



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

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Intergovernmental Relations

**SENATOR MIKE HARIDOPOLOS**  
26th District

# MEMORANDUM

**To:** Members of the Florida Senate  
**From:** Senator Mike Haridopolos, Chair, Committee on Reapportionment *WH*  
**Subject:** Proposed Constitutional Initiatives on Redistricting  
**Date:** November 5, 2009

The Committee on Reapportionment held its first meeting this week. During the "introduction to redistricting technology and law," we discussed two proposed amendments to the Florida Constitution. The initiatives would set additional standards for congressional or legislative redistricting. I am sending this memo so all Senators will be aware of some of the information we considered.

Several Committee members expressed concern about potential adverse effects on Florida voters, particularly racial or language minorities.

One side of the attached handout shows the full text of the two initiatives, highlighting differences between them. The other side outlines *current* redistricting standards in Florida alongside the proposed *additional* standards.

At the meeting, we heard that the proposed new standards may have consequences far beyond what is obvious at first reading. The attorneys said any district might be challenged for violating one or more of the standards, and voters across the state could face years of costly and uncertain litigation over how the conflicting standards apply under Florida and federal law.

The Committee on Reapportionment will examine the proposed amendments in detail at future meetings. This will be an important issue for next year, and I will keep all Senators informed about information developed by the committee. If you have any questions, concerns, or thoughts please feel free to discuss them with me as we move forward.

**REPLY TO:**

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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**JEFF ATWATER**  
President of the Senate

**MIKE FASANO**  
President Pro Tempore

ARTICLE AND SECTION BEING CREATED OR AMENDED: Add a new **section 20** to Article III

BALLOT TITLE:  
STANDARDS FOR LEGISLATURE TO FOLLOW IN  
**CONGRESSIONAL** REDISTRICTING

**BALLOT SUMMARY:** **Congressional** districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

**FULL TEXT:** Add a new **section 20** to Article III

Section **20**. STANDARDS FOR ESTABLISHING **CONGRESSIONAL** DISTRICT BOUNDARIES

In establishing **Congressional** district boundaries:

(1) No apportionment plan or **individual** district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

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

(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

ARTICLE AND SECTION BEING CREATED OR AMENDED: Add a new **Section 21** to Article III

BALLOT TITLE:  
STANDARDS FOR LEGISLATURE TO FOLLOW IN  
**LEGISLATIVE** REDISTRICTING

**BALLOT SUMMARY:** **Legislative** districts or districting plans may not be drawn to favor or disfavor an incumbent or political party. Districts shall not be drawn to deny racial or language minorities the equal opportunity to participate in the political process and elect representatives of their choice. Districts must be contiguous. Unless otherwise required, districts must be compact, as equal in population as feasible, and where feasible must make use of existing city, county and geographical boundaries.

**FULL TEXT:** Add a new **Section 21** to Article III

Section **21**. STANDARDS FOR ESTABLISHING **LEGISLATIVE** DISTRICT BOUNDARIES

In establishing **Legislative** district boundaries:

(1) No apportionment plan or district shall be drawn with the intent to favor or disfavor a political party or an incumbent; and districts shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice; and districts shall consist of contiguous territory.

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

(3) The order in which the standards within sub-sections (1) and (2) of this section are set forth shall not be read to establish any priority of one standard over the other within that subsection.

# Redistricting standards...

## Current standards:

- One person, one vote.
- Voting Rights Act (§2, §5).
- Contiguous.

## Proposed additional standards:

### **Subsection (1)**

- Cannot favor an incumbent.
- Cannot disfavor an incumbent.
- Cannot favor a political party.
- Cannot disfavor a political party.
- *Equal priority of the 4 standards above with voting rights for racial or language minorities and with contiguity.*

### **Subsection (2)**

Unless compliance conflicts with subsection (1)...

- As equal in population as “practicable.”
- Compact.
- Utilize existing political and geographic boundaries.
- *Equal priority among these 3 standards.*