

**To: Elaine Wiant President, LWV Texas
and the Board of Directors, LWV Texas**

**From: Frances McIntyre, Chair, LWV Austin Committee to Study, Review and
Update the LWV Texas Position on Redistricting.**

**Committee members: Frances McIntyre, Carol Olewin, Lea Masiello,
Debbi Voss, from LWV Austin Area**

DATE: December 28, 2016

**SUBJECT: Proposal for Changing the Current LWV Texas Position on Redistricting
to Support Independent Citizens Redistricting Committees**

Overview: At the last LWV Texas Convention, there was agreement of the body that the position on Redistricting be reviewed and updated. A committee was formed to study, research and come to an opinion regarding the current position. The following is the committee's recommendation.

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POSITION LWV-TX

The League of Women Voters of Texas supports action to achieve an effective method for drawing boundaries for congressional and state legislative districts. ~~through legislative action and constitutional revision:~~

The League supports the formation of a redistricting commission ~~an autonomous, Independent Citizens Redistricting Commission~~ following the decennial census with the initial responsibility of formulating a redistricting plan designating boundaries for the U.S. congressional districts and the state House and Senate districts. ~~with the following provisions:~~

- ~~if a commission is not initially responsible, the legislature should conduct the work of redistricting during a special session called for the sole purpose of redistricting; the special session should operate within a short, strict time frame~~
- ~~the state legislature should be responsible for the final approval of the redistricting plan~~
- ~~specific provisions should be made for automatic court review of redistricting measures, preferably giving the Texas Supreme Court original jurisdiction~~
- ~~definite time limits should be set for when the commission begins its work, when the legislature gives final approval, and when court action must be initiated.~~

Criteria and standards for drawing district boundaries include the following:

- districts should must be apportioned on the basis of equal population
- districts should must be single-member geographical and contiguous
- consideration should must be given to ensuring that the districts be compact, that district lines coincide with boundaries of local political subdivisions, and that districts not be drawn to dilute the voting strength of minority populations or drawn with the intent to favor or disfavor a political party or incumbent
- consideration should not be given to retention of incumbents or political party strength
- districts should must not be apportioned on the basis of numbers of electors, but on total population (a qualified elector is any person eligible to vote in a state election in Texas; federal apportionment law is based on total population.)

The position in Brief:

Support for an Independent Citizens Redistricting Commission as the preferred redistricting body.

Support for a state redistricting process and standards that promote fair and effective representation with maximum opportunity for public scrutiny.

The redistricting process must include:

- specific time lines for the steps leading to adoption of the redistricting plan
- public hearings on the plan proposed for adoption

Independent Citizens Redistricting Commission: Definition

An Independent Citizens Redistricting Commission is an autonomous commission where the commissioners are independent of any connection to elected officials or the state legislature (including, but not limited to, staff, lobbyists, and other employees). A redistricting commission is a body, other than the usual state legislative bodies, designated to draw electoral district lines.

Independence in this context has two potential meanings. The most fundamental is that the commission is autonomous and thus its redistricting product is final without any action by the State officials. The second meaning of independent is that the members of the autonomous commission are selected in a manner that is intended to make them politically independent of the State legislature or political factions. An independent redistricting commission is one that is both autonomous and politically independent.

Rationale: Why We Should Consider Advocacy for ICRCs

The LWVUS has been discussing ICRCs for some time, and the LWVUS publication, "Shining a Light: Redistricting Lessons Learned in 2011," further explains the importance of advocating for ICRCs. There has been considerable interest from various states in implementing ICRCs, and it is time for LWV Texas to join this movement before the next redistricting work begins. Because redistricting is solely up to the will of individual states, it is imperative for as many states as possible to consider advocating for ICRCs in order to strengthen our democracy. Gerrymandering, specifically the drawing of federal and state legislative districts to benefit legislators and parties, undermines the integrity and essential values of the American democratic process. The LWV cares deeply about voter registration and participation, and gerrymandering has reached such a corrosive level that increasingly citizens are choosing not to vote because they believe—often rightly so—that their votes do not result in their participation in the democratic process. We believe that incorporating ICRCs presents an opportunity to change citizens' perspectives on voting by giving them true representative voices in elections.

Incorporating ICRCs into the redistricting process can provide a permanent change in partisan gerrymandering because ICRCs take the redistricting process entirely out of the hands of legislators and gives it to citizens, selected and appointed only for the work of redistricting. We have seen that ICRCs work in California and Arizona; their elections have become more competitive than the national average. True competitive elections are important for voters and the democratic process.

Currently, there are twenty-one (21) U.S. states using some form of non-partisan or bipartisan redistricting. Of those 21 U.S. states, 13 are using redistricting commissions to exclusively draw electoral district lines. Iowa uses a special redistricting process. Those states that use some form of an Independent Citizens Redistricting Commission are Arizona, California and Florida. The other 10 are in one way or the other using elected officials to appoint or have some say in choosing commissioners. Many of the changes to the redistricting plans originated out of an initiative process (by petition which was put on the ballot). Texas does not allow petitions. This means that citizens in Texas must advocate for legislators to present bills for ICRCs immediately, as well as support them through the process by providing testimony in support of ICRCs.

History: Redistricting:

In 1983 the League adopted a "study of the congressional and legislative redistricting process in Texas, including assessment of current criteria and evaluation of possible alternatives." The study grew out of a concern for the way redistricting had been accomplished during the 1970's and 1980's when legislative redistricting problems had resulted in prolonged wrangling over district lines. League members asked for the study in order to have a position from which to work before the 1990 census and the next round of redistricting. The position was adopted in the fall of 1984.

League members strongly supported and continue to support the initial use of a commission. But in 1983, members also provided for an alternative method in the event that the legislature would not be willing to use a commission. If a commission would not be initially responsible for redistricting, it would fall to the legislature to conduct the work of redistricting during a special session of the legislature called for the sole purpose of redistricting. This special session would operate within a short, strict time frame.

During 1997-98 Periodic Program Review, the committee clarified the League position opposing consideration of "communities of interest" as criteria for drawing district boundaries. Communities of interest can include common occupations, industries, and ethnic or religious cultures. Most redistricting authorities agree that this criterion is so broad that it invites problems. Communities of interest are difficult to define and often extend beyond political subdivisions and geographical boundaries. Racial and language minorities can constitute a community of interest that is already protected under the Voting Rights Act. At a statewide convention in 2013, delegates voted to remove the term "communities of interest" from the position.

Current LWVUS Position on Redistricting

There is no study of redistricting occurring through the LWVUS at this time. It was announced in a Leaders Update that the Task Force has recommended that there be no national study on redistricting. We have a basic national position, along with many state positions, which the Task Force believes can be used to create new positions via concurrence. The Task Force feels very strongly that we cannot talk about this issue until 2018. However, given the upcoming round of redistricting in 2020, we feel that Texas needs a new position to use as soon as possible.

Current Action Relevant to Legislative Bills to Advance an ICRC in Texas

Donna Howard, Representative for District 48 in Austin, has filed a Joint Resolution (H.J.R. No. 32) proposing a constitutional amendment establishing the Texas Redistricting Commission to redistrict the Texas Legislature and Texas Congressional districts, along with revising procedures for such redistricting. This constitutional amendment would create a Texas Redistricting Commission to draw the lines for the Texas House and Senate and the US House of Representatives. The commission would have seven members, who would be appointed in the following manner:

One member appointed by a Senator with the most seniority; another member appointed by the same Senator would have to be from a different party. Similarly, a senior House member would appoint two commissioners from different political parties.

One member would be appointed by one of the four previously appointed members. Two members would be appointed by a retired federal judge, appointed to the federal bench by presidents of different political parties.

This Joint Resolution also includes a list of requirements for a member of the Commission, which require that there be no connection to the State or Congressional elected officials.

Summary and Recommendations

In summary, we note that ICRCs can address these most egregious of problems resulting from gerrymandering:

- an undermining of the essential values of the democratic process;
- the discouragement of citizens from registering to vote and from voting;
- the establishment of partisan gridlock currently infecting state and federal legislatures;
- the weakening of citizen voices in communities based on their socio-economic, ethnic, racial, and heritage identities.

We recommend, therefore, that the LWV Texas adopt the changes to the current position on redistricting that includes support for an Independent Citizens Redistricting Committee.

Thank you from the committee. This has proven to be an educational and enjoyable study. I can be reached for questions or explanations at mcintyre.frances@gmail.com or on my cell phone 512-653-8851.

Frances McIntyre
Director of Advocacy
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Appendices

Appendix I. Redistricting and the Establishment of an ICRC in the Austin City Council

Through a citizens' petition, Austin's city council (which was composed of six councilpersons and a mayor elected at large) was changed to ten geographic districts and a mayor through a ballot item on the November 2012 election, which passed with over 60% of the vote in favor. Included in the ballot measure was an ICRC. The Austin League supported the petition drive. The ICRC system has specific requirements that lead to commissioners who have no connection to City Hall. The Austin LWV monitored all of the process of creating the ICRC, including all the meetings of the Commission. Austin's process of re-apportionment was based on the State of California's ICRC, which was supported by California LWV.

Appendix II. Redistricting and the Incorporation of an ICRC in California

Many of the changes to the redistricting plans originated out of a ballot initiative process by petition. Texas does not allow petitions; therefore, advocacy is an important element in supporting current and future legislative bills that propose an independent citizens redistricting commission. As we look at the success of California in instituting an ICRC, we must keep in mind that it was developed as a result of a ballot initiative.

In 2011, California created new district maps for Congress, the state Senate and Assembly and the Board of Equalization. In order to achieve this goal through the use of an ICRC, they created a commission consisting of five Democrats, five Republicans, and four members who do not belong to a party. To ensure a non-partisan approach, collaboration, citizen participation, and transparency are key throughout the process of developing and implementing an ICRC.

Here is the current LWV California position on redistricting which includes an ICRC:

Position in Brief:

Support a state redistricting process and standards that promote fair and effective representation in the state legislature and in the house of representatives with maximum opportunity for public scrutiny.

Support an independent commission as the preferred redistricting body.

Details:

Positions

The redistricting process, regardless of who has responsibility for redistricting, should include:

- 1 specific time lines for the steps leading to adoption of the redistricting plan;
- 2 public hearings on the plan proposed for adoption;
- 3 an automatic non-judicial backup procedure in the event of deadlock;
- 4 a requirement that any redistricting plan drawn by the legislature be adopted by more than a simple majority vote.

The standards on which a redistricting plan is based, regardless of who has responsibility for redistricting, should include:

- 1 substantially equal population;
- 2 geographic contiguity;
- 3 protection from diluting the voting strength of a racial or linguistic minority;

should not allow:

- 1 the goal of protecting incumbents;
- 2 preferential treatment of one political party;

to the extent possible, standards should also include:

- 1 respect for boundaries of cities and counties;
- 2 preservation and protection of "communities of interest."

Responsibility for redistricting preferably should be vested in an independent special commission, with membership that includes citizens at large, representatives of public interest groups, and minority group interests.

A legislative remedy should be provided so that all persons are represented by a state senator for whom they have had an opportunity to vote.

Position History:

Adopted 1988; Amended 2007;

- See more at: <https://lwvc.org/position/redistricting-california#sthash.10Xe75b7.dpuf>

Appendix II

History of Establishing the ICRC in California:

Setting Criteria: An Important First Stage for Success.

The Commission held many public meetings across CA and listened to testimony from thousands of residents about their communities and neighborhoods. Written testimony was also submitted by the thousands. Most important in the beginning was to establish criteria for the remapping and to set these priorities:

- Population equality
- Compliance with VRA
- Contiguity
- Geographic integrity of any community of interest
- Compactness
- Nesting (having each state Senate district encompassing two state Assembly districts, and having each Board of Equalization district encompassing ten state Senate districts)
- No consideration of incumbents' or candidates' residences
- No favoring or discrimination against political parties, incumbents, or candidates

Their process also included these activities:

- Held public hearings around the state
- Used US census data for CA
- Used testimony from the public
- Used criteria as stated above for redistricting boundaries
- Created statewide plans for various offices
- Published maps
- Allowed time for commissioners to make adjustments and draw final maps

The Selection of Commissioners

A fourteen member commission was chosen from a pool of applicants vetted by state auditors. Assuming that Democrats and Republicans are the largest political parties, the auditors choose 20 Democrats, 20 Republicans, and 20 who are neither; the four legislative leaders may each cut two people from each pool. Eight commissioners (3 Democrats, 3 Republicans, 2 neither) are chosen randomly from the remaining nominees; those eight choose six colleagues (2 Democrats, 2 Republicans, 2 neither). The final commission thus has 14 members (5 Democrats, 5 Republicans, 4 neither).

Selection Criteria

For the commission drawing state legislative districts, commissioners must have voted in at least two of the last three statewide elections, and may not have changed party affiliation for at least five years. Neither commissioners nor immediate family may have been, within ten years of appointment, a candidate for federal or state office or member of a party central committee, or an officer, employee, or paid consultant to a federal or state candidate or party; a registered lobbyist or paid legislative staff; or a donor of more than \$2,000 to an elected candidate. Furthermore, neither commissioners nor immediate family may be staff, consultants, or contractors for state or federal government while serving on the commission. Commissioners are also not eligible for elected federal, state, county or city office for the ten years after lines are drawn; or to be appointed to federal, state, or local office, serve as paid legislative staff, or register as a federal, state, or local lobbyist for five years after lines are drawn.

Voting on New Maps

For state legislative plans, a map passes if it gets nine commissioners' votes: 3 Democrats, 3 Republicans, and 3 neither. The map for each legislative house is subject to public referendum. If the commission fails to pass a map for any house, the California Supreme Court will select special masters to draw that map.

Transparency in Commission proceedings

All proceedings are subject to the state Open Meetings Act; commission records, redistricting data, and computer software will be available to the public. Both the commission and the legislature must issue public reports after drawing the plans for state legislative or congressional districts, explaining their decisions.

LWVCA participation in Commission Evaluation

LWVCA Established a statewide Observer Corps and volunteers attended and reported on Commission proceedings to help inform advocacy efforts to improve Commission proceedings.

Recommendations from the California Process in Design, Organization, Training, Information Access, and Budget

Design

1. Build in adequate time and resources for planning
2. Anticipate challenges in forming a unified, cohesive body of the eight partisan commissioners who select the six non-party affiliated commissioners.
3. Commissioners need opportunity to design the expectations and job descriptions of staff and consultants.
4. Design a plan for compensating the commissioners.
5. Anticipate how state contracting rules may hinder the commission's ability to operate in a timely manner.
6. Allow adequate time for the actual mapping process
7. Design a way to analyze the influx of public input
8. Define the commission's work beyond drawing new lines and defending lawsuits

Organization

1. Select all commissioners at the same time.
2. Identify a system of compensation before the commission takes office
3. The same state agency that selects commissioners should help organize the commission, providing support to get the system running effectively
4. An office known for its impartiality and professional expertise, such as the state auditor, should conduct the selection process
5. In designing to outreach to applicants for the position, use the data collected by the US Census Bureau
6. Commissioners should set the criteria and job descriptions for staff and consultants through a public process, including a bipartisan team
7. Assign a staff member to help with logistics

Training

1. Staff should come from a broad applicant pool, both inside and outside state government.
2. Hire the line-drawing team and VRA counsel early in the process
3. The current commission should help prepare the next commission
4. Provide extensive training for the commission as a unified group after all members have been appointed
5. Collect demographic and geographic data to supplement public hearings before the commission convenes
6. Research historical polarized voting before the commission begins
7. Track revisions to maps effectively to allow for better public input

Budget

1. Create a budget with ample funds for technology to help the public have access to data and proposals
2. Include funding for a consultant to collect and analyze public input
3. Reduce commissioner travel costs by conducting some hearings using distance technology

Appendix III. Redistricting in Arizona and Florida

REDISTRICTING IN ARIZONA

Background:

The Arizona Independent Redistricting Commission (AIRC) was formed by the people of Arizona when they passed Proposition 106 during the 2000 general election. Proposition 106 amended the Arizona constitution to create a five-member commission to oversee the redrawing (or redistricting) of Congressional and Legislative boundaries following the decade Census. Previously the State Legislature was responsible for redrawing the lines. The LWV believed that practice resulted in boundaries that served the politicians instead of the people of Arizona. The five-member Redistricting Commission acts independently of the State Legislature. The commission consists of two Democrats, two Republicans and an independent chair elected by the other commissioners. The fifth member cannot be affiliated with any party already represented on the Commission.

The Process:

Arizona gained an additional congressional district because of population increases after the 2010 Census which necessitated a redrawing of maps. The concept of one-person, one-vote dictates that there should be as close to the same number of people per district as possible.

The redistricting process consists of:

1. Public hearings to collect input
2. Start with a grid map per Proposition 106 plans and follow at least the federally mandated guidelines.
3. The guidelines for the AIRC in drawing new districts are:
4. Must comply with the U.S. Constitution and the Voting Rights Act
5. Equal population
6. (Note: These two criteria are federally mandated.)
7. Compact and Contiguous
8. Respect of communities of interest
9. Use visible geographic features, city, town and county boundaries and undivided Census Tracts
10. Create competitive districts with no significant detriment to other goals.

At the June 29, 2011 meeting of the Commission, the professional mapping firm, Strategic Telemetry, a D.C. based mapping firm, was selected to serve as the group's mapping consultant. On August 15, 2011, the first set of drafts of the maps was publicized.

In late July and early August, before drafting maps, commissioners and staff toured the state to get a broad picture of what Arizonans wanted from redistricting. The Commission hosted 26 hearings around the state so that the public could critique the panel to draft congressional and legislative district maps. The hearings took place over 22 days, starting October 11, 2011, in order to reflect public sentiment while adhering to the rules set out in the state Constitution.

Litigation:

On October 21, 2011, a special House-Senate committee formed by Republican legislative leaders to make recommendations on the draft maps met for the first time. This meeting included testimony from Commission supporters who urged lawmakers to keep their hands off the process, Republican activists who called the Commission's process tainted, and local officials who said their communities' interests had been sacrificed. On October 27, 2011, Gov. Jan Brewer sent a letter to all five commissioners saying there have been "allegations that you have committed substantial neglect of duty and gross misconduct in office". The Arizona Constitution allowed her to remove any commission member, with the consent of two-thirds of the Senate, if she concluded the allegations were true. On November 1, 2011, the governor, who was out of town, had the Secretary of State call a special session of legislature, and state senators voted to remove the chairperson, Colleen Mathis, for being guilty of violating the Open Meeting Law. The Senate Minority leader said there was no evidence of misconduct. On November 4, 2011, attorneys for the Commission asked the state Supreme Court for a stay on the removal which had left the five-member panel in a 2-2 gridlock. The high court gave Brewer and the Senate until 5:00pm on November 7, 2011, to respond to this request. Attorneys for Brewer told the court it had no legal right to overturn her decision to oust Mathis as Chair. The Commission filed suit against the governor and the Legislature. On November 11, 2011, the League of Women Voters of Arizona and the ACDC Coalition filed an Amicus Brief on this suit in support of the Commission. On November 17, 2011, the Arizona Supreme Court heard arguments over whether the governor exceeded her authority when she fired Mathis. The court ruled that the firing of Mathis was illegal and that she be reinstated as chairwoman of the Commission. November 21, 2011, the governor and senate Republicans asked the Supreme Court to block Colleen Mathis from acting as chairwoman, at least for the time being, despite the justices ruling that she was illegally fired.

On December 20, 2011, the commission adopted a tentative congressional map pending analyses by the panel's legal counsel and voter rights consultants and this draft was sent to the Department of Justice in January, 2012. It also adopted a legislative district map which was sent to the Department of Justice at the end of February, 2012. Both maps were approved in April, 2012.

On April 28, 2012, two Fair Trust lawsuits were filed against the IRC. One filed in Arizona state court challenges the map of nine U.S. House districts but didn't ask for an interim map. The other lawsuit challenged the legislative districts and asked that a three-judge panel of federal judges draw an interim legislative map for use in the 2012 elections. On May 3, 2012, the Legislature gave the House Speaker authority to file a lawsuit to challenge the EXISTENCE of the

IRC. On May 21, 2012, challengers to the maps agreed to drop their demand that a three-judge panel redraw the lines for the 30 legislative districts.

In August, 2012, three lawsuits were filed: one in federal court that alleges commissioners did not follow the proper procedures when dividing up the state into its 30 legislative districts; a similar challenge in Maricopa County Superior Court over how the maps were drawn for congressional districts; and on August 15, papers were filed in the U.S. District Court as the Commission wanted a federal judge to rule that state lawmakers are wrong in saying only the Legislature can draw lines for congressional districts.

On September 7, 2012, the Commission filed a response in support of its Motion to Dismiss the lawsuit brought in federal court by the Legislature which sought to get the entirety of Independent Redistricting in Arizona declared unconstitutional. Previously the AIRC, in its Motion to Dismiss, cited case law showing that the Elections Clause in the U.S. Constitution had been construed by federal courts to mean the legislative process including citizen initiative and referendum. The court case Harris (et al) v AZ Independent Redistricting Commission was heard on March 22, 2013, by a three-judge panel in U.S. District court. The final arguments wrapped up on March 30, 2013. On October 19, 2013, the Commission asked the federal court to dismiss what they contend is a power grab by state lawmakers. This filing came as the commission said lawmakers needed to allocate at least another \$1.25 million for the balance of the budget year that runs through June 30. The big cost was defending three lawsuits against the Commission, including the one filed by the Legislature.

Good News:

The lawsuit brought by the Arizona Legislature against the Commission was heard at the U.S. Supreme Court on March 2, 2015. On June 29, 2015, the U.S. Supreme Court issued a big victory for citizen-led democracy. In a 5-4 decision in Arizona State Legislature v Arizona Independent Redistricting Commission, the Court found that voters can set up independent redistricting commissions. The state legislature in Arizona had challenged the constitutionality of the state's IRC created by popular vote through a ballot initiative. An amicus brief by the LWV and other concerned organizations pointed out that the Court had already ruled that excessive partisan gerrymandering is unconstitutional and argued that the "people" of the state should be able to protect themselves and their state from this unconstitutional practice. In the majority opinion, Justice Ruth Bader Ginsburg invoked the Federalist Papers and a key tenet of our representative democracy: that voters select their representatives and not the other way around. Recognizing the problem of partisan gerrymandering, Arizona voters removed the redistricting process from their state legislature and instead created a bi-partisan and independent commission to draw fair districts.

Arizona Competitive Districts Coalition (ACDC)

ACDC ran the first in the nation contest for the public to try their hand at map drawing to meet all the needs of the Voting Rights Act and competitive districts. Over 300 people listed their "profiles" on the contest site and tried their hand at a map and almost 800 maps were attempted. This is a major increase in public involvement and alone a great success. The coalition has run the site for PUBLIC MAPPING at <http://www.azredistricting.com>. The LWVAZ also contributed funds to the functioning of the site and for contest prize money. ACDC and League members continue to work as a "watch dog" group for the IRC.

REDISTRICTING IN FLORIDA

Background

Florida was one of the most gerrymandered states in the country. In 2008, the League of Women Voters in Florida composed two citizen initiative constitutional ballot amendments with a coalition of other organizations, mainly Common Cause and Democracia. The ballot initiatives were called Fair Districts. One ballot amendment was for congressional redistricting standards and the other for state House and Senate standards. The standards were the same for each..."that districts had to be drawn that were contiguous, compact, use natural geographic boundaries and borders, and most importantly, to not benefit one political party over another". The purpose of these amendments known as amendments 5 and 6, was to finally give constitutional mandates to the Florida legislature who drew these new districts every 10 years following the census results. Prior to this initiative, there were no guidelines which resulted in districts drawn to benefit the legislators and their jobs. This occurred when Democrats were in power and also when Republicans were in power. The legislators were drawing districts choosing their voters rather than drawing districts where voters had a choice in choosing their representative.

The Good News

Petitions were collected for each amendment—1.6 million, 800,000 for each amendment, and both amendments were put on the ballot in 2010. They passed 63% with over 3.1 million voters saying yes.

The Bad News

The Florida legislature and Governor began fighting the amendments from day one. The LWV Florida and Common Cause pushed back with litigation and advocacy. The Florida Editorial Boards were a strong ally. Finally, coming into 2012, the redistricting year, the legislature said "the will of the people has been heard. This cycle of redistricting will be the MOST transparent and open in Florida's history and will follow the letter of the law". Sadly, the resulting maps were not even close.

Litigation

In 2014, the LWV concentrated on the congressional maps and brought the case to the Circuit Court in Tallahassee. The legal teams laid out testimony over five days with political operatives exchanging late night e-mails and deleting them, holding secret meetings to plan maps for their benefit and then having them submitted by what was supposed to be an objective student from a Florida university. The judge ruled in favor of the League and mandated that the legislature come back into session to remedy the maps. The legislature convened for three days to complete this task, once again using secret meetings. Judge Lewis accepted the redrawn maps and elections went on as planned.

The League appealed this decision to the Florida Supreme Court. On July 9, 2015, the Florida Supreme Court ruled in favor of the League on all counts mandating that eight congressional districts were unlawful and had to be redrawn. The Court further requested that all meetings

and material be open to the public, that a trial be held upon completion of the maps for both sides to argue their positions, and that the maps come back to the court by October 17, 2015.

On July 28, 2015, the Florida Senate filed a Stipulation and Consent Judgment stating that they agree that the apportionment plan adopted by the Florida legislature on March 27, 2012, to establish Florida's Senate districts violates the provisions of the Florida Constitution. They admitted "the Enacted plan and certain districts were drawn to favor a political party and incumbents". They agreed that the plan should not be enforced for the 2016 elections and agreed to redraw the map. On August 10, 2015, the Special Session began to prepare a "base map" prepared by staff and counsel for both the House and the Senate. On August 14, 2015, the League sent a letter to House and Senate leadership and the two Redistricting Chairs commending them on their transparent process but pointed out that two districts in Miami may have partisan intent and requested that they look at a potential adjustment. This was not done.

During the final five days of this Special Session, minor amendments to the base map by both the House and Senate occurred. The Florida House rejected the base map and talks failed. The Special Session of the legislature adjourned with no compromised map completed. During this August, 2015 session, the LWV Florida and Common Cause intervened with the defendant (Secretary of State and Legislature) in two legal cases brought forth during the session. One case was filed by a group of Republican lawyers and the other by a Congresswoman. Both cases questioned the legality of Amendment 6 in the Florida Constitution. LWV sided with the defendants, the Secretary of State and Legislature, because they anticipated that they would not strongly protect the amendments as a sole defendant in these cases. Meanwhile, the Democrats in the House asked for an INDEPENDENT REDISTRICTING COMMISSION and presented bills for regular session to that end. During this period in 2015, another special session was requested by the Senate but the House wanted Judge Lewis to draw the map or choose between the Senate map or the current House map. The House and Senate found themselves at "loggerheads". Judge Lewis passed it up to the Supreme Court since it was not in his jurisdiction.

On September 4, 2015, the Florida Supreme Court ruled that a remedial hearing should be held to review and debate maps presented by House, Senate and plaintiffs and handed it off to the lower court of Judge Lewis who was to send his recommendations back to the Supreme Court before October 17th, the 100-day deadline from the original Supreme Court opinion. The Plaintiff Coalition (LWV and Common Cause) submitted three separate maps. A three-day trial was held with Judge Lewis having a total of seven maps presented to him – one from the House, two from the Senate, three from the Plaintiff Coalition and one from the Republican Plaintiffs. On October 9, 2015, Judge Lewis ruled that the Coalition Plaintiff Map 1 is clearly the best map to be sent to the Supreme Court as a final judgment for Congressional Redistricting. After three weeks of Special Session, the Senate voted 23-16 to NOT support the final map given back to them from the House the day before. On November 18, 2015, after fighting back and forth between the House and Senate, a new hybrid map was submitted to the Supreme Court. Coalition plaintiffs presented six maps. As a note, the House and Senate redistricting leaders spent more than \$11 million in taxpayer money unsuccessfully defending their congressional and Senate maps.

In a 5-2 decision, the Supreme Court gave final approval to Florida's congressional districts in time for the 2016 elections rejecting the Legislature's arguments for the fourth time and selecting boundaries drawn by challengers, the League of Women Voters of Florida and Common Cause. On January 20, 2016, the Senate president released a statement that the Senate would not appeal the maps ruled by Judge Reynolds on December 30, 2015.

Good News Again

Both the Florida Congressional maps and the state Senate maps were completed and in place for the 2016 elections and beyond until the NEXT redistricting cycle in 2022. Both approved maps were submitted by The League of Women Voters and Common Cause. Voters will be choosing their elected officials and those officials will be responsible to the voices of their constituents. The process listed above in legislative matters is an excellent lesson in American civics. Checks and balances among the branches of the government worked in that the Judiciary branch "checked" the Legislature's unconstitutional behavior, set strict guidelines, oversaw and, if necessary, would take over the task of drawing maps.

Can Florida Get to a Citizen Redistricting Committee?

As far as holding public hearings around the state to gain public opinion and input before maps are drawn, the guidelines of the Supreme Court opinion did not include this as a proposed part of the necessary legislative process. The federal Supreme Court decision on redistricting commissions states that redistricting does NOT have to be the sole responsibility of a state's legislature. An objective redistricting commission is a viable alternative. Currently 21 states utilize some form of nonpartisan/bipartisan redistricting commission. Florida could do this in three ways:

1. The legislature proposes it and places it on the ballot.
2. The Constitutional Commission review in 2017 before the legislative session could place it as an amendment.
3. A citizen initiative could work to place it on the ballot most probably in 2018.

Appendix IV. Resources for Further Reading

Bickerstaff, Steve "Lines in the Sand: Congressional Redistricting in Texas and the Downfall of Tom Delay, <https://utpress.utexas.edu/books/biclin>

Brennan Center for Justice. brennancenter.org

Brennan Center on Redistricting. www.brennancenter.org/issues/redistricting

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