We'll take a minute to load up. What we're going to do, we've set up a PowerPoint with the five different alternatives for your consideration.

Chair King: These are five alternatives of Version 12?

Mr. DeGrandy: No, ma'am.

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Chair King: No.

Mr. DeGrandy: Let me walk through.

Chair King: Okay.

Mr. DeGrandy: Commissioner Reyes was satisfied with district -- with Version 12, but would like to hear from his colleagues. Commissioner Carollo had an alternative. Commissioner King has an alternative --

Chair King: Of Version 12.

Mr. DeGrandy: Of Version 12, yes. Commissioner Díaz de la Portilla has Version 14 and Commissioner Sabina Covo also did a different version. So there -- there's four versions plus V12. That's five.

Chair King: Okay, so -- but my version was from Version 12.

Mr. DeGrandy: That is correct, ma'am.

Chair King: And Commissioner Carollo's version is Version 12?

Mr. DeGrandy: Yes.

Vice Chair Carollo: Yes.

Chair King: And your version worked off of Version 12. So the three of us worked off of Version 12, he has Version 14.

Commissioner Díaz de la Portilla: No, I said before the break.

Chair King: He's with Version 12.

Commissioner Díaz de la Portilla: As amended.

Chair King: As amended.

Commissioner Díaz de la Portilla: Discussed over the break. So, Version 14 remains as part of the record as a constitutionally compliant map for future reference. Remember, we vote on it today, but then we have to go to -- it's a judicial process in place, right? So, I want to make sure that on the record, he's already said three times that it's constitutionally compliant, Version 14.

Chair King: Okay.

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Commissioner Díaz de la Portilla: But I'm okay with Version 12 as amended. I think publicly we've all stated what we want, and I think Commissioner Covo has a totally different perspective on what you want to do, but I think I'm okay with Version 12. I'm confident I'm okay with Version 12.

Chair King: Okay.

Commissioner Díaz de la Portilla: So, I think we could very quickly come to a consensus, so just

Mr. DeGrandy: So, let me do this. Let me walk you through the changes --

Chair King: Okay.

Mr. DeGrandy: -- in each version.

Chair King: Okay.

Commissioner Díaz de la Portilla: No, walk us through the changes on Version 12 and see if people are okay with it.

Chair King: As amended, yes.

Commissioner Díaz de la Portilla: We get to four votes or five votes, we're good to go. and not waste people's time anymore, right?

Chair King: Okay. Ready for your presentation?

Mr. DeGrandy: Ready.

Chair King: Go ahead.

Commissioner Reyes: I have a question. I mean, that's to the attorney. Commissioner Díaz de la Portilla says that he wants to keep -- I mean, include in the record, and it is constitutional right, but can the judge use that map instead of the other?

Commissioner Díaz de la Portilla: No.

Ms. Méndez: I'm sorry. The version that he had suggested earlier, Version 14, you're asking about that?

Commissioner Reyes: Yes.

Ms. Méndez: That's a -- it's a constitutional map.

Commissioner Reyes: Okay. But by including --

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Ms. Méndez: But you have to vote on it.

Commissioner Reyes: -- but including it in the record, could the judge say, okay, instead of the one that you voted on, I am going to force this one.

Mr. DeGrandy: The answer to your question, if I may, the judge is free to make an independent determination. He may take any one of the five versions, and he may elect to have a special master draw his own plan. If and only if he determines that whatever is voted on today is constitutionally infirm. If what is voted on today he finds to be constitutionally compliant, then that will be the map.

Chair King: But let me ask you, for the record, our versions, each version is constitutionally sound, correct?

Mr. DeGrandy: Yes, each ver --

Chair King: Each version.

Mr. DeGrandy: -- each version is within the acceptable deviations. Each version is available for you all to debate and vote on.

Commissioner Covo: And Madam Chair, just to add, I want to make a clarification. My version was also gotten from Map 12.

Mr. DeGrandy: That is correct.

Commissioner Covo: As well.

Chair King: Okay.

Commissioner Covo: So, it's also changes to Map 12 as well.

Mr. DeGrandy: Yeah, all versions basically --

Commissioner Covo: Come from --

Mr. DeGrandy: -- make changes to Version 12.

Chair King: Okay.

Commissioner Reyes: Okay.

Chair King: All right. Let's start with the presentations then.

Commissioner Díaz de la Portilla: But only one version is going to be voted on today probably --

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Commissioner Reyes: That's right.

Commissioner Díaz de la Portilla: -- ideally, right? So that's fair. That's fair.

Vice Chair Carollo: Correct.

Commissioner Díaz de la Portilla: So, we vote on that one version as amended, and that's the official position of the City of Miami.

Commissioner Reyes: Okay, okay.

Mr. DeGrandy: What I would --

Commissioner Díaz de la Portilla: That's it.

Mr. DeGrandy: -- envision is once I present the five versions, you all will discuss, you all will debate, there will be a motion for --

Commissioner Díaz de la Portilla: Right.

Mr. DeGrandy: -- one or more plans and, you know, eventually whatever reaches majority support will be the plan.

Commissioner Reyes: I think we all agree -- we all agree on 12 amended.

Chair King: It's just like the last one.

Commissioner Reyes: That's right, just -- I would like to see Version 12 with all the amendments that are in front of us.

Mr. DeGrandy: Of course.

Commissioner Reyes: Okay, that -- please.

Mr. DeGrandy: I will walk through every version before you.

Commissioner Reyes: Okay.

Mr. DeGrandy: Okay.

Commissioner Díaz de la Portilla: Well, I'm not sure we need to do that, do we? You want to do that? You want to walk through every version? Okay.

Chair King: There's only five.

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Mr. DeGrandy: Okay, so --

Commissioner Díaz de la Portilla: It's only five.

Mr. DeGrandy: -- on the screen is a draft version. You've seen that, so I don't think I need to discuss that, so let's go through.

Ms. Méndez: So, for the record, just so that we're clear, the draft plan proposal --

Commissioner Díaz de la Portilla: Is 12.

Ms. Méndez: -- as labeled right now is your original Version 12?

Mr. DeGrandy: It's Version 12, which is the version that Commissioner --

Commissioner Díaz de la Portilla: Without being -- without it being amended.

Mr. DeGrandy: -- Commissioner Reyes said he is okay with, but wants to listen to any other changes.

Commissioner Díaz de la Portilla: Okay.

Mr. DeGrandy: So, for -- I put it as a draft plan. I could have said this is Commissioner Reyes' plan, but it is the draft plan.

Commissioner Covo: When did the amendments to Version 12 happen? During the break? I have not seen those so --

Mr. DeGrandy: Yeah, the amendment --

Chair King: You're going to see them (INAUDIBLE).

Mr. DeGrandy: -- all the changes have been -- I have met with each one of you --

Commissioner Reyes: Every one of us.

Mr. DeGrandy: -- as I was directed and I have made changes --

Chair King: You're going to see them now.

Commissioner Covo: Okay.

Mr. DeGrandy: -- that each one of you have asked for. All right, so let's go to the next one. Okay, this is the Version 14, this is the D1 alternative map with a deviation of 2.3. It basically -- you know, if I'm going to explain it, it basically does some changes to D4, brings it down past US-1. It leaves most of what was District 3 in the draft plan intact. District 1 stays intact. District 5 also

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stays intact. No, District 5 actually on the coast comes down further to the south up to the 195 and the overall deviation is 2 percent. I'll go through each one and then if you have more questions on them, we'll go back to them. So, let's go to the next alternative. Okay, this is the D5 alternative. The D5 alternative leaves District 1, 3, and 4 intact. It makes a change between District 5 and District 2 at the north coastal end to bring all of Morningside into D2. Is that correctly stated? Okay.

Chair King: It puts Morningside back in D2.

Mr. DeGrandy: Yes. All right. So, let's go to the next one. And it has a deviation of 3.4 percent way within constitutional parameters. Okay, this is the D3 alternative map. It has a deviation of 3.5. It also puts Morningside back into D2. So, it is the same D5 as Commissioner King has configured. D1 was not touched. There are changes between D2, D3, and D4. At the bottom of -- at the south end of D3, what it did was it took from, I believe, 27th to 22nd Avenue back into D2, which is, you know, some people consider the Groves, you know, you could get argue as to whether that's part of the traditional Grove or not, but that -- it is what it is. That's what it's done. What it then does is that bottom part continues to go up, it goes past Simpson Park, and it goes further east into the downtown area. In the division between 3 and 4, it moves a district line a couple of blocks to address the issue that was discussed regarding Domino Park, and at the bottom it also does a little turn. Basically, that and the change that was done at the north end between 3 and 4 were issues that we had to deal with to equalize population. So, district -- the alt 3 map has District 5's alternative to District 5 and does not touch District 1, only changes between 2, 3, and 4. Okay, next. District 2's alternative map has a 4.2 percent deviation. It also brings Morningside back into D2 and it takes basically all the area south of US-1 that in the base plan was wrapping around District 4, was part of D3 wrapping around District 4, all of that is incorporated now into D2. So, the major changes are all area south of US-1 goes back into D2 and Morningside goes back into D2. Have I accurately described your plan? Okay.

Commissioner Covo: And keeps the Grove united.

Mr. DeGrandy: And keeps the Grove united, okay. Next.

Mr. (COMMENTS MADE OFF THE RECORD)

Commissioner Covo: This is the fifth one.

Commissioner Díaz de la Portilla: Into the microphone.

Mr. DeGrandy: That's the last one?

Mr. Johnson: Yes.

Mr. DeGrandy: Oh, okay.

Commissioner Reyes: That's the last one.

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Mr. DeGrandy: Okay, so I gave you all of them.

Commissioner Díaz de la Portilla: Yeah, that's it.

Mr. DeGrandy: All right, so those are the, you know, the different alternatives. As I've said many times to you before, and not necessarily to you, Commissioner Covo, because you weren't there at the first round, but there are literally thousands of ways to draw a constitutional map. We approached the draft plan from the point of view of looking only at race as was necessary to comply with the Voting Rights Act in D5. We have otherwise not considered any racial or ethnic considerations, have basically provided a different political and policy alternative from the Plaintiff based on my conversations with the majority of you. And with that, Madam Chair, I am available to answer questions and I leave it to you to debate, discuss, and vote.

Vice Chair Carollo: I've got a quick question, Madam Chair. What is by law the highest deviation that we can go to?

Mr. DeGrandy: Normally the courts have set kind of a bright line, overall deviation should not exceed 10 percent. That is what they consider substantial equality.

Vice Chair Carollo: 10 percent?

Mr. DeGrandy: Yes.

Vice Chair Carollo: And we're way below the --

Mr. DeGrandy: I believe, and again, you know, since we've done this pretty fast, but I believe there's no map that goes beyond 5 percent overall deviation.

Vice Chair Carollo: No. In fact, they're quite low. The alternative maps that we were shown by Plaintiffs, what deviation were they in? What range?

Mr. DeGrandy: I forget Alternative 1. From memory I could tell you Alternative 2 was 6.9 percent and the alternative that they dropped on us last night was 5 percent.

Vice Chair Carollo: Okay. So, they're all much higher than any of the deviations that we have?

Mr. DeGrandy: They are higher. They are within acceptable range, but they are higher.

Vice Chair Carollo: Yeah.

Commissioner Díaz de la Portilla: The draft --

Mr. DeGrandy: Alternative 1, Commissioner had 5.3 -- the Plaintiffs had 5.3 deviation.

Commissioner Díaz de la Portilla: The -- if I may, Madam Chair. The draft plan proposal that we have here is identical to Version 12. Is that correct?

draft

Mr. DeGrandy: The draft plan proposal is Alternative 12.

Commissioner Díaz de la Portilla: Identical to Version 12.

Mr. DeGrandy: The draft plan is Version 12.

Commissioner Díaz de la Portilla: Is Version 12, okay.

Mr. DeGrandy: Yes, sir.

Commissioner Díaz de la Portilla: o changes.

Mr. DeGrandy: No change.

Commissioner Díaz de la Portilla: Okay.

Mr. DeGrandy: All changes were made from Version 12 by the different commissioners.

Commissioner Díaz de la Portilla: So, for the purpose of discussion, without any motion or anything yet, we can talk a little bit, I think, about the amendments, the minor tweaks that we want to do to this draft plan proposal, right, instead of having a back and forth on five different plans. So, if what's being presented before us as a draft plan proposal, which is the city manager and city attorney and our experts, there are some tweaks that have to be made to that. I understand the conversation we had before the break. Can we, for practical purposes, just work off that version and say, well, add this, take that out, whatever it is, it is, right? And then we still could have the debate about the other five or the other four plans, right? Because I think it's just a back and forth that's not going to result in anything other than what the final result everyone knows is going to be, right?

Commissioner Covo: I have a suggestion, Madam Chair. To your point, Commissioner Díaz de la Portilla, if we have five maps and we already saw them, right, and we have this as a base plan, we might discuss from this one, including the petitions that we have in each of our plans.

Commissioner Díaz de la Portilla: That's the idea, yeah.

Commissioner Covo: I mean, that would like, for instance, if my priority is actually to keep Coconut Grove together, then we can discuss it and see what I can get from that. Because in this second plan --

Commissioner Díaz de la Portilla: Of course.

Commissioner Covo: -- from the one that I had before, I lose, from what I've seen, about 4,000 people. So, things like that, I think that if everyone agrees, we could work it out of Version 12, since all of them come from Version 12.

draft

Mr. DeGrandy: Yes.

Commissioner Covo: We already saw each of our ideas. I'm not sure what you guys think about that.

Mr. Johnson: Yeah, and --

Chair King: Yes.

Commissioner Díaz de la Portilla: Yes.

Chair King: I'd like to make one tweak.

Commissioner Díaz de la Portilla: We are going to go to tweaking in a minute. The idea is we start, I would think, from Version 12 and then we could do the -- you know, for example, Version 14, my version I already put on the record that it's constitutionally compliant as every other version is, so that's already done. So, I'm done with that. And now I'm in Version 12, the draft plan proposal. Let's take it from there. And everybody can say what they want, what they don't want, and then we move forward from that. It's an easier way to get there. It's a better roadmap than discussing five plans that are going to take us all over the place.

Chair King: Right. I don't think we need to discuss five plans. I think from what I heard --

Commissioner Díaz de la Portilla: Of course.

Chair King: -- D3 alternative map incorporates all of us. And then the map that doesn't coincide with the D3 alternative map is the D2 alternative map. I think those are the only two that we need to -- because for Commissioner Reyes, for Commissioner Carollo, for myself, I don't know if you're in favor of D3 -- the D3 alternative map, which is the --

Commissioner Díaz de la Portilla: The D3 alternative plan is the amended draft plan proposal that takes --

Chair King: Yes.

Commissioner Díaz de la Portilla: -- it two blocks down to include Domino Park and back into Commissioner Carollo's district.

Chair King: Yes, yes, yes, yes.

Commissioner Díaz de la Portilla: That's fine. There's no other change, right?

Chair King: I have one other change that I'd like to make. There's --

Commissioner Díaz de la Portilla: Well, there's no other change as far as Commissioner Carollo's concerned?

draft

Chair King: No.

Commissioner Díaz de la Portilla: Okay, we're done with that.

Chair King: Yes.

Commissioner Díaz de la Portilla: So, 3 and 4 are happy with each other?

Chair King: Yes.

Commissioner Díaz de la Portilla: So, there's kumbaya going on over there.

Chair King: And 5.

Commissioner Díaz de la Portilla: What you want here is you want People's Barbecue.

Chair King: Yes.

Commissioner Díaz de la Portilla: Okay, I'm going to give you that.

Chair King: Yes.

Commissioner Díaz de la Portilla: You've got People's Barbecue.

Chair King: I'd like --

Commissioner Díaz de la Portilla: All right, that's fine.

Chair King: That was an oversight.

Commissioner Díaz de la Portilla: That's -- and I'll tell you why. Because you've invested -- your Overtown CRA has invested a lot of dollars in a historic restaurant that means a lot to that community and to your community.

Chair King: Yes.

Commissioner Díaz de la Portilla: And I understand. I would like every once in a while to be able to have some ribs and some oxtail there, but that's a different conversation. I'll pay for it, not a problem. But I can still go there, right?

Chair King: Absolutely.

Commissioner Díaz de la Portilla: Are you sure?

Chair King: Absolutely.

draft

Commissioner Díaz de la Portilla: For the record, let the record reflect that I can still go to People's Barbecue.

Chair King: Absolutely.

Commissioner Díaz de la Portilla: All right, so we'll include that in the amendment.

Chair King: Right.

Commissioner Díaz de la Portilla: That's fine.

Chair King: So, if you can include that into the D3 alternative map --

Commissioner Díaz de la Portilla: The D3 -- yes.

Chair King: -- so that keeps it in line with the consensus that we have.

Mr. DeGrandy: Could you, Commissioner, give us bearings, directions?

Commissioner Díaz de la Portilla: We will, and I want to make sure it's only People's Barbecue, nothing else.

Chair King: It is.

Commissioner Díaz de la Portilla: Don't get greedy.

Chair King: It will be -- it's 7th Street. It's just after you get -- it's just one block --

Commissioner Díaz de la Portilla: 350 Northwest 8th Street.

Chair King: Is that the address?

Commissioner Díaz de la Portilla: Yeah, that's the address.

Chair King: Okay.

Commissioner Díaz de la Portilla: 350 Northwest 8th Street. 350 Northwest 8th Street. Best oxtail.

Mr. Johnson: So, I will bring the block --

Commissioner Díaz de la Portilla: Best oxtail in town whenever you open, right? Right?

Mr. Johnson: So, I'd bring the southern border down the 7th Street from 8th Street?

draft

Commissioner Díaz de la Portilla: Yes.

Chair King: Yes.

Commissioner Díaz de la Portilla: It's one block.

Chair King: Please.

Commissioner Díaz de la Portilla: No, you bring it up from 7th Street to 8th Street.

Mr. Johnson: The current southern border --

Commissioner Díaz de la Portilla: Oh, yeah, yeah, I'm sorry, you bring down the southern border, that's correct.

Chair King: Yes.

Commissioner Díaz de la Portilla: You're correct, yes.

Chair King: Yes.

Commissioner Díaz de la Portilla: 350 -- again --

Chair King: Leave that in D3, the alternate D3 alternative map and --

Commissioner Díaz de la Portilla: As amended, 350 Northwest 8th Street is now included in District 5, no longer in District 1.

Mr. DeGrandy: Okay.

Commissioner Díaz de la Portilla: But only one block, only that place, nothing else. Nothing to the left, nothing to the right, nothing to the south, nothing to the north.

Mr. DeGrandy: And precisely, so there is no misunderstanding and also, so the record reflects what's being done, certainly, you're free to continue to debate different plans, et cetera. But before

--

Commissioner Diaz de la Portilla: The involvement and the investment.

Mr. DeGrandy: Yeah, before there is a motion, we'd actually like to model and put on the screen

--

Chair King: Please.

Mr. DeGrandy: -- that change.

draft

Commissioner Díaz de la Portilla: Yes.

Chair King: And tell us about the deviation.

Mr. DeGrandy: Make sure that everybody is okay with it.

Chair King: Yes, yes, sir.

Commissioner Díaz de la Portilla: Yes, sir.

Vice Chair Carollo: Good idea.

Mr. DeGrandy: Okay? So, that -- once your debate is finished -- will take us ten minutes to do, and I'll show it up on the screen.

Commissioner Covo: So, are we still debating from D3 or from 12?

Chair King: D3.

Commissioner Covo: Okay.

Commissioner Díaz de la Portilla: D3 is 12.

Chair King: The -- they're all the Version 12, but the D3 alternative map --

Commissioner Covo: Is the one that looks more similar.

Chair King: Is the one that there's most consensus about.

Commissioner Covo: Okay.

Mr. DeGrandy: Do you want to put that one up and me to go over it again or no?

Commissioner Díaz de la Portilla: No.

Mr. DeGrandy: I'm yours all day.

Commissioner Díaz de la Portilla: We're not going to be here all day. And neither are you, because we're done. I think we're almost there, right? Yeah.

Chair King: I think so.

Commissioner Díaz de la Portilla: Yeah.

draft

Ms. Méndez: So, for purposes just of the record, while he's putting it up, while Chris is putting it up, Mr. DeGrandy, can we just place on the record the D3 alternative map and just what you wanted to say really quickly?

Mr. DeGrandy: No, no. The only thing that I wanted to make sure is to have Chris make that change, the People's Barbecue.

Chair King: And does that change the deviation any? I'd like to know that.

Mr. DeGrandy: I understand, but, you know, I'd like to see --

Commissioner Díaz de la Portilla: It's People's Barbecue, how much can it change the deviation?

Chair King: I don't think --

Mr. DeGrandy: It may be zero.

Chair King: I don't think it would --

Commissioner Díaz de la Portilla: There are no residents. There are no residents --

Chair King: Right. I don't think it would change it at all.

Commissioner Díaz de la Portilla: -- at People's Barbecue.

Chair King: I don't think it would change it at all, but I just want to put it on the record.

Commissioner Díaz de la Portilla: Yes.

Mr. DeGrandy: But I understand, Madam Chair, but I'd like you to see it --

Commissioner Díaz de la Portilla: Of course.

Mr. DeGrandy: -- visually and say, that's what I asked for --

Commissioner Díaz de la Portilla: So, we take a --

Mr. DeGrandy: -- or that's not what I asked for.

Commissioner Díaz de la Portilla: -- so, we take a ten-minute recess?

Vice Chair Carollo: No, no, no.

Commissioner Díaz de la Portilla: Well, but they --

Chair King: No, no, no. Because if I lose you, I might lose you for thirty minutes.

draft

Commissioner Díaz de la Portilla: No, I'm saying it's going to take ten minutes.

Vice Chair Carollo: Madam Chair.

Mr. DeGrandy: It'll take him less than ten minutes to --

Vice Chair Carollo: Can I ask --

Commissioner Covo: Before -- okay.

Vice Chair Carollo: -- him to put in the record a couple of things while we're waiting?

Chair King: Yes.

Vice Chair Carollo: Mr. DeGrandy --

Mr. DeGrandy: Sir.

Vice Chair Carollo: -- what is --? Since in these three districts we're not going to have People's Barbecue doing a deviation, in District 4, 3, and 2, what is the population on each of these districts the way you have it now?

Mr. DeGrandy: I have to wait for my data guy to give us the numbers.

Vice Chair Carollo: What did we hire you for? Is it the data guy that we need?

Mr. DeGrandy: There's only one computer and I don't have it.

Commissioner Covo: Can I ask a question, Madam Chair?

Mr. DeGrandy: Yes.

Commissioner Covo: I want to know because I'm extremely committed and I want to put it on the record to keep Coconut Grove united, as you already know. Can you give me the number of how many -- from the map that we have now currently under which we're working, what else do I lose from the North Grove with this map? Can we see those numbers?

Mr. DeGrandy: Yes.

Commissioner Covo: That's important to see if at least I can get part of the Grove united because I see that I don't have a consensus, but I really need to fight for this.

Mr. DeGrandy: Yes, ma'am. As soon as Chris finishes with that and gets back on the screen, I will walk you through that.

draft

Vice Chair Carollo: I believe --

Mr. DeGrandy: I mean, I could tell you from memory, it restores the 1,571 in the plan that was struck down that went south in the Grove back into D2. So, that's 1,571 and it keeps that line of US-1 intact. And then there was a portion in the draft plan that went from 27th Avenue to 22nd Avenue that was in the draft plan in D3, Commissioner Carollo ceded that property or that land back into D2. So, those are the gains for --

Commissioner Covo: What about the west of Emathla Street and Bay Heights?

Mr. DeGrandy: Bay Heights remains in D3.

Commissioner Covo: Remains in D3?

Mr. DeGrandy: Yes.

Commissioner Covo: But it was in D2. So, now I'm giving up Bay Heights technically.

Mr. DeGrandy: That is correct.

Commissioner Covo: I want to see those numbers. I'm not going to vote for that. I'm getting less from the Grove.

Mr. DeGrandy: You're -- well --

Commissioner Covo: I mean, from uniting Coconut Grove, I'm getting less now.

Mr. DeGrandy: If you look at --

Commissioner Covo: And that's what my constituents are asking for.

Mr. DeGrandy: Yeah, if I -- if you look at numbers, I can walk you through those numbers. It's really --

Commissioner Covo: I mean, I just want to put the numbers on the record.

Mr. DeGrandy: Sure, sure. But I'm trying to respond to your question. It's a trade-off. What that amendment does is it gives back to the Grove from 27th to 22nd, and then it continues to go up where it ended in the draft plan, up all the way to Simpson Park and into part of downtown. So, it creates a straight line on South Miami Avenue.

Commissioner Covo: Okay, let's keep rolling. I don't see the logic in it, but --

Mr. DeGrandy: I -- that's not for me to say. That's -- you're the policy makers.

draft

Commissioner Díaz de la Portilla: Okay. That's the point of the recess, right? We'll be here. Right here.

Ms. Méndez: Now, he's going to tweak it with People's Barbecue.

Mr. DeGrandy: You're going to put it up now, as soon as he connects.

Ms. Méndez: Right. (INAUDIBLE).

Commissioner Díaz de la Portilla: That was fast.

Mr. DeGrandy: Less than 10 minutes. Okay, could you blow up that area? I just want to make sure --

Mr. Johnson: So, we just moved the border here in the Overtown region down from 8th Street down to 7th.

Mr. DeGrandy: Can you blow it up more?

Mr. Johnson: That's as much as it's letting me blow up on this thing.

Commissioner Díaz de la Portilla: How many -- if I may.

Mr. DeGrandy: Okay.

Commissioner Díaz de la Portilla: How many people are you adding and subtracting?

Mr. Johnson: It actually reduces the deviation slightly to --

Commissioner Díaz de la Portilla: I know, that's what I thought.

Commissioner Díaz de la Portilla: But by how much?

Chair King: What's the deviation now?

Commissioner Díaz de la Portilla: 3.3, okay.

Vice Chair Carollo: What's the deviation?

Chair King: 3.3.

Commissioner Díaz de la Portilla: 3.3.

Commissioner Reyes: That's right.

Chair King: D3.

draft

Vice Chair Carollo: D3?

Chair King: Oh, it's the whole map.

Commissioner Díaz de la Portilla: The whole map is 3.3.

Mr. DeGrandy: Yeah.

Commissioner Reyes: Yeah.

Chair King: 3.3.

Commissioner Díaz de la Portilla: But how many people are you adding to District 5 when you take away from District 1? Or, right, you're adding a block. How many people?

Mr. Johnson: Give me one moment and I can look that up.

Commissioner Díaz de la Portilla: Okay. I thought that's what you were doing in the 10-minute break you had.

Chair King: The deviate -- the -- is it --

Commissioner Díaz de la Portilla: I'm being rough on him.

Chair King: The lower the deviation, is that better?

Commissioner Díaz de la Portilla: I've been rough --

Mr. Johnson: The lower the deviation, the better.

Chair King: Is better.

Commissioner Díaz de la Portilla: Of course, yeah.

Chair King: The lower the devia --

Mr. Johnson: Zero is perfect.

Commissioner Díaz de la Portilla: And by the way --

Chair King: Zero is perfect, but the lower our deviation is, the better.

Mr. DeGrandy: Yes.

Chair King: But we can go as high as 10 percent.

draft

Mr. DeGrandy: You could. At that point, the court is probably going to need justifications --

Chair King: To look -- right.

Mr. DeGrandy: -- on the record, but the three --

Commissioner Díaz de la Portilla: What's the deviation of the Plaintiffs' map that they're proposing?

Mr. DeGrandy: There was -- one was 5.3, I believe. Alt 2 was 6.9.

Commissioner Díaz de la Portilla: Right.

Mr. DeGrandy: And Alt 3 was 5 percent.

Commissioner Díaz de la Portilla: So, ours is a lot better --

Mr. DeGrandy: It's the lowest deviation.

Commissioner Díaz de la Portilla: -- in terms of devi -- absolutely.

Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: Okay. How many people are you adding?

Mr. Johnson: 530 people are being moved, Commissioner.

Commissioner Díaz de la Portilla: 530 people are being moved.

Mr. Johnson: Five three zero, yes.

Commissioner Díaz de la Portilla: From that one block.

Mr. Johnson: It's actually three blocks. It is a strip across the southern side.

Commissioner Díaz de la Portilla: No, we had this conversation before. Your software may not allow you to do it, but you can do it, right, without -- if we had better software, basically. So, in essence, why -- yeah, they do the whole strip.

Vice Chair Carollo: Yeah, but you're actually going to make the deviation a lot better and even it out. If you could --

Commissioner Díaz de la Portilla: Yes.

Vice Chair Carollo: -- let me ask him --

draft

Commissioner Díaz de la Portilla: Yes.

Vice Chair Carollo: -- a question, and you'll get the better feel.

Mr. DeGrandy: And the software, Commissioner, if I could interrupt for a second, goes to the block level. We can't go any further than that.

Vice Chair Carollo: Yeah. If you could give us --

Mr. Johnson: I could move just that one block.

Commissioner Díaz de la Portilla: Yes.

Mr. Johnson: But --

Commissioner Díaz de la Portilla: Of course, you can.

Mr. Johnson: -- the other two blocks -- I could do that. I understood you wanted me to bring the border down to 7th Street.

Commissioner Díaz de la Portilla: No, no, no. I gave you an address.

Mr. Johnson: Okay.

Commissioner Díaz de la Portilla: There's a reason why I gave you a specific address. I didn't say -- I said it's a block south, but I gave you a specific address, which is 350 --

Mr. Johnson: Can I have one minute?

Commissioner Díaz de la Portilla: Of course. You can have more than one.

Vice Chair Carollo: Before you go the one minute --

Commissioner Díaz de la Portilla: 350.

Vice Chair Carollo: -- can you give me -- because these three are not going to change -- the total population for D4, D3, and D2?

Mr. Johnson: Yes, Commissioner.

Commissioner Díaz de la Portilla: I know what he did, yeah.

(COMMENTS MADE OFF THE RECORD)

Mr. Johnson: Commissioner, the total population of District 3 is 89,194 in that version of the map.

draft

Vice Chair Carollo: Okay, right.

Mr. Johnson: D4 is 89,555 and D5 is 86,690.

Vice Chair Carollo: No, no, no, I said D2.

Mr. Johnson: Oh, D2 is 89,593.

Vice Chair Carollo: Okay, so these three districts are right together in numbers.

Mr. Johnson: Yes, Commissioner, very close.

Vice Chair Carollo: Okay, all right. So, let's see, once you've worked it out, what these two others have.

Commissioner Díaz de la Portilla: Right, correct.

Vice Chair Carollo: Obviously, there are considerations and which districts in the future are going to grow, have the most growth.

Commissioner Díaz de la Portilla: That's the issue, right? So, we don't want to go beyond -- it doesn't impact any other district, it's really a debate between District 5 and District 1, right?

Commissioner Covo: I want to --

Commissioner Diaz de la Portilla: But hold on a second. I'm not finished.

Commissioner Covo: Okay, sorry, I'll go after you.

Commissioner Díaz de la Portilla: I'm sorry. So, the debate at this part, at this particular part to get this off the table, you're right, it's a growth, but we have to be concerned about the growth. Commissioner Covo, your district's way overpopulated. So, at the end of the day --

Commissioner Covo: That's what --

Commissioner Díaz de la Portilla: -- you're going to have to lose stuff.

Commissioner Covo: I know that.

Commissioner Díaz de la Portilla: So, you got to pick your poison, whether you like it or not. You got to lose some stuff.

Commissioner Covo: If --

draft

Commissioner Díaz de la Portilla: But that's that part -- that's not the point I'm making. The point I'm making is between District 5 and District 2.

Commissioner Covo: Okay, but --

Commissioner Díaz de la Portilla: On District 1, I'm sorry. So, in essence, you got the map there. We want People's Barbecue to get -- to stop talking about People's Barbecue if we can. District 5 has publicly agreed that she's okay with only having that. You already have the map, what's given to you right now on the record, so you're fully aware of what we want to do, fix that, and leave it alone, and then we can talk about everything else.

Mr. Johnson: I'm going to put it up on the screen for you right now.

Commissioner Covo: No, but Madam Chair, I want to answer your question. So, what's happening is that when we draw my map -- and if you want, you can also pull it again -- we're still within the constitutional lines, we still are compliant with District 5, we are still in the deviation that is correct. We reunite the Grove. I keep Bay Point and Morningside as well. I'm still a bit overpopulated because we went through the numbers. What I'm asking for, again, is, with all your respect, to try and keep the Grove more united. Because in this version, I lose even more voters of the North Grove. And that's part of the amount of people that came to us and say we really want the Grove united. So, I'm fighting for what my constituents want, technically.

Chair King: Let me ask a question. Is the Bahamian community in the Grove in the D3 alternative map?

Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: Yes.

Chair King: The Bahamian community is in the Grove? Okay.

Mr. DeGrandy: Yeah. What we did, Commissioner, if you recall, the original plan had, I believe it was 1,571 folks that we crossed south of US-1, created a little triangle to bring that into D4 to equalize population. We have taken that out. So, the line at that part of the Grove is US-1, which is, you know, I would argue it was only a little sliver of the Bahamian Grove, but nevertheless, the answer to your question is the Bahamian Grove is now in the Grove.

Chair King: Okay, because that was a huge contention the first time around that the Bahamian Grove was taken out of D1.

Mr. DeGrandy: D2.

Chair King: D2.

Commissioner Díaz de la Portilla: D2.

draft

Chair King: But now the Bahamian Grove --

Mr. DeGrandy: Is back in D2.

Chair King: -- is back in D2.

Mr. DeGrandy: Yes.

Chair King: Okay.

Commissioner Díaz de la Portilla: So, Commissioner Covo, you've done a heck of a lot of a better job than your predecessor did by the way.

Commissioner Covo: Thank you, but I still need to do it better. I still need a chunk --

Commissioner Díaz de la Portilla: I understand.

Commissioner Covo: -- of the North Grove to make sure that I'm happy.

Commissioner Díaz de la Portilla: You're doing a lot better than Commissioner Russell ever did for keeping that community divided. The problem that you have and that we all have is that your district is overly populated.

Commissioner Covo: I could keep --

Commissioner Díaz de la Portilla: And that's the problem.

Commissioner Covo: -- the North Grove together and give up some of the West Brickell part as well if we can see those numbers.

Mr. DeGrandy: Again, that --

Commissioner Díaz de la Portilla: Do you have the new map?

Mr. DeGrandy: That's up to you.

Chair King: So this --

Mr. DeGrandy: Yeah, it'll come up in a minute.

Chair King: So, you have -- you're putting up the D3 alternative map, which is now the deviation is 3.3.

Commissioner Díaz de la Portilla: Correct.

Chair King: And it includes the Bahamian Grove.

draft

Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: And it includes --

Mr. DeGrandy: The deviation, I don't believe it'll be 3.3, because 3.3 --

Commissioner Díaz de la Portilla: 3.6, that's fine.

Mr. DeGrandy: Yeah, it's 3.6.

Commissioner Díaz de la Portilla: And you only took out --

Chair King: Now it's 3.6?

Mr. DeGrandy: It's 3.6.

Commissioner Díaz de la Portilla: That's fine.

Chair King: With the inclusion of People's Barbecue?

Mr. DeGrandy: Yes.

Commissioner Díaz de la Portilla: Yes.

Mr. DeGrandy: With the inclusion of People's Barbecue.

Commissioner Díaz de la Portilla: I'm looking at it, but...

Chair King: Oh, I thought he just said it was 3.3. It was --

Mr. DeGrandy: It was 3.3 when he put in three blocks.

Commissioner Díaz de la Portilla: But he's putting in one block.

Mr. DeGrandy: And you all said, no, it's just People's Barbecue.

Commissioner Díaz de la Portilla: Yes.

Chair King: Oh.

Mr. DeGrandy: So, he re-ran the numbers.

Chair King: Okay.

Mr. DeGrandy: It runs to 3.6.

draft

Vice Chair Carollo: So, why don't you put in the three blocks --

Chair King: Right, so we can get --

Vice Chair Carollo: -- so we get a deviation of 3.3?

Commissioner Díaz de la Portilla: No, but it's not that much of a difference in the growth.

Ms. Méndez: We need --

Commissioner Díaz de la Portilla: No, 3.3 and 3.6 versus 5.9 for the Plaintiffs' map.

Mr. DeGrandy: 5.3, 6.9 and 5.0.

Commissioner Díaz de la Portilla: Right, but we're still in good constitutional ground and I think we have a good case. The growth there is going to be very interesting moving forward. I think it works. It's not the end of the world.

Ms. Méndez: So, what is --? Just for the record, what is the map that we're looking at right now is --

Commissioner Díaz de la Portilla: 3.6.

Ms. Méndez: -- the D3 alternative map?

Commissioner Díaz de la Portilla: It's District 3 --

Mr. Johnson: Version 2.

Commissioner Díaz de la Portilla: -- alternative map, Version 3, I think, right?

Mr. Johnson: No, Version 2.

Commissioner Díaz de la Portilla: Version 3. Yeah, Version 3.

Mr. DeGrandy: We did a 2 that they didn't accept. Okay, Version 3.

Commissioner Díaz de la Portilla: Version 3, District 3.

Chair King: And the deviation is?

Mr. DeGrandy: 3.6.

Commissioner Díaz de la Portilla: 3.6.

draft

Ms. Méndez: And it includes what change? The People's --

Commissioner Díaz de la Portilla: She already said that.

Ms. Méndez: -- Barbecue.

Commissioner Díaz de la Portilla: That's the only change it includes right there on the map.

Ms. Méndez: Okay, perfect.

Commissioner Díaz de la Portilla: So, we already -- we're clear.

Ms. Méndez: I just wanted -- remember that --

Commissioner Díaz de la Portilla: I understand.

Ms. Méndez: -- we just need to be clear for the written record.

Commissioner Díaz de la Portilla: It's very clear.

Ms. Méndez: Okay.

Commissioner Díaz de la Portilla: We've said it three times, very clear. 3.6 deviation, it includes People's Barbecue to District 5 from District 1, and it includes the Bahamian Grove into District 2, back into District 2. The argument that the Plaintiffs made that the Black Grove, as they call it, for lack of a better term, was divided and now it's united. It also includes every other amendment and suggestion from every other commissioner that's been made. And I think that it's clear that we can now move this and then have a discussion about it because I think we're in a good place -

Vice Chair Carollo: Yeah.

Commissioner Díaz de la Portilla: -- instead of prolonging the debate.

Vice Chair Carollo: Can I get for the record now with the change of those two blocks of People's Barbecue, is it two blocks or one block?

Commissioner Díaz de la Portilla: One block.

Vice Chair Carollo: One block of People's Barbecue.

Commissioner Díaz de la Portilla: One versus three, yeah.

Vice Chair Carollo: What is then the final population of D1 and D5?

Mr. DeGrandy: Total pop.

draft

Vice Chair Carollo: Yeah.

Commissioner Díaz de la Portilla: Yeah.

Mr. Johnson: So, Commissioner, D1 is now 87,455.

Vice Chair Carollo: Okay.

Mr. Johnson: And D5 is now 86,444.

Commissioner Díaz de la Portilla: Yeah.

Vice Chair Carollo: So, it's only a 10-person difference from what I --

Mr. Johnson: Correct, Commissioner.

Vice Chair Carollo: -- thought I had before. Okay.

Commissioner Díaz de la Portilla: Yeah, that's fine.

Vice Chair Carollo: All right.

Commissioner Díaz de la Portilla: Not a big deal.

Vice Chair Carollo: So, there --

Ms. Méndez: And also, for the record, Mr. DeGrandy, it is fully compliant with all your constitutional bells and whistles?

Mr. DeGrandy: Yes, ma'am.

Ms. Méndez: Okay. Thank you so much.

Commissioner Díaz de la Portilla: Can I now move it? Or not yet?

Commissioner Covo: Can I get one more question, please, before you move it?

Commissioner Díaz de la Portilla: Yeah, I can move it and you can discuss anything you want after.

Commissioner Covo: Then please move it and we'll discuss it after.

Commissioner Díaz de la Portilla: Okay, can I move it?

Commissioner Covo: Madam Chair says yes.

draft

Chair King: (INAUDIBLE) motion.

Commissioner Díaz de la Portilla: I move it.

Commissioner Reyes: I second.

Commissioner Díaz de la Portilla: Commissioner Reyes seconds and now we discuss it. What's happened to your microphone? It died. There comes Todd.

Chair King: I have a motion --

Ms. Méndez: Todd to the rescue.

Commissioner Díaz de la Portilla: Here comes Todd.

Chair King: -- I have a motion and a second. And now we open it up for discussion.

Commissioner Covo: So, my first question and request would be why Coconut Grove would lose also Bay Heights? When Bay Heights was part of it, it doesn't make a real difference in the numbers because Bay Heights had been historically part of Coconut Grove as well.

Mr. DeGrandy: It would make a difference. Anything you do makes a difference in the numbers and the issue is how does that ripple and how does that increase the deviation. But all of them are policy choices for you to make.

Commissioner Covo: Can we see, please, those numbers? To see what -- see exactly what happens when Bay Heights comes back to D2?

Mr. DeGrandy: Bay Heights? You would have to take everything that wraps around D4 from the south border all the way up because you can't just take Bay Heights, that disconnects the southern part of that -- District 3.

Commissioner Covo: But our lines before went like that. I mean the lines before were like going down and --

Mr. DeGrandy: Before the configuration --

Commissioner Covo: -- they were going --

Mr. DeGrandy: -- before the configuration of D4 was somewhat different. I mean, you know, I can tell you where the lines -- where the streets are. If you look at where the border of District 4 is with District 3, that street that comes down, I believe if I'm not mistaken, that's the north -- that's the south wall of Bay Heights right there. So, I cannot connect the remaining meaning southern portion to D3. I would have to take from D4 to be able to connect to that southern part of D3, which is what was done in the previous map.

draft

Commissioner Covo: What happens after we vote on these maps if the judge doesn't like it?

Mr. DeGrandy: If the judge doesn't like it --

Commissioner Covo: Because it doesn't look very similar to the Plaintiffs' maps. I just -- I'm just curious to see what the process is moving forward.

Mr. DeGrandy: The Plaintiffs' maps are their concept of what should be done. It doesn't have any more validity. And as a matter of fact, each one of your maps that you would adopt comes to the court with a presumption of good faith. So, actually, your plan has more weight for a court than the Plaintiffs' map.

Commissioner Covo: But they can also say that they don't like it as well. I just want to know, due process, how it -- does it -- is it going to go?

Mr. DeGrandy: When you talk about "they," do you mean the court or the Plaintiffs?

Commissioner Covo: The court.

Mr. DeGrandy: Of course, the court could say, I don't like it. And if your question is what happens then, what happens then, as I said before, is the court could accept any one of the alternatives that have been proposed, and the court could elect to have a special master to draw its own plan, or the court can elect to take one of the Plaintiffs' plans. The court is the court. The court has the power to do what it feels is correct.

Commissioner Covo: Got it.

Chair King: Are we ready to take a vote?

Commissioner Reyes: Yes.

Commissioner Díaz de la Portilla: I'm ready. I'll call the question then, right?

Chair King: All in favor of the D3 alternative map as amended.

Mr. DeGrandy: V3.

Chair King: V3 -- well, I'm going to read the whole thing. D3 alternative map, as amended, V3.

Mr. DeGrandy: With a 3.6 percent deviation.

Commissioner Díaz de la Portilla: Correct.

Chair King: With a 3.6 percent deviation.

draft

Commissioner Díaz de la Portilla: Aye.

Chair King: All in favor?

Commissioner Covo: I'm voting no.

Chair King: All in favor?

The Commission (Collectively): Aye.

Chair King: Motion carries 4-1. We have our map.

Mr. DeGrandy: Thank you.

Chair King: This meeting has now -- is now concluded. Thank you all.

Vice Chair Carollo: Thank you.

DE 82-2

June 14, 2023 Meeting Transcript

**Miami City Commission
June 14, 2023**

Transcript of video recording available at:
https://miamifl.granicus.com/MediaPlayer.php?view_id=1&clip_id=1200

Miami City Commission - June 14, 2023

1 Alex Díaz de la Portilla: Okay, thank you.

2 Yanelis Valdes: Thank you.

3 Miguel De Grandy: Madam Chair we just need a couple minutes to setup. But while that's
4 happening, the map that you have in front of you was delivered to me at 8 o'clock yesterday. Can
5 you hear me? So we haven't had a chance to do a full review of that map. However, I could tell
6 you, you know, some of the things is very similar in performance to their Alternative 2, which is
7 what we had prepared to discuss today and compare to our proposal. So at the end I'll give you
8 some thoughts on the map that's in front of you that was delivered yesterday. But again, it, it works
9 the same political calculus as the maps in Alternative 2.

10 And with that let's go to slide two. And again, good morning commissioners. Now, on the
11 screen right now is our proposed plan. But before I walk you through it let me take a few minutes
12 to discuss where we are in comparison to the plaintiffs' proposals. We've now had an opportunity
13 to review their Alternative 1 and their Alternative 2 fully. And the one thing that this commission
14 and the plaintiffs agree with is that District 5 is required by the Voting Rights Act. But we believe
15 the configuration of plaintiffs' D5, which includes severing parts of Overtown, may negatively
16 impact the ability of this compact and cohesive community to have an equal opportunity to elect
17 the candidate of choice throughout the decade that this plan will be in place.

18 Indeed plaintiffs seem to ignore the fact that in the last 30 years, the demographic trends
19 evidence significant gentrification in D5, and the fact that the Black population in the city has
20 continued to decline, both in absolute and relative terms. Now, I know this commission has
21 reviewed and is very aware of these gentrifying development issues because they necessarily come
22 before this body. So I will not spend time in our presentation going what – through what you
23 already know.

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1 Now, we approached the draft of a new plan by using plaintiffs' proposed Alternative 2 as a
2 template, and making changes consistent with the policy choices of the majority of this elected
3 body. And at the outset it is important to acknowledge the obvious. Approximately 70% of
4 Miami's population is Hispanic. And once you draw District 5 in compliance with the VRA, the
5 fact remains that the remaining population of the city is now approximately 75% Hispanic. It is
6 also a fact that the majority of the Hispanic residents live in the central and western parts of the
7 city. Now, because of this reality, both of plaintiffs' alternative plans necessarily include three
8 majority Hispanic districts in that area. Next slide.

9 The plaintiffs' alternatives, which are on the board, intentionally pack the more conservative
10 Hispanic voters in the western areas of the city. Next slide. Plaintiffs' preferred alternative makes
11 D4's voting age population slightly over 95% Hispanic. Plaintiffs' Alternative 2 results in making
12 D4's voting age population almost 96% Hispanic. Now, this slide illustrates how both plans pack
13 the more conservative voters in the western part of the city into D4. By packing more conservative
14 voters into D4, shifting areas around, and submerging part of the compact and cohesive Overtown
15 community in D1, the plan is geared to result in a more liberal voting pattern for D1.

16 In their correspondence, plaintiffs claim that the reason they drew D4 the way that they did it
17 is because they wanted to unite all of Flagami and West Flagler. This, despite the fact that in the
18 six publicly noticed hearings we had before this commission, and the five publicly noticed hearings
19 we had in your respective districts, not one resident, that I am aware of, came to complain that
20 Flagami or West Flagler was divided into two districts. On a side note it's important to point to
21 the fact that plaintiffs' alternatives also split some traditional neighborhoods such as Little Havana.
22 And that is because, as in our draft plan, the goal of keeping traditional communities intact in one
23 district is necessarily subordinate to the need to comply with the constitutional requirement of

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1 substantially equalizing district populations. And in that regard, which traditional community may
2 have to be divided is quintessentially a legislative choice. Both of plaintiffs' alternatives also
3 remove parts of Overtown from D5. Again, in the six public meetings and five district meetings
4 that we had, not one resident or organization, including plaintiff NAACP, suggested that you
5 should move Overtown out of D5, so we are at a loss to understand this radical shift in position.

6 Next slide.

7 So, again, moving Overtown into D1 in both alternatives and removing from D1 the most
8 conservative voters from the northwest part of Flagami and West Flagler results in a more liberal-
9 leaning electorate in that district. Next slide. For example, in plaintiffs' Alternative 1, the
10 percentage of Republican registered voters in D1 drops by close to 9% compared to our proposal.
11 In our proposal, President Biden would have received 50% of the vote in the 2020 presidential
12 election in D1, while in the plaintiffs' alternative, he garners 68 – 63.8% of the vote. In the 2018
13 race for governor, DeSantis, the conservative candidate, was over 15 percentage points lower in
14 the plaintiffs' Alternative 1 than in our proposal. And in the 2018 attorney general race, the
15 conservative candidate, Moody, drops just under 15% compared to our proposal. Next slide.

16 In their Alternative 2, the percentage of Republican registered voters in D1 drops by 6% in the
17 plaintiffs' plan compared to our proposal. In our proposal, President Biden would have received
18 50% of the vote in the 2020 presidential election in D1. While in the plaintiffs' proposal, he enjoys
19 57.5% of the vote. In the 2018 race, for governor, DeSantis, the conservative candidate, was nine
20 percentage points lower in the plaintiffs' D1 plan than in our proposal. And in the 2018 attorney
21 general race, the conservative candidate also drops 9% compared to our proposal. So the political
22 objectives of the plaintiffs' plans are clear, measurable, and significant. And plaintiffs' plan may
23 also negatively impact the ability of Black voters to elect a candidate of choice throughout the

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1 decade in D5 while submerging parts of the compact and cohesive Black community of Overtown
2 in a district in which they will not have such equal opportunity. Next slide.

3 In contrast, you will see in this slide, our proposed plan keeps historic Overtown intact in
4 District 5. Now as I stated at the beginning, in developing the draft plan that I'm going to present
5 for your consideration, we actually began our work off the plaintiffs' plan, specifically Alternative
6 2. Next slide.

7 In fact as you can see, the general configuration of the districts in plaintiffs' Alternative 2, are
8 in many respects, very similar to our plan. And while it is true that the plaintiffs' plan is certainly
9 visually more compact than our proposal, compactness is not a constitutional requirement. Indeed,
10 federal case law clearly holds that a district may take any shape, even a bizarre shape, as a result
11 of policy or political objectives as long as they are not racially driven. As you will see, the
12 plaintiffs' alternative plan shows three districts in the central part of the city, going east to west, a
13 district going north to south, District 5, and a narrow coastal district, District 2. Frankly, we agree
14 that this is generally the only configuration that makes sense, but there are notable differences in
15 how they draw the lines to distribute the population among the districts in order to achieve a
16 political objective.

17 In the plaintiffs' proposed alternative, District 1 remains in the north central part of the city,
18 although its connection to the west is completely cut off, and those are the conservative voters.
19 District 2 remains a coastal district, although it shifts more to the south. District 3 does change
20 significantly, resulting in splitting Little Havana. District 4 migrates west and packs more
21 conservative voters all into one district. And District 5 generally runs north to south but remove
22 parts of Overtown and D5's connection to the river, the Wharf and the MRC.

23 Now, our plan takes into account the political and policy considerations, such as where

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1 commissioners have invested district resources in their projects, or the need to balance poor areas
2 with areas that have significant economic potential or activity as requested by Commissioner King
3 and the majority of this commission. Thus we've made modifications to the plaintiffs' alternatives
4 that would result in a different political calculus than the considerations which clearly drive the
5 plaintiffs' plans.

6 As you can see in the slide, uh, – let me make sure that I've got the right slide. Yes. As you
7 can see in the slide before you, the configura – configuration of plaintiffs' D5 is similar and in
8 most of the northern end, identical to the D5 proposed in our plan. Now, recognizing that D5 is
9 subject to the VRA, the legal directive in crafting this district was to ensure compliance with the
10 Voting Rights Act. But we did so with an emphasis on using natural and manmade boundaries,
11 and keeping as many communities of interest together as feasible. Next slide.

12 We were also cognizant of Commissioner King's desire to include areas that would generate
13 significant economic activity, and would enhance what she has publicly described as the lowest
14 per capita income district in the city. So logically we started at the northern end of the city's
15 municipal boundaries and worked our way down. As you can see in the northern end, D5 includes
16 all of the traditional neighborhoods of Shorecrest, Belle Meade, Bayside, Little River, Lemon City,
17 Liberty City, and Buena Vista. Going further south, areas such as Wynwood, Midtown, and the
18 Design District which have significant economic and employment activity were included.
19 Commissioner King is working diligently on issues such as affordable housing, public transit
20 solutions, et cetera, and she has strongly advocated to have Overtown remain in her district because
21 the residents of that area share the same concerns and needs with regard to those issues as the more
22 central and northern parts of her district. And our proposed plan accommodates that request.

23 Finally, we included a small part of the riverfront in downtown based on the chairwoman's

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1 request to include The Wharf and the MRC in her district. We also had to make minor jagged edges
2 to keep the overall deviation low. Nevertheless, District 5 boundaries consistently – consist mainly
3 of natural and manmade boundaries such as the city’s municipal boundaries, the bay, the railroad,
4 the Miami River, an expressway, and the contours of traditional neighborhoods.

5 Now, in regard to District 1, next slide, we restored the connection to part of the western part
6 of the city, thereby distributing the more conservative voters in the west within two districts. Both
7 our plan and the plaintiffs’ acknowledge – alternative acknowledge that there should be a district
8 containing the bulk of the Miami riverfront. This is an important business community organized
9 through the Miami River Commission that is politically active in matters such as land use and
10 other issues affecting the river and its shores. However, we approach it in a different configuration –
11 configuration only because of the decision to keep Overtown in D5, and Commissioner King’s
12 request to keep the economic potential of The Wharf, the redeveloping MRC, as well as portions
13 of downtown in her district. As you can see when you look at the southeast portion of D1, that
14 finger coming down looks irregular only because the eastern part follows the contours of
15 Overtown. Now, apart from the river constituency, the district includes traditional neighborhoods
16 of Allapattah, Civic Center, Grapeland Heights, and parts of West Flagler and Flagami. The
17 majority of District 1’s boundaries also track significant manmade and natural boundaries such as
18 water boundaries, major roads, the city’s municipal boundaries, the borders – and the borders of
19 traditional neighborhoods as well as I-95. Next slide.

20 Now, plaintiffs’ alternatives demonstrates that it makes logical and planning sense to configure
21 D2 as a coastal district, and in fact they did so, just like we did so. In both the plaintiffs’ alternatives
22 and our proposed plan, D2 remains a coastal district. Indeed the residential uses in the central and
23 northeastern coastal areas consist to a significant degree of high-rise condominiums and

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1 apartments in the city's waterfront and are markedly different than the suburban residential uses
2 and infrastructure challenges to the west. Both plans do move the sliver of the North Grove south
3 of US 1 that had been placed in D4, back into D2. Next slide.

4 However, our proposed plan smooths out and extends the area north that was in D2 and was
5 assigned to D3 in a similar manner as in the plan Commissioner Reyes had proposed back when,
6 in order to equalize population which was ultimately not adopted by this commission. And this
7 approach was actually referred to by the court as an al – by the court as an alternative map with
8 less of a discriminatory impact. Next slide. Our proposed D2 goes further north than the plaintiffs'
9 alternative to take parts of Morningside, while plaintiffs' alternative ends around Edgewater. D2
10 includes significant portions of traditional neighborhoods such as Morningside, Bay Point, Omni,
11 Downtown, Brickell and Coconut Grove.

12 Now, the plaintiffs' configurations of D3 and D4 are markedly different in our proposed plan
13 than in the plaintiffs' alternative. However, it's important to first note the obvious; put the first and
14 the next slide off – up. As I said, it's important to note the obvious which is – put the other slide
15 up, and the next slide up if you may. These two slides show – of the plaintiffs' own alternatives,
16 help to illustrate that there is no way to apportion the population of those two districts in a manner
17 that would not result in majority Hispanic percentages in both, simply because the great majority
18 of Hispanics live in that area. That is just a fact based on the demographics of the folks that live in
19 those areas. Accepting this fact, it is clear that the different approaches in crafting the two districts
20 between our proposal and the plaintiffs' alternative are nothing but a difference in policy and
21 political considerations. Now I – as I explained before, the plaintiffs' plan was designed to
22 concentrate the most conservative voters into D4. And you see it right there. Thus the plaintiffs'
23 plan makes policy choices as to which communities belong in the respective districts. But those

Miami City Commission - June 14, 2023

1 policy choices are uniquely a legislative prerogative.

2 For example, plaintiffs' configuration removes all of Shenandoah and parts of Silver Bluff from
3 D4, and joins those communities with parts of a fractured Little Havana. Next slide. Our proposed
4 plan unpacks their District 4 in the west, which does result in a split of Flagami, but District 4's
5 configuration in our draft preserves the bulk of Shenandoah in D4, Silver Bluff, and Coral Gate in
6 one district. Now, it's important to note that the decision to design D4 in that manner was based,
7 in part, on the request of Commissioner Reyes to maintain in his district areas such as Shenandoah,
8 which through his leadership the city has invested and will be investing significant resources and
9 capital to improve parks and infrastructure. Now, we also extended the southern border of D4 to
10 US 1 in order to use that highway as a logical boundary. D4's other boundaries include the city's
11 municipal boundaries, the border between most of Shenandoah and other traditional communities.
12 Now, next slide please.

13 Finally, District 3 now wraps around District 4. Again, that configuration was necessary to
14 preserve most of Shenandoah in D4, while preserving Little Havana intact in D3, as well as the
15 need to equalize population. In our draft, the traditional neighborhoods of Little Havana and the
16 Roads, as well as a significant parts of riverside, are kept within D3. D3 utilizes manmade and
17 natural borders such as the Miami River, Bayshore Drive, as logical boundaries. Next slide.

18 Finally, plaintiffs' proposed alternative has a point -- a 6.9% deviation, while our plan better
19 complies with the goal of substantial equality among districts with 2.6% deviation, making it more
20 consistent with constitutional requirements.

21 Now, let me make a couple of comments if I can pull them up on the map that we received
22 yesterday. On visual observation you could see the same political objective of packing
23 conservative voters in District 4 because it is the same District 4 as in the alternative that we were

Miami City Commission - June 14, 2023

1 able to fully review. The configuration of District 1 looks very similar to the configuration we
2 reviewed and I would expect the same political performance. Indeed, the initial data that we were
3 able to extract last night indicates almost identical political performance than the Alternative 2 that
4 we evaluated. I could also tell you, as I understand the community of Overtown, that it fractures
5 the cohesive Overtown community. I think plaintiffs have their own impression of where
6 Overtown is. But if you Google for Miami neighborhood maps, the ones I've seen, including your
7 NET map, shows a configuration consistent with our understanding. But I'll leave that to the
8 district commissioner who is in the best position to tell us what constitutes Overtown. Their plan
9 also continues, their Alternative 3, to split Little Havana.

10 So in summary commissioners, we believe our plan better reflects the political and policy
11 choices of this commission. It incorporates much of the input provided in previous public hearings,
12 and complies with both the Constitution and the Voting Rights Act. And with that, I thank you for
13 the time and opportunity to make this presentation.

14 Sabina Covo: Madam Chair can we make – do questions now or later on?

15 Christine King: After public comments.

16 Sabina Covo: Okay, because I have some. Thank you.

17 Christine King: At this time, I'll open the floor for public comment. You have seen what the
18 plaintiffs are proposing and you are seeing what the city's attorneys are proposing, and now you
19 may make your comments.

20 Victoria Méndez: Madam Chair, and the plaintiffs said that they're available, their plaintiffs'
21 attorneys are available if the commission has any questions.

22 Christine King: Good morning.

23 Rev. Nathaniel Robinson III: Good morning commissioner, chairwoman King. My name is

DE 82-10



3680 Thomas Ave.
Miami, FL 33133

Christopher Hudson
Board Secretary

June 17, 2023

Mayor Francis X. Suarez
Miami City Hall
3500 Pan American Drive
Miami, FL 33133

Copies to: Chief of Staff Wolfe, Clerk Hannon, Attorney Méndez

Re: Veto of City Commission's Proposed "Remedial" Map

Dear Mayor Suarez,

On Wednesday, at the end of a rushed meeting that was noticed for discussion only, the City Commission passed a proposed "remedial" map for its districts. We urge you to veto it.

After finding we are substantially likely to win our case challenging last year's Commission map as an unconstitutional racial gerrymander, the federal district court gave the City an opportunity to pass a new, fair map. Rather than taking the opportunity the Court gave it, the Commission squandered it. This new map does nothing to cure the constitutional violations the Court identified.

We emphatically urge you to veto the Commission's unconstitutional map.

We invite you to meet with us if you would like to discuss further.

Sincerely,



863 NE 79th St.
Miami, FL 33138

Rebecca Pelham
Executive Director



P.O. Box 971515
Miami, FL 33197

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DE 82-11

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

Case No. 1:22-cv-24066-KMM

**EXPERT REPORT
Cory McCartan, Ph.D.
July 1, 2023**

I. INTRODUCTION AND SCOPE OF WORK

1. My name is Cory McCartan, and I am a Data Science Assistant Professor / Faculty Fellow at the Center for Data Science at New York University. I specialize in the development and application of statistical methodology in the social sciences.

2. I have been retained by counsel representing the Plaintiffs to provide an analysis of population and compactness of Miami City Commission redistricting plans, including the Enjoined plan, the City's proposed remedial plan, the Plaintiffs' proposed remedial plan, and other alternative plans.

II. QUALIFICATIONS AND EXPERIENCE

3. I have a B.A. in mathematics from Grinnell College (2019) and an M.A. (2021) and Ph.D. (2023) from Harvard University in statistics. My research focuses on developing and applying

statistical methodology to problems in the social sciences. Specifically, I have extensively studied redistricting in the United States, publishing six peer-reviewed journal articles and working papers on redistricting in the last two years.

4. As part of my redistricting research agenda, I have developed a simulation algorithm that generates redistricting plans (McCartan and Imai, 2023). Part of this algorithm involves computing demographic, population, and compactness statistics for tens of thousands of randomly-drawn districts. The algorithm can be used to measure and evaluate existing redistricting plans along a variety of dimensions.

5. At Harvard, I also helped to start the Algorithm-Assisted Redistricting Methodology (ALARM) Project, which applies computational tools to study and evaluate redistricting plans and processes in the U.S. and around the globe.¹ One effort that I led as part of the ALARM Project involved collecting every congressional district drawn in the 2021-22 redistricting cycle, and generating over 200,000 algorithmic redistricting plans which complied with all relevant state laws and constitutions (McCartan et al., 2022). For each of the real-world and algorithmic plans, we calculated a battery of population, demographic, compactness, and partisan measures for each district, and released all of the plans and statistics to the public. These statistics included multiple different compactness metrics and the population overlap between each algorithmic district and the respective enacted district.

6. In 2021, I was hired to assist with algorithmic redistricting simulations for two court cases in the state of Ohio (Ohio Supreme Court Cases 2021-1193 and 2021-1449; both titled *League of Women Voters of Ohio v. Ohio Redistricting Commission*). As part of this work I computed measures of compactness, county splits, and demographics for various enacted, proposed, and

¹Project website: <https://alarm-redist.org/>

remedial redistricting plans, along with 5,000 algorithmically simulated plans. These calculations and the accompanying algorithmic simulations provided evidence that the enacted plans in each case were statistical outliers as regards both partisan outcomes and traditional redistricting criteria such as compactness.

7. I have also developed and continue to maintain a variety of open-source software packages for using census data and studying redistricting plans. These tools can be installed for free on any personal computer and operating system. The packages include `redist` (Kenny et al., 2020), which implements several cutting-edge redistricting simulation algorithms, and an accompanying package `redistmetrics` (Kenny et al., 2021), which lets users calculate dozens of compactness, partisan, and demographic measures for redistricting plans. They also include `easycensus` (McCartan, 2023), `PL94171` (McCartan and Kenny, 2022), `alarmdata` (McCartan et al., 2023), and `tinytiger` (Kenny and McCartan, 2023), which provide access to Census data and geography shapefiles related to redistricting. Together, these software packages have been downloaded tens of thousands of times, and are widely used in academic research and by redistricting practitioners.

8. A copy of my curriculum vitae is attached as Exhibit A.

III. DATA, SOFTWARE, AND METHODOLOGY

9. I calculated compactness and population statistics for 8 plans, which are hereinafter abbreviated as follows:

- **2013:** the City's 2013 enacted plan;
- **Enjoined:** the City's 2022 enacted plan, enjoined by the Court;
- **City:** the City's final proposed remedial plan, adopted June 14, 2023 (counsel provided two

files for this plan: “City Enacted” and “City Opposing Counsel,” as discussed in Part IV below);

- **P4**: the Plaintiffs’ proposed remedial plan; and
- **P1–P3**: prior plans proposed by Plaintiffs.

10. Counsel representing the Plaintiffs provided me the geographic boundaries for all 8 plans as Block Assignment Files (BAFs) in comma-delimited format (.csv). I verified that these files were properly formatted and translated to geographically contiguous city council districts.

11. I downloaded 2020 decennial census total population counts for every census block in the City of Miami from the U.S. Census Bureau’s software interface. These total population counts are the same that are mandated by P.L. 94–171 and are used in congressional apportionment. I also downloaded geographic shapefile information for the blocks.

12. I calculated four compactness measures for each plan: the Polsby-Popper score (Polsby and Popper, 1991), the Reock score (Reock, 1961), the Convex Hull score (ratio of the area of each district to the area of the district’s convex hull), and the Edge-Cut score (see Dube and Clark, 2016, and McCartan and Imai (2023)). This latter measure is graph-theory based and is much less sensitive than other measures to particularities of local geography such as irregular coastlines and city boundaries. As such, it has recently gained traction among algorithmic and computational redistricting researchers. The calculations were carried out with the aforementioned `redistmetrics` software, which has been numerically validated and extensively tested.

13. I also calculated the degree to which each plan’s districts overlap with the districts in the Enjoined and 2013 plans. To do so, I used population overlap routines implemented in my `redist` software, using the 2020 decennial census population data described above.

IV. ACCURACY OF BLOCK ASSIGNMENT FILES

14. Counsel representing Plaintiffs also provided me a slideshow presentation containing maps of various plans considered by the Miami City Commisison and asked me to identify any differences between the “D3 alt map v3” map on slide 6 and the final plan provided by the opposing counsel (“City Opposing Counsel”). I generated my own district map of the BAF provided by opposing counsel and compared it to the “D3 alt map v3” map.

15. I identified a discrepancy between the BAF provided by the opposing counsel and the “D3 alt map v3” map on the slide on the boundary between District 3 and District 2. Specifically, the “D3 alt map v3” map assigns census blocks 120860067201002 and 120860066051000 to District 3, while the BAF provided by opposing counsel assigns those blocks to District 2. In contrast, the “City Enacted” plan assigns these blocks to District 3, matching the “D3 alt map v3” in the slideshow.

16. The two blocks are not populated, and thus the discrepancy does not impact the population overlap analysis in Part VI.

V. COMPACTNESS OF REDISTRICTING PLANS

17. The Polsby-Popper scores are reported in Table 1 for each district of each plan. All values were multiplied by 100, so they lie on a 0–100 scale, for interpretability. Higher values indicate more compact districts.

Table 1: Polsby-Popper compactness scores.

Plan	District 1	District 2	District 3	District 4	District 5
2013	25	28	62	24	29
Enjoined	21	26	41	22	30
City Enacted	19	26	34	22	28
City Opposing Counsel	19	26	37	22	28
P1	24	39	77	34	55
P2	41	34	55	39	51
P3	35	31	54	39	43
P4	32	31	57	38	40

18. The Reock scores are reported in Table 2. All values were multiplied by 100, so they lie on a 0–100 scale. Higher values indicate more compact districts.

Table 2: Reock compactness scores.

Plan	District 1	District 2	District 3	District 4	District 5
2013	20	32	60	23	33
Enjoined	21	30	47	24	34
City Enacted	21	30	43	24	33
City Opposing Counsel	21	30	43	24	33
P1	18	36	66	33	61
P2	34	37	35	29	54
P3	30	34	35	29	47
P4	31	34	37	28	47

19. The convex hull scores are reported in Table 3. All values were multiplied by 100, so they lie on a 0–100 scale. Higher values indicate more compact districts.

Table 3: Convex hull compactness scores.

Plan	District 1	District 2	District 3	District 4	District 5
2013	67	65	84	61	61
Enjoined	58	63	71	53	65
City Enacted	58	63	67	54	62
City Opposing Counsel	58	63	67	54	62
P1	64	80	94	71	85
P2	72	71	90	87	82
P3	67	66	89	87	75
P4	66	66	92	86	75

20. The Edge-Cut measure is reported in Table 4 for each plan. This measure is plan-wide and not district-specific. It counts the number of pairs of neighboring census blocks which are separated by a district line. In contrast with the above measures, *lower* values indicate more compact districts.

Table 4: Edge-Cut measure by plan. Lower values indicate more compact plans.

Plan	Edges cut by district boundaries
2013	342
Enjoined	420
City Enacted	400
City Opposing Counsel	398
P1	168
P2	184
P3	248
P4	237

VI. POPULATION OVERLAP BETWEEN REDISTRICTING PLANS

21. I first calculated the overlap between districts in the Enjoined plan to corresponding districts in the City and P1–P4 plans. These calculations are summarized in Tables 5 (percentage overlap) and 6 (raw population counts). Because the two blocks that differ between both provided versions of the City plan (“City Enacted” and “City Opposing Council”) are not populated, these

two versions have identical overlap calculations; they are reported together as “City” below.

Table 5: District population overlap between Enjoined and various other plans, expressed as a percentage of the population of each plan’s corresponding district.

Enjoined plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	100	98.2	61.1	56.7	54.8	53.3
District 2	100	92.2	63.3	89.5	96.7	96.7
District 3	100	90.6	83.5	45.4	46.0	47.1
District 4	100	94.8	56.9	42.7	42.7	44.0
District 5	100	94.7	84.1	85.8	94.0	92.5
<i>Districts 1, 3, and 4</i>	100	97.8	77.0	48.7	48.8	49.3
<i>Overall</i>	100	94.1	69.8	64.3	66.9	67.0

Table 6: District population overlap between Enjoined and various other plans.

Enjoined plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	88,108	85,892	52,916	49,042	48,043	46,690
District 2	93,300	82,563	56,388	80,476	86,533	86,533
District 3	87,658	80,842	73,237	38,662	39,527	41,383
District 4	86,597	84,861	50,699	38,554	38,554	38,554
District 5	86,578	81,843	75,561	77,483	83,418	82,981
<i>Districts 1, 3, and 4</i>	262,363	251,595	176,852	126,258	126,124	126,627
<i>Overall</i>	442,241	416,001	308,801	284,217	296,075	296,141

22. I then calculated the overlap between districts in the 2013 plan to corresponding districts in the Enjoined, City, and P1–P4 plans. These calculations are summarized in Tables 7 (percentage overlap) and 8 (raw population counts). Because the two blocks that differ between both provided versions of the City plan are not populated, these two versions have identical overlap calculations; they are reported together as “City” below.

Table 7: District population overlap between 2013 and various other plans, expressed as a percentage of the population of each plan’s corresponding district.

2013 plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	92.1	92.1	53.4	49.0	48.4	48.4
District 2	100.0	98.1	78.4	100.0	100.0	100.0
District 3	91.5	83.8	83.5	45.4	46.0	45.5
District 4	86.0	84.6	63.8	49.4	49.4	49.4
District 5	87.5	88.4	79.5	81.3	85.9	86.0
<i>Districts 1, 3, and 4</i>	97.5	96.3	79.0	51.9	52.3	51.9
<i>Overall</i>	91.5	89.4	71.8	65.4	66.1	66.1

Table 8: District population overlap between 2013 and various other plans.

2013 plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	81,120	80,553	46,257	42,383	42,383	42,383
District 2	93,300	87,891	69,873	89,897	89,522	89,522
District 3	80,169	74,737	73,237	38,662	39,527	39,999
District 4	74,504	75,749	56,796	44,651	44,651	43,267
District 5	75,753	76,398	71,427	73,419	76,232	77,156
<i>Districts 1, 3, and 4</i>	235,793	231,039	176,290	125,696	126,561	125,649
<i>Overall</i>	404,846	395,328	317,590	289,012	292,315	292,327

23. At the request of counsel for the Plaintiffs I also calculated the overlap for the grouped set of Districts 1, 3 and 4. These are reported as a separate summary line in Tables 5–8.



Cory McCartan, Ph.D.
 July 1, 2023

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EXHIBIT A
Curriculum Vitae

Cory McCartan

Curriculum Vitae

June 2023

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EMPLOYMENT **The Pennsylvania State University** Expected 2024
Assistant Professor of Statistics

New York University 2023 – 2024
Center for Data Science
Data Science Assistant Professor / Faculty Fellow

EDUCATION **Harvard University** 2019 – 2023
Ph.D., Statistics, 2023. Advisor: Kosuke Imai.
A.M., Statistics, 2021.

Grinnell College 2015 – 2019
B.A., Mathematics, with honors.

PUBLICATIONS "Sequential Monte Carlo for Sampling Balanced and Compact Redistricting Plans," with Kosuke Imai. *Annals of Applied Statistics*, Forthcoming.
Covered by the Washington Post, Quanta Magazine.

"Widespread Partisan Gerrymandering Mostly Cancels Nationally, but Reduces Electoral Competition," with Christopher Kenny, Tyler Simko, Shiro Kuriwaki, and Kosuke Imai. *Proceedings of the National Academy of Sciences* 120:25 (2023).

"Recalibration Of Predicted Probabilities Using the 'Logit Shift': Why does it work, and when can it be expected to work well?" with Evan T. R. Rosenman and Santiago Olivella. *Political Analysis* 1-11 (2023).

"Comment: The Essential Role of Policy Evaluation for the 2020 Census Disclosure Avoidance System" with Christopher T. Kenny, Shiro Kuriwaki, Tyler Simko, Evan T. R. Rosenman, and Kosuke Imai. *Harvard Data Science Review*, Special Issue 2 (2023).

"Simulated Redistricting Plans for the Analysis and Evaluation of Redistricting Plans in the United States," with Christopher Kenny, Tyler Simko, Shiro Kuriwaki, George Garcia III, Kevin Wang, Melissa Wu, and Kosuke Imai. *Scientific Data* 9:689 (2022).

"The Use of Differential Privacy for Census Data and its Impact on Redistricting: The Case of the 2020 U.S. Census," with Christopher T. Kenny, Shiro Kuriwaki, Tyler Simko, Evan T. R. Rosenman, and Kosuke Imai. *Science Advances* 7:41 (2021).
Covered by the Associated Press, the Washington Post, the San Francisco Chronicle, and others.

"Geodesic Interpolation on Sierpinski Gaskets," with Caitlin M. Davis, Laura A. LeGare, and Luke G. Rogers. *Journal of Fractal Geometry* 8:2 (2021).

WORKING PAPERS "Estimating Racial Disparities When Race is Not Observed," with Jacob Goldin, Daniel E. Ho, and Kosuke Imai.

"Individual and Differential Harm in Redistricting," with Christopher T. Kenny.

"Measuring and Modeling Neighborhoods," with Jacob R. Brown and Kosuke Imai. Under Review.

"Evaluating Bias and Noise Induced by the U.S. Census Bureau's Privacy Protection Methods," with Christopher T. Kenny, Shiro Kuriwaki, Tyler Simko, and Kosuke Imai.

"Making Differential Privacy Work for Census Data Users," with Tyler Simko and Kosuke Imai.

"Finding Pareto Efficient Redistricting Plans with Short Bursts."

WORKS IN PROGRESS "Studying Officeholders' Perceived Geographic Constituencies," with Jacob R. Brown and Hunter E. Rendleman.

"Regression of the Conditional Median," with Xiao-Li Meng.

"Algorithm-Assisted Redistricting Methodology" (book), with Kosuke Imai, Christopher Kenny, and Tyler Simko.

OTHER WRITING "Researchers need better access to US Census data," with Tyler Simko and Kosuke Imai. *Science*, 380:6648 (2023).

"Candy cane shortages and the importance of variation." International Statistical Institute: *Statisticians React to the News* (December 21, 2021).

"Where will the rocket land?" International Statistical Institute: *Statisticians React to the News* (May 12, 2021).

"Who's the most electable Democrat? It might be Warren or Buttigieg, not Biden." *The Washington Post* (October 23, 2019).

"I-405 Express Toll Lanes: Usage, benefits, and equity," with Shirley Leung, C.J. Robinson, Kiana Roshan Zamir, Vaughn Iverson, and Mark Hallenbeck. Technical report for the Washington State Department of Transportation (2019).

SOFTWARE **redist:** Simulation Methods for Legislative Redistricting

redistmetrics: Redistricting Metrics

easycensus: Quickly Find, Extract, and Marginalize U.S. Census Tables

birdie: Bayesian Instrumental Regression for Disparity Estimation

causaltbl: Tidy Causal Data Frames and Tools

PL94171: Tabulate P.L. 94-171 Redistricting Data Summary Files

adjustr: Stan Model Adjustments and Sensitivity Analyses using Importance Sampling
conformalbayes: Jackknife(+) Predictive Intervals for Bayesian Models
alarmdata: Download, Merge, and Process Redistricting Data
blockpop: Estimate Census Block Populations for 2020
ggredist: Scales, Palettes, and Extensions of ggplot2 for Redistricting
tinytiger: Lightweight Interface to TIGER/Line Shapefiles
wacolors: Colorblind-friendly Palettes from Washington State

PRESENTATIONS **Joint Statistical Meetings**, Invited Paper Panel: 2022, 2021.
Society for Political Methodology, Annual Meeting, Paper: 2022; Poster: 2022, 2021.
American Association for Public Opinion Research, Annual Meeting, Poster: 2022.
Institute for Quantitative Social Science, Harvard University, Applied Statistics Workshop, Paper: 2023, 2022, 2021, 2020.

TEACHING **Harvard University**
 STAT 117: Introduction to Biostatistics Spring 2021
Awarded a Certificate of Distinction in Teaching
 STAT 221: Monte Carlo Methods & Other Computational Tools for Statistical Learning Fall 2020

Grinnell College
 MAT 215: Linear Algebra Fall 2017 and Spring 2019
 MAT 310: Statistical Modeling Fall 2018
 Grinnell College Math Lab 2018 – 2019

HONORS AND AWARDS *Best Statistical Software Award*, for developing statistical software that makes a significant research contribution, awarded to the *redist* software package by the Society for Political Methodology, 2022.

SERVICE **Harvard Statistics Graduate Council** 2020 – 2023
 Organized Ph.D. student retreat and research “lightning talks,” 2020 and 2021.
First-year Ph.D. Student Mentor 2020 – 2023
Harvard Graduate Students Union – UAW Local 5118 2019 – 2021
 Elected member, Bargaining Committee, 2020–2021 and 2021–2024 contracts.
 Interim chair, Finance and Benefits Committee, 2020.
Reviewer: Election Law Journal, Sloan Foundation.

MEMBERSHIP American Statistical Association, Society for Political Methodology, American Political Science Association.

OTHER EXPERIENCE	Data for Progress	2022
	Consultant, Midterm election modeling	
	American Civil Liberties Union of Ohio	2021 – 2022
	Consultant (with Prof. Kosuke Imai), <i>League of Women Voters of Ohio v. Ohio Redistricting Commission</i> (Ohio Supreme Court Cases 2021–1193 and 2021–1449).	
	University of Washington eScience Institute	Summer 2019
	Data Science for Social Good Fellow	
	Union of Grinnell Student Dining Workers	2016 – 2019
	Founder, President (2016–17), and Advisor to the Executive Board (2018–19)	
	University of Connecticut	Summer 2018
	REU Participant, Department of Mathematics	
	Fred Hutchinson Cancer Research Center	Summer 2017
	Lead Intern, Department of Biostatistics	
	Grinnell College Department of Mathematics	2017
	Course Grader	
	Cray, Inc.	Summer 2015
	Intern, Chapel language testing	

DE 82-12

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

GRACE, INC., *et al.*,

Plaintiffs,

v.

Case No. 1:22-cv-24066-KMM

CITY OF MIAMI,

Defendant.

SECOND EXPERT REPORT OF DR. CAROLYN ABBOTT

July 5, 2023

Introduction and Summary

The City's Proposed Remedy ("Res. 23-271") differs only marginally from the Enjoined Plan. The largest differences can be found in Districts 3 and 4, though Black voting-age populations do not change substantively at all between the two plans. Race is still the primary determinant of the shapes of the districts in Res. 23-271.

I was asked by Plaintiff's counsel in this case to use data on voting-age population (VAP), citizen voting-age population (CVAP), and voting patterns within individual city precincts in order to determine whether and to what extent race can explain the overall shapes of the districts in Res. 23-271 as well as the changes between the Enjoined Plan and Res. 23-271.

Based on my examination, I reach the conclusion that differences between Res. 23-271 and the Enjoined Plan are a result of racial concerns.

Sources and Methodology

In preparing this report, I have relied on my personal knowledge gathered through my years of researching, studying, and publishing. I also utilize the standard methodology that political

Appendices

Appendix 1. Plan District Demographics

Enjoined Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	88,108	-340	-0.4	3.5	89.5	11.0	5.0	86.1	8.2
2	93,300	+4,852	+5.5	37.4	48.6	7.3	40.5	44.4	8.7
3	87,658	-790	-0.9	7.7	88.3	5.4	9.9	85.6	3.9
4	86,597	-1,851	-2.1	7.6	89.5	3.1	8.3	89.6	1.3
5	86,578	-1,870	-2.1	10.5	40.6	50.3	9.5	30.8	58.2
<i>Overall Range</i>		<i>6,722</i>	<i>7.6</i>						

Version 12									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	88,749	+301	+0.3	36.1	49.9	7.7	38.1	46.3	9.7
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	87,158	-1,290	-1.5	10.8	40.7	50.0	9.8	31.4	57.0
<i>Overall Range</i>		<i>2,276</i>	<i>2.6</i>						

Version 14 (D1 alt)									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,424	+976	+1.1	35.9	51.2	5.9	38.9	49.5	5.7
3	89,530	+1,082	+1.2	7.1	89.5	5.1	9.9	86.0	3.6
4	88,247	-201	-0.2	10.2	84.6	5.1	10.4	83.6	4.8
5	87,575	-873	-1.0	11.0	40.5	49.9	10.2	31.4	56.6
<i>Overall Range</i>		<i>2,065</i>	<i>2.3</i>						

Version 12 D2 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	90,146	+1,698	+1.9	36.7	49.4	7.6	38.4	45.9	9.6
3	88,806	+358	+0.4	10.1	85.0	5.5	12.7	82.6	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,712</i>	<i>4.2</i>						

Version 12 D5 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,473	+1,025	+1.2	36.2	49.8	7.7	38.0	46.1	9.8
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,045</i>	<i>3.4</i>						

Version 12 D3 alt v1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,159</i>	<i>3.6</i>						

Version 12 D3 alt v2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,201	-1,247	-1.4	3.4	89.8	10.8	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,698	-1,750	-2.0	10.5	40.7	50.3	9.6	31.6	57.3
<i>Overall Range</i>		<i>2,895</i>	<i>3.3</i>						

Resolution 23-271 - Version 12 D3 alt v3 - City's Proposed Remedial Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,455	-993	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,444	-2,004	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,149</i>	<i>3.6</i>						

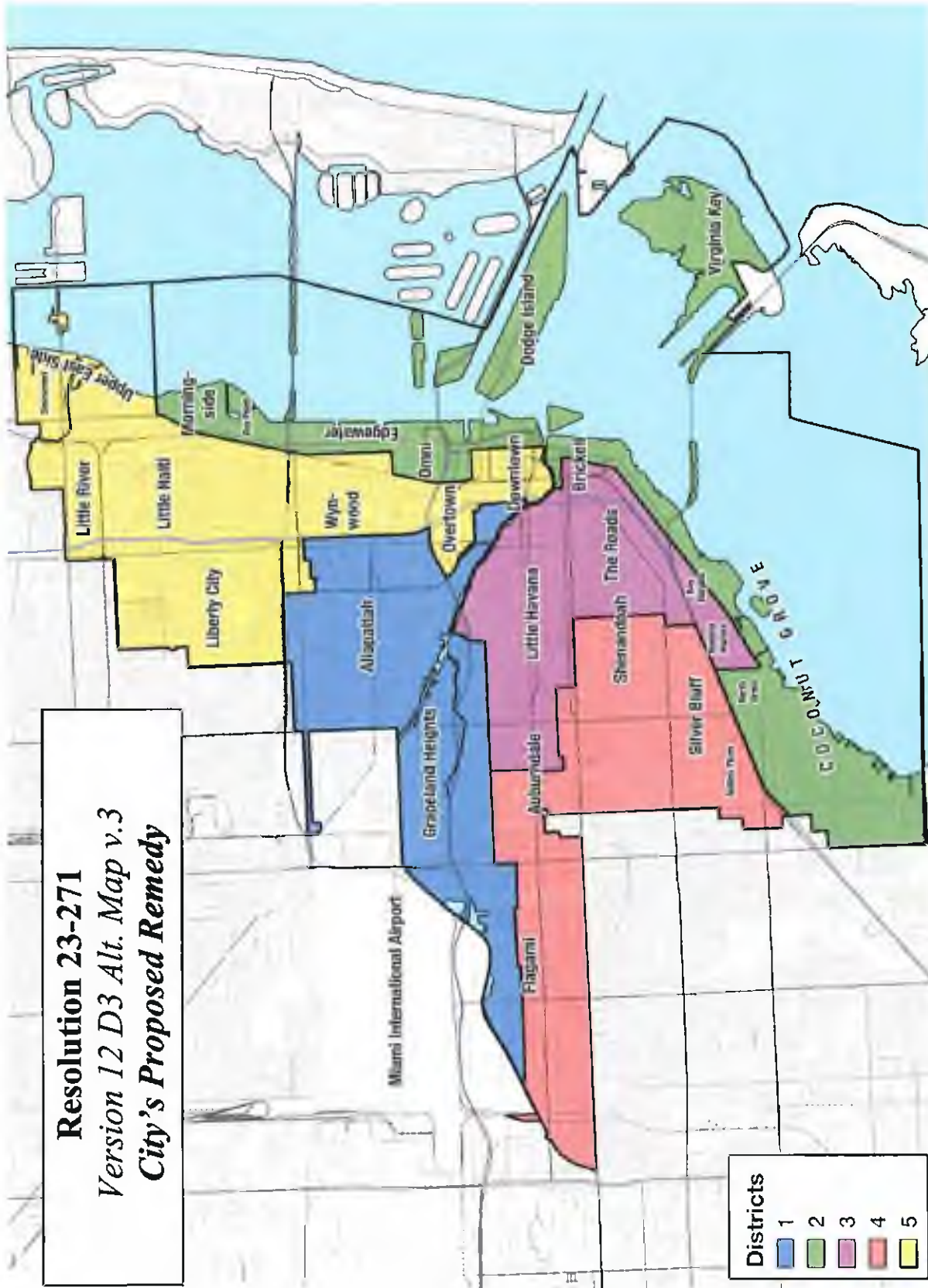
P1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,569	-1,879	-2.1	14.9	70.1	16.1	14.8	66.3	16.5
2	89,078	+630	+0.7	31.2	57.9	5.8	33.2	56.3	6.4
3	87,666	-782	-0.9	5.8	90.8	5.2	7.4	88.6	3.6
4	89,091	+643	+0.7	3.5	95.0	3.0	4.5	94.1	0.8
5	89,837	+1,389	+1.6	13.8	41.2	45.2	12.4	32.3	53.0
<i>Overall Range</i>		<i>3,268</i>	<i>3.7</i>						

P2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,541	-1,907	-2.2	4.3	86.6	13.7	6.0	81.0	12.4
2	89,897	+1,449	+1.6	36.9	48.7	7.9	39.6	44.3	10.1
3	85,108	-3,340	-3.8	10.6	84.8	4.3	12.3	84.5	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	90,307	+1,859	+2.1	13.3	41.0	46.2	11.9	31.8	54.3
<i>Overall Range</i>		<i>5,280</i>	<i>6.0</i>						

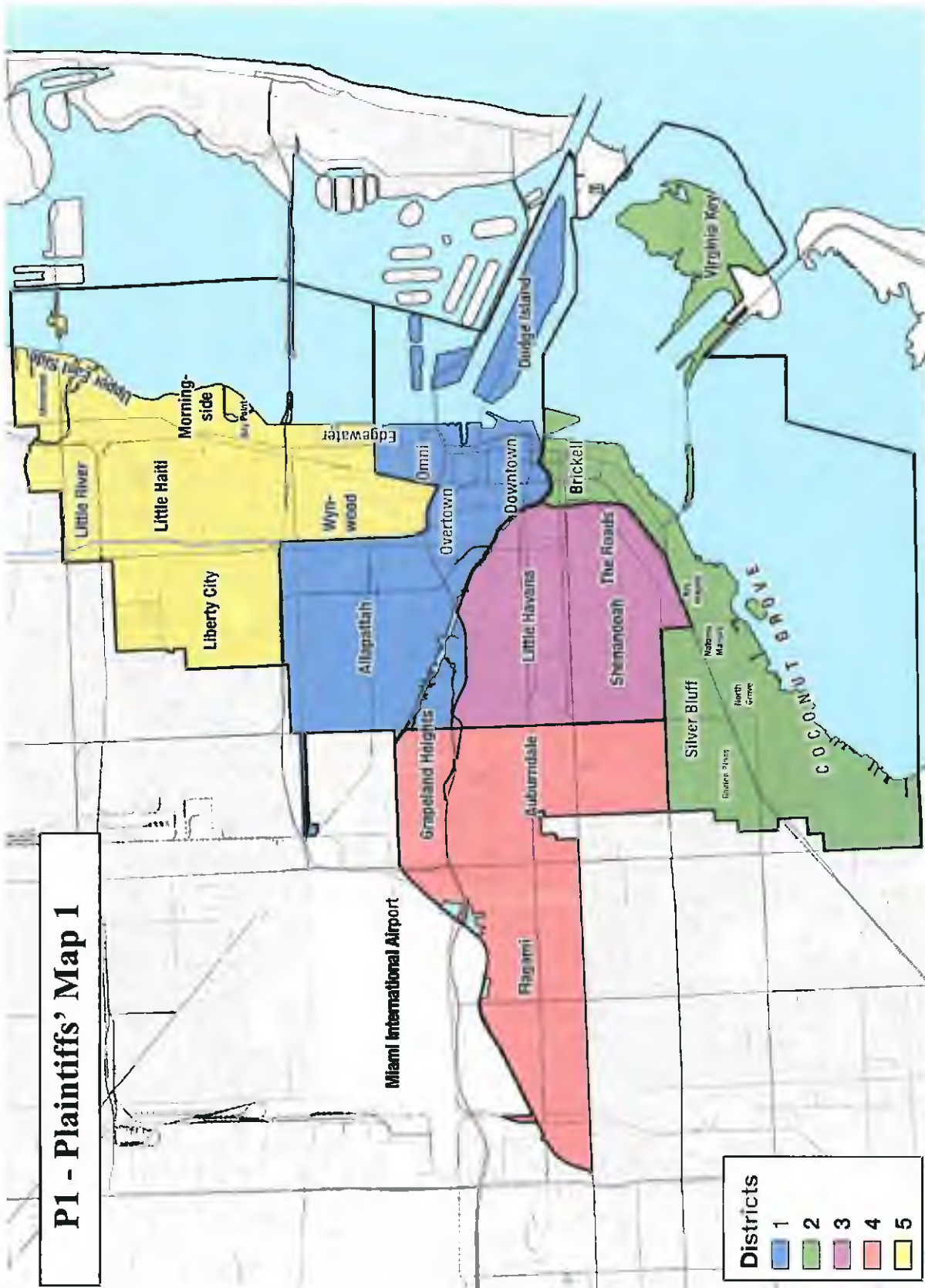
P3									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,607	-841	-1.0	5.6	85.4	13.0	7.2	80.6	11.7
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	85,973	-2,475	-2.8	10.6	84.9	4.3	12.2	84.6	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	88,751	+303	+0.3	11.3	41.1	48.8	10.1	31.6	56.5
<i>Overall Range</i>		<i>4,415</i>	<i>5.0</i>						

P4									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,556	-892	-1.0	5.6	85.8	13.0	7.2	80.3	11.9
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	87,829	-619	-0.7	10.4	85.1	4.2	12.1	84.7	2.4
4	87,667	-781	-0.9	2.9	95.6	3.2	3.4	94.5	1.5
5	89,667	+1,219	+1.4	11.2	41.5	48.4	10.0	32.3	55.8
<i>Overall Range</i>		<i>2,111</i>	<i>2.4</i>						

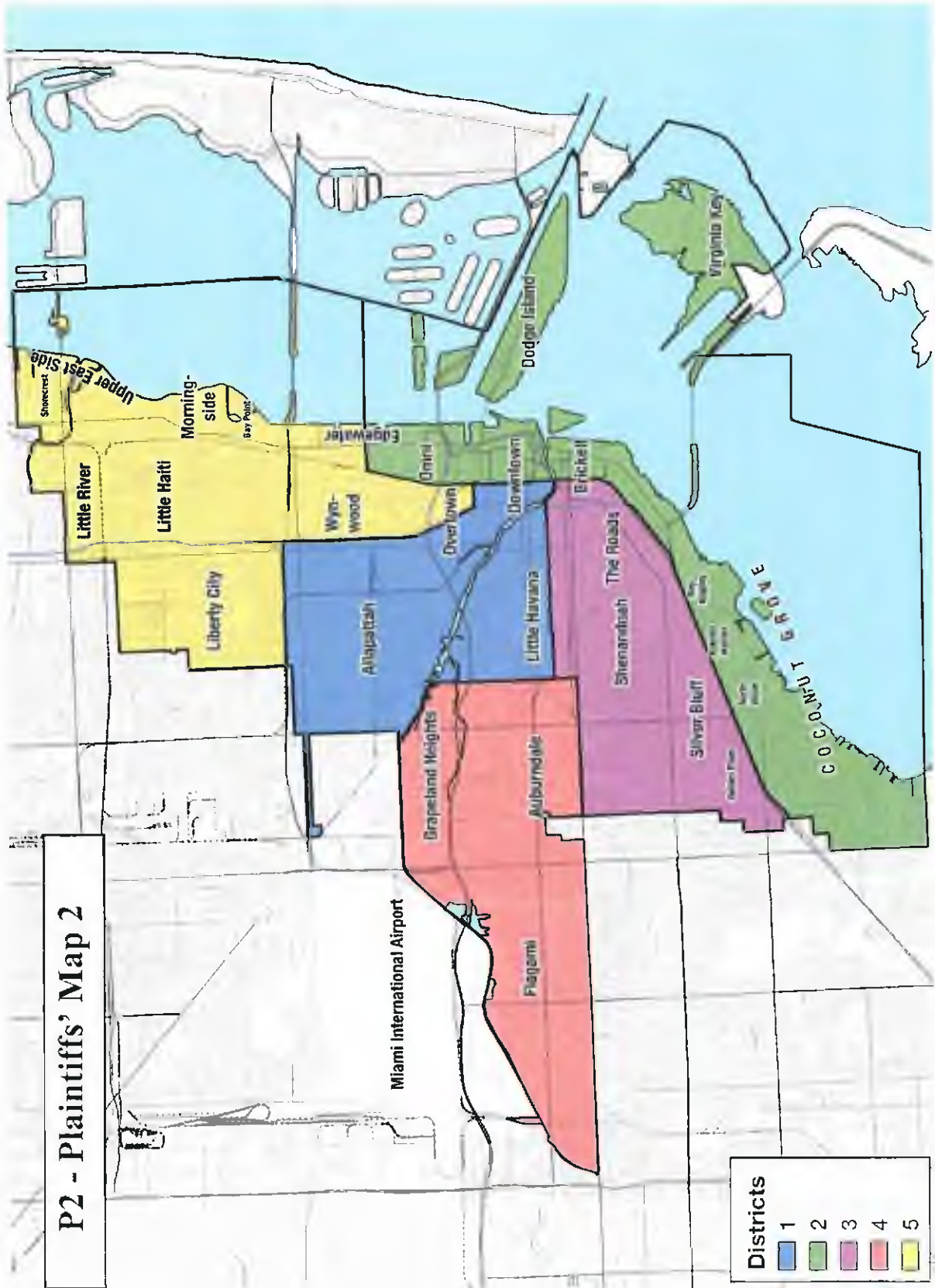
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DE 82-34



DE 82-35



Case No. 23-12472

United States Court of Appeals
for the Eleventh Circuit

CITY OF MIAMI,
Defendant/Appellant,

v.

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAAC ;
MIAMI!DADE BRACH OF THE NAAC ;
C" ARICE COO ER; YANE "IS #A"DES;
\$ARED \$OHNSON; and A "E%ANDER
CONTRERAS,

la&nt&ff'/Appellee'.

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CITY OF MIAMI

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Attorneys for Defendant/Appellant

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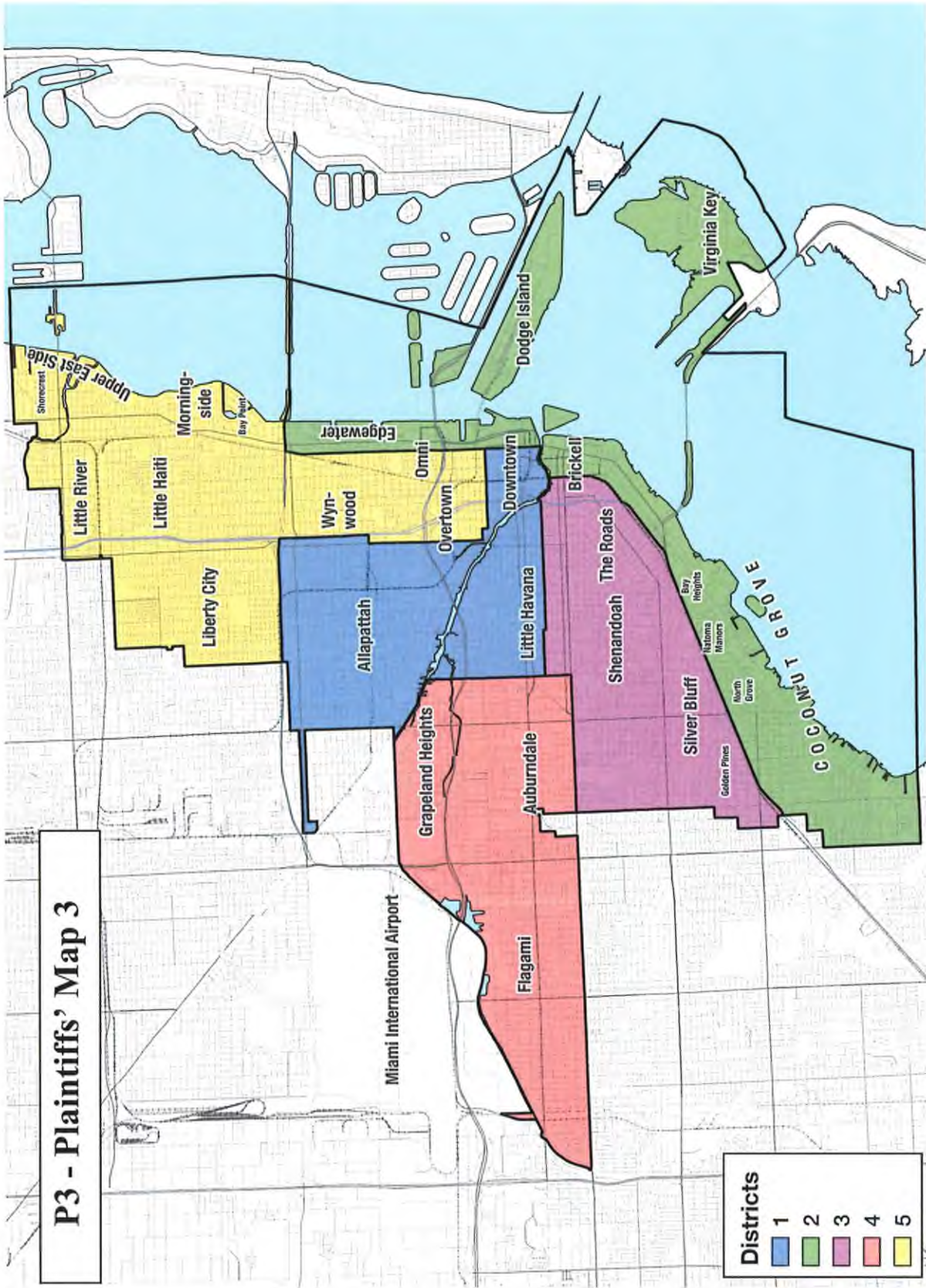
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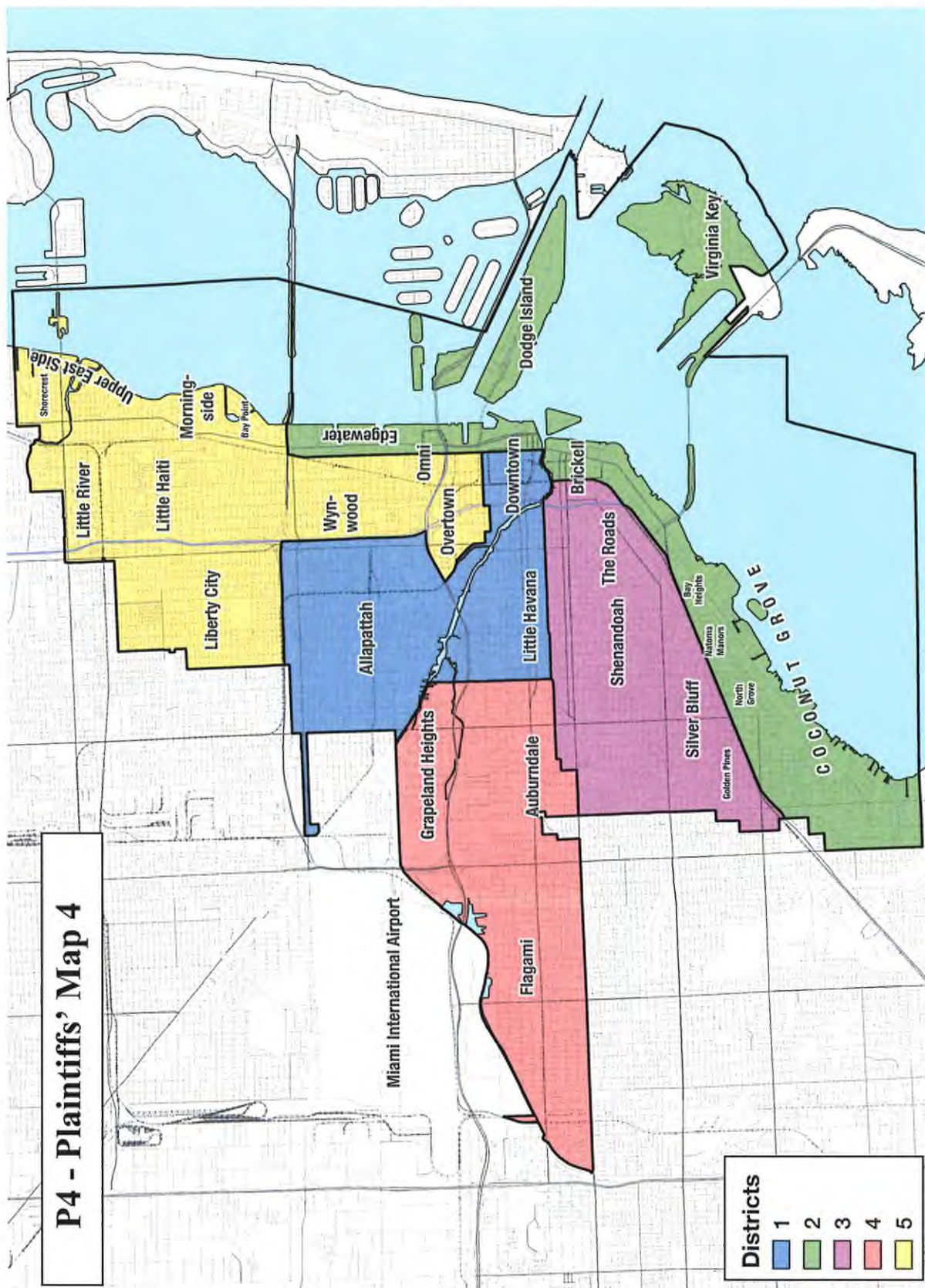
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DE 82-36



DE 82-37



P4 - Plaintiffs' Map 4

Districts	
1	Blue
2	Green
3	Purple
4	Red
5	Yellow

DE 86-2

Expert Report
John R. Alford Ph.D.
July 12, 2023

In preparing this report I have relied on various tables included in the reports of Dr. Moy, Dr. Abott, and Dr. McCartan. The specific tables and charts I relied on are included in Appendix 1 of this report. I have also utilized information on various City and plaintiffs' plans as produced by the 'Reports' function in the 2022 Florida Redistricting web application (<https://web.floridaredistricting.esriemcs.com/redistricting/>).

For the City plans I was provided a with a 'plan' file (the form of a redistricting map utilized in the State's Florida Redistricting website mapping application) by the attorneys. For the most recent plaintiffs' P4 plan I relied on files provided for that map by the plaintiffs' attorneys. I imported one of those files (a block equivalency, or block assignment file, or .csv file) using the 'import' function of the Florida Redistricting web app, but that file did not match completely with the other 'shapefile' version of the plan that was provided along with the block file version. A set of Census blocks on the border between Districts 1 and 5 with a total population of 376 persons was included in District 5 in the 'block' file but included in District 1 in the 'shapefile' version. I modified the plan in the Florida Redistricting web app to match the 'shapefile' version, as it appeared, based on a table in Dr Abott's report, that Dr. Abott was using that version of P4. Note however that Dr. McCartan states in his report that he was relying on the same type of block assignment file for P4 that I initially used. If so, then his analysis is on a different version of P4 than that relied on by Dr. Abott. Also note that the slight discrepancy in the City's map files that Dr. McCartan discusses on page 5 of his report involved only two blocks with zero population, while the discrepancy here involves six blocks and over 376 people. I could not find any data in Dr. Moy's report that would clarify which version he was relying on.

Narrow Tailoring of District 5

Much has been made of the City Commissioners reliance on 50% BVAP as a floor for District 5 for VRA compliance. The Court notes in the injunction ruling that Dr. Moy provides statistical

analysis that supports a lower minimal threshold of a BCVAP of about 48% and a similar Black share of registered voters at 49%. As the Court notes the BCVAP of District 5 in the original challenged city plan was 58%, a level above the minimal threshold suggested by Dr. Moy's analysis. The discussion below addresses several issues that this raises, including the variety of population measures being mixed in here (BVAP, BCVAP, and Black registered voter share), the election performance measures, and the degree to which the various City and Plaintiffs' plans actually vary in ways that clearly demark which plans are narrowly tailored, and which plans are not.

The plaintiffs have asserted that the City may have been in error in fixing the 50% BVAP Census proportion as a minimum for a performing district, but the plaintiffs seemingly also fixate on 50% as a bright-line test by asserting, as they do in footnote 5 on page 31, that "P4 uses race narrowly to ensure VRA compliance, resulting in the unpacking Black voters compared to the Enjoined Plan and Res. 23-271. Those plans impose the arbitrary 50% BVAP quote (sic), while the BVAP of P4 ends up at 48.4%. This naturally means Black voters will now have greater influence in surrounding districts that they are no longer artificially stripped from." The notion that a plan with a BVAP only three-tenths of a percentage point over the 'arbitrary' 50% line is not narrowly tailored, while a plan that is only 1.6 percentage points below the 'arbitrary' 50% line is self-evidently narrowly tailored seems a stretch. At best the plaintiffs' plans are slightly more narrowly tailored than the City's plans, but that does not in itself qualify them as narrowly tailored. If 50% is arbitrary, then it is unclear how the plaintiffs' efforts to keep all four of their proposed plans below the meaningless 50% (P1 at 45.2%, P2 at 46.2%, P3 at 48.8%, and P4 at 48.4%) is somehow evidence of narrow tailoring.

Note also that the focus on BVAP as the critical population statistic by which to judge the appropriateness of a remedial minority district is misplaced. However, focusing on a broader set of common redistricting population metrics also fails to clearly distinguish plaintiffs' remedial P4 from the City's plans. In the R&R the court summarizes the relevant evidence from Dr. Moy on page 47:

Moy estimated the proportion of Black, Anglo, and Hispanic registered voters required for their preferred candidate to prevail in the ten elections for which he found evidence of racially polarized voting. (Moy Rpt. at 42). He found that in elections where there was racially polarized voting, the Black preferred candidate would prevail when Black registered voters made up shares of as low as 5% of the registered voting

population, to as high as approximately 49% of the registered voting population when racially polarized voting was more pronounced. See generally (Moy Rpt.). In none of the elections Moy examined in which he found racially polarized voting did he conclude that Black registered voters would need to make up more than 50% of the registered voter population for the Black preferred candidate to prevail.

Note that Dr. Moy doesn't provide any analysis that connects district performance to BVAP, but instead focuses on the proportion of Black registered voters. In Table 1 of his supplemental report (page 2) Dr. Moy reports that the Black share of registered voters in the enjoined plan is 57.6%, in the most recently adopted City plan is 57.0%, and in Plaintiffs' P4 is 55.5%. All these plans have Black registered voter proportions that clearly exceed Dr. Moy's 49%, and by fairly similar margins. Again, note that in the quote above the R&R correctly asserts that "In none of the elections Moy examined in which he found racially polarized voting did he conclude that Black registered voters would need to make up more than 50% of the registered voter population for the Black preferred candidate to prevail." Despite this, the plaintiffs' remedial plan P4 features a District 5 with a Black registered voter proportion at over 55%.

Note also that it is generally Black CVAP, not Black VAP (or Black registered voters) that the courts focus on when evaluating districts (the bright-line Gingles 1 test for example is in my experience typically based on CVAP, not VAP and not proportion of registered voters). Here again, the attempt to distinguish the plaintiffs' various plans on the basis of the more relevant Black CVAP indicator is revealing. Appendix 1 on pages 14-16 of the most recent report from Dr. Abott provides a full reporting of the Black CVAP for the various plans. The Black CVAP for the plaintiffs' plans are: P1 53.0%, P2 54.3%, P3 56.5%, and P4 55.8%. The Black CVAP for the City's enjoined plan is 58.2% and for the proposed remedial plan is 57.4%. The notion that at 55.8% or 56.5% the plaintiffs' plans are narrowly tailored, while at 57.4% the City's remedial plan is not narrowly tailored seems far from self-evident, and indeed nothing in any of the expert reports offers any empirical basis for such a distinction.¹

¹ When focusing on CVAP proportions it is important to keep in mind that these are sample estimates and as such have a margin of error associated with them. While I have not had sufficient time to estimate the margin of error for the various districts in the various plans, based on my experience with jurisdictions of roughly comparable size to a Miami district (about 90,000 persons) I would expect the margin of error to be something in the range of plus/minus 2 to 4 percentage points. The uncertainty associated with these estimated CVAP proportion reinforces the point that the differences here across plans are both small and uncertain.

In any case, the focus here on various population metrics is incomplete. The Plaintiffs' most recent Objection filing cites Moy's analysis in support of their plan P4:

Dr. Moy performed a reconstituted elections analysis for P4's D5. (He did so for P1 and P2 as well, ECF 82-9.) His results confirm that this new district would usually allow Black voters to elect their preferred candidates. In fact, he finds that Black-preferred candidates in 11 racially polarized statewide and local contests from 2020 and 2022 would always prevail in P4's D5, garnering between 56.0 and 81.6% of the vote (compared to 55.9–80.6% in Res. 23-271 and 52.2–76.8% in the Enjoined Plan). Supp. Moy Rep. 4. Therefore, P4 includes a reasonably compact Black opportunity district, ensuring VRA compliance.

In other words, the plaintiffs' plan complies with Section 2 because Black-preferred candidates always prevailed and typically by large margins. However, note that this is clearly true of the City's enjoined plan and most recently adopted remedial plan as well, as Black-preferred candidates always prevail in those plans according to Dr. Moy. The key question then is whether any of these plans are sufficiently narrowly tailored. If we focus on expected performance, then all these plans over-shoot the minimal requirement. As the plaintiffs' Objection states on page 31: "If a district would usually elect the minority community's candidate of choice, then it is considered an opportunity (or performing) district. *See, e.g., id.* While minority voters need not be *guaranteed* to elect their preferred candidates in every election, *see LULAC*, 548 U.S. at 428, they should at least regularly be able to do so. *See, e.g., Robinson v. Ardoin*, 605 F. Supp. 3d 759, 799–800 (M.D. La. 2022), *cert. dismissed as improvidently granted*, 2023 WL 4163160 (U.S. June 26, 2023)."

As the court language cited above indicates, it is the performance of the district that establishes compliance, not whether the district falls just above of just below any particular population metric. Interesting, by this standard, none of the plans would appear to be narrowly tailored. Dr. Moy's Table 3 and 4 on page 4 of his supplemental report are informative. Whether looking at the most recent 2022 elections (his Table 3), or the previous elections that he identified as racially polarized (his Table 4), the estimated vote share for the Black preferred candidate is very similar across these plans. While all the plans produce similar safe election performance numbers, note that lowest proportions in every single election are for the enjoined City plan, and highest in every single election for the plaintiffs' proposed remedial plan P4. The average vote share for the Black preferred candidate under plan P4 is 74.6%, and the range is from 56.0% to

81.6%. Thus, even the closest election, at 56% to 46%, falls outside the traditional competitive district standard of 45%-55%. In the recently adopted City remedial proposed plan the average vote share for the Black preferred candidate is 73.3%, and the average vote share for the Black preferred candidate in the enjoined City plan is 69.2%, both lower, albeit only very modestly, than the Black preferred candidate performance in plaintiffs’ P4.

Dr. Moy’s analysis clearly indicates that all three plans provide a District 5 that is safe for Black-preferred candidates, that is to say all go well beyond the minimal requirement to provide a district where Black votes would at least regularly, or more often than not, or usually, be able to elect their candidate of choice, and provide a district where, by Dr. Moy’s estimation, they should *always* be able to do so. However, despite the plaintiffs’ assertion that theirs is the narrowly tailored plan, nothing in Dr. Moy’s election performance analysis suggests that District 5 in Plan 4 is in any sense more narrowly tailored in respect to its performance for Black preferred candidates than are the City’s plans. As Dr. Moy himself notes on page 3 of his supplement, “According to Table 3, the Black-preferred candidate would receive more votes under the P4 map than both the enjoined and the city’s plan.” Note also that according to Table 1 in Dr. Moy’s supplement, the number of Black registered voters in District 5 in plaintiffs’ Plan 4, at 28,156, is actually higher than the number of Black registered voters in the City’s most recent plan (27,793) and the enjoined plan (28,054). Based on Dr. Moy’s characterization of the of these plans, the City’s enjoined and remedial plans could be viewed as more narrowly tailored than the plaintiffs’ plan P4.

The general election analysis provided by Dr. Moy makes District 5 in both the City’s and the plaintiffs’ plans appear to be overly safe for Black candidates, however there is additional performance evidence that suggests that may not be a complete picture. Two statewide Democratic primaries in the last decade have featured prominent Black candidates competing against White candidates. The results for these contests in various forms of District 5 are reported below in Table 1.

Table 1: Democratic Primary Election Results within District 5

	City Plans			Plaintiffs’ Plans			
	Benchmark	Enjoined	Remedial	PL1	PL2	PL3	PL4
2018 Dem. Gov. Primary Gillum Vote	53.6%	53.2%	53.3%	51.6%	52.0%	52.5%	52.4%
2014 Dem. AG Primary Thurston Vote	54.7%	54.7%	54.6%	52.9%	53.1%	53.6%	53.5%

In 2020 Andrew Gillum was a candidate in the Democratic primary for Governor, and in 2014 Perry Thurston was a candidate in the Democratic primary for Attorney General. In 2020 Gillum received a narrow majority of the primary vote in District 5 (53.6% in the benchmark 2013 plan, 53.2% in the City's enjoined plan, 53.3% in the City's remedial plan, and 52.4% in plaintiffs' P4). In 2014 Thurston received a similarly narrow majority of the primary vote in District 5 (54.7% in the benchmark 2013 plan, 54.7% in the City's enjoined plan, 54.6% in the City's remedial plan, and 53.5% in plaintiffs' P4). These results suggest that in a racially contested election without a party cue, District 5 may be quite competitive in all these plans, and far less secure than Dr. Moy's election analysis might indicate. However, the broader point is that while the City's plans provide a slightly larger cushion than the plaintiffs' plan based on these Democratic primary results, and a slightly smaller cushion than the plaintiffs' P4 based on Dr. Moy's general election analysis, the differences between the City's District 5 and the plaintiffs' District 5 are very modest differences of degree, and not differences of character, where election performance is concerned.

Population Overlap – What is Actually being Reshaped in the Plaintiffs' Remedial Plan P4?

In the tables on page 8 of Dr. McCartan's report the population overlap is summarized, first in percentage form in Table 6 and then in population numbers in Table 6. Table 5 shows that for both District 2 and District 5 the City's adopted remedial proposed plan and the plaintiffs' remedial plan P4 retain over 90% of the population from their respective forms in the enjoined plan. At 96.7%, plaintiffs' plan P4 retains slightly more of the enjoined District 2 population than does the City's remedial plan, while in District 5 the City's remedial plan, at 94.7, retains slightly more of the enjoined District 5 population than does plaintiffs' remedial P4 at 92.5%.

The major differences between these plans are centered in Districts 1, 3, and 4, where the City's plan retains over 90% of the population in each of these Districts, while the plaintiffs' P4 retains only about one-half of the population in these three districts relative to the enjoined plan. What this demonstrates is that the major dispute here is not in how either District 5 or District 2 should be configured, but rather the distinction comes in the wholesale redraw of three majority

Hispanic districts in the plaintiffs' plan P4 relative to the much more stable configuration of these districts in the City's remedial plan. We can see the same pattern in Tables 7 and 8 on page 9 of Dr. McCartan's report, where the population overlap is displayed relative to the benchmark 2013 plan. Again, the degree of overlap is high in Districts 2 and 5 in both the City's and the plaintiffs' remedial plans but marked lower in the plaintiffs' P4 for Districts 1, 3, and 4. All three of these districts are at over 80% HCAP in both the City's and the plaintiffs' remedial plans, so the very substantial disruption of the existing districts in the plaintiffs' P4 is not explained by the relatively modest differences in proportion Hispanic in the proposed districts.

What does differ substantively between the City's configuration of these three Hispanic majority districts and the plaintiffs' proposed configuration is the election performance. Dr. Moy provides comparative election results only for District 5, but similar reconstituted election results are informative in the remaining districts in the plan. For example, in District 2 the Biden vote in 2020 was 65.0% in the 2013 benchmark plan, and a very similar 65.6% in the City's enjoined plan, 65.7% in the City's adopted remedial plan, and 65.5% in the plaintiffs' plan P4. So, District 2, like District 5 as discussed above, is a secure Democratic district in all of the plans.² Turning to the three majority Hispanic districts, in District 3 the Biden vote in 2020 was 51.5% in the 2013 benchmark plan, and a very similar 50.9% in the City's enjoined plan, 52.8% in the City's adopted remedial plan, and 50.4% in the plaintiffs' plan P4. So, District 3 is an almost evenly split district, tilting only very slightly Democratic in all the plans. In District 4 the Biden vote in 2020 was 41.3% in the 2013 benchmark plan, a similar 43.6% in the City's enjoined plan, and 43.1% in the City's adopted remedial plan. In the plaintiffs' P4 the Democratic share is dropped to 37.6%, giving the Republicans a roughly 6-point boost. So, District 4 leans securely Republican in all the plans, but most securely in P4. The reverse occurs in District 1 where the Biden vote in 2020 was 48.3% in the 2013 benchmark plan, and a similar 50.4% in the City's enjoined plan, 50.0% in the City's adopted remedial plan, but the Biden vote share rises to 57.2% in the plaintiffs' plan P4. District 1 is almost perfectly split in the City's plans, as it was

² Dr. Abott dismisses partisanship as an issue here in part because the City elections are non-partisan. However, that does not mean that information from the analysis of partisan elections is uninformative regarding the City of Miami elections, as Dr. Moy's use of a broad set of partisan elections in his analysis would suggest. Moreover, in modern polarized U.S. politics voting patterns in partisan elections typically match fairly closely with voter ideology. For example, in this report I use the 2020 Biden vote share, and in the Florida CNN exit polls from that 2020 election contest 83% of self-described liberals reported voting for Biden, compared to only 16% of self-described conservatives (<https://www.cnn.com/election/2020/exit-polls/president/florida/0>).

previously in the benchmark, but all the plaintiffs' plans, including P4, include a configuration of District 1 that is tilted Democratic. These changes in the election performance of Districts 1 and 4 indicate a significant impact on the political character of District 1 as the district shifts less conservative, while the conservative tilt of voters has increased in District 4. In sum, while there are only very minimal differences in the election performance across the City's and the plaintiffs' plans in Districts 2 and 5, in the three Hispanic majority districts there are political differences between the City's plans and the plaintiffs' plans.

Summary Conclusions

Once the importance of the 50% BVAP threshold is set aside, as the Court has done here (whether correctly or not), the issue of the degree to which the various District 5 maps are narrowly tailored turns to other indicators. In performance terms, both the City's remedial plan and the plaintiffs' proposed remedial plan P4, as well as the City's enjoined plan, provide highly secure election margins for Black-preferred candidates according to Dr. Moy, but the review of the racially contested Democratic primary analysis suggests that all the plans may in fact be more narrowly tailored than the general election analysis suggests. The plaintiffs' contention that their plan P4 is more narrowly tailored than the City's plans is not born out by Dr. Moy's analysis of performance, as the P4 version of District 5 is even safer than either the City's enjoined plan or the City's remedial plan. Turning to the population proportions, neither Black CVAP, nor Black registration proportions suggest any clear distinction between these plans, as all fall in the 55.8-58.2 percent range for CVAP, and the 55.5-57.6 range for Black share of registered voters. Unless one wants to argue for an arbitrary maximum line at 56%, it's hard to see how these numbers can be used to meaningfully distinguish either empirical performance or the legality of the plaintiffs' remedial plan from either the enjoined plan or the City's remedial plan. In short, if the City's District 5 is not narrowly tailored, then neither is the plaintiffs' P4. Alternatively, if the plaintiffs' District 5 in P4 is narrowly tailored, as they assert, then so are the City's versions of District 5.

Turning to the district population overlap analysis provided Dr. McCartan, it is clear that what distinguishes the plaintiffs' proposed remedial plan P4 from the City's remedial plan, and the

enjoined plan, is not the treatment of District 5 or District 2, but instead is the movement of population within and across the three majority Hispanic Districts (1,3, and 4) where the plaintiffs' remedial plan P4 that drops population overlap from over 90% to near 50%. This substantial redraw of the districts in the plaintiffs' remedial plan is not about raising or lowering or even equalizing Hispanic population majorities across these districts as all remain overwhelming Hispanic by any measure in all these plans. What is altered is the political profile of these districts with the already solidly Republican District 4 shifting more Republican, while District 1 sees its profile shifted from highly competitive to leaning Democratic.

July 12, 2023

A handwritten signature in black ink, appearing to read "John R. Alford", is written over a horizontal line.

John R. Alford, Ph.D.

Appendix 1

Selected Tables from the Reports of Dr. Moy, Dr. Abott, and Dr. McCartan

Table 1 from Dr. Moy's Supplemental Report Dated July 1, 2023

1 Racial Demographics of Registered Voters in District 5

There are 220,103 registered voters in Miami.¹ In Table 1 I show the racial composition of registered voters under each map’s District 5. The City of Miami has a majority-Hispanic electorate with Anglos (non-Hispanic whites) constituting 21% of the electorate and Blacks constituting 17% of the electorate.

Table 1: District 5 Racial Composition: Registered Voters

Race	Enjoined	Enjoined %	P4	P4 %	City	City %
Anglo	6,813	14.0%	7,550	15.0%	6,782	14.0%
Black	28,054	57.6%	28,156	55.5%	27,793	57.0%
Hispanic	13,166	27.0%	14,324	28.0%	13,338	27.0%
AAPI/American Indian	661	1.3%	703	1.4%	713	1.5%
Total	48,694	-	50,733	-	48,626	-

2 Black-Preferred Candidates in Recent Elections

In this section, I analyze six recently held contests in 2022 to assess the extent to which they show patterns of racially polarized voting: U.S. Senate, Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, and County Judge Group 5. I estimate the extent to which Black voters cohesively support a single candidate using bivariate scatterplots. The x-axis corresponds with the Black Share of the Total Citizen Voting Age Population for 2020, while the y-axis corresponds with the Black preferred candidate’s vote share within Miami precincts.² I draw a linear line of best fit through the cluster of precincts. The positive association means that as the Black share of the Citizen Voting Age Population increases, the Black-preferred candidate receives a higher share of the vote.

For all contest, when the precinct is homogeneously Black, the identified Black-preferred candidate receives overwhelming support. Similarly, when precincts are homogeneously non-Black, the Black-preferred candidate fails to receive the majority of the votes on average. All of the six contests analyzed show signs of racially polarized voting.³

In Table 2, I indicate which individuals are the Black-preferred candidates and include their ethnicity in parentheses: “B” represents Black, “W” represents non-Hispanic white, and “H” represents Hispanic of any race.

Table 2: List of Elections Analyzed

Race	Black-Preferred Candidate	Non-Black-Preferred Candidate
US Senate	Demings (B)	Rubio (H)
Governor	Crist (W)	DeSantis (W)
Attorney General	Ayala (B)	Moody (W)
Chief Financial Officer	Hattersley (W)	Patronis (W)
Commissioner of Agriculture	Blemur (B)	Simpson (W)
County Judge Group 5	Seraphin (B)	Diaz de la Portilla (H)

1. Consistent with the first report, I include Black, Anglo, Hispanic, AAPI/American Indian and exclude voters whose race is recorded as “Other,” “Multi-racial,” or “Unknown” throughout the analysis. Registered voters recorded as both active and inactive status are included in this analysis.

2. For this analysis, I use the top two candidates only.

3. In 5 of the 6 contest, when the Black share of CVAP is 0, the Black-preferred candidate receives a vote share in the low 40s. In the County Judge Group 5, however, when the Black share of CVAP is 0, the Black-preferred candidate receives 49% of the vote. While still under 50%, there is suggestive evidence that the County Judge Group 5 may show less racial polarization than the other contests.

Tables 3 and 4 from Dr. Moy's Supplemental Report Dated July 1, 2023

Table 3: Black-Preferred Candidate Performance in Recent Election

Race	Map	Vote Total	Black-Pref. #	Black-Pref. %	Non-Black-Pref. #	Non-Black-Pref. %
County Judge Grp 5	Enjoined	7157	5234	73.1%	1923	26.9%
County Judge Grp 5	P4	7046	5433	77.1%	1613	22.9%
County Judge Grp 5	City	7548	5735	76.0%	1813	24.0%
US Senate	Enjoined	16807	12230	72.8%	4577	27.2%
US Senate	P4	15942	12718	79.8%	3224	20.2%
US Senate	City	17753	13815	77.8%	3938	22.2%
Governor	Enjoined	16849	11989	71.2%	4860	28.8%
Governor	P4	15966	12462	78.1%	3504	21.9%
Governor	City	17782	13530	76.1%	4252	23.9%
Attorney General	Enjoined	16660	11979	71.9%	4681	28.1%
Attorney General	P4	15876	12403	78.1%	3473	21.9%
Attorney General	City	17678	13507	76.4%	4171	23.6%
CFO	Enjoined	16554	11908	71.9%	4646	28.1%
CFO	P4	15762	12418	78.8%	3344	21.2%
CFO	City	17552	13477	76.8%	4075	23.2%
Comm. of Agriculture	Enjoined	16607	12182	73.4%	4425	26.2%
Comm. of Agriculture	P4	15830	12645	79.9%	3185	20.1%
Comm. of Agriculture	City	17608	13743	78.0%	3865	22.0%

3 Black-Preferred Candidate Performance in Previously Racially Polarized Elections

Table 4: Black-Preferred Candidate Performance in Previous RPV Elections

Race	Map	Vote #	Black-Pref. #	Black-Pref. %	Non-Black-Pref. #	Non-Black-Pref. %
President	Enjoined	36848	28308	76.8%	8540	23.2%
President	P4	38379	31312	81.6%	7067	18.4%
President	City	41234	33233	80.6%	8001	19.4%
County Mayor	Enjoined	32852	24968	76.0%	7884	24.0%
County Mayor	P4	34145	27473	80.5%	6672	19.5%
County Mayor	City	36703	29209	79.6%	7494	20.4%
County Judge Grp 9	Enjoined	12043	7281	60.5%	4762	39.5%
County Judge Grp 9	P4	12798	8198	64.1%	4600	35.9%
County Judge Grp 9	City	13325	8443	63.4%	4882	36.6%
Circuit Judge Group 57	Enjoined	12348	7563	61.2%	4785	38.8%
Circuit Judge Group 57	P4	13140	8741	66.5%	4399	33.5%
Circuit Judge Group 57	City	13685	8976	65.6%	4709	34.4%
Circuit Judge Group 67	Enjoined	12189	6362	52.2%	5827	47.8%
Circuit Judge Group 67	P4	12891	7219	56.0%	5672	44.0%
Circuit Judge Group 67	City	13428	7504	55.9%	5924	44.1%

In this section, I re-analyze five 2020 contests that exhibited signs of racial polarization in my previous report: President, County Mayor, County Judge Group 9, Circuit Judge Group 57, and Circuit Judge Group 67. In Table 4, I aggregate the official election results for each district and show how many votes the Black-preferred candidate would have received under each map. Across all contests, the Black-preferred candidate would have received the majority of the votes in District 5.

Figures 2 - 6 depicts the relationship between the Black share of the Citizen Voting Age Population and the share that the Black-preferred candidate received. I report the linear line of best fit and the R^2 in each graph. As we see in the figures, Black voters are able to translate their preferences into high vote shares for their preferred candidate. Furthermore, the P4 plan increases the likelihood that the Black-preferred candidate will prevail over the enjoined map and the plan proposed by the city. Specifically, as shown in the

Tables from Appendix 1 to the Second Expert Report of Dr. Abott dated
July 5, 2023

Appendices

Appendix 1. Plan District Demographics

Enjoined Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	88,108	-340	-0.4	3.5	89.5	11.0	5.0	86.1	8.2
2	93,300	+4,852	+5.5	37.4	48.6	7.3	40.5	44.4	8.7
3	87,658	-790	-0.9	7.7	88.3	5.4	9.9	85.6	3.9
4	86,597	-1,851	-2.1	7.6	89.5	3.1	8.3	89.6	1.3
5	86,578	-1,870	-2.1	10.5	40.6	50.3	9.5	30.8	58.2
<i>Overall Range</i>		<i>6,722</i>	<i>7.6</i>						

Version 12									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	88,749	+301	+0.3	36.1	49.9	7.7	38.1	46.3	9.7
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	87,158	-1,290	-1.5	10.8	40.7	50.0	9.8	31.4	57.0
<i>Overall Range</i>		<i>2,276</i>	<i>2.6</i>						

Version 14 (D1 alt)									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,424	+976	+1.1	35.9	51.2	5.9	38.9	49.5	5.7
3	89,530	+1,082	+1.2	7.1	89.5	5.1	9.9	86.0	3.6
4	88,247	-201	-0.2	10.2	84.6	5.1	10.4	83.6	4.8
5	87,575	-873	-1.0	11.0	40.5	49.9	10.2	31.4	56.6
<i>Overall Range</i>		<i>2,065</i>	<i>2.3</i>						

Version 12 D2 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	90,146	+1,698	+1.9	36.7	49.4	7.6	38.4	45.9	9.6
3	88,806	+358	+0.4	10.1	85.0	5.5	12.7	82.6	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,712</i>	<i>4.2</i>						

Version 12 D5 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,473	+1,025	+1.2	36.2	49.8	7.7	38.0	46.1	9.8
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,045</i>	<i>3.4</i>						

Version 12 D3 alt v1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,159</i>	<i>3.6</i>						

Version 12 D3 alt v2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,201	-1,247	-1.4	3.4	89.8	10.8	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,698	-1,750	-2.0	10.5	40.7	50.3	9.6	31.6	57.3
<i>Overall Range</i>		<i>2,895</i>	<i>3.3</i>						

Resolution 23-271 - Version 12 D3 alt v3 - City's Proposed Remedial Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,455	-993	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,444	-2,004	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,149</i>	<i>3.6</i>						

P1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,569	-1,879	-2.1	14.9	70.1	16.1	14.8	66.3	16.5
2	89,078	+630	+0.7	31.2	57.9	5.8	33.2	56.3	6.4
3	87,666	-782	-0.9	5.8	90.8	5.2	7.4	88.6	3.6
4	89,091	+643	+0.7	3.5	95.0	3.0	4.5	94.1	0.8
5	89,837	+1,389	+1.6	13.8	41.2	45.2	12.4	32.3	53.0
<i>Overall Range</i>		<i>3,268</i>	<i>3.7</i>						

P2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,541	-1,907	-2.2	4.3	86.6	13.7	6.0	81.0	12.4
2	89,897	+1,449	+1.6	36.9	48.7	7.9	39.6	44.3	10.1
3	85,108	-3,340	-3.8	10.6	84.8	4.3	12.3	84.5	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	90,307	+1,859	+2.1	13.3	41.0	46.2	11.9	31.8	54.3
<i>Overall Range</i>		<i>5,280</i>	<i>6.0</i>						

P3									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,607	-841	-1.0	5.6	85.4	13.0	7.2	80.6	11.7
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	85,973	-2,475	-2.8	10.6	84.9	4.3	12.2	84.6	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	88,751	+303	+0.3	11.3	41.1	48.8	10.1	31.6	56.5
<i>Overall Range</i>		<i>4,415</i>	<i>5.0</i>						

P4									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,556	-892	-1.0	5.6	85.8	13.0	7.2	80.3	11.9
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	87,829	-619	-0.7	10.4	85.1	4.2	12.1	84.7	2.4
4	87,667	-781	-0.9	2.9	95.6	3.2	3.4	94.5	1.5
5	89,667	+1,219	+1.4	11.2	41.5	48.4	10.0	32.3	55.8
<i>Overall Range</i>		<i>2,111</i>	<i>2.4</i>						

Tables 5 and 6 from Dr. McCartan's Report Dated July 1, 2023

two versions have identical overlap calculations; they are reported together as “City” below.

Table 5: District population overlap between Enjoined and various other plans, expressed as a percentage of the population of each plan’s corresponding district.

Enjoined plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	100	98.2	61.1	56.7	54.8	53.3
District 2	100	92.2	63.3	89.5	96.7	96.7
District 3	100	90.6	83.5	45.4	46.0	47.1
District 4	100	94.8	56.9	42.7	42.7	44.0
District 5	100	94.7	84.1	85.8	94.0	92.5
<i>Districts 1, 3, and 4</i>	100	97.8	77.0	48.7	48.8	49.3
<i>Overall</i>	100	94.1	69.8	64.3	66.9	67.0

Table 6: District population overlap between Enjoined and various other plans.

Enjoined plan	Overlap with...					
	Enjoined	City	P1	P2	P3	P4
District 1	88,108	85,892	52,916	49,042	48,043	46,690
District 2	93,300	82,563	56,388	80,476	86,533	86,533
District 3	87,658	80,842	73,237	38,662	39,527	41,383
District 4	86,597	84,861	50,699	38,554	38,554	38,554
District 5	86,578	81,843	75,561	77,483	83,418	82,981
<i>Districts 1, 3, and 4</i>	262,363	251,595	176,852	126,258	126,124	126,627
<i>Overall</i>	442,241	416,001	308,801	284,217	296,075	296,141

22. I then calculated the overlap between districts in the 2013 plan to corresponding districts in the Enjoined, City, and P1–P4 plans. These calculations are summarized in Tables 7 (percentage overlap) and 8 (raw population counts). Because the two blocks that differ between both provided versions of the City plan are not populated, these two versions have identical overlap calculations; they are reported together as “City” below.

Appendix 2: CV of John R. Alford, Ph.D.

John R. Alford

Curriculum Vitae

July 2023

Dept. of Political Science
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Employment:

Professor, Rice University, 2015 to present.
Associate Professor, Rice University, 1985-2015.
Assistant Professor, University of Georgia, 1981-1985.
Instructor, Oakland University, 1980-1981.
Teaching-Research Fellow, University of Iowa, 1977-1980.
Research Associate, Institute for Urban Studies, Houston, Texas, 1976-1977.

Education:

Ph.D., University of Iowa, Political Science, 1981.
M.A., University of Iowa, Political Science, 1980.
M.P.A., University of Houston, Public Administration, 1977.
B.S., University of Houston, Political Science, 1975.

Books:

Predisposed: Liberals, Conservatives, and the Biology of Political Differences. New York: Routledge, 2013. Co-authors, John R. Hibbing and Kevin B. Smith.

Articles:

"Political Orientations Vary with Detection of Androstenone," with Amanda Friesen, Michael Gruszczynski, and Kevin B. Smith. **Politics and the Life Sciences.** (Spring, 2020).

"Intuitive ethics and political orientations: Testing moral foundations as a theory of political ideology." with Kevin Smith, John Hibbing, Nicholas Martin, and Peter Hatemi. **American Journal of Political Science.** (April, 2017).

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“Political Attitudes Vary with Physiological Traits” with Douglas R. Oxley, Kevin B. Smith, Matthew V. Hibbing, Jennifer L. Miller, Mario Scalora, Peter K. Hatemi, and John R. Hibbing, **Science**, (September 19, 2008).

“The New Empirical Biopolitics” with John R. Hibbing, **Annual Review of Political Science**, (June, 2008).

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"Editors' Introduction: Electing the U.S. Senate" with Bruce I. Oppenheimer. **Legislative Studies Quarterly**, (November, 1990).

"Personal and Partisan Advantage in U.S. Congressional Elections, 1846-1990" with David W. Brady, in **Congress Reconsidered** 4th edition, eds. Larry Dodd and Bruce Oppenheimer, CQ Press, (1988). Reprinted in *The Congress of the United States, 1789-1989*, ed. Joel Silby, Carlson Publishing Inc., (1991), and in *The Quest for Office*, eds. Wayne and Wilcox, St. Martins Press, (1991).

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge. **The Western Political Quarterly** (December, 1986).

"Partisanship and Voting" with James Campbell, Mary Munro, and Bruce Campbell, in **Research in Micropolitics. Volume 1 - Voting Behavior**. Samuel Long, ed. JAI Press, (1986).

"Economic Conditions and Individual Vote in the Federal Republic of Germany" with Jerome S. Legge. **Journal of Politics** (November, 1984).

"Television Markets and Congressional Elections" with James Campbell and Keith Henry. **Legislative Studies Quarterly** (November, 1984).

"Economic Conditions and the Forgotten Side of Congress: A Foray into U.S. Senate Elections" with John R. Hibbing, **British Journal of Political Science** (October, 1982).

"Increased Incumbency Advantage in the House" with John R. Hibbing, **Journal of Politics** (November, 1981). Reprinted in *The Congress of the United States, 1789-1989*, Carlson Publishing Inc., (1991).

"The Electoral Impact of Economic Conditions: Who is Held Responsible?" with John R. Hibbing, **American Journal of Political Science** (August, 1981).

"Comment on Increased Incumbency Advantage" with John R. Hibbing, Refereed communication: **American Political Science Review** (March, 1981).

"Can Government Regulate Safety? The Coal Mine Example" with Michael Lewis-Beck, **American Political Science Review** (September, 1980).

Awards and Honors:

CQ Press Award - 1988, honoring the outstanding paper in legislative politics presented at the 1987 Annual Meeting of the American Political Science Association. Awarded for "The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing.

Research Grants:

National Science Foundation, 2009-2011, "Identifying the Biological Influences on Political Temperaments", with John Hibbing, Kevin Smith, Kim Espy, Nicolas Martin and Read Montague. This is a collaborative project involving Rice, University of Nebraska, Baylor College of Medicine, and Queensland Institute for Medical Research.

National Science Foundation, 2007-2010, "Genes and Politics: Providing the Necessary Data", with John Hibbing, Kevin Smith, and Lindon Eaves. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2007-2010, "Investigating the Genetic Basis of Economic Behavior", with John Hibbing and Kevin Smith. This is a collaborative project involving Rice, University of Nebraska, Virginia Commonwealth University, and the Queensland Institute of Medical Research.

Rice University Faculty Initiatives Fund, 2007-2009, "The Biological Substrates of Political Behavior". This is in assistance of a collaborative project involving Rice, Baylor College of Medicine, Queensland Institute of Medical Research, University of Nebraska, Virginia Commonwealth University, and the University of Minnesota.

National Science Foundation, 2004-2006, "Decision-Making on Behalf of Others", with John Hibbing. This is a collaborative project involving Rice and the University of Nebraska.

National Science Foundation, 2001-2002, dissertation grant for Kevin Arceneaux, "Doctoral Dissertation Research in Political Science: Voting Behavior in the Context of U.S. Federalism."

National Science Foundation, 2000-2001, dissertation grant for Stacy Ulbig, "Doctoral Dissertation Research in Political Science: Sub-national Contextual Influences on Political Trust."

National Science Foundation, 1999-2000, dissertation grant for Richard Engstrom, "Doctoral Dissertation Research in Political Science: Electoral District Structure and Political Behavior."

Rice University Research Grant, 1985, Recent Trends in British Parliamentary Elections.

Faculty Research Grants Program, University of Georgia, Summer, 1982. Impact of Media Structure on Congressional Elections, with James Campbell.

Papers Presented:

"The Physiological Basis of Political Temperaments" 6th European Consortium for Political Research General Conference, Reykjavik, Iceland (2011), with Kevin Smith, and John Hibbing.

"Identifying the Biological Influences on Political Temperaments" National Science Foundation Annual Human Social Dynamics Meeting (2010), with John Hibbing, Kimberly Espy, Nicholas Martin, Read Montague, and Kevin B. Smith.

"Political Orientations May Be Related to Detection of the Odor of Androstenone" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, Amanda Balzer, Michael Gruszczynski, Carly M. Jacobs, and John Hibbing.

"Toward a Modern View of Political Man: Genetic and Environmental Transmission of Political Orientations from Attitude Intensity to Political Participation" Annual meeting of the American Political Science Association, Washington, DC (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Genetic and Environmental Transmission of Political Involvement from Attitude Intensity to Political Participation" Annual meeting of the International Society for Political Psychology, San Francisco, CA (2010), with Carolyn Funk, Kevin Smith, and John Hibbing.

"Are Violations of the EEA Relevant to Political Attitudes and Behaviors?" Annual meeting of the Midwest Political Science Association, Chicago, IL (2010), with Kevin Smith, and John Hibbing.

"The Neural Basis of Representation" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with John Hibbing.

"Genetic and Environmental Transmission of Value Orientations" Annual meeting of the American Political Science Association, Toronto, Canada (2009), with Carolyn Funk, Kevin Smith, Matthew Hibbing, Pete Hatemi, Robert Krueger, Lindon Eaves, and John Hibbing.

"The Genetic Heritability of Political Orientations: A New Twin Study of Political Attitudes" Annual Meeting of the International Society for Political Psychology, Dublin, Ireland (2009), with John Hibbing, Cary Funk, Kevin Smith, and Peter K Hatemi.

"The Heritability of Value Orientations" Annual meeting of the Behavior Genetics Association, Minneapolis, MN (2009), with Kevin Smith, John Hibbing, Carolyn Funk, Robert Krueger, Peter Hatemi, and Lindon Eaves.

"The Ick Factor: Disgust Sensitivity as a Predictor of Political Attitudes" Annual meeting of the Midwest Political Science Association, Chicago, IL (2009), with Kevin Smith, Douglas Oxley Matthew Hibbing, and John Hibbing.

"The Ideological Animal: The Origins and Implications of Ideology" Annual meeting of the American Political Science Association, Boston, MA (2008), with Kevin Smith, Matthew Hibbing, Douglas Oxley, and John Hibbing.

"The Physiological Differences of Liberals and Conservatives" Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Kevin Smith, Douglas Oxley, and John Hibbing.

"Looking for Political Genes: The Influence of Serotonin on Political and Social Values" Annual meeting of the Midwest Political Science Association, Chicago, IL (2008), with Peter Hatemi, Sarah Medland, John Hibbing, and Nicholas Martin.

"Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs" Annual meeting of the American Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Matthew Keller, Nicholas Martin, Sarah Medland, and Lindon Eaves.

"Factorial Association: A generalization of the Fulker between-within model to the multivariate case" Annual meeting of the Behavior Genetics Association, Amsterdam, The Netherlands (2007), with Sarah Medland, Peter Hatemi, John Hibbing, William Coventry, Nicholas Martin, and Michael Neale.

"Not by Twins Alone: Using the Extended Twin Family Design to Investigate the Genetic Basis of Political Beliefs" Annual meeting of the Midwest Political Science Association, Chicago, IL (2007), with Peter Hatemi, John Hibbing, Nicholas Martin, and Lindon Eaves.

"Getting from Genes to Politics: The Connecting Role of Emotion-Reading Capability" Annual Meeting of the International Society for Political Psychology, Portland, OR, (2007.), with John Hibbing.

"The Neurological Basis of Representative Democracy." Hendricks Conference on Political Behavior, Lincoln, NE (2006), with John Hibbing.

"The Neural Basis of Representative Democracy" Annual meeting of the American Political Science Association, Philadelphia, PA (2006), with John Hibbing.

"How are Political Orientations Genetically Transmitted? A Research Agenda" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2006), with John Hibbing.

"The Politics of Mate Choice" Annual meeting of the Southern Political Science Association, Atlanta, GA (2006), with John Hibbing.

"The Challenge Evolutionary Biology Poses for Rational Choice" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing and Kevin Smith.

"Decision Making on Behalf of Others" Annual meeting of the American Political Science Association, Washington, DC (2005), with John Hibbing.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the Midwest Political Science Association, Chicago Illinois (2005), with John Hibbing and Carolyn Funk.

"The Source of Political Attitudes and Behavior: Assessing Genetic and Environmental Contributions" Annual meeting of the American Political Science Association, Chicago Illinois (2004), with John Hibbing and Carolyn Funk.

"Accepting Authoritative Decisions: Humans as Wary Cooperators" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2002), with John Hibbing

"Can We Trust the NES Trust Measure?" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (2001), with Stacy Ulbig.

"The Impact of Organizational Structure on the Production of Social Capital Among Group Members" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Allison Rinden.

"Isolating the Origins of Incumbency Advantage: An Analysis of House Primaries, 1956-1998" Annual Meeting of the Southern Political Science Association, Atlanta, Georgia (2000), with Kevin Arceneaux.

"The Electorally Indistinct Senate," Norman Thomas Conference on Senate Exceptionalism, Vanderbilt University; Nashville, Tennessee; October (1999), with John R. Hibbing.

"Interest Group Participation and Social Capital" Annual Meeting of the Midwest Political Science Association, Chicago, Illinois (1999), with Allison Rinden.

"We're All in this Together: The Decline of Trust in Government, 1958-1996." The Hendricks Symposium, University of Nebraska, Lincoln. (1998)

"Constituency Population and Representation in the United States Senate," Electing the Senate; Houston, Texas; December (1989), with John R. Hibbing.

"The Disparate Electoral Security of House and Senate Incumbents," American Political Science Association Annual Meetings; Atlanta, Georgia; September (1989), with John R. Hibbing.

"Partisan and Incumbent Advantage in House Elections," Annual Meeting of the Southern Political Science Association (1987), with David W. Brady.

"Personal and Party Advantage in U.S. House Elections, 1846-1986" with David W. Brady, 1987 Social Science History Association Meetings.

"The Demise of the Upper House and the Rise of the Senate: Electoral Responsiveness in the United States Senate" with John Hibbing, 1987 Annual Meeting of the American Political Science Association.

"A Comparative Analysis of Economic Voting" with Jerome Legge, 1985 Annual Meeting of the American Political Science Association.

"An Analysis of Economic Conditions and the Individual Vote in Great Britain, 1964-1979" with Jerome Legge, 1985 Annual Meeting of the Western Political Science Association.

"Can Government Regulate Fertility? An Assessment of Pro-natalist Policy in Eastern Europe" with Jerome Legge, 1985 Annual Meeting of the Southwestern Social Science Association.

"Economic Conditions and the Individual Vote in the Federal Republic of Germany" with Jerome S. Legge, 1984 Annual Meeting of the Southern Political Science Association.

"The Conditions Required for Economic Issue Voting" with John R. Hibbing, 1984 Annual Meeting of the Midwest Political Science Association.

"Incumbency Advantage in Senate Elections," 1983 Annual Meeting of the Midwest Political Science Association.

"Television Markets and Congressional Elections: The Impact of Market/District Congruence" with James Campbell and Keith Henry, 1982 Annual Meeting of the Southern Political Science Association.

"Economic Conditions and Senate Elections" with John R. Hibbing, 1982 Annual Meeting of the Midwest Political Science Association. "Pocketbook Voting: Economic Conditions and Individual Level Voting," 1982 Annual Meeting of the American Political Science Association.

"Increased Incumbency Advantage in the House," with John R. Hibbing, 1981 Annual Meeting of the Midwest Political Science Association.

Other Conference Participation:

Roundtable Participant – Closing Round-table on Biopolitics; 2016 UC Merced Conference on Bio-Politics and Political Psychology, Merced, CA.

Roundtable Participant "Genes, Brains, and Core Political Orientations" 2008 Annual Meeting of the Southwestern Political Science Association, Las Vegas.

Roundtable Participant "Politics in the Laboratory" 2007 Annual Meeting of the Southern Political Science Association, New Orleans.

Short Course Lecturer, "What Neuroscience has to Offer Political Science" 2006 Annual Meeting of the American Political Science Association.

Panel chair and discussant, "Neuro-scientific Advances in the Study of Political Science" 2006 Annual Meeting of the American Political Science Association.

Presentation, "The Twin Study Approach to Assessing Genetic Influences on Political Behavior" Rice Conference on New Methods for Understanding Political Behavior, 2005.

Panel discussant, "The Political Consequences of Redistricting," 2002 Annual Meeting of the American Political Science Association.

Panel discussant, "Race and Redistricting," 1999 Annual Meeting of the Midwest Political Science Association.

Invited participant, "Roundtable on Public Dissatisfaction with American Political Institutions", 1998 Annual Meeting of the Southwestern Social Science Association.

Presentation, "Redistricting in the '90s," Texas Economic and Demographic Association, 1997.

Panel chair, "Congressional Elections," 1992 Annual Meeting of the Southern Political Science Association.

Panel discussant, "Incumbency and Congressional Elections," 1992 Annual Meeting of the American Political Science Association.

Panel chair, "Issues in Legislative Elections," 1991 Annual Meeting of the Midwest Political Science Association.

Panel chair, "Economic Attitudes and Public Policy in Europe," 1990 Annual Meeting of the Southern Political Science Association

Panel discussant, "Retrospective Voting in U.S. Elections," 1990 Annual Meeting of the Midwest Political Science Association.

Co-convenor, with Bruce Oppenheimer, of Electing the Senate, a national conference on the NES 1988 Senate Election Study. Funded by the Rice Institute for Policy Analysis, the University of Houston Center for Public Policy, and the National Science Foundation, Houston, Texas, December, 1989.

Invited participant, Understanding Congress: A Bicentennial Research Conference, Washington, D.C., February, 1989.

Invited participant--Hendricks Symposium on the United States Senate, University of Nebraska, Lincoln, Nebraska, October, 1988

Invited participant--Conference on the History of Congress, Stanford University, Stanford, California, June, 1988.

Invited participant, "Roundtable on Partisan Realignment in the 1980's", 1987 Annual Meeting of the Southern Political Science Association.

Professional Activities:

Other Universities:

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2018.

Invited Speaker, Annual Allman Family Lecture, Dedman College Interdisciplinary Institute, Southern Methodist University, 2016.

Invited Speaker, Annual Lecture, Psi Sigma Alpha – Political Science Dept., Oklahoma State University, 2015.

Invited Lecturer, Department of Political Science, Vanderbilt University, 2014.

Invited Speaker, Annual Lecture, Psi Kappa -the Psychology Club at Houston Community College, 2014.

Invited Speaker, Graduate Student Colloquium, Department of Political Science, University of New Mexico, 2013.

Invited Keynote Speaker, Political Science Alumni Evening, University of Houston, 2013.

Invited Lecturer, Biology and Politics Masters Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2010.

Invited Lecturer, Biology and Politics Senior Seminar (John Geer and David Bader), Department of Political Science and Biology Department, Vanderbilt University, 2008.

Visiting Fellow, the Hoover Institution, Stanford University, 2007.

Invited Speaker, Joint Political Psychology Graduate Seminar, University of Minnesota, 2007.

Invited Speaker, Department of Political Science, Vanderbilt University, 2006.

Member:

Editorial Board, Journal of Politics, 2007-2008.

Planning Committee for the National Election Studies' Senate Election Study, 1990-92.

Nominations Committee, Social Science History Association, 1988

Reviewer for:

American Journal of Political Science

American Political Science Review

American Politics Research

American Politics Quarterly

American Psychologist

American Sociological Review

Canadian Journal of Political Science

Comparative Politics

Electoral Studies

Evolution and Human Behavior

International Studies Quarterly

Journal of Politics
Journal of Urban Affairs
Legislative Studies Quarterly
National Science Foundation
PLoS ONE
Policy Studies Review
Political Behavior
Political Communication
Political Psychology
Political Research Quarterly
Public Opinion Quarterly
Science
Security Studies
Social Forces
Social Science Quarterly
Western Political Quarterly

University Service:

Member, University Senate, 2021-2023.

Member, University Parking Committee, 2016-2022.

Member, University Benefits Committee, 2013-2016.

Internship Director for the Department of Political Science, 2004-2018.

Member, University Council, 2012-2013.

Invited Speaker, Rice Classroom Connect, 2016.

Invited Speaker, Glasscock School, 2016.

Invited Speaker, Rice Alumni Association, Austin, 2016.

Invited Speaker, Rice Alumni Association, New York City, 2016.

Invited Speaker, Rice TEDxRiceU , 2013.

Invited Speaker, Rice Alumni Association, Atlanta, 2011.

Lecturer, Advanced Topics in AP Psychology, Rice University AP Summer Institute, 2009.

Scientia Lecture Series: "Politics in Our Genes: The Biology of Ideology" 2008

Invited Speaker, Rice Alumni Association, Seattle, San Francisco and Los Angeles, 2008.

Invited Speaker, Rice Alumni Association, Austin, Chicago and Washington, DC, 2006.

Invited Speaker, Rice Alumni Association, Dallas and New York, 2005.

Director: Rice University Behavioral Research Lab and Social Science Computing Lab, 2005-2006.

University Official Representative to the Inter-university Consortium for Political and Social Research, 1989-2012.

Director: Rice University Social Science Computing Lab, 1989-2004.

Member, Rice University Information Technology Access and Security Committee, 2001-2002

Rice University Committee on Computers, Member, 1988-1992, 1995-1996; Chair, 1996-1998, Co-chair, 1999.

Acting Chairman, Rice Institute for Policy Analysis, 1991-1992.

Divisional Member of the John W. Gardner Dissertation Award Selection Committee, 1998

Social Science Representative to the Educational Sub-committee of the Computer Planning Committee, 1989-1990.

Director of Graduate Admissions, Department of Political Science, Rice University, 1986-1988.

Co-director, Mellon Workshop: Southern Politics, May, 1988.

Guest Lecturer, Mellon Workshop: The U.S. Congress in Historical Perspective, May, 1987 and 1988.

Faculty Associate, Hanszen College, Rice University, 1987-1990.

Director, Political Data Analysis Center, University of Georgia, 1982-1985.

External Consulting:

Expert Witness, Dixon v. Lewisville ISD, racially polarized voting analysis, 2022.

Expert Witness, Soto Palmer v. Hobbs, (Washington State), racially polarized voting analysis, 2022.

Expert Witness, Pendergrass v. Raffensperger, (Georgia State House and Senate), racially polarized voting analysis, 2022.

Expert Witness, LULAC, et al. v. Abbott, et al., Voto Latino, et al. v. Scott, et al., Mexican American Legislative Caucus, et al. v. Texas, et al., Texas NAACP v. Abbott, et al., Fair Maps Texas, et al. v. Abbott, et al., US v. Texas, et al. (consolidated cases) challenges to Texas Congressional, State Senate, State House, and State Board of Education districting, 2022.

Expert Witness, Robinson/Galmon v. Ardoin, (Louisiana), racially polarized voting analysis, 2022.

Expert Witness, Christian Ministerial Alliance et al v. Arkansas, racially polarized voting analysis, 2022.

Expert Witness, Johnson v. Wisconsin Elections Commission, 2022.

Expert Witness, Rivera, et al. v. Schwab, Alonzo, et al. v. Schwab, Frick, et al. v. Schwab, (consolidated cases) challenge to Kansas congressional map, 2022.

Expert Witness, Grant v. Raffensperger, challenge to Georgia congressional map, 2022.

Expert Witness, Brooks et al. v. Abbot, challenge to State Senate District 10, 2022.

Expert Witness, Elizondo v. Spring Branch ISD, 2022.

Expert Witness, Portugal v. Franklin County, et al., challenge to Franklin County, Washington at large County Commissioner's election system, 2022.

Consulting Expert, Gressman Math/Science Petitioners, Pennsylvania Congressional redistricting, 2022.

Consultant, Houston Community College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Lone Star College – evaluation of election impact for redrawing of college board election districts, 2022.

Consultant, Killeen ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Houston ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Brazosport ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Dallas ISD – evaluation of election impact for redrawing of school board election districts, 2022.

Consultant, Lancaster ISD – redrawing of all school board member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, City of Baytown – redrawing of all city council member election districts including demographic analysis and redrawing of election districts, 2021.

Consultant, Goose Creek ISD – redrawing of all board member election districts including demographic analysis and redrawing of election districts, 2021.

Expert Witness, Bruni et al. v. State of Texas, straight ticket voting analysis, 2020.

Consulting Expert, Sarasota County, VRA challenge to district map, 2020.

Expert Witness, Kumar v. Frisco ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Vaughan v. Lewisville ISD, TX, racially polarized voting analysis, 2019.

Expert Witness, Johnson v. Ardoin, (Louisiana), racially polarized voting analysis, 2019.

Expert Witness, Flores et al. v. Town of Islip, NY, racially polarized voting analysis, 2018.

Expert Witness, Tyson v. Richardson ISD, racially polarized voting analysis, 2018.

Expert Witness, Dwight v. State of Georgia, racially polarized voting analysis, 2018.

Expert Witness, NAACP v. East Ramapo Central School District, racially polarized voting analysis, 2018.

Expert Witness, Georgia NAACP v. State of Georgia, racially polarized voting analysis, 2018.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

ORDER

THIS CAUSE came before the Court upon Defendant City of Miami's ("Defendant" or "the City") Notice of Passage of Redistricting Plan. ("Notice") (ECF No. 77). Therein, Defendant gives notice that it has enacted a new redistricting plan, Resolution 23-271 ("Remedial Plan"), to replace the redistricting plan that this Court previously enjoined, Resolution 22-131 ("2022 Enacted Plan" or "Enjoined Plan"). *See id.* Plaintiffs¹ filed Objections to Defendant's Proposed Interim Remedial Plan. ("Objections" or "Obj.") (ECF No. 83). In turn, Defendant filed a Memorandum of Law in Response to Plaintiffs' Objections. ("Reply") (ECF No. 86).

For the reasons discussed below, the Court finds that the Remedial Plan does not completely correct the constitutional defects the Court found were substantially likely to exist in the Enjoined Plan. Thus, the Court finds it necessary to adopt its own remedial plan.

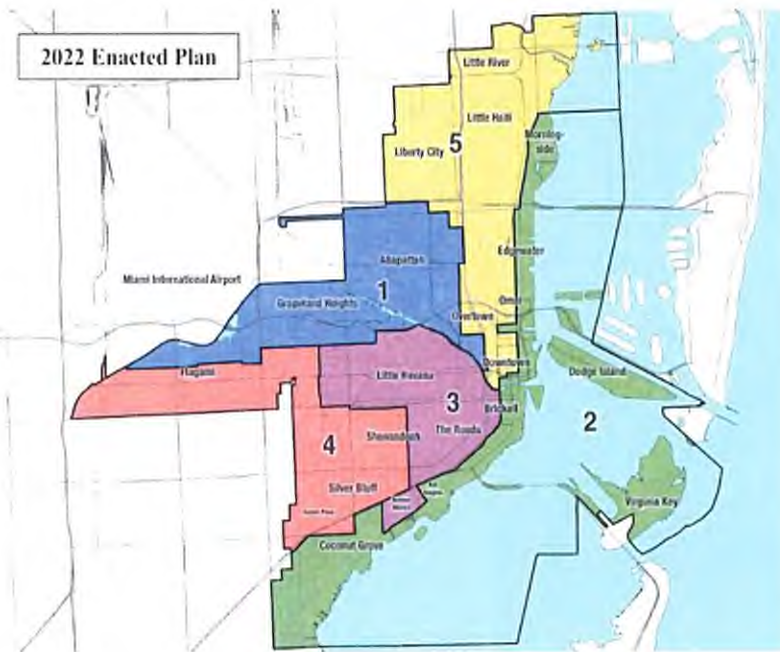
¹ Plaintiffs in this action are Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras Steven Miro, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP and Miami-Dade Branch of the NAACP (collectively, "Plaintiffs").

I. BACKGROUND AND PROCEDURAL HISTORY

Though the Parties are surely familiar with the background of the instant Action, the Court nonetheless finds it valuable to give a thorough recitation of the facts to provide necessary context for its decision.

A. Passage of the Enjoined Plan

On March 24, 2022, the Commission of the City of Miami (the “Commission”) passed the 2022 Enacted Plan following the results of the 2020 United States Census. The plan provided the new jurisdictional borders for each of the five commission districts.



On December 15, 2022, Plaintiffs commenced this action. *See* (ECF No. 1). In the First Amended Complaint (“Complaint” or “Compl.”), Plaintiffs claim that the 2022 Enacted Plan violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution because Defendant improperly used race as the predominant factor in drawing each of Miami’s five commission districts. *See* (ECF No. 23 ¶¶ 358–365). In the Complaint, Plaintiffs

seek: (1) a declaration that each of the commission districts in the 2022 Enacted Plan are unconstitutional racial gerrymanders in violation of the Fourteenth Amendment; (2) a preliminary and permanent injunction enjoining Defendant from conducting elections under the 2022 Enacted Plan; and (3) an order requiring the City to hold special elections should adequate relief not be available prior to the next regularly scheduled election in November. *See generally* Compl.

B. The Preliminary Injunction

On February 10, 2023, Plaintiffs filed an Expedited Motion for Preliminary Injunction (“Motion”). *See* (ECF No. 26). Therein, Plaintiffs requested the Court enjoin Defendant from “calling, conducting, supervising, or certifying any elections under the [2022] Enacted Plan, beginning with the regular 2023 elections until the entry of a final judgment.” *Id.* at 36. Defendant opposed the Motion, *see* (ECF No. 36), and the Court referred the Motion to United States Magistrate Judge Lauren F. Louis for a Report and Recommendation. *See* (ECF No. 27).

After an evidentiary hearing lasting over five hours, which included the presentation of ninety-three exhibits from Plaintiffs, twelve exhibits from Defendant, and the testimony of the City’s redistricting consultant, Miguel De Grandy, Esq. (“De Grandy”), *see* (ECF No. 48), Magistrate Judge Louis issued a thorough Report and Recommendation (“R&R”). Therein, Magistrate Judge Louis recounted at length the redistricting process, expert reports, and other exhibits and record materials. *See* (ECF No. 52).

First, by examining the contemporaneous statements of various Commissioners and examining the sequence of events leading to the passage of the 2022 Enacted Plan, Magistrate Judge Louis found that race predominated in the drawing of each of the five commission districts. *See id.* 76–77. Magistrate Judge Louis explained the Commissioners’ “intent was, as expressed, to preserve previously-drawn race-based lines of the Commission Districts in the 2022 redistricting

process.” *Id.* at 67. Magistrate Judge Louis supplemented this finding with an examination of the *Arlington Heights* factors, which in her opinion, also “strongly support[ed] a finding that Plaintiffs are likely to succeed in establishing that racial considerations predominated in the City’s design of Districts 1, 2, 3, and 4.”² *Id.* at 77 (citing *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977)). After finding that race predominated in the design of each district, Magistrate Judge Louis also opined that none of the districts withstood strict scrutiny as is required under the Fourteenth Amendment. *Id.* at 78–87. Accordingly, Magistrate Judge Louis concluded that Plaintiffs demonstrated a substantial likelihood of success on the merits. *See id.* at 87–88.

Turning next to irreparable harm and a balancing of equities between the parties, Magistrate Judge Louis found that Plaintiffs stand to suffer irreparable harm because “the injury to a plaintiff of voting under an unconstitutional electoral map, or an electoral map that violates § 2 of the VRA, ‘cannot be undone through any form of monetary or post-election relief.’” *Id.* at 90 (quoting *Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, 687 F. Supp. 3d 1222, 1320–21 (N.D. Ga. 2022)). Magistrate Judge Louis found that the potential harm to Defendant, namely that there was insufficient time to enact a remedial map and that nonracial redistricting would disserve Black voters, was outweighed by the harm Plaintiffs would suffer from racial gerrymandering.³ *See id.* at 88–100. After carefully considering each prong of the preliminary injunction test, Magistrate Judge Louis recommended that the Court: (1) enjoin Defendant from using the 2022 Enacted Plan

² The Parties did not dispute that Defendant was required under § 2 of the Voting Rights Act of 1965 (“VRA”) to consider race when drawing District 5 in a manner where race would predominate.

³ Magistrate Judge Louis rejected the argument that nonracial redistricting would disserve Black voters as non-responsive to the balance of the equities portion of the preliminary injunction test. R&R at 98. Rather, according to Magistrate Judge Louis, that argument is relevant to the likelihood of success on the merits. *See id.*

until the entry of a final judgment; and (2) establish a schedule for the preparation of a remedial plan which comports with the United States Constitution. *Id.* at 100.

Defendant filed Objections to the R&R, *see* (ECF No. 55), which “consisted of both generalized grievances with the R&R’s conclusions, as well as proper, specific objections to the R&R’s findings.” *See* (ECF No. 60 at 3). Plaintiffs filed a Response to Defendant’s Objections affirming their support for the R&R. *See* (ECF No. 57). Defendant also filed a Reply in Support of Objections. *See* (ECF No. 59).

After careful consideration of the R&R, the Parties’ briefings, and the relevant record material, the Court granted Plaintiffs’ preliminary injunction motion and adopted the R&R in full (“Order”). *See* (ECF No. 60). In the Order, the Court reaffirmed Magistrate Judge Louis’s findings that: (1) race was the predominant factor in the drawing of each commission district, and Defendant could not demonstrate the design of any district withstood strict scrutiny; (2) Plaintiffs would likely suffer irreparable harm if they were required to vote in racially gerrymandered districts in the November 2023 election; (3) any harm Defendant may suffer would be outweighed by the harm to Plaintiffs; and (4) there was sufficient time to create a constitutionally conforming remedial map without running afoul of *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam).⁴ *See generally id.*

On June 2, 2023, the Court issued a Scheduling Order. *See* (ECF No. 69). Therein, the Parties were directed to complete mediation by June 22, 2023. *Id.* at 1. If the Parties could not reach a settlement, Defendant was ordered to enact a proposed remedial map and file it with the Court by June 30, 2023. *See id.* Upon Defendant’s filing of the proposed remedial map, Plaintiffs

⁴ Under *Purcell*, district courts should generally refrain from enjoining state election laws in the period close to an election. *League of Women Voters of Fla., Inc., v. Fla. Sec’y of State*, 32 F. 4th 1363, 1371 (11th Cir. 2022) (internal quotations omitted)

were informed that they needed to notify the Court within two days if they had no objections. *Id.* However, if Plaintiffs objected to the newly proposed remedial map, Plaintiffs would have seven days to file a memorandum in opposition, and in turn, Defendant would have five days to file a reply. *Id.* at 1–2. The Court set these deadlines to ensure Defendant would be able to provide the Court’s Order approving any remedial plan to the Miami-Dade County Elections Department by August 1, 2023, the date the Miami-Dade County Supervisor of Elections requires a remedial map to administer the November 2023 elections. *See id.* at 2; *see also* (ECF No. 26 at 36).

C. Passage of the Remedial Plan

After a series of meetings discussed below, Defendant passed the Remedial Plan. The Court provides background on what occurred at those meetings.

1. The May 11, 2023 Meeting

On May 11, 2023, after Magistrate Judge Louis issued the R&R, but before the Court granted the preliminary injunction, the City Commissioners began discussing how to alter the commission districts if the Court were to enjoin the 2022 Enacted Plan. *See* (“May 11 Meeting” or “5/11 Tr.”) (ECF No. 82-1).

Considering that Magistrate Judge Louis had recently issued the R&R, the May 11 Meeting began with Commissioner Díaz de la Portilla discussing the reason why Miami originally created single member districts, while also explaining his desire to maintain the diversity within those districts. *Id.* 4:16–5:20 (“Because what happened, the reason why single member districts were created back then was to make sure the diversity that Miami has, as we said, it’s already in on the record, doesn’t matter if I say it again, right. . . the reason [it] was created was to keep harmony in our city because we have a very diverse community. . . we want an African American representation, we want a non-Hispanic white representation, we want that.”). According to

Commissioner Díaz de la Portilla, the Commissioners have been trying to “be fair and to provide representation for all communities in our city.” *Id.* 5:12–13. Commissioner Reyes echoed the sentiment. *See id.* 5:14, 13:8–14.

Then, the Commissioners (mostly Commissioner Díaz de la Portilla) discussed a potential alternative to single member districts, suggesting the potential return to “at large districts throughout the city.” *Id.* 3:8–9, 4:1–4, 7:19–21, 13:9–14. The City Commissioners then opened the meeting for public comment. *See id.* 8:19. Multiple citizens spoke about the Enjoined Plan and the importance of community representation. *See id.* 8:21–12:18. After permitting public comment, Defendant’s counsel informed the Commissioners about the present state of the instant Action. *See id.* 13:3–14:1.

The May 11 Meeting concluded with Commissioners Díaz de la Portilla and Reyes providing instruction to De Grandy to commence drawing a new map, which, according to Commissioner Reyes, “will guarantee that ten years from now we’re going to have the diversity. . . in the city government and we are going to elect an Afro American to a seat, that they’re going to be properly represented, as well as other groups.” *Id.* 17:10–13. With this instruction, combined with the additional directive to “explore the at large districts” as possible alternatives, the City Commissioners directed De Grandy to begin redrawing a map of the Enjoined Plan. *See id.* 17:17–18:1.

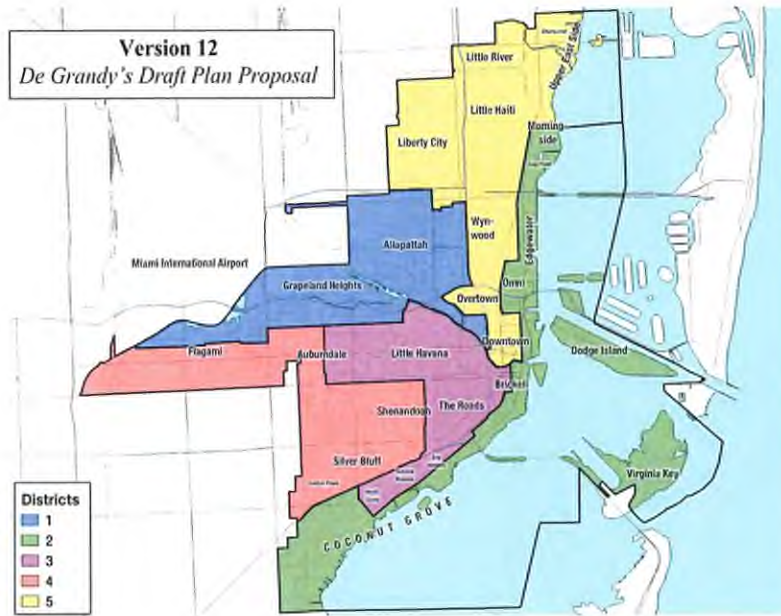
2. The June 14, 2023 Meeting

After the May 11 Meeting, and after this Court entered its Order adopting the R&R, thereby enjoining the use of the 2022 Enacted Plan, the City Commission convened on June 14, 2023 to discuss potential remedial plans. *See* (“June 14 Meeting” or “6/14 Tr.”) (ECF No. 82-2).

At the beginning of the June 14 Meeting, the Plaintiffs presented and advocated for three alternative remedial maps (“P1,” “P2,” and “P3,” respectively). *Id.* 5:21–7:2. Specifically, Plaintiff Yanelis Valdes argued that each of the three maps Plaintiffs created “feature compact and logical districts that respect neighborhoods, follow major geographic boundaries, and preserve genuine communities of interest. They don’t pack Hispanic voters into three specific districts and no longer designate one district as an Anglo access seat. They also fully comply with the VRA and provide[] Black voters with the ability to elect their preferred candidate in District 5.” *Id.* 6:13–17. Plaintiff Valdes then, for the first time, unveiled a new map, P3, “incorporating community feedback and input from [the Commissioners]” which kept together key neighborhoods such as “Flagami, Edgewater, Allapattah and Shenandoah.” *Id.* 6:11–12, 6:19–20. In concluding the presentation, Plaintiff Valdes requested the City Commissioners seriously consider the alternative maps to “undo the violations and remedy the wrongs in the [Enjoined Plan].” *Id.* 6:21–7:1.

De Grandy also presented a thorough examination of his newly proposed plan (“V12”), as well as a comparison between V12 and the Plaintiffs’ first two alternative maps.⁵ *See id.* 8:5–16:13. According to De Grandy, he did not receive Plaintiffs’ third alternative map until the day of the presentation and therefore he had not yet fully reviewed it. *Id.* 8:5.

⁵ De Grandy’s proposed map at the June 14 Meeting was entitled “V12.” Despite the name, Defendant claims that there were no other versions of the proposed map, even though De Grandy discusses both V12 and V14 in the June 14 Meeting.



De Grandy began his presentation by explaining that his current proposal, V12, originated from Plaintiffs’ second proposed alternative map, P2. *Id.* 9:1–3. Using P2 as a template, De Grandy explained that he then made “changes consistent with the policy choices of this elected body.” *Id.* 9:2–3. When crafting V12, De Grandy informed the City Commission that he focused on “political and policy considerations,” “where Commissioners have invested district resources in their projects,” “the need to balance poor areas with areas that have significant economic potential or activity,” “natural and manmade boundaries,” and “keeping as many communities of interest together as feasible.” *Id.* 11:23–12:3, 12:10.

Beginning with a discussion of District 5, De Grandy explained that V12 was crafted to ensure compliance with the Voting Rights Act, but also considered Commissioner King’s directive to include areas that would generate significant economic activity. *See id.* 12:2–3. As a result, V12’s District 5 kept together traditional neighborhoods such as Shorecrest, Belle Meade, Bayside, Little River, Lemon City, Liberty City, and Buena Vista, but also included areas with significant economic activity such as Wynwood, Midtown, and the Design District. *Id.* 12:15–17. Further,

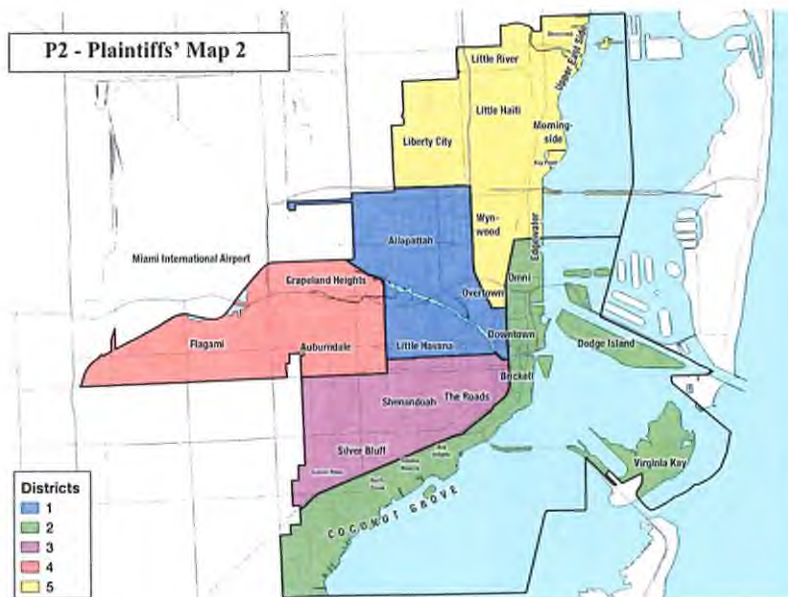
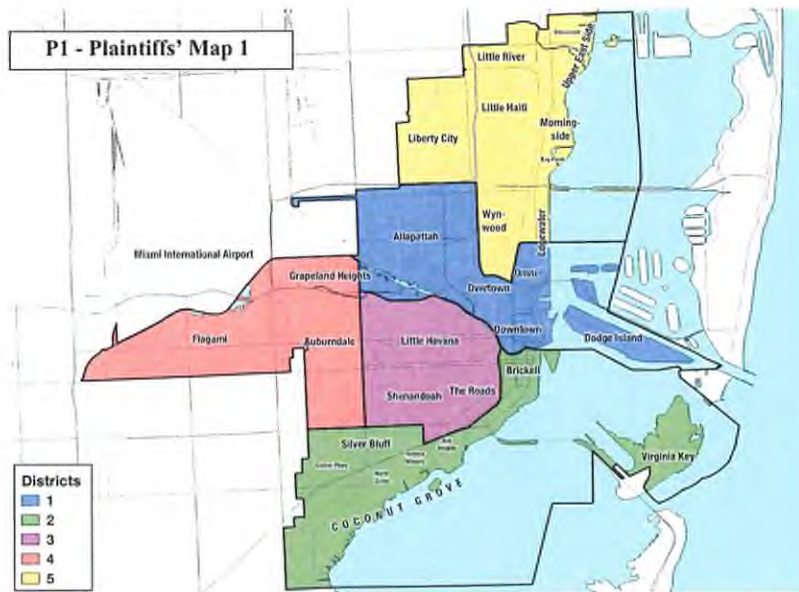
portions of Overtown remained in V12's District 5 based on Commissioner King's prior work in that area regarding affordable housing and public transportation. *Id.* 12:19–22.

As to District 1, V12 “restored the connection to the western part of the city” and contained “the bulk of the Miami riverfront.” *Id.* 13:5–8. De Grandy explained that the riverfront is an important business community worth keeping together in the district, as were other traditional neighborhoods such as Allapattah, Civic Center, Grapeland Heights, and parts of West Flagler and Flagami. *Id.* 13:8–16. V12's boundaries, according to De Grandy, track “significant manmade and natural boundaries such as water boundaries, major roads, the city's municipal boundaries. . . and the borders of traditional neighborhoods as well as I-95.” *Id.* 13:16–19.

Regarding District 2, De Grandy explained that V12 extended District 2 north to take parts of Morningside, and to include “significant portions” of neighborhoods such as Bay Point, Omni, Downtown, Brickell and Coconut Grove. *Id.* 13:20–14:11.

Where V12 is markedly different from the Enjoined Plan, however, are Districts 3 and 4. Because De Grandy concluded that “there is no way to apportion the population of those two districts in a manner that would not result in majority Hispanic percentages in both,” V12 delineates the borders of Districts 3 and 4 based on policy choices. *Id.* 14:16–18. In V12, District 4 splits Flagami, and “preserves the bulk of” Shenandoah, Silver Bluff, and Coral Gate. *Id.* 15:3–6. Consequently, V12's District 3 “wraps around District 4” to ensure “most of Shenandoah” remained in District 4, “while preserving Little Havana intact” in District 3. *Id.* 15:13–15. Finally, De Grandy explained that District 3 “utilizes manmade and natural borders” like the Miami River and Bayshore Drive as logical boundaries. *Id.* 15:16–17.

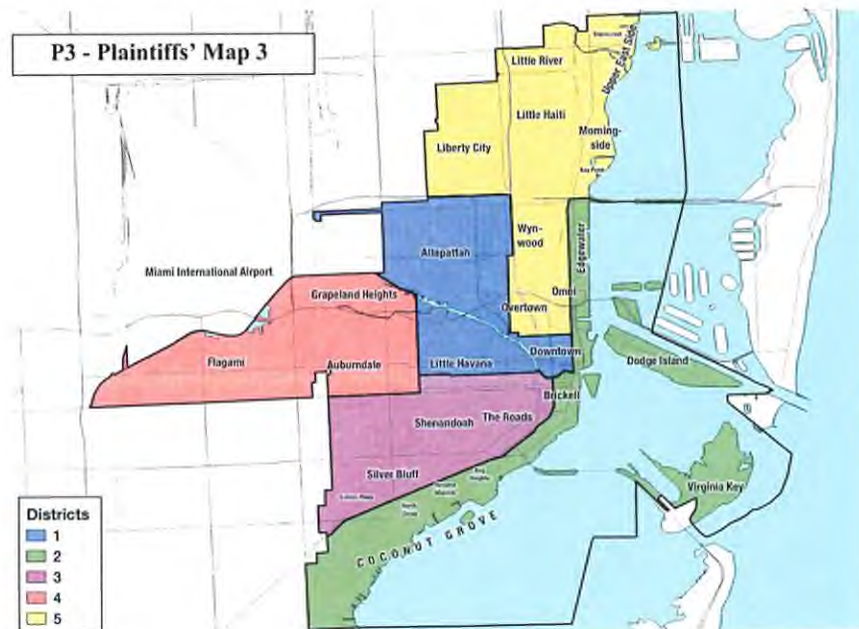
De Grandy also used his time presenting to explain why, in his opinion, Plaintiffs' first two alternative maps, P1 and P2, were comparatively worse alternatives to V12.



Much of De Grandy’s discussion about Plaintiffs’ P1 and P2 revolved around his belief that Plaintiffs created their alternative maps based on their own political preferences. For example, De Grandy explained that “both plans pack the more conservative voters in the western part of the city into D[istrict] 4.” *Id.* 9:12–13. “By packing more conservative voters into D[istrict] 4, shifting areas around, and submerging part of the compact and cohesive Overtown community in D[istrict]

1, the plan is geared to result in a more liberal voting pattern for D[istrict] 1.” *Id.* 9:13–15. De Grandy explained P1 and P2 had a decrease of Republican voters in District 1. *See id.* 10:7–11:2.

Other than presupposing Plaintiffs’ political motives for why P1 and P2 were drawn as they were, De Grandy’s presentation was lacking in discussion as to the substantive merits or detriments of Plaintiffs’ alternatives other than to identify where P1 and P2’s district borders differed from V12. De Grandy did, however, express his confusion regarding one aspect of P1 and P2, namely, that each alternative split parts of Overtown, thereby removing the neighborhood from consisting entirely within District 5. *Id.* 10:2–3. According to De Grandy, he did not understand Plaintiffs’ “radical shift in position” and why Plaintiffs’ alternative maps split Overtown into multiple districts. *Id.* 10:5. However, as mentioned above, De Grandy did not review P3, which included all of Overtown in District 5.



Following De Grandy’s presentation, several citizens expressed their displeasure with V12 for varying reasons, and the Commissioners began negotiating among themselves about how to adjust V12. *See id.* 16:17–31:22. In response to Commissioner Carollo’s comments that Coconut

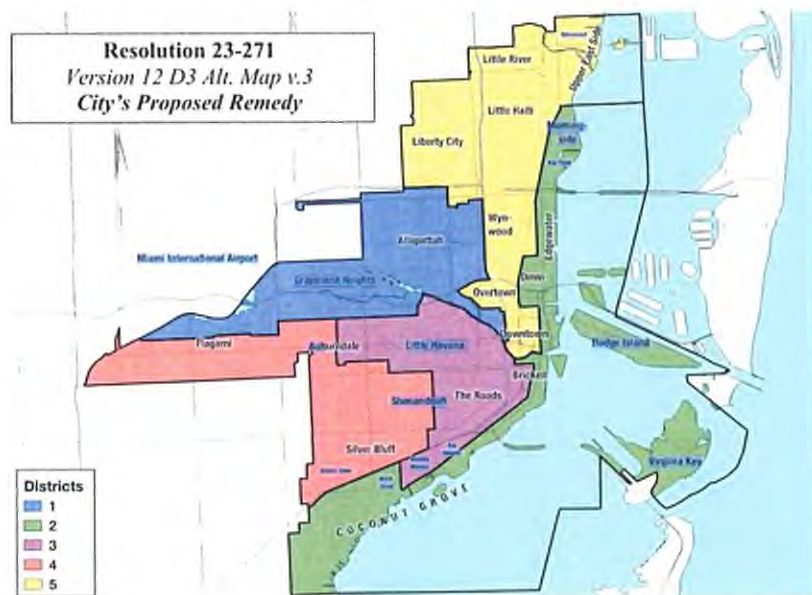
Grove has many different communities, Commissioner Covo expressed her desire to keep Coconut Grove united within one district. *See id.* 39:11–40:12, 42:9–43:3. Commissioner King asked De Grandy if V12 could be altered so none of Morningside would be in District 5, but rather, if it could be moved entirely into District 2. *See id.* 43:21–47:2. Commissioner Carollo indicated that he wanted the entirety of Domino Park to be in District 3. *See id.* 52:21–53:5. Then, Commissioner Reyes informed De Grandy that multiple Commissioners, including Commissioners Covo and Díaz de la Portilla, also made copies of alternative maps. *See id.* 48:20–49:1, 50:4 (Commissioner Díaz de la Portilla explaining that his alternative map was entitled “V14”). Presuming each of the tweaks that each of the Commissioners wished to make to V12 would be minor, the Commission recessed for three hours so De Grandy could make the requested adjustments. *See id.* 55:3–22.

Upon reconvening, De Grandy had prepared another presentation, this time with five alternatives for the Commissioners to consider. *See id.* 58:21–23. Specifically, the presentation included the following five maps: an unaltered V12, V14, Commissioner Carollo’s alternative map, Commissioner King’s alternative map, and Commissioner Covo’s alternative map.⁶ *See id.* 59:5–12.

From this point on, the Commissioners used V12 and the alternate maps to create a finalized remedial map. Commissioner King, on behalf of Commissioner Carollo, indicated her support for a map where Domino Park would be placed entirely into District 3. *See id.* 69:11–18. Commissioner King then asked if People’s Bar-B-Que (an historic restaurant) could be included in District 5. *See id.* 70:8–11. The Commission obliged, and the southern border of District 5 was

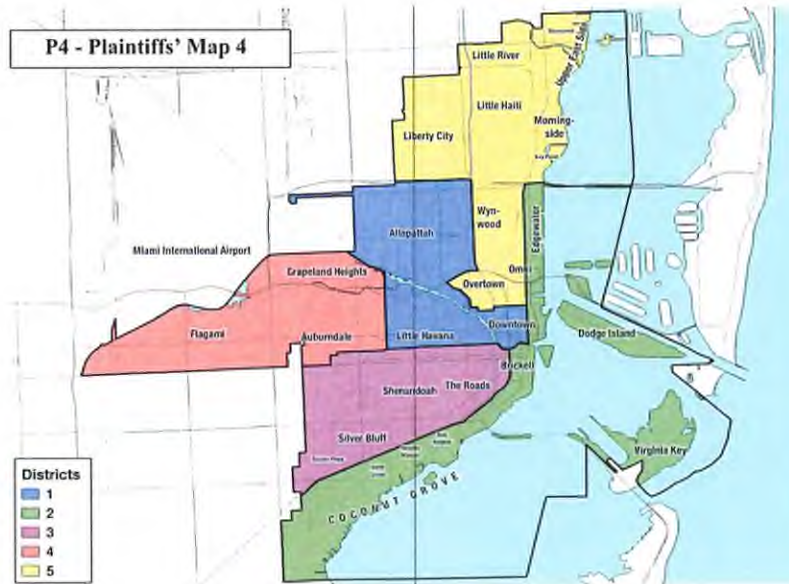
⁶ At this juncture, the Commissioners were no longer considering Plaintiffs’ proposed alternative maps.

moved to include only that restaurant. *See id.* 72:16–17 (noting, however, that only that block containing People’s Bar-B-Que would be moved to District 5, “nothing to the left, nothing to the right, nothing to the center”). Lastly, the Commissioners agreed to restore the “Bahamian Grove” into District 2, though Commissioner Covo failed in her attempt to convince the other Commissioners to place all of Coconut Grove into one district. *See id.* 87:21–22, 89:14–91:19. By majority vote, the Commissioners agreed to pass the Remedial Plan. *See id.* 90:19.



Defendant timely notified the Court of the passage of the Remedial Plan on June 30, 2023. *See* Notice. In their Objections, Plaintiffs allege that the Remedial Plan does not completely remedy the constitutional violation that the Court found was substantially likely to exist in the Enjoined Plan. *See generally* Obj. According to Plaintiffs, the Court should reject the Remedial Plan, and instead, implement Plaintiffs’ fourth alternative map (“P4”). *See id.* at 26–31. Plaintiffs aver that P4 remedies the likely constitutional violations of the Enjoined Plan, adheres to traditional redistricting criteria, complies with federal and state law, comports with the priorities of the city commission where possible, and does not segregate citizens on racial lines. *See id.* In

response, Defendant urges the Court to adopt the Remedial Plan as a constitutional remedy. *See generally* Reply.



Considering the relevant factual background, the Court evaluates the Remedial Plan to determine whether it is constitutionally compliant and if it provides a sufficient remedy for the Enjoined Plan.

II. LEGAL STANDARD

In the instant Action, the Court is not confronted “with an original racial gerrymandering challenge” to the Remedial Plan, but rather, it evaluates the Remedial Plan after a finding that the Enjoined Plan was substantially likely to violate the Equal Protection Clause of the Fourteenth Amendment. *Covington v. North Carolina* (“*Covington I*”), 283 F. Supp. 3d 410, 431 (M.D. Fla. 2018), *aff’d in relevant part*, 138 S. Ct. 2548 (2018). “As such, ‘when a federal court concludes that a . . . districting plan violates the Constitution, the appropriate [legislative] redistricting body should have the first opportunity to enact a plan remedying the Constitutional violation.’” *Jacksonville Branch of NAACP v. City of Jacksonville* (“*Jacksonville II*”), No. 3:22-cv-493-MMH-

LLL, 2022 WL 17751416, at *11 (M.D. Fla. Dec. 19, 2022) (alterations in original). Indeed, “redistricting and reapportioning legislative bodies is a legislative task which the federal courts should make every effort not to pre-empt.” *Wise v. Lipscomb*, 437 U.S. 535, 539 (1978).

Should the legislature proffer a “new legislative plan. . . [it] will then be the governing law unless it too, is challenged and found to violate the constitution.” *Id.* at 540. At that point, the “remedial posture impacts the nature of [a court’s] review.” *Covington I*, 283 F. Supp. 3d at 431. Legislative enactments, including a remedial plan, are still cloaked with the “presumption of legislative good faith,” even after a finding of past discrimination, and the “burden of proof lies with [Plaintiffs], not the State” to demonstrate the remedial map is unconstitutional. *Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018). But the Court must also ensure that any remedial plan “so far as possible eliminate[s] the discriminatory effects of the past as well as bar[s] like discrimination in the future.” *Louisiana v. United States*, 380 U.S. 145, 154 (1965). “In the remedial posture, courts must ensure that a proposed remedial districting plan completely corrects—rather than perpetuates—the defects that rendered the original districts unconstitutional or unlawful.” *Covington I*, 283 F. Supp. 3d at 431 (citing *Abrams v. Johnson*, 521 U.S. 74, 86 (1997)). If the legislature fails to enact “a constitutionally acceptable” remedial plan, then “the responsibility falls on the District Court” to reconfigure the unconstitutional districts. *Chapman v. Meier*, 420 U.S. 1, 27 (1975); see also *White v. Weiser*, 412 U.S. 783, 795 (1973) (holding that a court should not “refrain from providing remedies fully adequate to address constitutional violations”); *Abrams*, 521 U.S. at 86 (holding a remedial districting plan cannot be sustained if it “would validate the very maneuvers that were a major cause of the unconstitutional districting”).

III. DISCUSSION

At this juncture, the Court has granted Plaintiffs' motion for a preliminary injunction. *See generally* Order. Now, while affording great deference to the City Commission and presuming good faith on their behalf when passing the Remedial Plan, *see Abbott*, 138 S. Ct. at 2324, the Court must determine whether the Remedial Plan completely corrects the constitutional infirmities the Court found were substantially likely to exist in the Enjoined Plan. *Covington I*, 283 F. Supp. 3d at 431. If the Remedial Plan does not make the necessary corrections, the Court has the duty to "cure [the] illegally gerrymandered districts" by creating a constitutional reapportionment plan or choosing an alternative. *North Carolina v. Covington ("Covington II")*, 138 S. Ct. 2548, 2553 (2018) (per curiam); *see also White*, 412 U.S. at 794.

When considering whether the Remedial Plan is a sufficient remedy to the Enjoined Plan, the Court first assesses Defendant's arguments in favor of the Remedial Plan's constitutionality. Next, the Court considers Plaintiffs' argument that, based on direct evidence of the Commissioners' stated intent when redistricting and circumstantial evidence that the Remedial Plan perpetuates the unconstitutional aspects of the Enjoined Plan, the Remedial Plan fails to provide a constitutional remedy. Finally, after determining that the Remedial Plan is not a constitutional remedy, the Court analyzes whether Plaintiffs alternative map, P4, passes constitutional muster.

A. Defendant's Arguments in Favor of the Remedial Plan's Constitutionality are Unavailing

Defendant proffers two main arguments in support of why, in its view, the Remedial Plan is constitutional. First, Defendant would have the Court evaluate the Remedial Plan as a new redistricting plan, and "not an interim remedial plan."⁷ Reply at 2; *cf. Jacksonville II*, 2022 WL

⁷ According to Defendant, because the Remedial Plan was "not an interim remedial plan," Plaintiffs' "attacks on the [Remedial] Plan are moot." Reply. at 2; *see also* (ECF No. 80)

17751416, at *13 (explaining “the City would have the Court start its review of racial predominance on a clean slate”). According to Defendant, because the new plan is not “remedial,” the Court must consider the action anew, meaning the Court should not consider whether the Remedial Plan completely corrects the constitutional infirmities that are substantially likely to exist in the Enjoined Plan. Reply at 5–6, *see also* (ECF No. 80). In Defendant’s view, it follows that when the Remedial Plan is considered anew, it is constitutional. Reply at 5–6. Secondly, Defendant avers that aside from District 5 (the VRA district), the entire process by which the Remedial Plan was enacted occurred “without any discussion of race” and is thus constitutional. *See id.* at 5, 7 (“At no other point was race discussed except to the extent it was necessary to confirm that District 5 would be a VRA performing district.”). Instead, according to Defendant, the Commissioners focused on “maintaining communities in which they had invested District resources,” “maintaining population variances at acceptable levels,” “political considerations,” and ensuring the Commissioners would “not be[] drawn out of their districts.” *Id.* at 5–6, 9. The Court addresses each argument in turn.

Defendant’s first argument—that the Remedial Plan should be considered anew, as if it were entirely untethered to the Enjoined Plan—is unavailing. Try as it may, Defendant’s attempt to classify the Remedial Plan as an entirely new plan will not alter the remedial nature of this action, nor will it alter the Court’s review. *See* Section II, *supra*. As the Court has already made clear, the “remedial posture impacts the nature of our review.” *Covington I*, 283 F. Supp 3d at 431; *see also Jacksonville II*, 2022 WL 17751416, at *1 (following the issuance of a preliminary injunction, the court reviewed the remedial plan to determine whether it “cure[d] the constitutional

(Defendant’s Motion to Dismiss on mootness grounds). Finding Defendant’s argument unsupported by decades of Supreme Court and Eleventh Circuit precedent, the Court denied Defendant’s Motion to Dismiss. *See generally* (ECF No. 91).

violations that the Court found were substantially likely to exist”). While the Remedial Plan still enjoys a presumption of good faith, “courts must ensure that a proposed remedial districting plan completely corrects—rather than perpetuates—the defects that rendered the original districts unconstitutional or unlawful.” *Covington I*, 283 F. Supp. 3d at 431 (citing *Abrams*, 521 U.S. at 86). The Remedial Plan is not insulated from this type of review simply because Defendant claims the plan is not remedial; the Court’s duty to assess the constitutionality of a remedial map does not turn on whether Defendant classifies it as such.

Defendant is also mistaken that the Remedial Plan is constitutional because, in Defendant’s view, there was no discussion of race during its enactment (other than to ensure VRA compliance regarding District 5). But as courts have made clear, “the race-blind criterion alone does not immunize the districts in the Remedial Plan from further review nor does it necessarily remedy the constitutional violation.” *Jacksonville II*, 2022 WL 17751416, at *14. “[T]he Supreme Court long has recognized that a statute enacted by a state legislature to remedy an unconstitutional race-based election law can perpetuate the effects of the constitutional violation, and thereby fail to constitute a legally acceptable remedy, even when the remedial law is facially race-neutral.” *Covington I*, 283 F. Supp. 3d at 434. Such an approach is only logical. Otherwise, “a state redistricting body tasked with redrawing districts to remedy a racial gerrymander could adopt the exact same districts as those held unconstitutional so long as the redistricting body relied on prior district lines, not race, in drawing the purportedly remedial districts.” *Id.* at 435 (emphasis omitted). Therefore, Defendant’s argument that race was not a factor in the process of enacting the Remedial Plan is not dispositive, because even if the Remedial Plan was enacted in a facially race-neutral manner, circumstantial evidence may yet demonstrate that the plan unconstitutionally

sorted voters based on race. *See Covington II*, 138 S. Ct. at 2553. And, as discussed later, *see* Section III.B.1, *infra*, the Court finds that race *did* factor into the creation of the Remedial Plan.

Based on the aforementioned discussion, the Court disagrees with Defendant’s arguments.

B. Considering Direct and Circumstantial Evidence, the Court Finds that the Remedial Plan Does Not Remedy the Enjoined Plan

Now the Court must evaluate whether the Remedial Plan “completely corrects” the unconstitutional gerrymanders the Court found was substantially likely to exist in each district in the Enjoined Plan. The Court examines whether: (1) direct evidence demonstrates the Commissioners intended the Remedial Plan to perpetuate the unconstitutional aspects of the Enjoined Plan; and (2) circumstantial evidence demonstrates that the Commissioners chose “to rely on redistricting considerations that have the potential to carry forward the effects of the constitutional violation—like preserving district cores.” *Covington I*, 283 F. Supp 3d at 435. The Remedial Plan will be unconstitutional if Defendant “prioritized criteria that were predestined to perpetuate, rather than correct, the preexisting racial gerrymandering.” *Jacksonville II*, 2022 WL 17751416, at *14.

1. Direct Evidence

A party can demonstrate that a remedial plan perpetuates the unconstitutional aspects of its predecessor by relying on “direct evidence going to legislative purpose” in the drawing of the remedial plan. *See Miller v. Johnson*, 515 U.S. 900, 916 (2018). Such evidence would clearly demonstrate that a remedial plan’s “new districts were mere continuations of the old, gerrymandered districts” and that voters “remain segregated on the basis of race.” *Covington II*, 138 S. Ct. at 2553.

Plaintiffs argue that “from the outset of their process, multiple Commissioners repeated their attitude that representation on the Commission was racially categorical, that the redistricting’s

goal was to draw one Black, one Anglo, and three Hispanic seats. . . and that [the Commissioners] had done the right thing [when enacting the Enjoined Plan].” Obj. at 9. According to Plaintiffs, the Commissioners reiterated their commitment to drawing a map that would ensure the aforementioned racial breakdown of the districts would remain during the May 11 Meeting. *See id.* Defendant retorts that the relevant meeting to determine legislative intent is the June 14 Meeting where the Remedial Plan was adopted, not the May 11 Meeting. *See Reply* at 7–8. Further, Defendant argues that the statements of legislative intent Plaintiffs identify are “taken out of context, or simply misleadingly editorialized.” *Id.* at 8.

Before examining the content of the statements at the May 11 Meeting, the Court pauses briefly to explain that it *should* consider the May 11 Meeting when determining the Commissioners’ intent. Defendant attempts to convince the Court otherwise, arguing that “[a]t the May 11 meeting, redistricting plans were not considered and [De Grandy] was not present.” *Id.* Yet, at the May 11 Meeting, the Commissioners discussed potential redistricting solutions, and the conversation ultimately culminated in the Commissioners unanimously agreeing to direct De Grandy to begin redrawing a map based on certain criteria discussed during the meeting. *See 5/11 Tr.* 17:9–20. Thus, the Court finds the May 11 Meeting relevant insofar as it provides insight to both the Commissioners’ legislative intent and their directions to De Grandy.

Regarding the Commissioners’ statements during the May 11 Meeting, the Court agrees with Plaintiffs that some statements reaffirm Defendant’s intent to ensure that one district would have a Black representative, one would have an “Anglo” representative, and the other three representatives would be Hispanic. Obj. at 9. As noted above, Defendant argues that these statements were “taken out of context” and “are utterly devoid of racial intent.” *Reply* at 8–9. To a certain extent, Defendant is correct. For example, one such statement Plaintiffs cite to, a

statement from Commissioner Reyes, appears to summarize the drafters' approach in the Enjoined Plan rather than demonstrate any present intent to perpetuate the racial gerrymandering in the forthcoming Remedial Plan.

I'm gonna say the ACLU, they're claiming that it was not fair. You see? You be careful what you wish for because the way that we have been dealing for a long time, every time that they have been since day one when their boundaries were drawn, it was to assure diversity in the city of Miami. And the only way that we can assure diversity of the city of Miami is by—I'm going to call a spade a spade—[sic] gerrymandering. We have to bunch together ethnicity, ethnic borders in order to be able to have Afro American, make sure that they are represented, and non-Hispanic white in the—in representing the city of Miami. So, if they are—now they are accusing us of gerrymandering, if we go now on and instead of having districts and we don't draw the districts to assure [sic] that we have that representation. You have a point there and see, what do they think, because they are going to be the culprit of eliminating diversity in the city of Miami government.

Id. at 8 (quoting 5/11 Tr. 6:2–14).

But, while this one statement does not demonstrate present legislative intent, the multiple other statements Plaintiffs identify during the May 11 Meeting do. For example, when discussing the lawsuit and the possibility of returning to a citywide election system in light of the R&R's findings, Commissioner Díaz de la Portilla stated: “we want an African American representation, we want a non-Hispanic white representation, we want that. I think it adds to the—to the fiber of our city and adds to the representation that we provide up here.” 5/11 Tr. 4:21–22. With this comment, Commissioner Díaz de la Portilla reiterated his belief that the racial breakdown of the districts in the Enjoined Plan was actually beneficial, thus suggesting his intent that any remedial plan should also retain these race-based characteristics.

Further, when explaining what he believed to be the consequences of eliminating election districts altogether, Commissioner Reyes stated: “what are the consequences if we go and we eliminate the districts. . . if we eliminate the districts, we're going to have five Hispanics sitting here, just because of the composition of the population. It is just that simple. You see?” *Id.*

13:10–14. As noted above, the Commissioners believed the Enjoined Plan assured diversity in Miami, and if election districts were removed, the Commissioners believed it would “eliminate diversity” of representation. *Id.* Commissioner Reyes’s commentary supports the notion that the Commissioners’ intended any remedial plan moving forward should not “eliminate diversity” of representation in the electoral districts.

Then, as a result of the conversation explaining the original rationale for using electoral districts, and after the Commissioners had the opportunity to explain that they passed the Enjoined Plan (and plans prior) to provide for representation of “all groups in our city,” the Commissioners unanimously directed De Grandy to “start redrawing a map[,] that will guarantee that ten years from now we’re going to have the diversity. . . in the city government and we are going to elect an Afro American to a seat, that they’re going to be properly represented, as well as other groups.” *Id.* 17:9–13. This explicit directive provides the strongest evidence that the Commissioners intended the Remedial Plan to carry forward the very same race-based characteristics of the Enjoined Plan that the Court found was substantially likely to be unconstitutional.

Defendant argues that the “transcripts [of the May 11 Meeting] speak for themselves.” Reply at 8. Indeed, they do. After review of the May 11 Meeting and the quotations referenced above, the Court does not view the Commissioners as only discussing “why single member districts were created back then,” or whether to return to an at-large electoral system. Reply at 8 (quotations and emphasis omitted). Instead, the May 11 Meeting is better understood as the Commissioners explaining why they believed their initial approach when enacting the Enjoined Plan (*i.e.* creating the gerrymandered districts), was the correct approach, and after some discussion, unanimously directing De Grandy to maintain the racial breakdown of each district in

a new map.⁸ The directive to De Grandy is clear, and the Commissioners' statements during the May 11 Meeting combined with their directive to De Grandy support a finding that the Commissioners intended for the Remedial Plan to preserve the prior racial breakdown of the Enjoined Plan, thus perpetuating rather than remedying the unconstitutional racial gerrymandering.

2. Circumstantial Evidence

In addition to direct evidence, a plaintiff may rely upon “circumstantial evidence that race for its own sake, and not other districting principles, was the legislature’s dominant and controlling rationale in drawing’ the lines of legislative districts.” *Covington II*, 138 S. Ct. at 2553 (quoting *Miller*, 515 U.S. at 913). During the remedial portion of a case, “circumstantial evidence [can] demonstrate[] that the effects of prior racial gerrymandering . . . remain present in [a] [r]emedial plan.” *Jacksonville II*, 2022 WL 17751416, at *17 (reviewing circumstantial evidence such as core retention data, demographic shifts between the enjoined and remedial plan, and that district borders were drawn to ensure incumbency protection).

Here, Plaintiffs identify multiple circumstantial reasons as to why the Remedial Plan perpetuates the racial gerrymandering from the Enjoined Plan. First, Plaintiffs argue that the Remedial Plan is staggeringly similar to the Enjoined Plan, and accordingly, the Remedial Plan suffers from the same impact of the unconstitutional race-based sorting as its predecessor. *See*

⁸ Defendant attempts to describe the Commissioners’ directive to De Grandy as something entirely different—a discussion where Commissioner Reyes explained his desire to preserve the VRA-required District 5 among a greater discussion of at-large districts. Reply at 9. The Court does not ascribe much weight to this argument given that during the relevant portion of the May 11 Meeting, Commissioner Reyes only references District 5 implicitly when directing De Grandy to preserve a “Afro American to a seat” along with other groups and doesn’t mention at-large electoral districts at all. *See* 5/11 Tr. 17:9–16. Though this directive may have occurred in the context of a larger discussion, it still included instructions to begin drawing a map preserving the racial breakdown from the Enjoined Plan.

Obj. at 10–11. Further, Plaintiffs aver that Defendant’s alterations to V12 during the June 14 Meeting “claw[ed] back even more elements of the Enjoined Plan,” thereby reaffirming “the Commission’s original handiwork.”⁹ *Id.* at 11. Likewise, Plaintiffs argue race remains the predominant factor the Commission considered in the unaltered aspects of V12 which the Commissioners incorporated in the Remedial Plan, and Defendant has not made a showing of satisfying strict scrutiny. *See id.* at 16–26.

In turn, Defendant argues the Remedial Plan is constitutional because the Commissioners focused on legitimate, non-racial criteria, such as political considerations, where they had invested substantial district resources, and where candidates reside. *See Reply* at 5–6, 9. For the following reasons, the Court finds that even if the Commissioners did employ the above-mentioned criteria, those considerations had the impact of perpetuating, rather than completely correcting, the constitutional infirmities of the Enjoined Plan.

Specifically, the Court considers the following circumstantial evidence: the Remedial Plan’s core retention rate, whether the Commissioners’ alterations (or lack thereof) to V12 incorporated in the Remedial Plan preserve the unconstitutional aspects of the Enjoined Plan, and whether race still predominates in each district in the Remedial Plan.

i. The Remedial Plan’s Core Retention Rate Provides Evidence of the Commissioners’ Intent to Maintain the Enjoined Plan’s Features

⁹ As previously discussed, after this Court enjoined Defendant from using the 2022 Enacted Plan, De Grandy proposed V12. Plaintiffs argue the Commissioners made changes to V12 such that V12 became more similar to the Enjoined Plan than V12 was originally. *See Obj.* at 11–15. These alterations were incorporated in the Remedial Plan. *Id.* at 11. Plaintiffs argue that these alterations, resulting in the Remedial Plan more closely resembling the Enjoined Plan than V12 did, is circumstantial evidence that the Remedial Plan does not fully remedy the Enjoined Plan. *Id.*

When determining “core retention rate,” “mapmakers lock in prior district configurations with the aim of populating each new district with the residents of its predecessor district, adjusting as needed to restore population equality.” Robert Yablon, *Gerrylaundersing*, 97 N.Y.U. L. Rev. 985, 1006 (2022). Generally, high core retention rates provide circumstantial evidence of legislative intent to preserve the features of the previously unconstitutional district. *See Covington II*, 138 S. Ct. at 2551. Indeed, the Supreme Court affirmed the rejection of a remedial plan where the districts “retain[] the core shapes of districts that [the trial court] had earlier found to be unconstitutional.” *Id.*

The core retention rates in the instant Action show that nearly all Miamians remain in the same district under the Remedial Plan as in the Enjoined Plan. *See* Obj. at 10 (citing (“McCartan Rep.”) (ECF No. 82-11 at 8)). When core retention rates in a remedial plan are high, *Jacksonville II* is instructive. In *Jacksonville II*, the court found that the “unrebutted data [shows] that the vast majority of Black residents living in the Packed Districts under the Enjoined Plan remain in one of the Packed Districts under the Remedial Plan.” *Id.* at *13. According to the *Jacksonville II* Court, the high core retention rates demonstrated that the remedial plan perpetuated “the harmful effects of the City’s decades-long history of racial gerrymandering.” *Id.* at *14. Similarly, in the instant Action, 94.1% of Miamians remain in the same district under the Remedial Plan. *See* McCartan Rep. at 8; *cf. In re SJR 1176*, 83 So. 3d 597, 662, 665 (Fla. 2012) (finding a core retention rate of 82.6% to be overwhelming). The Court agrees with Plaintiffs that the core retention rates between the Remedial Plan and the Enjoined Plan are “staggeringly high,” and, like in *Jacksonville II*, indicate that the Remedial Plan does not completely correct the unconstitutional aspects of the Enjoined Plan. Obj. at 10.

Importantly, the Remedial Plan not only retains the vast majority of the district cores from the Enjoined Plan, but the actual citizens who were moved to a different district under the Remedial Plan “point to continued racial predominance.” *Id.* Plaintiffs’ expert Dr. Abott explains that, though 5,125 residents were moved from Districts 1, 3, and 4 (the predominantly “Hispanic districts” under the Enjoined Plan) to Districts 2 and 5, these citizens were only 58.8% Hispanic Voting Age Population (“HVAP”) (compared to the HVAP of Districts 1, 3, and 4, in the Enjoined Plan ranging from 88–90%).¹⁰ *See* (“2nd Abott Rep.”) (ECF No. 82-12 at 8–9). Moreover, Dr. Abott showed that, of the 4,735 residents removed from District 5 in the Remedial Plan, only 16.6% are Black, even though the Black Voting Age Population (“BVAP”) of District 5 is 50.3%. *Id.* at 4, 9. Moreover, areas that were approximately 90% HVAP were shuffled among Districts 1, 3, and 4—“creating the illusion they changed while maintaining their demographics.” *Obj.* at 10 (citing 2nd Abott Rep. at 5, 7, 8–9) (explaining that the approximately 1,000 people moved between Districts 1, 3, and 4 were predominantly Hispanic and did not alter the racial breakdown from the Enjoined Plan). These changes suggest that the voters who were either moved out of, or among Districts 1, 3, and 4, did not result in meaningful changes from the Enacted Plan.

The Court finds it illustrative to see which voters the Commissioners chose to move in the Remedial Plan. As explained above, District 2 retains a large Anglo population with a disproportionately “less-Hispanic” population moved into it, District 5 remains a 50.3% BVAP,

¹⁰ The Court notes that Defendant has filed a Motion to Strike Carolyn Abott’s Improper Opinions Assessing the Credibility of Witnesses and Speculating About the City’s Considerations and Motivations in Creating a New Plan. (ECF No. 87). Therein, Defendant argues that Dr. Abott improperly “conclu[ded] that the changes in the City’s proposed new map appear to continue to be designed around racial and ethnic considerations, and there is no basis on which to make the argument that these considerations were instead partisan in nature.” *Id.* at 2. (internal quotations omitted) (alterations in original). Because the Court does not rely upon her conclusions about the Commissioners’ intent or state of mind, but solely considers the underlying data and related analyses from her expert report, the Court will issue an order denying as moot the Motion to Strike.

and the Hispanic populations of Districts 1, 3, and 4, are shuffled among each other. *See Jacksonville II*, 2022 WL 1775146, at *13 (rejecting a remedial plan, in part, because “Black voters [were] shuffled among—but not out of—the Packed Districts”) (emphasis omitted). The populations that were moved, and what districts they were moved into, conspicuously align with the racial breakdown of the Enjoined Plan. Considering that 94.1% of Miamians remain in the same district as they were under the Enjoined Plan, and which citizens were moved indicate a legislative intent to retain the racial breakdown of the Enjoined Plan, the Court finds that this circumstantial evidence supports the conclusion that the Remedial Plan perpetuates the unconstitutional aspects of the Enjoined Plan.

ii. The Commissioners’ Adjustments to V12 Provide Circumstantial Intent to Preserve the Racial Breakdown of the Enjoined Plan

A party may also provide circumstantial intent that a remedial plan preserves the unconstitutional aspects of prior plan by demonstrating that a remedial plan does not meaningfully alter an enjoined plan’s district borders. *Jacksonville II*, 2022 WL 17751416, at *14; *see also Covington I*, 283 F. Supp 3d at 436 (examining circumstantial evidence that the remedial version of a map still retains the core of the unconstitutional version of a district). Here, Plaintiffs argue that, following De Grandy’s initial presentation unveiling V12, the Commissioners suggested alterations to V12 (which were included in the Remedial Plan). According to Plaintiffs, these alterations “claw back even more elements of the Enjoined Plan.”¹¹ Obj. at 11. Because these alterations were incorporated into the Remedial Plan, Plaintiffs argue that the similarities between Remedial Plan and the Enjoined Plan demonstrate the Commissioners’ intent to preserve the Enjoined Plan’s unconstitutional components.

¹¹ Darker shaded areas in the below figure represent the alterations to V12 that were ultimately incorporated into the Remedial Plan.



Areas Shifted Between District 2 and District 3

Multiple changes to V12 that were incorporated into the Remedial Plan preserved elements of the Enjoined Plan. Recall, in the Enjoined Plan, District 2 was intended to be the so-called “Anglo-District.” At Commissioner Carollo’s request, Area 21 in V12 was removed from District 3 and returned to District 2, just as it was in the Enjoined Plan. *See* 6/14 Tr. 65:6–7. Area 21 has one of the highest White Voting Age Populations (“WVAP”) in the city, 54.8%. *See* 2nd Abott Rep. at 19. The Commissioners also added Area 25—with no instruction to do so during the May 11 or June 14 Meetings—to District 2. *See* Obj. at 12. Area 25 is a plurality-white part of the city. *See* 2nd Abott Rep. at 19. Then, the Commissioners moved the plurality HVAP Area 24 into District 3. *See* 6/14 Tr. 38:5–39:10; Obj. at 12. Plaintiffs argue that these changes not only altered V12 so that the eventual remedial map would be more like the Enjoined Plan, but that the specific

alterations were done to “preserve the categorical racial divisions in the Enjoined Plan.” Obj. at 11–12.

Defendant argues that “[t]he Commission had valid, non-racial reasons for the lines it drew,” “Coconut Grove. . . had to shed population,” and that “[d]rawing Commissioner Carollo’s house into his district is not a racial motivation.”¹² Reply at 7. All of these points may be true. But, simply ensuring that Commissioner Carollo maintains a residence in District 3 does not explain the other alterations along the District 2 and District 3 border. Moreover, that Coconut Grove had to shed population does not explain why the Commissioners decided that majority and plurality WVAP portions of District 3 would be added back to District 2, as opposed to any other area. *See* 6/14 Tr. 65:6–7 (Commissioner Carollo requested that an area of the North Grove between 22nd and 27th Avenues (Area 21) be returned to District 2 without providing any explanation). Nor does it explain why the plurality HVAP Area 24 was moved out of District 2 to District 3. *See id.* 38:5–39:10 (Commissioner Carollo asked for this area to be moved but again provided no rationale). While Defendant avers there were non-racial reasons for the alterations it made to V12, it provides very little, if any explanation.

Thus, the Court finds that the areas shifted between Districts 2 and 3 in the Remedial Plan provide circumstantial evidence that the Commissioners intended the Remedial Plan retain the race-based characteristics of the Enjoined Plan.

Areas Shifted Between District 3 and District 4

Next, Commissioner Carollo requested a change to V12 involving the border of District 3 and District 4, which in the Enjoined Plan, were majority Hispanic districts. Initially, in V12, all

¹² Commissioner Carollo owns a residence in Coconut Grove, and his residence was incorporated into District 3 in both the Enjoined and Remedial Plan.

of Silver Bluff existed within District 4, as did all but two blocks of Shenandoah. *See* 6/14 Tr. 15:2–6 (V12 shifted the border of the two districts eastward from 17th Avenue in the Enjoined Plan to 14th Avenue). Commissioner Carollo requested that De Grandy adjust V12 so that the border of 17th Avenue in the Remedial Plan be restored to “that same line as before” (i.e., in the Enjoined Plan). *Id.* 37:1–2. De Grandy obliged, and the 17th Avenue border was restored in the Remedial Plan to mirror its predecessor. *See id.* 77:6–9.

According to Plaintiffs, the consequences of this alteration resulted in the splitting of traditional neighborhoods. *Obj.* at 13. Plaintiffs aver that “nearly 2,000 people between 14th and 17th Avenues moved back into D[istrict] 3.” *Id.* (citing 2nd Abbott Report at 19). To equalize population, Plaintiffs argue De Grandy then moved portions of Auburndale and Little Havana into District 3. *See id.* Therefore, Plaintiffs aver that “at Commissioners’ requests, [the alterations to V12] continu[ed] the division of ‘distinct’ and ‘historical’ Shenandoah, Silver Bluff, and Little Havana that Commissioners had kept divided in the Enjoined Plan to balance Hispanic populations and facilitate racial separation.” *Id.*

Defendant (and Commissioner Carollo in the June 14 Meeting) explain that this specific alteration occurred because the “Commissioners publicly allocated blocks based on where they had invested resources in parks.” *Reply* at 5. Indeed, when discussing a potential alteration to include the 17th Avenue border, Commissioner Carollo explained that the area was “where we just invested significant amounts in a park.” 6/14 Tr. 34:13–14. Plaintiffs, however, argue that Defendant’s explanation is insufficient because the “park [i]s *still* on the D[istrict] 4 side of the line.” *Obj.* at 12–13 (emphasis in original). After a thorough review of the record, the Court finds that the transcripts of the June 14 Meeting do not indicate which park Commissioner Carollo was referencing, nor does Defendant provide an address of the park. *See generally* *Reply*; 6/14 Tr.

Accordingly, the Court is unable to fully evaluate the rationale of the shift of the border between District 3 and District 4, and thus, does not consider these changes to perpetuate the unconstitutional features of the Enjoined Plan.

Morningside

Plaintiffs also argue that the Commission's alterations of Morningside from V12, which culminated in the neighborhood being split in the Remedial Plan, perpetuated the unconstitutional impact of the Enjoined Plan. *See* Obj. at 13–14. V12 proposed moving Area 26 (41.9% WVAP and 11.8% BVAP) out of District 2 and into District 5, which would split the neighborhood. *Id.* at 13 (citing 2nd Abott Rep. at 19). Upon review of V12, Commissioners Covo and King discussed the alteration. *See* 6/14 Tr. 42:13–47:6. Specifically, Commissioner Covo objected to Morningside being split between districts, and Commissioner King opined that the entirety of Morningside should be restored to District 2. *See id.* 42:13, 44:2. Commissioner King requested that De Grandy revise V12 accordingly. *See id.* 45:13–15. De Grandy partially obliged, and the Remedial Plan includes Area 26, but not all of Morningside, in District 2.

According to Plaintiffs, the Remedial Plan's inclusion of Area 26 in Districts 2 is problematic. *See* Obj. at 13–14. Plaintiffs argue that this change “excludes from D[istrict 5] the low-BVAP neighborhoods south of the existing district boundary” and that the “southern part [Commissioner] King declined adding from V12 to make Morningside whole in District 5 is 10.1% BVAP.” *Id.* at 14. Moreover, Plaintiffs find it significant that the Commission rejected “at least four alternative plans that avoided ‘splitting up neighborhoods’ in and around Morningside by adding the neighborhood to D[istrict] 5.” *Id.* (noting that the Commissioners rejected the following Plans: P1, P2, P3, and one of De Grandy's alternatives, D1). To Plaintiffs, this evidence

demonstrates that the Remedial Plan divided Morningside along racial lines to preserve the racial breakdown of Districts 2 and 5 from the Enjoined Plan. *See id.* at 13–14.

Defendant responds, but only to explain “[t]he Commissioners from District 2 & 5 publicly discussed keeping that community together and where it should go.” Reply at 9. Defendant does not address Plaintiffs’ allegation that the low-BVAP neighborhoods were deliberately excluded from District 5 in the Remedial Plan, nor does it provide a response regarding why, after the Commissioners expressed their concern about splitting Morningside, Morningside was not wholly included in District 2. Rather, Defendant only explains that “there was nothing nefarious about the conversation or the decision.” *Id.*

Because Defendant provides little explanation, if any, on why Area 26 (but not all of Morningside) was restored to District 2, and Plaintiffs have provided evidence that the Remedial Plan (1) splits neighborhoods in and around Morningside; and (2) excludes low-BVAP neighborhoods from District 5, the Court finds Plaintiffs’ more argument persuasive. The alterations to Morningside from V12 to the Remedial Plan provide circumstantial evidence that the Remedial Plan perpetuated the unconstitutional aspects of the Enjoined Plan.

Overtown

Lastly, Plaintiffs argue that the Commissioners’ alterations to V12 regarding Overtown were racially motivated. *See* Obj. at 14–16. During the June 14 Meeting, De Grandy’s presentation of V12 as it pertained to Overtown included an extended discussion of Plaintiffs’ P1 and P2 alternative maps. First, De Grandy criticized Plaintiffs’ suggested alternative district configurations that would divide Overtown.¹³ *See* 6/14 Tr. 16:4–8. Then, De Grandy explained

¹³ As referenced, Section I, *supra*. De Grandy mentioned that he did not have time to review Plaintiffs’ P3. Plaintiffs’ P3 included all of Overtown in District 5.

how his review of Google Maps and the Neighborhood Enhancement Team (“NET”) confirmed that all of Overtown was included in District 5 in V12. *See id.* 16:6–7.

But, according to Plaintiffs, De Grandy’s definition of Overtown and its inclusion in V12’s District 5 is not as straightforward as the consultant would suggest. *See* Obj. at 15. Plaintiffs’ expert, Dr. Abott, opined that De Grandy excluded portions of Overtown in V12 which are included in Google Maps and NET, the very sources upon which De Grandy relied. *See* 2nd Abott Rep. at 9–11. Further, Dr. Abott explained that the portions De Grandy omitted from his definition of Overtown are included in both the Miami Police Department (“MPD”) and Convention & Visitors Bureau’s (“CVP”) description of the neighborhood. *See id.* at 9–10. Plaintiffs also identify that the City Code provides an even broader definition of Overtown than the MPD and CVP, all three of which provide a broader definition of Overtown than the one De Grandy used when drawing the border of V12’s District 5. Obj. at 15 (citing City Code § 2-1051). According to Plaintiffs, “De Grandy defined Historic Overtown along racial lines, resulting in the area being split into District 1 and District 5 on the basis of race,’ with his ‘definition shor[ing] up the existing racial composition of District 5 and . . . the Hispanic supermajority in District 1.’”¹⁴ *Id.* (quoting 2nd Abott Rep. at 11) (alterations in original).

Consequently, Plaintiffs argue that “[t]he Commission ratified a definition of Overtown that defined it along racial lines, excluding majority Hispanic areas,” and “[i]n doing so, [Defendant] strenuously ensured that none of the majority-Hispanic parts of the area would move out of D[istrict] 1.” *Id.* (emphasis omitted). The result, to Plaintiffs, is that the definition of

¹⁴ Plaintiffs also identify the Commissioners’ discussion of one minor alteration—the addition to District 5 of the Overtown restaurant People’s Bar-B-Que—as further evidence that V12’s borders separated Overtown along racial lines because no other portion of the border was moved. Specifically, Plaintiffs emphasize Commissioner Díaz de la Portilla’s comments that “*only* the restaurant should move, nothing more” into District 5. Obj. at 15 (emphasis in original).

Overtown as incorporated into the Remedial Plan “is predominantly a function of the Commission’s goal to hew to the Enjoined Plan and separate Hispanic from Black residents.” *Id.*

Defendant hardly engages with Plaintiffs’ arguments. Defendant only states that “Plaintiffs quibble over the boundaries of Overtown, an undefined neighborhood, and cite to the boundaries of the . . . City Code (§2-1051). . . which states that the boundaries of this purely advisory board are approximate and meant to be construed expansively.” Reply at 4 n.3. Otherwise, Defendant does not refute Plaintiffs’ description of Overtown as defined by the multiple other sources, and it does not even attempt to engage with the findings of Plaintiffs’ expert. Just as importantly, Defendant also fails to offer any explanation of why the Remedial Plan’s conception of Overtown splits the historic neighborhood as Plaintiffs suggests it does. After reviewing the record and considering Plaintiffs’ evidence as proffered by their expert, Dr. Abott, the Court finds that Defendant selectively defined Overtown to entrench the racial divisions from the Enjoined Plan.

In sum, though the Court presumes the good faith of the Commissioners when making alterations for V12 in the Remedial Plan, their explanations for the alterations are often entirely unsubstantiated in the record. And, the Commissioners consistently altered V12 so that the Remedial Plan would have districts coinciding with the racial breakdown the Commissioners intended to exist within the Enjoined Plan, without justification. Therefore, the Court agrees with Plaintiffs’ argument that alterations to V12 serve as circumstantial evidence of the Remedial Plan’s perpetuation, rather than the eradication, of the unconstitutional aspects of the Enjoined Plan.

iii. The Analysis of Each District Demonstrates Continuing Racial Predominance

Though the Court has recognized that direct evidence and circumstantial evidence indicate the Remedial Plan is not an adequate remedy to the Enjoined Plan, the Court nevertheless examines each district in the Remedial Plan to determine whether race predominates.

Districts 1, 3, and 4

The Court begins its analysis first with the Remedial Plan's Districts 1, 3, and 4, the so-called "Hispanic districts" in the Enjoined Plan. Plaintiffs argue that these districts collectively retain nearly identical portions of the Hispanic population. Indeed, according to Plaintiffs' expert, Dr. McCartan, these districts, in the aggregate, have a core retention rate of 97.8% of the Enjoined Plan. *See* McCartan Rep. at 8; Obj. at 24 (explaining that individually the districts have core retention rates ranging from 90.6% to 98.2%); *see also* Section III.B.2.i, *supra* (discussing that generally, high core retention rates are evidence of legislative intent to preserve the features of the previously unconstitutional district). Further, Plaintiffs argue that the border between Districts 1 and 4, as well as the border connecting Districts 3 and 4, remain "nearly untouched" and divide Flagami, Silver Bluff, Shenandoah, and Little Havana as in the Enjoined Plan. Obj. at 25. Plaintiffs also explain that the Remedial Plan's District 1 maintains a slightly reconfigured version of the "staircase-like stepping pattern in the northeastern corner in Allapattah" that the Court found problematic in the Enjoined Plan, *see* R&R at 74, and selectively included portions of Overtown in majority-HVAP areas. Obj. at 25. Lastly, Dr. McCartan explains that District 3 has become less compact by adding portions of Bay Heights and "minimizing additions from the whiter northern end of Brickell." *Id.* Defendant does not respond to any of these arguments. *See generally* Reply.

Based on a review of the evidence and the un rebutted arguments described above, the Court agrees with Plaintiffs. The Remedial Plan's high core-retention rates, the irregular shape of District 1, the selective inclusion and exclusion of certain areas in District 1, and the fact that District 3 became less compact in the Remedial Plan, all support the Court's conclusion that the Remedial Plan entrenches, rather than remedies, the Enjoined Plan.

District 2

Turning next to District 2, otherwise described as the “Anglo District” in the Enjoined Plan, Plaintiffs make similar arguments. Plaintiffs assert that District 2 in the Remedial Plan was “shaped by the Commission’s intent to reserve it as an ‘Anglo-access’ seat, and surgically exclude more-Black or more-Hispanic areas on the north and south end, respectively.” Obj. at 24. Plaintiffs argue that District 2 retains a “white affluent” portion of Morningside, and “adds a thin, low BVAP adjacent strip.” *Id.* (citing 2nd Abott Rep. at 17) (explaining the District 2 border retains the “whiter Condo Canyon, add[s] an additional lower-BVAP area around Omni, and separate[s] higher BVAP areas of Downtown kept in D[istrict] 5”). On the southern border, Plaintiffs argue that areas of Coconut Grove which contain more Hispanic voters were kept in District 3 and out of District 2. *Id.* Likewise, “whiter areas on Brickell’s north end remain excised from District 3, achieved via an irregular finger [in District 2].” *Id.* Plaintiffs note that District 2 also had a strikingly high core-retention rate of 92.2%, and its compactness scores were identical to the Enjoined Plan. *See id.* (citing McCartan Rep. at 8). As a result of these districting decisions, core-retention, and identical compactness cores, Plaintiffs argue that District 2 maintains the hallmarks of racial predominance. *See id.* at 23–24.

As with Districts 1, 3, and 4, Defendant offers no rebuttal to Plaintiffs’ proffered evidence. *See generally* Reply. Rather, Defendant only notes that “Coconut Grove is in District 2 which had to shed population.” *Id.* at 7. Here, the crucial question is not whether District 2 had to shed population, but whether the changes Defendant was required to make in District 2 completely correct, rather than perpetuate, the constitutional defects of the Enjoined Plan. After review of the which voters were retained or excluded from District 2 in the Remedial Plan, as well as the core retention rates and compactness scores, the Court agrees with Plaintiffs that race still predominates

in the design of District 2. Therefore, the Court finds that District 2 in the Remedial Plan does not change the racial predominance that existed prior.

District 5

Finally, the Court turns to District 5, the VRA protected district. The relevant question for this district is not whether the Remedial Plan's District 5 continues to perpetuate the hallmarks of racial predominance, but whether Defendant's consideration of race when drawing the borders of District 5 to ensure a BVAP floor of 50%, *see* ("Alford Rep.") (ECF No. 86-2), was narrowly tailored to satisfy strict scrutiny. *See Bethune-Hill*, 580 U.S. at 195. The Parties contest whether District 5 is indeed narrowly tailored. *See* Obj. at 25–26; Reply at 10–11.

As the Supreme Court has explained, "the narrow tailoring requirement insists only that the legislature have a *strong basis in evidence* in support of the (race-based) choice that it has made." *Ala. Legis. Black Caucus v. Alabama* ("ALBC"), 575 U.S. 254, 262 (2015) (emphasis added) (quotations omitted). To demonstrate a strong basis in evidence, Defendant was required to conduct a "functional analysis of the electoral behavior within the particular. . . election district" to determine "what minority population percentage satisfy[ies] [§2 of the VRA's] standard." *Bethune-Hill*, 580 U.S. at 194. By performing such analysis, Defendant could demonstrate it had "good reasons to believe" it must use race to satisfy § 2 of the VRA. *Id.* at 187. Nowhere in the record is this functional analysis present. Accordingly, District 5 of the Remedial Plan is not narrowly tailored.

Defendant argues otherwise, relying largely on the legal conclusions of its expert, Dr. Alford. *See* Reply at 10–11. Dr. Alford's report explains that the Remedial Plan is narrowly tailored to satisfy § 2 of the VRA because "Black-preferred candidates always prevail[] and typically by large margins." Alford Rep. at 4. Dr. Alford also explains, "if the plaintiffs' District

5 in P4 is narrowly tailored, as they assert, then so are [Defendant’s] versions of District 5.” *Id.* at 8.

In reliance upon Dr. Alford’s conclusion, Defendant misunderstands the “narrowly tailored” standard. And so, the Court reiterates: Defendant must have had good reason to select its BVAP target in District 5, meaning Defendant was required to conduct a functional analysis of the electoral behavior to determine what minority population percentage would satisfy § 2 of the VRA. *Bethune-Hill*, 580 U.S. at 194. As demonstrated by *Bethune-Hill*, this functional analysis must occur when deciding upon the BVAP target, *not after the decision has already been made*. *Id.* (finding “the legislature performed that kind of functional analysis of District 75 when deciding upon the 55% BVAP target”). To the extent Dr. Alford’s report conducts the appropriate analysis, he completed his report on July 12, 2023, nearly a month after the Remedial Plan was enacted. *See generally* Alford Rep. In other words, Defendant may not rely on the post-hoc findings of its expert to justify why it determined the 50% BVAP figure was necessary to comply with the VRA in District 5. Doing so is hardly the type of functional analysis required.

Apart from Dr. Alford’s report, the record contains no further discussion of how District 5 might be narrowly tailored in the Remedial Plan. In the June 14 Meeting, De Grandy told the Commissioners without justification that V12 “fully compl[ied] with the VRA.” 6/14 Tr. 6:16–17. Though he offered this conclusory statement frequently, at no point did De Grandy ever discuss what functional analysis occurred to ensure that District 5 was narrowly tailored to VRA compliance. *See id.* 9:4, 12:8–10, 16:11–12, 66:10–11. With no other evidence in the record, the Court finds Defendant’s arguments regarding the constitutionality of District 5 in the Remedial Plan unavailing.

iv. Partisanship Does Not Explain Districting Decisions in the Remedial Plan

Finally, though the Court has disposed of most of Defendant's arguments above, one broad argument Defendant advances in support of the Remedial Plan warrants addressing specifically. Throughout its Reply, Defendant emphasizes that some of its districting decisions were the result of the Commissioners' political judgment, and that Plaintiffs impermissibly seek to "substitute their political judgment for that of the elected City Commission." Obj. at 4, 6. This argument has no merit. First, Commissioner Carollo expressly denied the idea that the commissioner position is partisan in nature, thus suggesting partisan politics did not influence the Remedial Plan's creation. *See* 6/14 Tr. 32:13–21. Further, as Plaintiffs correctly identify, "[n]o Commissioner expressed a partisan motivation for any decision in [the Remedial Plan]." Obj at 20; *see generally* 6/14 Tr. The Court is satisfied that nothing in the record demonstrates that partisanship played any role in the districting decisions in the Remedial Plan.

In sum, after extensively reviewing the direct and circumstantial evidence surrounding the enactment of the Remedial Plan, the Court finds that the Remedial Plan fails to correct the constitutional violations it found substantially likely to exist in the Enjoined Plan, and that the Remedial Plan perpetuates the impact of the Enjoined Plan's unconstitutional racial gerrymandering of the election districts.

C. Plaintiffs' Alternative Map is a Constitutional Remedy

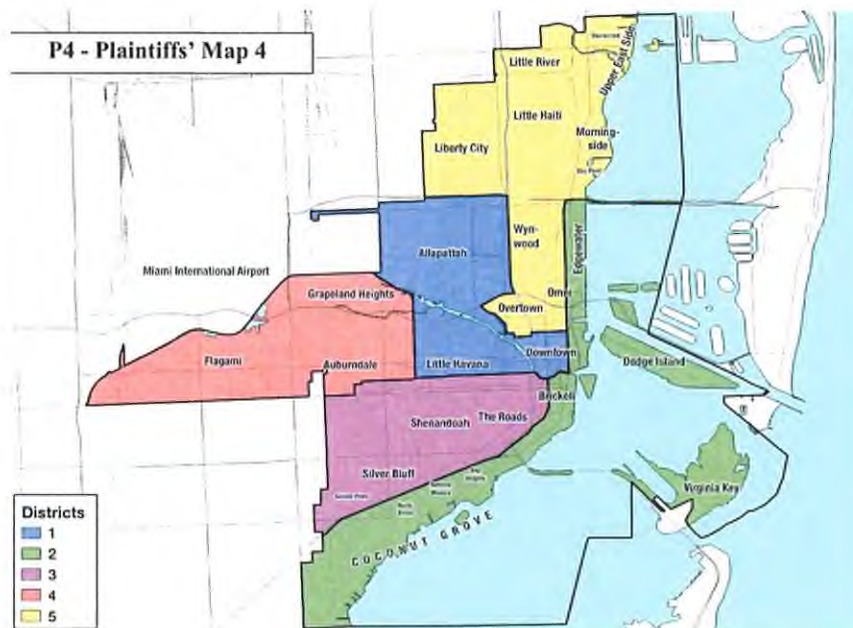
Because Defendant could not enact a constitutionally sufficient remedial map, and the date by which the Miami-Dade Board of Elections requires a map is August 1, 2023, there is no longer enough time to order the Commissioners to draw another map. Nor is there sufficient time to appoint a special master to draw one for the upcoming election. Regardless, Miami requires a new map, and "it now becomes this Court's unwelcome burden to craft a new plan for implementation

on an interim, remedial basis.” *Jacksonville II*, 2022 WL 17751416, at *17. Before doing so, the Court also emphasizes that it “endeavors to address the unconstitutionality of the Enjoined and Remedial Plans and no more. Broader or more systemic changes to [the City of Miami’s] electoral maps are the province of the legislators, not the Court.” *Id.* at *21.

With this limited goal in mind, the Court examines Plaintiffs’ most recent alternative map, P4, which Plaintiffs urge the Court to adopt. *See* Obj. at 26–31. The Court reviews P4 to determine whether it, when possible, respects the Commission’s legitimate, non-race-based policy goals, complies to traditional districting criteria, and complies with state and federal law. The Court reviews P4, and Defendant’s arguments against its adoption, below.

1. P4 Incorporates Defendant’s Lawful Stated Objectives

“When faced with the necessity of drawing district lines by judicial order, a court, as a general rule, should be guided by the legislative policies underlying the existing plan, to the extent those policies do not lead to violations of the Constitution or Voting Rights Act.” *Abrams*, 521 U.S. at 79. Under such circumstances, a court must reconcile the goals of state political policy with the requirements of the Constitution. *See Connor v. Finch*, 431 U.S. 407, 414 (1977); *see also Upham v. Seamon*, 456 U.S. 37, 43 (1982) (“An appropriate reconciliation of these two goals can only be reached if the district court’s modifications of a state plan are limited to those necessary to cure any constitutional or statutory defect.”). The Court therefore reviews P4 to determine if it properly considers Defendant’s lawful political preferences (substantial equality of population, respecting communities of interest, and use of natural and manmade boundaries), while simultaneously remedying the constitutional defects of the Enjoined Plan.



i. Substantial Equality of Population

First the Court addresses whether P4 complies with the Commission’s lawful (and constitutionally required) goal of substantial equality of population among the districts. *See Reynolds v. Sims*, 377 U.S. 533, 579 (1964). Plaintiffs aver that P4 “is within the population equality limits the Commission set in its [Remedial Plan].” *See* Obj. at 27. Indeed, Plaintiffs rely on Dr. Abott’s expert report to demonstrate that P4’s population deviation among each district is 2.4%, an improvement on the Remedial Plan’s total population deviation of 3.6%. *See id.* (citing 2nd Abott Rep. at 14–16). Based on the unrebutted expert report, the Court is satisfied that P4 achieves Defendant’s goal for population equality limits.

ii. Respecting Traditional Neighborhoods and Communities of Interest

Another one of Defendant’s goals throughout the redistricting process was to ensure the Remedial Plan retained traditional communities of interest within one district. *See, e.g.*, Reply at 5 (explaining “many of the requests by Commissioners were geared towards maintaining communities in which they had invested district resources”); 6/14 Tr. (referencing throughout the

importance of towns such as Allapattah, Civic Center, Grapeland Heights, West Flagler, Flagami, Overtown, Coconut Grove, and Morningside). For the following reasons, the Court finds that P4 adequately preserves the Defendant's goal of maintaining the unity of traditional neighborhoods, without dividing them among racial lines.

In P4's District 5, Overtown's southern boundary is consistent with how Google Maps, NET, CVB, and MPD define it. *See* Obj. at 27 (explaining that all of Overtown "east of the Seybold Canal and south to NW 5th Street. . . is made whole within D[istrict] 5"). P4 includes in District 5 the entirety of the more-broadly-defined Overtown except for "one city block moved to better equalize population" and "three unpopulated blocks east of I-95." *Id.* According to Plaintiffs, where the Remedial Plan "excised less-Black portions from D[istrict] 5," P4 restores them. *Id.* Indeed, certain traditional communities of interest that Commissioner King emphasized should remain in District 5 are there in P4, including Liberty City, Little Haiti, Wynwood, the Upper East Side, and Morningside. *See id.*; *see also* (ECF No. 82-16) (Miami Times article expressing same); 6/14 Tr. 12:17–22 (Commissioner King expressing her desire to retain Wynwood as a significant economic driver for District 5).

Similarly, in other districts, P4 unites communities of interest. In line with Commissioner Covo's request, Coconut Grove is kept whole in District 2. *See* 6/14 Tr. 42:9–43:3. District 2 also contains areas such as the West Grove, Edgewater, and Grapeland Heights. *See* Obj. at 28. Throughout the June 14 Meeting, De Grandy identified the importance of these areas as traditional neighborhoods. *See* 6/14 Tr. 6:19–20, 13:15–16. Further, P4 also ensures that Domino Park remains in District 3. *See id.* 36:22–37:2 (Commissioners emphasizing the need for District 3 to retain Domino Park in its entirety).

Other neighborhoods that P4 splits are neighborhoods that the Commission did not prioritize. For example, “P4 splits Brickell between D[istrict] 2 and D[istrict] 3, but the dividing line is the Metrorail rather than [the Remedial Plan’s] jagged border that scoops whiter blocks into D[istrict] 2.” Obj. at 28 (emphasis omitted). Moreover, the “Downtown/Omni area remains divided among three districts, but no longer surgically separates more-Hispanic, more-Anglo, and more-Black areas into D[istrict] 1, D[istrict] 2, and D[istrict] 5, respectively.” *Id.* And, while P4 divides the traditional neighborhoods of Little Havana and Auburndale, so too did the Remedial Plan. *See id.*

Therefore, the Court agrees with Plaintiffs that, to the extent practicable, P4 unites many traditional neighborhoods into one district, largely in accord with the Commissioners’ expressed intent. The Court is also satisfied that P4 delineates districts in a manner that preserves communities of interest, without dividing the neighborhoods among racial lines. Where some neighborhoods were split, P4 largely mirrors the Remedial Plan, but does so in a manner that is race-neutral.

iii. Recognition of Significant and Natural Boundaries

Plaintiffs also assert that P4, where possible, “utilizes natural and manmade boundaries the Commission recognized as logical.” Obj. at 28 (internal quotations omitted). Indeed, the Remedial Plan incorporated “natural and manmade boundaries such as the city’s municipal boundaries, the bay, the railroad, the Miami River, an expressway, and the contours of traditional neighborhoods,” along with “water boundaries” and “major roads.” 6/14 Tr. 13:3–4, 13:18. P4 follows this directive, with “SW 4th and 8th Streets and 32nd Avenue coninu[ing] to form boundaries.” Obj. at 28. Further, P4 also contains borders tracking “SE/NE 2nd Avenue, 22nd

Avenue, and US 1.” *Id.* at 28–29. Accordingly, the Court finds that Plaintiffs incorporated Defendant’s lawful goal of using natural and manmade boundaries into P4.

2. P4 Properly Considers Traditional Redistricting Criteria

When tasked with redistricting, courts must also consider traditional redistricting criteria. *See Bethune-Hill*, 580 U.S. at 183. Traditional redistricting criteria “include[e] compactness, contiguity, respect for political subdivisions or communities defined by shared interests, incumbency protection, and political affiliation.” *ALBC*, 575 U.S. at 254 (internal citation omitted). The list of traditional criteria is not exhaustive, nor is the reviewing court required to consider each consideration when evaluating the redistricting plan. *See Jacksonville II*, 2022 WL 17751416, at *18–19 (evaluating the remedial plan only for compactness, respect for traditional communities, and incumbency protection). Nevertheless, a court must use these criteria when drawing its own map or selecting one suggested by one of the Parties.¹⁵

i. Compactness

Here, the Court notes that P4’s districts are compact, both visually and according to statistical compactness scores. Plaintiffs’ expert, Dr. McCartan, calculated the compactness of P4 using a simulation algorithm.¹⁶ *See generally* McCartan Rep. As part of his analysis, Dr. McCartan calculated P4’s Polsby-Popper compactness scores, Reock compactness scores, Convex Hull compactness scores, and edge-cut measures. *See id.*; *see also Alpha Phi Alpha Fraternity Inc.*, 587 F. Supp. 3d at 1258 (identifying the Polsby-Popper and Reock measures as “widely acceptable tests to determine compactness scores”). The Polsby-Popper, Reock, and Convex Hull

¹⁵ The Court will not consider incumbency protection. *See* Section III.C.3, *infra*. Further, as there is no factual dispute regarding contiguity, the Court finds P4’s districts contiguous.

¹⁶ All Polsby-Popper, Reock, and Convex Hull scores were multiplied by 100 for ease of reference. McCartan Rep. at 5–6. Accordingly, when the Court refers to these scores, or any comparators, it will refer to the scores with such a multiplier.

scores lie on a 0–100 scale, with higher values indicating more compact districts. McCartan Rep. at 6–7. As for the edge-cut score, lower values indicate more compact districts. *Id.* at 7. P4 had an average compactness score of 39.6 on the Polsby-Popper scale, 35.4 on the Reock scale, and 77.0 on the Convex Hull scale. *Id.* at 6–7; *see also Alpha Phi Alpha Fraternity*, 587 F. Supp. 3d at 1277 (rejecting the argument that districts in an illustrative plan were not compact with an average Polsby-Popper scores ranging from of 17 to 34, and Reock Scores ranging from 22 to 57). On the edge-cut measure, P4 had a compactness score of 237, a score lower than the Remedial Plan. McCartan Rep. at 7. Accordingly, the Court finds that P4 is more statistically compact than the Remedial Plan, is more visually compact, and thus, P4 properly considered compactness as a traditional districting criterion.

ii. Respect for Traditional Neighborhoods

As discussed extensively above, the Court finds that P4 keeps traditional neighborhoods and communities of interest united. *See* Section III.C.1.ii, *supra*. P4 was crafted to ensure that communities would be united within a single district to the extent possible. The Court finds that P4 properly considered traditional neighborhoods and respects communities of interest.

3. P4 Complies with Applicable Federal and State Law

When a federal court is tasked with redistricting, it must ensure that any remedial map adheres to relevant state and federal law. *Perry v. Perez*, 565 U.S. 388, 394 (2012). The Court thus analyzes whether P4 complies with the applicable state and federal statutes.

Beginning first with the applicable state law, the Court must ensure any remedial plan adheres to state law, so long as the state law “does not detract from the requirements of the Federal Constitution.” *White*, 412 U.S. at 795. As Plaintiffs correctly identify, in this instance, the only applicable state law is Fla. Stat. § 166.0321. Obj. at 30. According to the statute, no electoral

district may be “drawn with the intent to favor or disfavor a candidate. . . or an incumbent. . . based on the candidate’s or incumbent’s residential address.” Fla. Stat. § 166.0321. Here, the record does not indicate, nor has Defendant argued, that Plaintiffs drew P4 with the intent to favor or disfavor any candidate or incumbent based on where the candidate may reside. Obj. at 30; *see generally* Reply. Moreover, the Court agrees with Plaintiffs that “P4 has no irregular appendages or bizarre lines ‘that serve as objective indicators of intent’” to consider any candidate’s residence. Obj. at 30 (quoting *In re SJR 1176*, 83 So. 3d at 670). Therefore, the Court is satisfied that P4 complies with Florida state law.

P4 must also comply with applicable federal law. Here, the crucial question is whether District 5 in P4 complies with § 2 of the VRA. Both Parties agree that § 2 “protects Black Miamians from vote dilution, *see id.* at 30, (citing Notice at 6), and thus, P4 must adhere to the VRA in a manner that satisfies strict scrutiny.

When drafting P4, Plaintiffs relied on their expert Dr. Moy’s functional analysis to ensure the BVAP of P4’s District 5 was narrowly tailored to comply with § 2 of the VRA. *Id.* at 30; *see also* (ECF No. 82-13) (“Moy Supp. Rep.”). Regarding the ability to elect a candidate of their choice under § 2 of the VRA, minority voters are entitled to “equality of opportunity, not a guarantee of electoral success.” *League of United Latin American Citizens v. Perry*, 548 U.S. 399, 428 (2006) (citation omitted). Put differently, “[w]hile minority voters need not be guaranteed to elect their preferred candidates in every election. . . they should at least regularly be able to do so.” Obj. at 31 (internal citation omitted) (emphasis omitted). Dr. Moy’s report demonstrates that P4 fits that criterion and explains that based on his reconstituted election analysis of P4, a Black-preferred candidate would prevail in P4’s District 5. *See* Moy Supp. Rep. at 10. Dr. Moy’s process involved “re-aggregating historical election results in the newly drawn districts and counting how

many votes would have been cast for the various candidates in the elections.” Obj. at 31. According to his report, Black-preferred candidates, in eleven racially polarized state and local elections ranging from 2020 to 2022, would always prevail in P4’s District 5. *Id.* Based on this analysis, Plaintiffs argue that P4’s District 5 complies with the VRA, and Plaintiffs underwent the required functional analysis to ensure VRA compliance, thereby ensuring that District 5 was narrowly tailored.

To the extent Defendant responds, it reiterates that the Remedial Plan’s version of District 5 was narrowly tailored. *See* Reply at 10. As mentioned above, Defendant relies mostly on its expert, Dr. Alford, for the proposition that “if the plaintiffs’ District 5 in P4 is narrowly tailored, as they assert, then so are the City’s versions of District 5.” Alford Rep. at 8. But importantly, Dr. Alford never opines that P4’s District 5 is not narrowly tailored, and in fact, states that P4 “provide[s] highly secure election margins for Black-preferred candidates.” *Id.* Thus, Dr. Alford’s Report does not provide the basis for any argument that P4’s District 5 is not narrowly tailored. And most importantly, aside from relying on Dr. Alford’s Report, Defendant advances no other theory regarding whether District 5 in P4 is not narrowly tailored.

After considering Plaintiffs’ largely un rebutted argument and the expert reports of Dr. Moy and Dr. Alford, the Court finds that P4 complies with § 2 of the VRA in a manner consistent with the United States Constitution.

4. The Political Consequences of P4 Do Not Alter the Court’s Analysis

In response to Plaintiffs’ proposed P4, Defendant offers two interrelated arguments against its adoption, both of which are misguided. First, Defendant argues that Plaintiffs’ proposed maps (including P4) are “fundamentally similar” to the Remedial Plan, including a VRA protected district, and a coastal district. Reply at 2. Where the similarities end, according to Defendant, is

that Plaintiffs' P4 "keep[s] the more politically conservative western part of the City packed into a single district, District 4." *Id.* at 4. Citing its expert, Dr. Alford, Defendant even claims "the remainder of Plaintiffs['] case is really about swapping population between three Hispanic districts to claim their plans are 'more different' from the Enjoined Plan, and to change the political performance of those districts." *Id.* at 11.

Neither argument is appropriate given the posture of the instant Action. The Court is only reviewing P4 because, after being given the opportunity to proffer a constitutional remedial plan, Defendant was unable to do so. *See* Section III.A–B, *supra*. At this juncture, the Court reviews P4 only to ensure that it (1) retains Defendant's lawful objectives of the Remedial Plan and remedies only the aspects of the plan the Court found unconstitutional; (2) adheres to traditional redistricting criteria; and (3) does not otherwise violate state or federal law. Because P4 must retain the legislature's lawful objectives, that P4 is "fundamentally similar" to the Remedial Plan, to a certain extent, should be expected. Moreover, that P4 results in a different political outcome is irrelevant at this point in the Court's review.

Lastly, it is telling that aside from the above arguments, Defendant provides no rebuttal to any portion of Plaintiffs' P4 arguments. *See generally* Reply. Defendant does not even attempt to rebut Plaintiffs' claims about the merits and legalities of P4. *See id.* In the Court's view, rather than contesting P4 as a constitutional remedy, Defendant has proffered a variety of grievances about potential political outcomes that would result from its implementation. Such grievances are misplaced when the Court is evaluating a remedy to resolve the unconstitutional aspects of the Enjoined Plan.

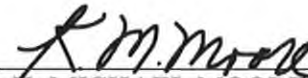
IV. CONCLUSION

UPON CONSIDERATION of the NOTICE, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that Plaintiffs' Objections to the City's Proposed Interim Remedial Plan (ECF No. 83) are SUSTAINED.

IT IS FURTHER ORDERED THAT:

1. Plaintiffs' Alternative Map P4 is ADOPTED as the Court's Interim Remedial Plan pending final judgment in this Action.
2. Defendant City of Miami is DIRECTED to implement the Court's Remedial Plan (P4) beginning with the City of Miami November 2023 Municipal Election.
3. Defendant City of Miami is DIRECTED to transmit the Court's Remedial Plan (P4), along with any other necessary materials, to the Miami-Dade County Elections Department by July 31, 2023.

DONE AND ORDERED in Chambers at Miami, Florida, this 30th day of July, 2023.



K. MICHAEL MOORE
UNITED STATES DISTRICT JUDGE

c: All counsel of record

DE 96

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

NOTICE OF APPEAL TO THE ELEVENTH CIRCUIT COURT OF APPEALS

NOTICE IS HEREBY GIVEN that Defendant, CITY OF MIAMI, hereby appeals to the United States Court of Appeal for the Eleventh Circuit the Order by the United States District Court for the Southern District of Florida (ECF 94) entered on July 30, 2023 sustaining objections to the CITY OF MIAMI's Notice of Passage of Redistricting Plan. ("Notice")(ECF 77) that had been adopted pursuant to the Court Order (ECF 60) entered on May 23, 2023, adopting the Report and Recommendation (ECF 52) and issuing a preliminary injunction, the Honorable Kevin Michael Moore presiding.

Respectfully submitted,

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CASE NO. 1:22-cv-24066-KMM

CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/ Christopher N. Johnson
Christopher N. Johnson, Esq.

DE 97

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:22-cv-24066-KMM

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; and ALEXANDER
CONTRERAS,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**DEFENDANT'S EMERGENCY MOTION TO STAY ORDER REJECTING
REDISTRICTING MAP [DE94]**

Pursuant to Rule 62(d) Florida Rules of Civil Procedure, Defendant, City of Miami (the "City"), moves for a stay of the Order Rejecting The Redistricting Map and Imposing a Court Ordered Remedial Map [DE 94] pursuant to the injunction set forth in this Court's Order (the "Order")(DE 60) adopting the Report and Recommendation (the "R&R")[DE 52] granting Plaintiffs' Motion for Injunction. DE 26. The City requests that this Court stay the injunction pending appeal.

The Court in the injunction found that the City's redistricting map set forth in City of Miami Resolution 22-131 (the "Enjoined Plan") unconstitutionally racially gerrymandered the City to preserve "three Hispanic districts, one Black district, and one Anglo district." DE 60 p.16; DE 94 pp.20-21. The Court then rejected the City's new plan enacted in Resolution 23-271 (the "New Plan") finding that it failed to correct the prior racial predominance of the Enjoined Plan. DE 94 pp.27,35-39. The Court mandated that the City adopt a plan proposed by Plaintiffs (Plan 4 or the "Mandated Plan") that did not just preserve that racial predominance, it

exacerbated it. The Court’s articulated purpose was to ensure that the new districting plan “completely corrects—rather than perpetuates—the defects that rendered the original districts unconstitutional or unlawful.” DE 94 p.16. The Mandated Plan still preserves three Hispanic districts as supermajorities. Indeed, it is mathematically impossible not to have three supermajority Hispanic majority districts, but the Court now maximally packs one Hispanic district in excess of 95%. DE 82-12 p.16. The Mandated Plan also makes the so-called Anglo District whiter. *Compare Id. to* DE 82-12 p.15. And, while everyone agrees on the constitutionality of creating a Voting Rights Act (“VRA”) Black District, the Court nevertheless rejected the City’s version of the district for not being narrowly tailored before mandating a plan that is not statistically significantly different.¹ *Id.*

The Court emphasized core retention as a basis for finding racial predominance, but it divorced the notion of core retention from its context as a permissible traditional redistricting consideration. This is not a case of vote dilution. It is solely a case of alleged racial sorting, something that the Court has not “corrected.” In the name of changing the core for three supermajority Hispanic districts,² it has intensified the racial sorting. The result imposes a very different map barely more than three months before an election, writes one commissioner out of his district, and substitutes Plaintiff’s political decisions for those of the City’s duly elected representatives. This violates the principal articulated in *Purcell v. Gonzalez*, 549 U.S. 1 (2006):

¹ The Court has adopted an ephemeral distinction that the number may be narrowly tailored, but the City lacked sufficient evidence to establish it, and then the Court mandated a statistically similar number less than 2% off. This reverses the burden of proof.

² The map imposed by the Court preserves 96.7% of the core of District 2, a plurality district, and 92.5% of the core of District 5, the Black district. DE 86-2 p.6.

“[F]ederal district courts ordinarily should not enjoin state election laws in the period close to an election.”

This Motion is an emergency because the Court has directed compliance by tomorrow, July 31, 2023.

I. Standard for a Stay

“While an appeal is pending from an interlocutory order or final judgment that grants . . . an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party’s rights.” Fed. R. Civ. P. 62(d). Courts consider the following factors to determine whether a stay pending appeal is warranted:

(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.”

See Nken v. Holder, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)); *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1317 (11th Cir. 2019)). “When the balance of equities . . . weighs heavily in favor of granting the stay’—[the Eleventh Circuit has] relax[ed] the likely-to-succeed-on-the-merits requirement.” *Id.* (quoting *Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir. 1986)). But “the ‘traditional test for a stay’ likewise ‘does not apply’ in the particular circumstance that this case presents—namely, ‘when a lower court has issued an injunction of a state’s election law in the period close to an election.’” *League of Women Voters of Fla., Inc. v. Florida Secretary of State*, 32 F.4th 1363, 1370 (11th Cir. 2022), quoting *Merrill v. Milligan*, 142 S. Ct. 879, 880, (2022) (Kavanaugh, J. concurrence).

[T]he reviewing court must be cognizant that “orders affecting elections ... can themselves result in voter confusion.” *Id.* at 4-5. And that risk only increases as an election draws closer. *Id.* at 5, 127 S.Ct. 5. For that reason, the Purcell principle teaches that “federal district courts ordinarily should not enjoin state election laws in the period close to an election.”

Id. at 1371; see also *Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, 587 F. Supp. 3d 1222, 1238–39 (N.D. Ga. 2022). In situations like this, where the Court has entered a preliminary injunction, “Purcell effectively serves to lower the state’s bar to obtain the stay it seeks. The state need not show, for instance—as a plaintiff would to obtain a “late-breaking injunction” in the first place—that its position is “entirely clearcut.” *Id.* Rather, it need only show that plaintiffs’ position is not.” *Id.* at 1372.

II. Likelihood of Success on the Merits

The Court acknowledged there is a “‘presumption of legislative good faith,’ even after a finding of past discrimination, and that the ‘burden of proof lies with [Plaintiffs], not the State’ to demonstrate the remedial map is unconstitutional.” DE 94 p.16 (quoting *Abbott v. Perez*, 138 S. Ct. 2305, 2324 (2018)). Of course, there has been no finding of past discrimination here, the previous ruling was an interlocutory injunction order. The Court nevertheless did not grant deference to the City Commission. It instead presumed discriminatory intent and then mandated a map with greater racial gerrymandering.

Redistricting “is primarily the duty and responsibility of the State,” and “[f]ederal-court review of districting legislation represents a serious intrusion on the most vital of local functions.

Abbott, 138 S. Ct. at 2324. This Court imposed a burden of proof on the City to provide non-racial reasons for districting decisions, and then it rejected those reasons as not being sufficiently proven. The Court then imposed on the City a Mandated Plan that exacerbated the alleged racial sorting that caused it to issue the injunction in the first place.

A. The May 11 Meeting Is Not Direct Evidence of Racial Gerrymandering

The Court placed undue emphasis on statements made at a May 11, 2023 meeting wherein Commissioner Diaz de la Portilla suggested going to single member districts. He and Commissioner Reyes observed that in a city that is 70% Hispanic, that would likely lead to an all

Hispanic Commission. The Court has taken this as an announcement of an intention to racially sort.

[T]he May 11 Meeting is better understood as the Commissioners explaining why they believed their initial approach when enacting the Enjoined Plan (i.e. creating the gerrymandered districts), was the correct approach, and after some discussion, unanimously directing De Grandy to maintain the racial breakdown of each district in a new map.

DE 94 p.24. Determining legislative intent from statements by a minority of the Commission is always problematic. *Birmingham Ministries v. Sec'y of State for State of Alabama*, 992 F.3d 1299, 1324 (11th Cir. 2021) (observing “determining the intent of the legislature is a problematic and near-impossible challenge” and rejecting the assertion that discriminatory intent could be found in the statements of one legislator, even where the legislator may be the sponsor).

In this case, there was no expressed intent to racially sort; the Court is inferring it. That inference is mistaken. The Commission is due a presumption of good faith, not the opposite. Moreover, the Commissioners were commenting on a mathematical reality of a city with a supermajority Hispanic population that is likely to elect three Hispanic districts and a district that will perform for the Black candidate of choice—a reality reflected in every map considered by the Court. At-large elections have a likelihood of electing an all Hispanic Commission. Single member districts will all have a VRA protected Black District and then unavoidably have three Hispanic districts because the remainder of the City is 75% Hispanic. DE 82-2 p.9:1-8.

Moreover, redistricting differs from other kinds of state decisionmaking in that the legislature always is aware of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race discrimination.

Shaw v. Reno, 509 U.S. 630, 646 (1993). The Court improperly inferred bad faith from an acknowledgment of a demographic fact.

The foregoing mathematical reality is demonstrated by the fact that each of Plaintiffs' four plans racially sort the City into three Hispanic Districts, a coastal district with the highest white population and a VRA protected Black district. All plans have a coastal District 2 that is a non-minority majority.³ Compare DE 82-24 to 34-37. In, fact Plaintiffs' Maps 2, 3 and 4 have a greater White Voting Aged Population (WVAP) in District 2 than the Enacted Plan. Compare DE 82-1 p.15 to 16. All of the plans have a Voting Rights Act ("VRA") protected Black District 5 in the North. The only difference between Plaintiffs' plans, including the Mandated Plan, and the New Plan is that Plaintiffs exacerbate the racial sorting.

B. Circumstantial Evidence Does Not Establish Racial Gerrymandering

The Court placed undue emphasis on the notion of core retention, divorcing it from its context. DE 94 p.16. "[R]etaining previous occupants in new legislative districts" is a traditional redistricting criterion. *Baumgart v. Wendelberger*, No. 01-C-0121, 2002 WL 34127471, at *3 (E.D. Wis. May 30, 2002)(citing *Karcher v. Daggett*, 462 U.S. 725, 740 (1983);). *See also Larios v. Cox*, 300 F. Supp. 2d 1320, 1334 (N.D. Ga. 2004). Core retention can only be suspect insofar as it perpetuates the harms of a racial gerrymander. The Court talismanically invoked the term core retention not to reduce racial predominance, but to exacerbate it. The Court has relied heavily upon *Jacksonville Branch of NAACP v. City of Jacksonville ("Jacksonville II")*, No. 3:22-cv-493-MMH-LLL, 2022 WL 17751416, at *11 (M.D. Fla. Dec. 19, 2022), throughout

³ This so-called "Anglo" district is a misnomer since District 2 has no racial or ethnic majority. Plaintiffs said they didn't "designate" an Anglo access district (DE 82-2 p.6), but they created one in each plan and preserved the Whitest community in Miami, Coconut Grove, inviolate. They claimed not to "pack Hispanics" into three districts, but they did. DE 82-12 p.16. Districts 1, 3 and 4 are supermajority districts in every plan, and District 4 in exceeds 95% HVAP in each of Plaintiffs' proposals. *Id.*

these proceedings. But that was a case of vote dilution. There the new plan still diluted the votes of minority voters, and the Court replaced it with a plan that did not dilute those votes. This is not a case of vote dilution. Plaintiffs have never even alleged it. It is solely a case of alleged racial sorting, something that the Court has not “corrected,” but rather intensified. It would be akin to the *Jacksonville* Court finding the municipality’s plan still diluted minority votes and then replacing it with a plan with greater packing and more dilution. The Court observed that there is insufficient time to appoint a special master and therefore simply adopted one of Plaintiffs’ plans. DE 94 p.41.

The Commissioners focused on legitimate, non-racial criteria, such as political considerations, where they had invested substantial district resources, and where candidates reside. DE 94 p.12. The Court nevertheless disregarded those publicly-expressed reasons because it found those considerations “had the impact of perpetuating, rather than completely correcting, the constitutional infirmities.” *Id.*⁴ That finding is belied by the fact that each of Plaintiffs’ plans, including the Mandated Plan all resulted in the same racial demographics. If it is inconceivable that a plan could be adopted for race neutral reasons that would still perpetuate the alleged constitutional infirmity of racial sorting, then the Mandated Plan is unconstitutional for perpetuating the same Constitutional infirmity. The Court highlights that “areas that were approximately 90% HVAP were shuffled among Districts 1, 3, and 4—‘creating the illusion they

⁴ The Court also outright rejected that partisan considerations formed any part of the New Plan. DE 94 p.40. The Court bases this on the statements of one commissioner. *Id.* The political consideration was laid out in the record after consultations with the Commissioners. DE 82-2 p.9:9 to 11:2; DE 77 pp.24-25. When it comes to political gerrymandering, courts lack jurisdiction to undo what is essentially a political question. *Rucho v. Common Cause*, 139 S. Ct. 2484, 2507-08 (U.S. 2019). Yet that is what the Court did in the Mandated Plan.

changed while maintaining their demographics.” DE 94 p.27. This is precisely what the Mandated Plan does. In the Enjoined Plan those districts were 89.5%, 88.3% and 89.5% Hispanic Voting Age Population (HVAP) respectively. DE 82-12 p.14. In the New Plan they are 89.7%, 84.5% and 90%. *Id.* p.15. In the Mandated Plan they are 85.8% 85.1% and 95.6% respectively. *Id.* p.16. The Mandated Plan simply shuffles Hispanics from Districts 1 and 3 to District 4 to effect maximal packing in District 4. Likewise the Court observed District 2 “retains a large Anglo population.” DE 94 p.27. The White Voting Age Population (WVAP) in the New Plan is 36.5%. In the Enjoined Plan it was 37.4%. In the Mandated Plan it is 37.9%. The only real difference between the New Plan and the Mandated Plan is that the Commission was entitled to a presumption of constitutionality and good faith, the Plaintiffs and the Court are not.

As it did in the injunction, the Court focuses on District 5 to find alleged racial gerrymandering. The Court’s discussion of the borders of Overtown and Morningside are misplaced. Racial motivations are not unconstitutional where, like here, it is a VRA protected district as the Court acknowledges. DE 94 p.4 n.2. The Court goes onto find that there is insufficient evidence District 5 is narrowly tailored. DE 94 pp.38-39.

As the R&R found, which was adopted and became part of the injunction, the percentage of Black voting age population in the district need not be determined with precision and the City has no duty to memorialize the analysis or compile a comprehensive record of that analysis. DE 52 p.82. Yet this is precisely the burden the Court is now imposing.

When a State justifies the predominant use of race in redistricting on the basis of the need to comply with the Voting Rights Act, “the narrow tailoring requirement insists only that the legislature have a strong basis in evidence in support of the (race-based) choice that it has made.” ... [T]he requisite strong basis in evidence exists when the legislature has “good reasons to believe” it must use race in order to satisfy the Voting Rights Act, “even if a court does not find that the actions were necessary for statutory compliance.”

Bethune-Hill v. Va. State Bd. of Elections (Bethune-Hill I), 580 U.S. 178, 187 (2017)(quoting *Alabama Legis. Black Caucus v. Alabama (ALBC I)*, 575 U.S. 254 (2015)). The City does not have to prove that it pared the majority down to the minimum with mathematical precision.

“The law cannot insist that a state legislature, when redistricting, determine precisely what percent minority population § 5 demands.” The question is whether the State had “good reasons” to believe a 55% BVAP floor was necessary to avoid liability under § 5. The State did have good reasons under these circumstances. Holding otherwise would afford state legislatures too little breathing room, leaving them “trapped between the competing hazards of liability” under the Voting Rights Act and the Equal Protection Clause.

Id. at 196 (citations omitted).

Narrow tailoring exists to protect the group being racially sorted.

The purpose of the narrow tailoring requirement is to ensure that “the means chosen ‘fit’ th[e] compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate racial prejudice or stereotype.”

Grutter v. Bollinger, 539 US 306, 333 (2003)(quoting *Richmond v. J. A. Croson Co.*, 488 U. S. 469, 493 (1989)). For example, to “narrowly tailor” in this context the City cannot, in the guise of complying with the VRA, pack Black residents into the district to the diminishment of their influence elsewhere.⁵ Because the city set the district at a bare 50% voting age population, it unsurprisingly believed that the district could not be more narrowly tailored, especially in light of undeniable demographic trends concerning the year to year decrease of Black residents. DE 36 pp.4-5 (citing DE 26 p.4; DE 24-76 p.12; DE 24-78 p.6; DE 24-9 pp.5-6).

⁵ See, e.g., *Jacksonville Branch of NAACP v. City of Jacksonville*, Case No. 3:22-cv-493-MMH-LLL, 2022 WL 7089087, at *2 (M.D. Fla. Oct. 12, 2022)(“Plaintiffs argue that preliminary injunctive relief is warranted in advance of the upcoming election because the Enacted Plan packs Black voters into just four of fourteen districts, the result of which is to dilute and depress the influence of Black voters in City Council elections across the rest of the City.”)

To undercut the facial validity of a bare 50%,⁶ the injunction observed that the BCVAP of the Enjoined Plan was 58%. DE 52 p.85. This line of reasoning is based on a misreading of *Negron v. City of Miami Beach*, 113 F.3d 1563, 1569 (11th Cir. 1997), in Plaintiffs' briefing. No case has *required* a City, when drawing a district under the VRA, to base it on the *citizen* population.⁷ *Negron* stood for the inverse. To prove a dilution case, a plaintiff needed to establish that they had a sufficiently large and compact minority voter population to elect a representative, and that the population was divided among districts to dilute their impact. In *Negron*, the Court stated that if a plaintiff claims they have sufficient numbers to create a majority minority district in compliance with the VRA, but there are not enough voting eligible minority residents to allow that minority group to elect their desired representative, it is impossible for them to meet the standard. But the opposite is not true. Not all citizens vote, or even can vote. Plaintiffs proffered evidence that only 52.76% (25,307/47,958) of registered voters in District 5 were Black as of February 1, 2023. DE 24-93 p.37. It also ignores the population trend. Black registered voters were down from 56.86% the previous year (26477/45562). DE 24-93 p.35. Plaintiffs' own filings show that the Black population in the City of Miami decreased in both relative and absolute terms in each cycle; there were 10% fewer Black residents in the City in 2023 as compared to the previous census. DE 36 pp.4-5 (citing DE 26 p.4; DE 24-76 p.12; DE 24-78 p.6; DE 24-9 pp.5-6).

This is truly novel because no case has ever held that. The Court in *Jacksonville Branch of NAACP v. City of Jacksonville ("Jacksonville III")*, No. 3:22-cv-493-MMH-LLL, 2022 WL

⁶ There is no issue that it should have been higher, because that would be less narrowly tailored. 50.3% is hardly "uncritical majority-minority district maximization." DE 52 p.86.

⁷ Legislatures are not required to draw boundaries by citizenship rather than total population. *Evenwel v. Abbott*, 578 U.S. 54, 58 (2016).

17751416 (M.D. Fla. Dec. 19, 2022), was careful to state that it was not a VRA case, and it did not find that less than 50% would satisfy the VRA. *Id* at * n.7. The Court in *De Grandy v. Wetherell*, 794 F. Supp. 1076, 1088, 1089 n.5 (N.D. Fla. 1992), created two majority-minority districts, and created a third “influence district” that was less than 50%. The Court did not find that the majority-minority districts needed to be less than 50%.

Additionally, because Plaintiffs did not dispute that the influence of black voters was not diminished elsewhere, there was no issue that the number was being used for an illegitimate motive. Without a dilution of their vote elsewhere, there is no legitimate claim that the number was set too high for an improper purpose, and therefore it could not be more narrowly tailored. The Court, instead of looking at whether the district was actually narrowly tailored, instead framed the issue in evidentiary terms finding that there was insufficient proof that Alford’s analysis was presented prior to the passage of the New Plan.

The Order does not address the question of whether District 5 in the New Plan is actually narrowly tailored. It nevertheless goes on to adopt a plan with very similar percentages. The BVAP in the Mandated Plan is 48.4% and in the New Plan it is 50.3%. In the Injunction, this Court focused on the BCVAP. The BCVAP in the Mandated Plan is 55.8%. In the New Plan it is 57.4%. Bearing in mind that mathematical precision is not required, if the Mandated Plan is constitutional, then so is the New Plan. The Court has enjoined a constitutional plan three months before an election.

III. Irreparable Injury

Irreparable injuries are those that cannot be compensated by money damages. This Court’s injunction does not preserve the status quo in any sense, but directs an express deviation from the status quo by directing the City to redistrict for the November 2023 election on the eve of an election deadline. The Court has substantially changed the shapes of districts where commissioners have already been running, and drawn one commissioner out of his district.

Compare DE 24-22 to DE 94 p.15. That bell cannot be unring, the election will have occurred. The types of injuries were recently cataloged. Such districting changes are “prescriptions for chaos.” *Merrill v. Milligan*, 142 S. Ct. 879, 880, (2022) (Kavanaugh, J. concurrence). They will “affect candidates, campaign organizations, independent groups, political parties, and voters, among others.” *Id.* As in *Milligan*, currently candidates and elected officials no longer even know what the district they live, where they may run, and where they must campaign.

The Order doesn’t just affect Commissioners who are up for reelection in November. The Court drew an incumbent out of the districts he represents and candidates out of districts in which they are running. Miami has residency requirements. A candidate, to qualify must “[h]ave resided within the district they wish to represent for at least one year prior to qualifying.” City of Miami, Code of Ordinances § 16-6(b)(3). “[C]andidates for the city commission shall have resided within the district at least one (1) year before qualifying and be electors in that district, and shall maintain residence in that district for the duration of their term of office.” Miami Charter § 4(c). Commissioners who are up for reelection may be drawn out of their districts with no opportunity to qualify in a new district.

The preliminary injunction is an “extraordinary remedy.” *Winter v. NRDC*, 555 U.S. 7, 24 (2008). “When the massive disruption to the political process of the [State] is weighed against the harm to plaintiffs of suffering through one more election based on an allegedly invalid districting scheme, equity requires that [this Court] deny relief.” *Mac Govern v. Connolly*, 637 F. Supp. 111, 116 (D. Mass. 1986)).

The Order finds that the core creation of districts in 1997 was fundamentally, constitutionally flawed as racial sorting. Regardless, incumbents seeking reelection have a constitutionally permissible interest in preserving as much of the core of their districts that elected them, regardless of the racial history leading to the creation of the districts.

IV. The Plaintiffs Unduly Delayed Seeking Preliminary Injunctive Relief.

The ordinance being challenged was enacted in March, 2022. This case was filed in December 2022, nine months later. Plaintiffs then waited two more months before filing the Motion. A special election was held on February 27, 2023, and another election is coming on November 7, 2023. DE 26 pp.2, 4. Moreover, the challenge essentially boils down at an attack on decisions not made in March 2022, but made 25 years earlier when the alleged racial districts were first drawn.

If Plaintiffs are challenging decisions that have been in place for 25 years and simply preserved in 2022, then Plaintiffs as a group are 25 years too late. The alleged harms have been in place for every election cycle. If anything, the New Plan lessens those alleged harms, and the Mandated Plan exacerbates them.

Further, Plaintiffs admit that the new districts would have to be set by August 1. DE 26 p.36. “[A] party seeking a preliminary injunction must generally show reasonable diligence. That is true in election law cases as elsewhere.” *Benisek v. Lamone*, 138 S. Ct. 1942, 1944 (2018). Yet, Plaintiffs waited nine months after the City passed the redistricting ordinance to file their lawsuit, and an additional two months to seek preliminary injunctive relief. The R&R recognizes this delay was problematic [DE 52 p.95], but concluded that it was justified because, as Plaintiffs “explain in their reply” they needed the time to prepare their case. DE 52 p.95. Plaintiffs put on no evidence other than argument of counsel to justify or excuse the delay. Rather, the R&R implies that the City bore the burden to prove that the delay was “intentional, strategic, or even negligent.” That is not the standard. Plaintiffs must show reasonable diligence where there has been delay.

V. Purcell Applies

“[F]ederal district courts ordinarily should not enjoin state election laws in the period close to an election.” *Purcell v. Gonzalez*, 549 U.S. 1 (2006). The next election is November 7, 2023, three months and a week away.

Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others. It is one thing for a State on its own to toy with its election laws close to a State’s elections. But it is quite another thing for a federal court to swoop in and re-do a State’s election laws in the period close to an election.

Merrill v. Milligan, 142 S. Ct. 879, 880, (2022) (Kavanaugh, J. concurrence)(to overcome *Purcell*, Plaintiff must establish “changes in question are at least feasible before the election without significant cost, confusion, or hardship”); *Alpha Phi Alpha Fraternity Inc.*, 587 F. Supp. at 1238–39. This Court is “tinkering” with the election law less than four months before an election by mandating a new plan that significantly changes three incumbants’ districts. This new plan was not even disclosed by Plaintiffs until three weeks ago. The Court then issued an order mandating that plan Sunday, July 30, 2023, directing a submission of all materials necessary to implement it the next day, one day before the deadline provided by the Miami-Dade County elections department. DE 94 p.6. This Court must weigh these “practical considerations.” “The Court has recognized that ‘practical considerations sometimes require courts to allow elections to proceed despite pending legal challenges.’” *Id.* at 880, quoting *Riley v. Kennedy*, 553 U. S. 406, 426 (2008). The Order throws out the core of districts for the entire redistricting plan that have been in place since 1997 and draws an incumbent out of his district. The change is sweeping and disruptive. *Purcell* is present. The injunction should be stayed.

VI. Public Interest

The Order jeopardizes the ability of the voters of District 5 to elect a candidate of their choice. This Court did not find that less than 50% would be sufficient, only that Defendant did

not meet its burden of establishing that it had sufficient support for selecting 50%. The Mandated Plan dilutes their vote in District 5, automatically creating risk of a section 2 VRA challenge. As set forth above, the Mandated Plan throws the upcoming election into chaos makes sweeping changes to three districts that have elections in November, and draws an incumbent out of his district, arguably in violation of the residency requirements. Staying the injunction serves the public interest.

Certificate of Emergency

After reviewing the facts and researching applicable legal principles, I certify that this motion in fact presents a true emergency (as opposed to a matter that may need only expedited treatment) and requires an immediate ruling because the Court would not be able to provide meaningful relief to a critical, non-routine issue after the expiration of seven days. I understand that an unwarranted certification may lead to sanctions.

Certificate of Conferral

I certify that prior to filing this motion, I attempted to resolve the matter in good faith by discussing the relief requested via email on Sunday, July 30, 2023 with opposing counsel. They did not respond. Because the order issue on a Sunday and required compliance by the next day, this motion is being filed.

WHEREFORE, Defendant respectfully asks this Court to stay the Order pending appeal.

Dated this 30th day of July, 2023.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on July 30, 2023, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties either via transmission of Notice of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

By: s/ Christopher N. Johnson
Christopher N. Johnson, Esq.

DE 98

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U.S. District Court

Southern District of Florida

Notice of Electronic Filing

The following transaction was entered on 7/31/2023 at 9:44 AM EDT and filed on 7/31/2023

Case Name: GRACE, Inc. et al v. City of Miami

Case Number: [1:22-cv-24066-KMM](#)

Filer:

Document Number: 98(No document attached)

Docket Text:

PAPERLESS ORDER. THIS CAUSE comes before the Court upon Defendant's Emergency Motion to Stay Order Rejecting Redistricting Map (ECF No. [97]). Therein, Defendant requests a stay of the Court's Order sustaining Objections to Defendant's Notice of Passing Remedial Plan (ECF No. [94]), pending appeal. UPON CONSIDERATION of the Motion, the pertinent portions of the record, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED that the Motion [97] is DENIED. Because of the time-sensitive nature of this Motion, a reasoned order will be forthcoming. Signed by Judge K. Michael Moore on 7/31/2023. (rhr)

1:22-cv-24066-KMM Notice has been electronically mailed to:

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USCA11 DE 2

No. 23-12472

**In the United States Court of Appeals
for the Eleventh Circuit**

GRACE, INC.; ENGAGE MIAMI, INC.;
SOUTH DADE BRANCH OF THE NAACP;
MIAMI-DADE BRACH OF THE NAACP;
CLARICE COOPER; YANELIS VALDES;
JARED JOHNSON; AND ALEXANDER
CONTRERAS,

Plaintiffs/Appellees,

v.

CITY OF MIAMI,

Defendant/Appellant.

On Appeal From The United States District Court
For The Southern District of Florida
No. 1:22-cv-24066-KMM

APPELLANT'S EMERGENCY MOTION TO STAY ORDER REJECTING
REDISTRICTING MAP [DE94]

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**CERTIFICATE OF INTERESTED PERSONS
AND CORPORATE DISCLOSURE STATEMENT**

Appellant, the City of Miami, furnishes this certificate of interested persons and corporate disclosure statement.

1. Abbott, Carolyn, Plaintiff/Appellee's expert
2. ACLU Foundation of Florida, Inc., Counsel for Plaintiffs/Appellees
3. Alford, John, Defendant/Appellant's expert
4. Bardos, Andy, Counsel for Defendant/Appellant
5. Carollo, Joe, Defendant/Appellant
6. City of Miami, Defendant/Appellant
7. Cody, Steven, Defendant/Appellant's expert
8. Contreras, Alexander, Plaintiff/Appellee
9. Cooper, Clarice, Plaintiff/Appellee
10. Covo, Sabina, Defendant/Appellant
11. De Grandy, Miguel, Defendant/Appellant's expert
12. Dechert LLP, Counsel for Plaintiffs/Appellees
13. Diaz de la Portilla, Alex, Defendant/Appellant
14. Engage Miami, Inc., Plaintiff/Appellee
15. GrayRobinson, P.A., Counsel for Defendant/Appellant
16. Grace, Inc., Plaintiff/Appellee
17. Greco, John A, Counsel for Defendant/Appellant
18. Johnson, Christopher N., Counsel for Defendant/Appellant

19. Johnson, Jared, Plaintiff/Appellee
20. Jones, Kevin R., Counsel for Defendant/Appellant
21. King, Christine, Defendant/Appellant
22. Kirsch, Jocelyn Kirsch, Counsel for Plaintiff/Appellee
23. Levesque, George T., Counsel for Defendant/Appellant
24. McCartan, Cory, Plaintiff/Appellee's expert
25. McNamara, Caroline A., Counsel for Plaintiff/Appellee
26. McNulty, Kerri L., Counsel for Defendant/Appellant
27. Méndez, Victoria, Counsel for Defendant/Appellant
28. Merken, Christopher J., Counsel for Plaintiff/Appellee
29. Miami-Dade Branch of the NAACP, Plaintiff/Appellee
30. Moore, K. Michael, United States District Judge, Southern District of Florida
31. Moy, Bryant J., Plaintiff/Appellee's expert
32. Quintana, Marlene, Counsel for Defendant/Appellant
33. Reyes, Manolo, Defendant/Appellant
34. South Dade Branch of the NAACP, Plaintiff/Appellee
35. Steiner, Neil A., Counsel for Plaintiff/Appellee
36. Suarez, Francis, Defendant/Appellant
37. Tilley, Daniel T., Counsel for Plaintiff/Appellee
38. Unger, Jason L., Counsel for Defendant/Appellant

39. Valdes, Yanelis, Plaintiff/Appellee
40. Warren, Nicholas L.V., Counsel for Plaintiff/Appellee
41. Wysong, George, Counsel for Defendant/Appellant

Appellant, the City of Miami, certifies that, to the best of its knowledge, no publicly traded company or corporation has an interest in the outcome of the case or appeal.

Introduction

Pursuant to Rule 8 of the Federal Rules of Appellate Procedure, Defendant, City of Miami (the “City”), moves this Court for a stay of the trial court’s Order [DE 94] rejecting the redistricting plan, City of Miami Resolution 23-271 (The “New Plan”), and imposing a court-ordered remedial plan, pursuant to the injunction set forth in the trial court’s Order (the “Order”)(DE 60) adopting the Report and Recommendation (the “R&R”)[DE 52] granting Plaintiffs’ Motion for Injunction. DE 26. The City requests that this Court stay the injunction and imposition of Plaintiffs’ proposed redistricting plan and permit the New Plan enacted by the City to be given full effect pending appeal.

The City sought a stay in the district court [DE 96], which the Court denied. DE 98. The court directed the City on Sunday, July 30, 2023 to submit the court-imposed plan to the Miami-Dade County Elections Department on July 31, 2023. DE 94.

The trial court preliminarily found that Plaintiffs had a likelihood of prevailing that the City’s redistricting map set forth in City of Miami Resolution 22-131 (the “Enjoined Plan”) unconstitutionally racially gerrymandered the City to preserve “three Hispanic districts, one Black district, and one Anglo district.” DE 60 p.16; DE 94 pp.20-21. The trial court has now rejected the City’s New Plan finding that it failed to correct the prior racial predominance of the Enjoined Plan. DE 94 pp.27,35-39. The trial court mandated that the City adopt a plan proposed

by Plaintiffs (the “Mandated Plan”) that did not just preserve that racial predominance, it exacerbated it. The trial court’s articulated purpose was to ensure that the new districting plan “completely corrects—rather than perpetuates—the defects that rendered the original districts unconstitutional or unlawful.” DE 94 p.16. The Mandated Plan still inevitably preserves three Hispanic districts as supermajorities. In a 70% Hispanic City it is mathematically impossible not to, but the court now maximally packs one Hispanic district in excess of 95%. DE 82-12 p.16. The Mandated Plan also makes the so-called Anglo District, which recently elected a Hispanic Commissioner, whiter than either the Enjoined Plan or the Mandated Plan. *Compare Id. to* DE 82-12 p.15. While everyone agreed below on the constitutionality of creating a Voting Rights Act (“VRA”) Black District 5, the court rejected the City’s version of the district for not being narrowly tailored before mandating a plan that is not statistically significantly different.¹ *Id.*

The trial court emphasized core retention as a basis for finding racial predominance, but it divorced the notion of core retention from its context as a permissible traditional redistricting consideration. This is not a case of vote dilution. Plaintiffs have never alleged that in their pleadings or filings. It is solely a case of alleged “racial sorting,” which the trial court did not “correct.” In the

¹ The court reversed the burden of proof, and violated the Supreme Court’s instruction that the number need not be selected with mathematical precision. *Bethune-Hill v. Va. State Bd. of Elections (Bethune-Hill I)*, 580 U.S. 178, 196 (2017).

name of changing the core for the three supermajority Hispanic districts,² the trial court intensified the racial sorting. The result imposes a very different electoral map barely more than three months before an election, writes one commissioner out of his district, and substitutes Plaintiff's political decisions for those of the City's duly elected representatives. This violates the principal articulated in *Purcell v. Gonzalez*, 549 U.S. 1 (2006): "[F]ederal district courts ordinarily should not enjoin state election laws in the period close to an election."

This Motion is an emergency because the trial court has directed compliance by the next day, today, July 31, 2023.

I. Standard for Stay and Standard of Review

A. Standard for Stay

"While an appeal is pending from an interlocutory order or final judgment that grants . . . an injunction, the court may suspend, modify, restore, or grant an injunction on terms for bond or other terms that secure the opposing party's rights." Fed. R. Civ. P. 62(d). The following factors determine whether a stay pending appeal is warranted:

(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies."

² The map imposed by the trial court preserves 96.7% of the core of District 2, a plurality district, and 92.5% of the core of District 5, the Black district. DE 86-2 p.6.

See Nken v. Holder, 556 U.S. 418, 434 (2009); *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1317 (11th Cir. 2019)). “‘When the balance of equities . . . weighs heavily in favor of granting the stay’—[the Eleventh Circuit has] relax[ed] the likely-to-succeed-on-the-merits requirement.” *Id.* (quoting *Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir. 1986)). “[T]he ‘traditional test for a stay’ likewise ‘does not apply’ in the particular circumstance that this case presents—namely, ‘when a lower court has issued an injunction of a state’s election law in the period close to an election.’” *League of Women Voters of Fla., Inc. v. Florida Secretary of State*, 32 F.4th 1363, 1370 (11th Cir. 2022), quoting *Merrill v. Milligan*, 142 S. Ct. 879, 880, (2022) (Kavanaugh, J. concurrence).

[T]he reviewing court must be cognizant that “orders affecting elections ... can themselves result in voter confusion.” *Id.* at 4-5. And that risk only increases as an election draws closer. *Id.* at 5, 127 S.Ct. 5. For that reason, the Purcell principle teaches that “federal district courts ordinarily should not enjoin state election laws in the period close to an election.”

Id. at 1371. “Purcell effectively serves to lower the state’s bar to obtain the stay it seeks. The state need not show, for instance—as a plaintiff would to obtain a “late-breaking injunction” in the first place—that its position is “entirely clearcut.” *Id.* Rather, it need only show that plaintiffs’ position is not.” *Id.* at 1372.

B. Standard of review.

A denial of a stay is reviewed for abuse of discretion, with underlying legal conclusions reviewed *de novo* and findings of fact reviewed for clear error. *See*

Democratic Exec. Comm. of Fla. v. Lee, 915 F.3d 1312, 1317 (11th Cir. 2019).

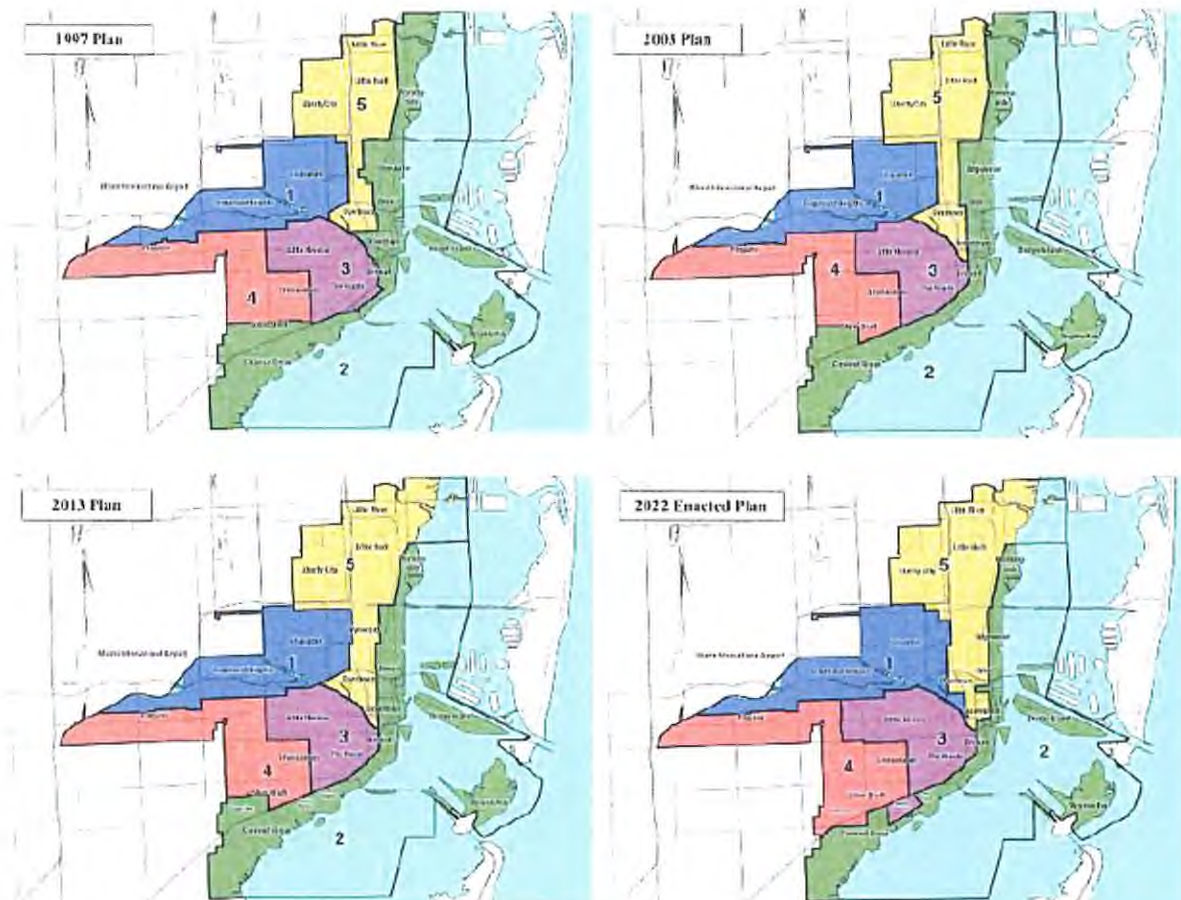
Courts consider the following factors:

(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.”

See Nken v. Holder, 556 U.S. 418, 434 (2009) (quoting *Hilton v. Braunskill*, 481 U.S. 770, 776 (1987)); *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1317 (11th Cir. 2019)). The likely-to-succeed-on-the-merits requirement is relaxed when the balance of equities weighs heavily in favor of granting the stay. *League of Women Voters*, 32 F.4th at 1370 (11th Cir. 2022). “In that scenario, the stay may be granted upon a lesser showing of a ‘substantial case on the merits.’” *Id.*

II. Statement of the Case

The City has had single member districts since 1997. DE 23 ¶¶ 33-39, 59-64. These districts have had substantially the same shape and essentially the same racial demographic make-up since first constituted. DE 24-80 to 83. The shape of the districts are largely dictated by the municipal borders and certainly are not characterized by irregular shapes and appendages like those at issue in *Cooper v. Harris*, 581 U.S. 285, 323 (2017) (depicting challenged Districts 1 and 12 in North Carolina’s enacted plan).

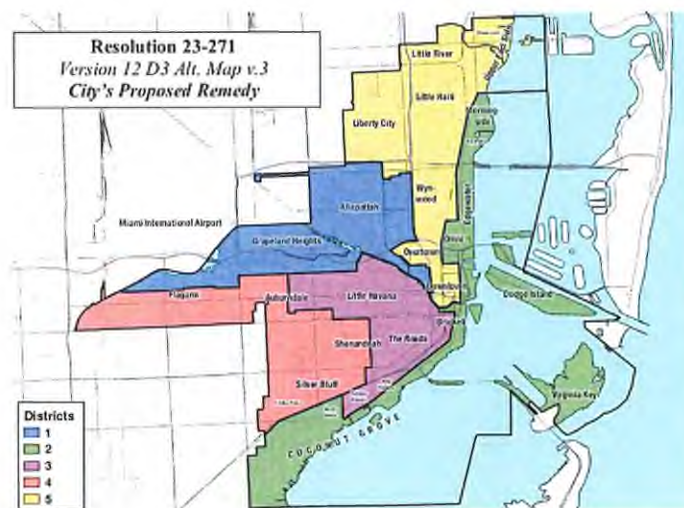


The United States Census of 2020 (the “2020 Census”) revealed that the City’s districts no longer had substantial equality of population. DE 23, ¶¶ 72-74. Following the 2020 Census, the ideal district size was 88,448. *Id.*, ¶ 72. D2, the waterfront district, had grown significantly larger than the other four districts and needed to “shed” population to the other four districts. *Id.*, ¶ 75. On March 24, 2022, the City adopted a redistricting plan that equalized population and preserved D5 as a majority Black district under section 2 of the VRA.

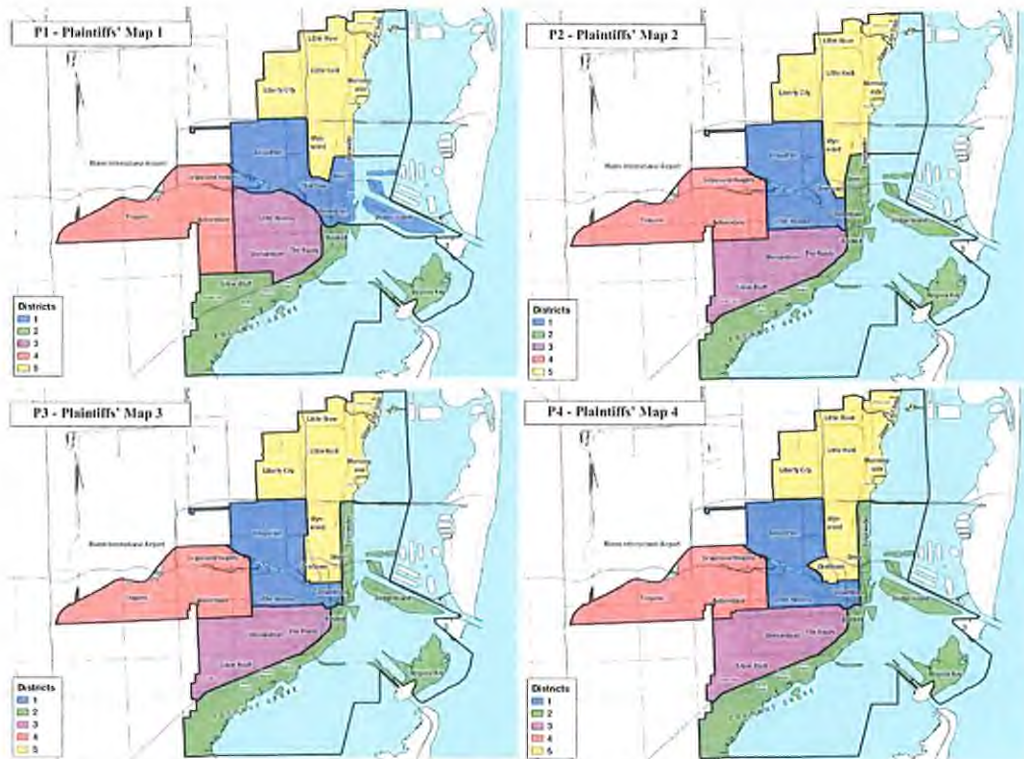
Nine months after passage, Plaintiffs sued. The Amended Complaint (DE 23) asserts that all five districts racially gerrymander in violation of the Equal Protection Clause. Plaintiffs moved for preliminary injunction two months later on

February 10, 2023. DE 26 & 24. They asked the ruling to be expedited because the map had to be submitted to the county elections department by August 1 to be used in the November election. DE 26 p.36. Defendants responded (DE 36) and the Court conducted a hearing on March 29, 2023. On May 3, 2023, the Magistrate recommended enjoining the City's map for racially sorting the City into three Hispanic Districts, a Black District and a so-called "Anglo" District. DE 52. The R&R recognized the *Purcell* principal may be applicable because it left the City without an election map. DE 52 p.99. The City objected (DE 56) and the Court overruled the objections and enjoined the City from moving forward with the Enjoined Plan. DE 60. The Court issued a scheduling order for a remedial map. DE 69.

On June 14, 2023, the City passed the New Plan, and filed it with the Court. DE 77. The New Plan was not a remedial plan because it replaced the Enjoined Plan. *Id.*



Plaintiffs objected³ to the New Plan on Friday, July 7, 2023 and for the first time proposed their Map 4. DE 83. Plaintiffs' maps are similar to the City's:



All five plans have a coastal District 2 that is a non-minority majority.⁴ Compare DE 82-24 to 34-37. In, fact Plaintiffs' Maps 2, 3 and 4 have a greater White Voting Aged Population (WVAP) in District 2 than the Enacted Plan. Compare DE 82-1 p.15 to 16. All of the plans have a VRA protected Black District 5. Plaintiffs previously accused the City of “packing” Black voters into

³ The preliminary injunction did not restricted the City's lawmaking power, and Plaintiffs have not amended their pleadings to assert new claims against the New Plan.

⁴ “Anglo” district is a misnomer; District 2 has no racial majority. Plaintiffs said they didn't “designate” an Anglo access district (DE 82-2 p.6), but they created one in each plan and preserved the Whitest community in Miami, Coconut Grove, inviolate. They claimed not to “pack Hispanics” into three districts, but they did. DE 82-12 p.16.

DE 101

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,
Plaintiffs,

v.

CITY OF MIAMI,
Defendant.

ORDER

THIS CAUSE came before the Court upon Defendant City of Miami's ("Defendant") Emergency Motion to Stay Order Rejecting Redistricting Map. ("Motion" or "Mot.") (ECF No. 97). Therein, Defendant requests that the Court stay its Order Sustaining Objections to Defendant's Notice of Passing Remedial Plan, ("Order") (ECF No. 94), pending appeal. *See generally* Mot. Plaintiffs did not file a response.¹ For the following reasons, the Court DENIES Defendant's Motion.

I. BACKGROUND

The Court assumes the Parties' familiarity with the background in this matter. Previously, the Court entered an order enjoining Defendant from conducting the November election pursuant to the election districts set forth in City of Miami Resolution 22-131 ("Enjoined Plan" or "2022 Enacted Plan"). *See* (ECF No. 60). Thereafter, Defendant filed a notice informing the Court that it passed Resolution 23-271 ("Remedial Plan"). *See* (ECF No. 77). The Court subsequently found that the Remedial Plan did not completely correct—but rather perpetuated—the unconstitutional

¹Plaintiffs in this Action are Clarice Cooper, Yanelis Valdes, Jared Johnson, Alexandra Contreras, Steven Miro, GRACE, Inc., Engage Miami, Inc., South Dade Branch of the NAACP and Miami-Dade Branch of the NAACP (collectively, "Plaintiffs").

racial gerrymandering that was substantially likely to exist in the Enjoined Plan. *See generally* Order. In the instant Motion, Defendant requests that the Court stay the Order pending a resolution of its appeal to the Eleventh Circuit. *See generally* Mot. The Court denied the Motion in a paperless order, *see* (ECF No. 98), but provides this supplemental order to explain its rationale.

II. LEGAL STANDARD

The issuance of a stay pending appeal is an “extraordinary remedy.” *See Garcia-Mir v. Meese*, 781 F.2d 1450, 1455 (11th Cir. 1986). “A stay is not a matter of right, even if irreparable injury might otherwise result.” *Nken v. Holder*, 556 U.S. 418, 433 (2009) (citing *Virginian Ry. Co. v. United States*, 272 U.S. 658, 672 (1926)). “It is instead ‘an exercise of judicial discretion,’ and ‘[t]he propriety of its issue is dependent upon the circumstances of the particular case.’” *Id.* (quoting *Virginian Ry. Co.*, 272 U.S. at 672–73). “The party requesting a stay bears the burden of showing that the circumstances justify an exercise of that discretion.” *Id.* at 433–44. Specifically, the movant must show: “(1) that the movant is likely to prevail on the merits on appeal; (2) that absent a stay the movant will suffer irreparable damage; (3) that the adverse party will suffer no substantial harm from the issuance of the stay; and (4) that the public interest will be served by issuing the stay.” *Garcia-Mir*, 781 F.2d at 1453. “The first two factors are the most critical.” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1317 (11th Cir. 2019) (citing *Nken* at 434–35). “To satisfy its burden as to those factors, the party seeking the stay must show more than the mere possibility of success on the merits or of irreparable injury.” *Id.*

III. DISCUSSION

Before addressing the merits of Defendant’s Motion, the Court notes that the Eleventh Circuit addressed and denied a motion to stay under nearly identical circumstances. *See Jacksonville Branch of NAACP v. City of Jacksonville*, No.22-14260, 2023 WL 119425 (11th Cir.

Jan. 6, 2023). In that case, the district court enjoined the City of Jacksonville from using a districting plan because it found that the districts were substantially likely to be unconstitutionally gerrymandered. *Id.* at *1. The City of Jacksonville then passed a remedial map, which the district court found did not remedy the unconstitutional aspects of the prior plan. *Id.* The City of Jacksonville then filed a motion to stay the district court's order which found the remedial plan unconstitutional and implemented one of the plaintiffs' alternative maps.² *Id.*

Addressing the City of Jacksonville's Motion, the Eleventh Circuit explained that by ruling on the defendant's motion to stay, it "would have to hold on the merits that the City Council's proposed interim remedial plan is constitutional. Such a determination would be a ruling on the merits of the City's appeal, and an order on a motion for stay pending appeal is not a resolution of the appeal itself." *Id.* at *3. The Eleventh Circuit denied the motion, explaining that the City was not asking to stay the order and restore the status quo. *Id.* Instead, what the City was really seeking was "a ruling on the merits of its appeal." *Id.*

In this case, Defendant makes the same request. Defendant asks the Court to stay its Order adopting Plaintiffs' P4 as the Court's remedial plan, and instead, to proceed forward with the Remedial Plan for the upcoming elections. *See generally* Mot. Like in *Jacksonville*, there is no status quo to which Defendant may return; the Court has already found that the Enjoined Plan is substantially likely to be racially gerrymandered, and the Remedial Plan is not a constitutional remedy. *See generally* Order. Asking the Court to stay its Order, when neither the Enjoined Plan nor the Remedial Plan is constitutional, would necessarily require the Court to reverse course on

² Unlike Defendant in the instant Action, the defendant in *Jacksonville* only filed the motion to stay in the Eleventh Circuit.

the merits of its Order and uphold the Remedial Plan’s constitutionality. Just as in *Jacksonville*, the Court will not grant a motion to stay under these circumstances.

Though the Court finds a stay inappropriate for the reasons previously discussed, for the sake of providing a thorough explanation, it turns now to the merits of Defendant’s Motion. Defendant proffers two arguments: (1) the Court should not apply the traditional standard to analyze a stay because the instant Action runs afoul of *Purcell v. Gonzalez*, 549 U.S. 1 (2006); and (2) even under the traditional standard, Defendant satisfies each element necessary for the Court to grant a stay. *See generally* Mot. Upon review, the Court reiterates, once again, that the circumstances of this case do not implicate *Purcell*, and thus, the Court will not consider Defendant’s Motion under an alternative standard. Reviewing the Motion under the traditional legal standard, the Court finds that granting a stay is not warranted given that Defendant has failed to satisfy the necessary elements.

A. The *Purcell* Principle

In the Motion, Defendant again raises the argument that *Purcell* applies to the instant Action. *See* Mot. at 3–4. In fact, Defendant copies its argument regarding how *Purcell* should alter the standard by which the Court considers the instant Motion verbatim from its prior motion to stay. *See* (ECF No. 64 at 1–2). The Court has already addressed whether *Purcell* applies, not just once, but twice.³ *See* (ECF No. 60 at 27–29) (comparing the instant Action to other cases in the Eleventh Circuit and concluding that *Purcell* is inapplicable); (ECF No. 70 at 3–4) (refusing to apply *Purcell* to Defendant’s prior motion to stay because doing so “would extend the eve of an

³ The proper time to raise a *Purcell* argument was prior to the Court’s order enjoining the use of the 2022 Enacted Plan on May 23, 2023. *See Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring) (explaining that “federal district courts ordinarily should not enjoin state election laws in the period close to an election”) (internal quotations omitted). The injunction has already occurred, and *Purcell* is inapplicable at this stage in the case.

election farther than the Eleventh Circuit has before”) (internal quotations omitted). It will not evaluate the argument a third time.⁴ Therefore, finding *Purcell* inapplicable to the instant Action, the Court reviews the Motion under the traditional framework.

B. Stay Analysis

A party requesting a stay must demonstrate (1) it is likely to succeed on the merits on appeal; (2) absent a stay, the moving party will suffer irreparable harm; (3) the adverse party will not suffer substantial harm from the issuance of a stay; and (4) the issuance of a stay will serve the public interest. *Garcia-Mir*, 781 F.2d at 1453. The Court addresses each factor in turn.

i. Likelihood of Success on the Merits

By filing the Emergency Motion, Defendant essentially asks the Court to reconsider vast swaths of its Order, and in doing so, Defendant seeks to relitigate much of its case. *See* Mot. at 4–11. Defendant advances the following arguments: (1) the May 11 Meeting was not direct evidence of racial gerrymandering; (2) the Court improperly considered core-retention rates in the Remedial Plan; (3) the Court improperly disregarded legitimate, non-racial criteria when rejecting the Remedial Plan, including partisan considerations; (4) the Court applied the incorrect standard when finding District 5 was not narrowly tailored to Voting Rights Act (“VRA”) compliance; and (5) the Court cannot find the Remedial Plan unconstitutional while adopting Plaintiffs’ alternative map (“P4”), which is fundamentally similar. *See id.*

⁴ Separately from arguing that *Purcell* should alter the framework by which the Court analyzes a motion to stay, Defendant also argues that, because it believes *Purcell* applies, the Court should stay the injunction. Mot. at 14. The Court does not address this argument because (1) it has already explained *Purcell* does not apply, and (2) the time to request a stay of the original injunction has passed. It is unclear why Defendant advances this argument asking the Court to stay the injunction when the subject of this Motion is the Court’s Order Sustaining Objections to the Remedial Plan.

To the extent Defendant seeks to use this Motion as a second opportunity to argue in favor of the Remedial Plan, it is too late. Defendant had an opportunity to pass a constitutional plan that would remedy the unconstitutional violations the Court found was substantially likely to exist in the Enjoined Plan. It did not do so. Accordingly, while the Court will explain why Defendant is not likely to succeed on the merits on appeal, it will not use this order to simply explain its rationale for rejecting the Remedial Plan once more.

Addressing Defendant's first argument about the May 11 Meeting, Defendant asserts that "there was no expressed intent to racially sort [from the Commissioners]; the Court is inferring it." Mot. at 5. To Defendant, the Court's finding contradicts the legal requirement that "the Commission is due a presumption of good faith." *Id.*

The Court's findings were not inferred. Rather, while the Court explained the Commissioners were entitled to a presumption of good faith, the Court evaluated multiple statements and described how each demonstrated the Commission's legislative intent that a remedial plan should perpetuate the unconstitutional aspects of the Enjoined Plan. *See* Order at 20–24. One such statement was a unanimous directive from the Commissioners to the redistricting consultant, De Grandy, to "start redrawing a map[,] that will guarantee that ten years from now we're going to have the diversity. . . in the city government and we are going to elect an Afro American to a seat, that they're going to be properly represented, as well as other groups." *Id.* at 23 (quotations omitted) (alterations in original). Based on the Commissioners' explicit, unequivocal statements from the May 11 Meeting, the Court found direct evidence "that the Commissioners intended the Remedial Plan to carry forward the very same race-based characteristics of the Enjoined Plan." *Id.* To describe the Court's analysis of the expressed intent

of multiple commissioners about their desire for a future map to maintain the gerrymandered voting districts as an “inference” is at best inaccurate, and at worst disingenuous.⁵

Turning to the next argument, Defendant argues the Court “placed undue emphasis on the notion of core retention” and in doing so, improperly relied upon *Jacksonville Branch of NAACP v. City of Jacksonville* (“*Jacksonville IP*”), No. 3:22-cv-493-MMH-LLL, 2022 WL 17751416 (M.D. Fla. Dec. 19, 2022).⁶ Mot. at 6–7. But, by Defendant’s own words, “[c]ore retention can only be suspect insofar as it perpetuates the harms of a racial gerrymander.” *Id.* at 6. That is precisely how the Court analyzed it. *See* Order at 26 (“The Court agrees with Plaintiffs that the core retention rates between the Remedial Plan and the Enjoined Plan are ‘staggeringly high’ and . . . indicate that the Remedial Plan does not completely correct the unconstitutional aspects of the Enjoined Plan.”). The Court’s analysis of core retention was therefore appropriately limited to an evaluation of whether the Remedial Plan perpetuated the harms of racial gerrymandering, which the Court found it did.

Defendant also argues that the Court improperly disregarded the Commission’s “legitimate, non-racial criteria, such as political considerations, where [the Commissioners] had

⁵ Defendant also asserts that “[d]etermining legislative intent from statements by a minority of the Commission is always problematic.” Mot. at 5 (quoting *Birmingham Ministries v. Sec’y of State for State of Alabama*, 992 F.3d 1299, 1324 (11th Cir. 2021)). While a true statement of law, Defendant’s assertion is entirely divorced from the Court’s finding. The Court identified specific statements from Commissioners Diaz de la Portilla and Reyes, and then considered the *unanimous* directive to De Grandy mentioned above to determine legislative intent. *See* Order at 22–23.

⁶ Defendant argues that the Court should not rely upon *Jacksonville II* because this is not a claim of vote dilution, and there, “the new plan still diluted the votes of minority voters [so] the Court replaced it with a plan that did not dilute these votes.” Mot. at 7. *Jacksonville II* directly addressed the question of whether the City of Jacksonville’s remedial plan remedied the unconstitutional gerrymander from the enjoined plan, and in doing so, the *Jacksonville II* Court evaluated core retention rates as one factor to demonstrate that it did not. *See id.* at *14. To the extent the Court analogized to *Jacksonville II*, it did so to demonstrate that, as in that case, the Remedial Plan in the instant Action “perpetuates the impact of the Enjoined Plan’s unconstitutional racial gerrymandering of the election districts.” Order at 40.

invested substantial district resources, and where candidates reside” because the Court found those reasons ““had the impact of perpetuating, rather than completely correcting the constitutional infirmities [of the Enjoined Plan].”” Mot. at 7 (quoting Order at 12). As a matter of law, Defendant’s argument is unavailing. In the remedial posture, courts must ensure that a proposed remedial districting plan “completely corrects—rather than perpetuates—the defects that rendered the original districts unconstitutional or unlawful.” *Covington v. North Carolina* (“*Covington I*”), 283 F. Supp. 3d 410, 431 (M.D. Fla. 2018) (citing *Abrams v. Johnson*, 521 U.S. 74, 86 (1997), *aff’d in relevant part*, 138 S. Ct. 2548 (2018)). Thus, while the Court properly considered the Commission’s legitimate goals, it nevertheless found that those considerations did not completely correct the unconstitutional aspects of the Enjoined Plan. *See* Order at 25, 29–33. The Court’s analysis was not just appropriate; it was also legally necessary.

Relatedly, Defendant asserts that political considerations influenced the creation of the Remedial Plan, in contrast to the Court’s findings that they did not. *See* Mot. at 7 n.4. According to Defendant, the court “lack[s] jurisdiction to undo what is essentially a political question.” *See id.* (quoting *Rucho v. Common Cause*, 139 S. Ct. 2484, 2507–08 (2019)). In support of its argument, Defendant cites to a portion of the June 14 Meeting and its accompanying presentation materials. *Id.* During that portion of the June 14 Meeting, De Grandy only discusses the political outcomes of two unadopted alternative maps, P1 and P2. (ECF No. 82-2 at 9:9–11:2). For example, De Grandy explained that in “[P]laintiffs[’] Alternative 1, the percentage of Republican registered voters in D[istrict] 1 drops by close to 9% compared to our proposal.” *Id.* 10:9–10. Further, De Grandy explained that in Plaintiffs’ “Alternative 2, the percentage of Republican registered voters in D[istrict] 1 drops by 6%. . . compared to our proposal.” *Id.* 10:16–17.

At no point during that meeting, however, did De Grandy opine that he factored in political considerations when drafting V12 or the Remedial Plan. *See generally id.* Nor did any Commissioner. *See id.* Contrary to Defendant’s argument, the Court concluded that partisanship did not play a role in the Remedial Plan’s creation based on an absence of any record material demonstrating otherwise. *See Order at 40* (finding “nothing in the record demonstrates that partisanship played any role”). Accordingly, the Court is satisfied that it correctly determined partisanship did not influence the creation of the Remedial Plan.

Defendant also takes issue with how the Court analyzed whether District 5 was narrowly tailored under the Remedial Plan. *See Mot. at 8–10.* Specifically, Defendant argues that the Court used an incorrect legal standard when evaluating the Remedial Plan and did not actually consider whether District 5 in P4 is narrowly tailored. *See id. at 8.*

As to the Remedial Plan, Defendant asserts that the Court imposed the duty upon Defendant to “determine[] with precision” the Black Voting Age Population (“BVAP”) required in District 5, and to “memorialize the analysis or compile a comprehensive record” of how Defendant calculated the BVAP figure. *Id. at 8.* Defendant misconstrues the Court’s analysis. The Court explained that “the narrow tailoring requirement insists only that the legislature have a strong basis in evidence in support of the (race-based) choice that it has made.” *Order at 38* (emphasis omitted). To demonstrate a strong basis in evidence, the Court explained that Defendant was required to conduct a functional analysis of the electoral behavior within District 5 to determine how District 5 would comply with the VRA’s requirements. *See id.* (citations omitted). The Court further elaborated that by having this strong basis in evidence, Defendant “could demonstrate it had ‘good reason to believe’ it must use race to satisfy § 2 of the VRA.” *Id.* (citation omitted)

Nowhere in this explanation did the Court require Defendant to memorialize or compile a comprehensive record of that analysis, nor did it require Defendant to demonstrate with precision the necessary BVAP. Rather, the Court explained that the record did not contain any evidence suggesting a *functional analysis ever occurred*, meaning there was no record evidence demonstrating what “good reason” Defendant had for drawing District 5 as it did in the Remedial Plan. *See id.* at 38–40. Accordingly, the Court properly evaluated District 5 to determine if it was narrowly tailored in the Remedial Plan.

Secondly, the Court did evaluate whether P4 was narrowly tailored. *See id.* at 47–48. In doing so, the Court considered Dr. Moy’s functional analysis to conclude that P4’s District 5 would enable Black voters to regularly elect a candidate of their choosing, as is required under § 2 of the VRA. *See id.* Because Plaintiffs used Dr. Moy’s analysis to craft P4, the Court found that P4 was narrowly tailored to ensure VRA compliance. *See id.* at 48. Defendant’s assertion that the Court did not undergo this analysis is patently false.

Defendant’s final argument regarding its likelihood of success on the merits is that the Court cannot possibly find the Remedial Plan unconstitutional, but simultaneously find P4 constitutional, when the maps are fundamentally similar. *See Mot.* at 7–8, 11. To Defendant, the Court’s conclusion is “inconceivable,” and if the Remedial Plan perpetuates the constitutional infirmities from the Enjoined Plan, then P4 must do the same. *See id.* at 7. But, as the Court explicitly noted in its Order, “[w]hen faced with the necessity of drawing district lines by judicial order, a court, as a general rule, should be guided by the legislative policies underlying the existing plan, to the extent those policies do not lead to violations of the Constitution or Voting Rights Act.” Order (citing *Abrams*, 521 U.S. at 79). Thus, when evaluating P4, the Court had to ensure

that P4 reconciled two goals: (1) adherence to the Commission’s lawful objectives, and (2): that the map remedied the unconstitutional aspects of the Enjoined Plan.

The Court evaluated the process by which P4 was created accordingly. In doing so, it considered how P4 incorporated the Commission’s goals of substantial equality of population, respect for traditional neighborhoods and communities of interest, and the use of significant and natural boundaries, while also considering traditional districting criteria, which the Enjoined Plan did not. After undergoing this analysis, the Court found that P4 properly reconciled those two objectives. *See* Order at 40–49. *Cf. Jacksonville II*, 2022 WL 17751416, at *18–19 (evaluating a remedial plan to ensure it “adheres to the legitimate redistricting criteria advocated by the City Council” while also ensuring it did not result in the perpetuation of the unconstitutional effects from the enjoined plan). Accordingly, even if P4 is facially similar to the Remedial Plan, as Defendant suggests, P4 is a constitutional remedy if it reconciles the two objectives mentioned above. Because the Court found that it does, the Court is satisfied that P4 is a sufficient remedial plan based on the underlying considerations that factored into its creation. *See* Order 40–49.

In sum, none of Defendant’s arguments indicate a “strong showing that [it] is likely to succeed on the merits.” *Nken*, 556 U.S. at 434.

ii. Irreparable Harm

Defendant does not suffer irreparable harm because it “has no legitimate interest in enforcing an unconstitutional ordinance.” *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006). “[T]here can be no irreparable harm to a municipality when it is prevented from enforcing an unconstitutional statute.” *Id.* (quoting *Joelner v. Vill. of Washington Park*, 378 F.3d 613, 620 (7th Cir. 2004)). Defendant’s claims that it will be harmed absent a stay of the

Court's Order finding the Remedial Plan unconstitutional are thus unavailing. The Court could properly end its analysis there.

Nevertheless, Defendant argues that absent a stay, it will suffer irreparable harm because the Court's Order created "districting changes [which] are 'prescriptions for chaos.'" *See id.* at 12 (citing *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J. concurring)). According to Defendant, the Court's Order "will 'affect candidates, campaign organizations, independent groups, political parties, and voters, among others.'" *Id.* (citing *Milligan*, 142 S. Ct. at 880). Defendant gives one example of the consequence of the Court's Order, explaining that like in *Milligan*, "candidates and elected officials no longer even know what [sic] district they live [sic] in, where they may run, and where they must campaign."⁷ *Id.* Defendant believes that the ensuing "chaos" from the Court Order constitutes irreparable harm. *See id.*

But the instant Action is not like *Milligan*. In *Milligan*, an Alabama district court concluded that "Alabama's congressional districts [must] be completely redrawn" seven weeks prior to the next election. *Id.* at 779. Importantly, because no map existed and the election was fast-approaching, the Supreme Court opined that the district court's injunction was "a prescription for chaos." *Id.* at 880. Accordingly, the Supreme Court stayed the district court's order, explaining that individuals and entities "now do not know who will be running against whom," "candidates cannot be sure what district they need to file for," and "potential candidates do not even know which district they live in." *Id.*

⁷ Lastly, Defendant argues that based on Miami residence requirements, "Commissioners who are up for reelection may be drawn out of their districts with no opportunity to qualify in a new district." *See Mot.* at 12 (citing *City of Miami*, Code of Ordinances § 16-6(b)(3)). Defendant cites to no authority to suggest that a Commissioner who *may* be drawn out of his district constitutes harm on behalf of Defendant, the City of Miami. Moreover, the Court finds that any potential harm that a Commissioner may suffer by virtue of no longer residing in a particular district must give way to the Court's duty to remedy the Defendant's unconstitutional districting decisions.

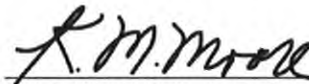
There is no such chaos here. Unlike in *Milligan*, the Court already adopted its own remedial map. The Court has done so before August 1, 2023, the date by which the Miami-Dade Board of Elections stated it would need a map to conduct the November Election. The map clearly delineates the borders of each district. Consequently, it strains credulity to claim, as Defendant does, that candidates do not know the district in which they live or where they may run. Mot. at 12. The Court's remedial map specificizes it clearly. Otherwise, Defendant fails to explain what other "chaos" will result from the Court's Order, much less explain how it will be harmed. *See id.*

As noted above, the "first two factors are the most critical" when analyzing a motion for a stay pending appeal: likelihood to prevail on the merits and irreparable harm absent a stay. *See Democratic Exec. Comm. of Fla.*, 915 F.3d at 1317. Here, both factors weigh against the stay Defendant now proposes. Accordingly, the Court need not examine the other two factors, and denies Defendant's Motion.

IV. CONCLUSION

UPON CONSIDERATION of the Motion, the Court finds that a stay is not warranted. For the foregoing reasons, it is hereby ORDERED AND ADJUDGED that Defendant's Emergency Motion to Stay Order Rejecting Redistricting Map (ECF No. 97) IS DENIED.

DONE AND ORDERED in Chambers at Miami, Florida, this 3rd day of August, 2023.



K. MICHAEL MOORE

UNITED STATES DISTRICT JUDGE

c: All counsel of record

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In the
United States Court of Appeals
For the Eleventh Circuit

No. 23-12472

GRACE, INC.,
ENGAGE MIAMI, INC.,
SOUTH DADE BRANCH OF THE NAACP,
MIAMI-DADE BRANCH OF THE NAACP,
CLARICE COOPER, et al.,

Plaintiffs-Appellees,

versus

CITY OF MIAMI,

Defendant-Appellant.

Appeal from the United States District Court
for the Southern District of Florida

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D.C. Docket No. 1:22-cv-24066-KMM

Before WILSON, BRANCH, and LUCK, Circuit Judges.

BY THE COURT:

A little more than three months before City of Miami voters go to the polls to elect commissioners, the district court adopted the plaintiffs' remedial plan to redraw the borders for the City's five single-member districts and ordered the City to implement the remedial plan in lieu of the City's redistricting legislation. Yet the Supreme Court "has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election." *Republican Nat'l Comm. v. Democratic Nat'l Comm.*, 140 S. Ct. 1205, 1207 (2020); see also *League of Women Voters of Fla., Inc. v. Fla. Sec'y of State*, 32 F.4th 1363, 1371 (11th Cir. 2022) ("[F]ederal district courts ordinarily should not enjoin state election laws in the period close to an election." (quotation omitted)); *New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1284 (11th Cir. 2020) ("The Supreme Court has repeatedly emphasized that lower federal courts should ordinarily not alter the election rules on the eve of an election." (quotation omitted)). This is "called the *Purcell* principle," *League of Women Voters*, 32 F.4th at 1370, which comes from the Supreme Court's decision in *Purcell v. Gonzalez*, 549 U.S. 1 (2006).¹

¹ In *Purcell*, the Supreme Court considered "an application to enjoin operation of voter identification procedures just weeks before an election" in Arizona and held that the court of appeals "was required to weigh, in addition to the

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“That important principle of judicial restraint not only prevents voter confusion but also prevents election administrator confusion—and thereby protects the [local] interest in running an orderly, efficient election and in giving citizens (including the losing candidates and their supporters) confidence in the fairness of the election.” *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 31 (2020) (Kavanaugh, J., concurring). “Court orders affecting elections . . . can themselves result in voter confusion and consequent incentive to remain away from the polls.” *Purcell*, 549 U.S. at 4–5. “When an election is close at hand, the rules of the road should be clear and settled.” *Democratic Nat’l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring). That’s because running an election “is a complicated endeavor.” *Id.* “Lawmakers initially must make a host of difficult decisions about how best to structure and conduct the election.” *Id.* “[V]olunteers must participate in a massive coordinated effort to implement the lawmakers’ policy choices on the ground before and during the election, and again in counting the votes afterwards.” *Id.* “And at every step, state and local officials must communicate to voters how, when, and where they may cast their ballots through in-person voting on election day, absentee voting, or early voting.” *Id.*

“[E]ven seemingly innocuous late-in-the-day judicial alterations to [local] election laws can interfere with administration of an

harms attendant upon issuance or nonissuance of an injunction, considerations specific to election cases and its own institutional procedures.” 549 U.S. at 4.

election and cause unanticipated consequences.” *League of Women Voters*, 32 F.4th at 1371 (quotation omitted). “If a court alters election laws near an election, election administrators must first understand the court’s injunction, then devise plans to implement that late-breaking injunction, and then determine as necessary how best to inform voters, as well as state and local election officials and volunteers, about those last-minute changes.” *Democratic Nat’l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring). “Late judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters, among others.” *Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring). The *Purcell* “principle also discourages last-minute litigation and instead encourages litigants to bring any substantial challenges to election rules ahead of time, in the ordinary litigation process.” *Democratic Nat’l Comm.*, 141 S. Ct. at 31 (Kavanaugh, J., concurring).

For these reasons, and others, “when a lower court intervenes and alters the election rules so close to the election date, our precedents indicate that this [c]ourt, as appropriate, should correct that error.” *Republican Nat’l Comm.*, 140 S. Ct. at 1207; *see also League of Women Voters*, 32 F.4th at 1371 (“[I]f a district court violates that principle, the appellate court should stay the injunction, often (as it could not do under the traditional test) while expressing no opinion on the merits.” (cleaned up)). “[I]t would be preferable if federal district courts did not contravene the *Purcell* principle by rewriting [local] election laws close to an election. But when they

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do, appellate courts must step in.” *Democratic Nat’l Comm.*, 141 S. Ct. at 32 (Kavanaugh, J., concurring). So we do.

Still, the plaintiffs may “overcome” the *Purcell* principle, “even with respect to an injunction issued close to an election,” if they “establish[] at least the following: (i) the underlying merits are entirely clearcut in favor of the plaintiff[s]; (ii) the plaintiff[s] would suffer irreparable harm absent the injunction; (iii) the plaintiff[s] have not unduly delayed bringing the complaint to court; and (iv) the changes in question are at least feasible before the election without significant cost, confusion, or hardship.” *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring); accord *League of Women Voters*, 32 F.4th at 1372–73 (applying Justice Kavanaugh’s framework from *Merrill*). Here, the plaintiffs have not made that showing.

First, it is not clearcut that the remedial plan the district court adopted remediates the alleged racial sorting in the City’s redistricting legislation. Comparing the maps, the district court’s remedial plan looks a lot like the City’s March 2022 redistricting plan the district court enjoined. And, comparing the population data, the racial makeup of the district court’s remedial plan is close to the racial makeup of the City’s June 2023 redistricting plan.

Second, as to undue delay, the City adopted its redistricting legislation in March 2022. The plaintiffs waited nine months—December 2022—to file their lawsuit. And then they waited two more months—February 2023—to move for a preliminary injunction. In their response to the stay motion, the plaintiffs do not explain the eleven month delay.

Finally, the plaintiffs argue that, under *Purcell*, the City did not submit any evidence to show the cost, confusion, or hardship of the district court's remedial plan. But the plaintiffs are confused about their burden under *Purcell*. Under the *Purcell* principle, "lower federal courts should ordinarily not alter the election rules on the eve of an election." *New Ga. Project*, 976 F.3d at 1284 (quotation omitted). But *Purcell* is not "absolute." *League of Women Voters*, 32 F.4th at 1372. Instead, it "simply heightens the showing necessary for [the] plaintiff[s] to overcome the [s]tate's extraordinarily strong interest in avoiding late, judicially imposed changes to its election laws and procedures." *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring); accord *League of Women Voters*, 32 F.4th at 1372 ("[W]e agree with Justice Kavanaugh that *Purcell* only (but significantly) heightens the standard that a plaintiff must meet to obtain injunctive relief that will upset a state's interest in running its elections without judicial interference." (footnote and quotation omitted)).

To "overcome" the *Purcell* principle "with respect to an injunction issued close to an election," the "plaintiff[s] [must] establish[] . . . the changes in question are at least feasible before the election without significant cost, confusion, or hardship." *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring). Because of the City's "extraordinarily strong interest in avoiding late, judicially imposed changes to its election laws," the plaintiffs must make the showing that the remedial plan is feasible without significant costs, confusion, or hardship.

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They have not made that showing. At best, the plaintiffs argue that there will be no chaos in election administration because the elections' supervisor said she could implement the new map by August 1, 2023. But the absence of chaos is hardly acceptable under *Purcell*. This says nothing about the significant costs, confusion, and hardships on candidates, voters, and the public. Even if the elections' supervisor can pull off the election (although the plaintiffs never mention the significant cost of pulling it off), the district court's remedial plan still imposes significant costs on candidates, voters, and the public. The district court's remedial plan, for example, splits some existing precincts between districts that are up for election (not all the districts are up for election in November) and between one district that is up for election and one that is not. The result, therefore, of implementing the district court's remedial plan could very likely be voter confusion: voters who were under the impression that they would be casting their ballots in November for seats in their district will no longer be doing so, and vice versa. Because "the plaintiffs have not established that the changes are feasible without significant cost, confusion, or hardship," they "cannot overcome even a more relaxed version of the *Purcell* principle." *Id.* at 881–82.

The plaintiffs push back that *Purcell* is inapplicable for two reasons. First, they contend that the City cannot rely on the *Purcell* principle "in light of [its] previous representations to the district court that the schedule on which the district court proceeded was sufficient to enable effectual relief." See *Rose v. Raffensperger*, 143 S. Ct. 58, 59 (2022). But the City never made that representation

to the district court. Here are the two parts of the record that the plaintiffs cite in support. In its response to the plaintiffs' motion for a preliminary injunction, the City wrote:

Plaintiffs' Motion seeking an injunction is either a year too late or 25 years too late. The redistricting occurred in March of 2022. This case was filed nine months later, in December. Plaintiffs then waited two more months before filing the Motion. A special election has already occurred last month, and another election is coming in November. Plaintiff[s] admit that the new districts would have to be set by August 1. Even if there is a ruling on the Motion, new districts would have to be drawn, face inevitable challenges by Plaintiffs, and be ruled on by this Court, and this does not even factor in any appellate remedies. Plaintiffs make no excuse and give no explanation for their delay.

(citations omitted). This is not a representation that the district court's schedule was sufficient to enable effectual relief. On the contrary, the City argued that, because of the plaintiffs' delay in bringing their complaint to court, there was not enough time to get full review of any remedial plan.

The other part of the record is more of the same. At the hearing on the preliminary injunction motion, the City told the magistrate judge:

But the question then becomes, without any alternative math, and given that we are down to the wire, and that by August 1st, according to the Division of

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Elections, according to the e-mail they put in, there needs to be a final, non-appealable map that's gonna happen by November, and we would be in a situation—and they did wait; they waited nearly a year for the preliminary injunction to bring it. You would be in a situation where we would essentially be drawing the same maps and they would be rejecting them conceivably and then coming back here to have rulings upon them.

The City was clear that the August 1, 2023 deadline worked only if the district court's remedial plan was "a final, non-appealable map." But the district court didn't adopt a "final, non-appealable map." It adopted a temporary remedial plan while it considered the merits of the plaintiffs' claim that the City's redistricting legislation violated the Fourteenth Amendment. And, now, the temporary remedial plan is on appeal. Again, the City did not represent that the district court's schedule was sufficient to enable effectual review in time for the November election.

Even the district court acknowledged that the City raised the *Purcell* problem throughout the litigation. As the district court explained in its order denying the City's stay motion:

In the Motion, Defendant again raises the argument that *Purcell* applies to the instant Action. In fact, Defendant copies its argument regarding how *Purcell* should alter the standard by which the Court considers the instant Motion verbatim from its prior motion to stay. The Court has already addressed whether *Purcell* applies, not just once, but twice. It will not

evaluate the argument a third time. Therefore, finding *Purcell* inapplicable to the instant Action, the Court reviews the Motion under the traditional framework.

(footnotes and citations omitted). The district court understood that the City did not waive its *Purcell* argument.

Second, the plaintiffs contend that the *Purcell* principle doesn't apply because the district court's order adopting the remedial plan is the status quo and granting a stay (as the City asks us to do) would be tinkering with the election laws in violation of *Purcell*. But "[c]orrecting an erroneous lower court injunction of a [local] election law does not itself constitute a *Purcell* problem. Otherwise, appellate courts could never correct late-breaking lower court injunctions of a [local] election law. That would be absurd and is not the law." *Merrill*, 142 S. Ct. at 882 n.3 (Kavanaugh, J., concurring); see also *Democratic Nat'l Comm.*, 141 S. Ct. at 31–32 (Kavanaugh, J., concurring) ("Applicants retort that the *Purcell* principle precludes an appellate court . . . from overturning a district court's injunction of a state election rule in the period close to an election. That argument defies common sense and would turn *Purcell* on its head. Correcting an erroneous lower court injunction of a state election rule cannot itself constitute a *Purcell* problem. Otherwise, appellate courts could never correct a late-breaking lower court injunction of a state election rule. That obviously is not the law.").

The dissenting opinion gives its own reasons for why the *Purcell* principle does not apply. First, it says, the City isn't entitled

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to a stay because it delayed seeking review of the district court's preliminary injunction. But the dissenting opinion misunderstands what the City is appealing. The City isn't seeking review of the preliminary injunction. The City is seeking review of the order, issued months later, adopting the plaintiffs' remedial plan. The remedial plan didn't exist before July 31, 2023. The district court adopted one that day. And, that same day, the City appealed and sought a stay pending appeal. There was no remedial plan for the City to appeal before July 31; the preliminary injunction didn't impose one. The City was the opposite of dilatory.

Second, the dissenting opinion contends that applying *Purcell* is perverse because it incentivizes the City to submit a constitutionally problematic map close to election time. But there's nothing perverse about what the City did here. The City approved its redistricting legislation in March 2022. The plaintiffs waited eleven months to seek an injunction. We're rubbing up against the election because of the plaintiffs' delay. The City, in contrast, approved its redistricting twenty months before voters are set to go to the polls in November 2023.

Third, the dissenting opinion relies on an unpublished, non-precedential order in *Jacksonville Branch of NAACP v. City of Jacksonville*, No. 22-14260, 2023 WL 119425 (11th Cir. Jan. 6, 2023). Of course, that order is not binding on anyone, including us. But, to the extent it was, the *Jacksonville Branch* order didn't discuss or analyze the *Purcell* principle. Not one word about the application of

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Purcell to these facts. It says nothing about the issues we address in this order.

* * * *

“[P]ractical considerations sometimes require courts to allow elections to proceed despite pending legal challenges.” *Riley v. Kennedy*, 553 U.S. 406, 426 (2008). As in *Merrill*, this is one of those times. While we “express[] no opinion on the merits” of the plaintiffs’ claims, *League of Women Voters*, 32 F.4th at 1371 (quotation omitted), the “*Purcell* principle requires that we stay” the district court’s order adopting the remedial plan and ordering the City to implement it. *See Merrill*, 142 S. Ct. at 882 (Kavanaugh, J., concurring). We therefore grant the City’s emergency motion to stay.

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WILSON, J., Dissenting

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WILSON, Circuit Judge, Dissenting:

Today, the majority allows the City of Miami’s November 2023 municipal elections to proceed under a map that the district court found “perpetuates the impact of the Enjoined Plan’s unconstitutional racial gerrymandering.” The majority faults the Plaintiffs for dilatory litigation and applies the *Purcell* principle¹ to stay the implementation of the district court’s interim plan. Because any urgency in this appeal is attributable to the City’s delay, I would not reward them with a stay. Accordingly, I respectfully dissent.

As the majority describes, in February of this year, the Plaintiffs sued the City of Miami to enjoin newly drawn district maps. In May, the district court preliminarily enjoined the City’s use of those maps (the Enjoined Plan) and, in consultation with the parties, set a schedule for the creation of remedial maps. The City’s officials stated that they needed new maps by no later than August 1, 2023. The City appealed the preliminary injunction and sought a stay pending appeal from the district court, which was denied. The City could have then petitioned this court for a stay, but it did not. Ultimately, it voluntarily dismissed that appeal.

Around the same time, the City adopted a new map (the Remedial Plan) and submitted it to the district court. Because of the preliminary injunction, the district court had to review the Remedial Plan before it could be used and had to ensure that it corrected

¹ *Purcell v. Gonzalez*, 549 U.S. 1, 4–5 (2006) (per curiam).

the constitutional defects found in the Enjoined Plan. The district court compared the Enjoined Plan and the Remedial Plan, analyzing shifts in populations and geographic boundaries. Ultimately, as the factfinder, the district court concluded that there was both direct and circumstantial evidence that the Commissioners intended for the Remedial Plan to preserve the prior racial breakdown of the Enjoined Plan. Thus, the district court found that rather than remedying unconstitutional gerrymandering, the Remedial Plan perpetuated it. Because neither the Enjoined Plan nor the Remedial Plan passed constitutional muster, the district court ordered that an interim plan submitted by the Plaintiffs be used. The district court chose this plan because it respected the City's legitimate, non-race-based policy goals; complied with traditional redistricting criteria; and adhered to state and federal law.

In asking us to invoke *Purcell* to stay the district court's interim plan, the City is in effect asking us to overturn not just the district court's order denying approval of the Remedial Plan, but because the district court found the Remedial and Enjoined Plans to be substantially similar in constitutional inadequacies, the City essentially requests that we reverse the merits of the preliminary injunction entered in May of this year. Yet, the time for challenging that order has long since passed. The City was fully entitled to appeal that order—in fact, it did appeal initially, but then opted to voluntarily dismiss its case.

Thus, the emergency, time-constrained position in which we find ourselves is not the result of the “undue delay,” Maj. Op.

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WILSON, J., Dissenting

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at 6, of the Plaintiffs in bringing this suit, but rather the City's choice to not pursue a stay at the preliminary injunction stage. The City seeks the extraordinary equitable remedy of a stay pending appeal. But, "a party's inequitable conduct can make equitable relief inappropriate." *Ramirez v. Collier*, 142 S. Ct. 1264, 1282 (2022). Such is the case here. See *Wreal, LLC v. Amazon.com Inc.*, 840 F.3d 1244, 1248 (11th Cir. 2016) ("A delay in seeking a preliminary injunction of even only a few months . . . militates against a finding of irreparable harm."); see also *Texas v. Biden*, 10 F.4th 538, 558 (5th Cir. 2021) ("The self-inflicted nature of the [movant's] asserted harm "severely undermines" its claim for equitable relief." (cleaned up)). Just as a stay applicant may not delay, and self-inflict the imminent harm it seeks relief from, in my view the City may not delay in seeking a stay to justify invocation of the *Purcell* principle. Because of the City's dilatory actions in this litigation, I would not grant them a stay.

Before I conclude, I would like to make two further points. First, the majority focuses on the fact that *Purcell* does not prevent this court from correcting the district court's *erroneous* injunction. But again, if the City believed the preliminary injunction was erroneous, it abandoned that position by dismissing its prior appeal. What the City now asks this court to do is stop an *interim* and (what the district court concluded is a) constitutionally sound map from being used in favor of the Remedial Plan that was found to perpetuate the same racial gerrymandering that plagued the Enjoined Plan. Allowing the *Purcell* principle to be invoked in situations like this creates a perverse incentive. Loose application of the *Purcell*

principle incentives litigants like the City to submit constitutionally problematic maps to the district court close in time to the election, with the knowledge that, if the district court disapproves the map the City will receive a stay from this court. Respectfully, I would not incentive such behavior.

Second, we have addressed a similar situation in a recent case from the City of Jacksonville. *Branch of NACCP v. City of Jacksonville*, No. 22-14260, 2023 WL 119425 (11th Cir. Jan. 6, 2023). There, the City of Jacksonville asked us to allow the City's approved remedial plan to go into effect despite the district court finding that the remedial plan perpetuated the constitutional violations of the original enjoined plan. *Id.* at *2. We declined to do so because this request in effect required us to rule on the constitutionality of the remedial plan. *Id.* at *3. "[A]nd an order on a motion for stay pending appeal is not a resolution of the appeal itself." *Id.* Here, the City is asking us to do the exact same thing. Staying the district court's interim plan in effect casts our approval on the constitutionality of the Remedial Plan.

Finally, because I would find that the *Purcell* principle does not apply, I would consider the typical stay factors² and find that the City has not met its burden.

² In determining whether to grant a stay, the court considers the following: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other

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WILSON, J., Dissenting

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I respectfully dissent.

parties interested in the proceeding; and (4) where the public interest lies.”
Nken v. Holder, 556 U.S. 418, 434 (2009) (quotation marks omitted).