



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Agenda - Final

Districting Commission

Wednesday, July 7, 2021

3:00 PM

Hagler Mason Conference

Members of the public may attend the meeting in person. City Council encourages those not fully vaccinated to wear face coverings that cover their nose and mouth.

ROLL CALL

ACTION ITEMS

DISCUSSION ITEMS

1. [21-00581](#) DISTRICTING COMMISSION - ORGANIZATIONAL AND EDUCATIONAL MEETING

Sponsors: Jared Moore

OPEN FORUM

ADJOURNMENT



City of Pensacola

222 West Main Street
Pensacola, FL 32502

Memorandum

File #: 21-00581

Districting Commission

7/7/2021

DISCUSSION ITEM

SPONSOR: City Council President Jared Moore

SUBJECT:

DISTRICTING COMMISSION - ORGANIZATIONAL AND EDUCATIONAL MEETING

SUMMARY:

This Organizational and Educational meeting will accomplish the following:

1. Discussion of Sunshine, Ethics and Open Records Laws - Susan Woolf (or staff)
2. Introduction and Overview - David Stafford, Supervisor of Elections
3. Redrawing Council Districts: The Law and Best Practices Video
4. Selection of Chair & Vice Chair of Commission

PRIOR ACTION:

May 13, 2021 - City Council made appointments to the Districting Commission

STAFF CONTACT:

Don Kraher, Council Executive

ATTACHMENTS:

- 1) Districting Commission Timeline
- 2) Redrawing Council Districts: The Law and Best Practices

PRESENTATION: Yes

Resetting Districting Commission Deadlines

Formation of districting commission	June 8, 2021 ¹
Orientation and education meetings of districting commission	June 9 – Sept 30, 2021
Receipt of census data	September 30, 2021 ²
Districting commission meetings to create the plan	Oct 1 – Nov 6, 2021
Public inspection	November 7, 2021 ³
Public hearing	December 7, 2021 ⁴
Submit to City Council	January 7, 2022 ⁵
Approved/disapproved by Council	within three weeks of submission or January 19, 2022, whichever is earlier
Revised plan if disapproved	February 8, 2022

¹ Required by the Charter sec. 6.08(b)(3).

² Currently, the Census bureau is anticipating it will release population figures by September 30, 2021.

³ The public shall have a right to inspect the plan no less than one month before the public hearing. (Charter sec. 6.08(c)(2)).

⁴ Public hearing to be held no less than one month before submission of the plan to the City Council. (Charter sec. 6.08(c)(2)).

⁵ The first Friday in January 2022 and ten (10) months prior to the general election, thus potentially thirteen (13) days before the January council meeting (if only one meeting is held in January on the third Thursday of the month).

Florida League of Cities

Redrawing Council Districts: The Law and Best Practices



Kurt Spitzer
kurtspitzer@ksanet.net
www.ksanet.net
850-228-6212

1

What and How

Redistricting is the process by which the legislative body equalizes differences in the population of districts by making adjustments to district boundaries.

Redistricting $\neq$ Reapportionment

2

Why?

Furthers the principal of “one person, one vote”

- ✓ 14th Amendment (1868)
- ✓ 15th Amendment (1870)
- ✓ Voting Rights Act (1965)

Specific direction to redistrict or examine need to redistrict after census may be contained in municipal charter

3

General Guidelines for Redistricting

KSA
Governmental
Consultants

4

General Guidelines

- **Equal (almost) in population**
- Don't dilute minority voting strength
- Follow census blocks
- Follow significant boundaries
- Must be contiguous
- Should be as compact as possible
- Preserve communities of interest
- May consider party affiliation

5

General Guidelines

- Individual criteria and guidelines are balanced in concert with each other
- *Use common sense*

6

General Guidelines - Population

As equal in population as "possible" or "practicable"

- Examine *need to adjust* after each decennial census released (odd-numbered year)
- *May adjust* boundaries thereafter

7

General Guidelines - Population

Charter Provisions - as equal in population as "possible" or "practicable"

"Prior to November 1 of the year immediately preceding each city election.....the Planning Commission will, using the latest published official census figures, perform the calculations necessary to make the electoral districts.....as equal in population as required by the United States Constitution."

8

General Guidelines - Population

Charter Provisions - as equal in population as "possible" or "practicable"

"Within eight months after publication of each official federal census of the council shall redistrict the council districts.....so that all districts are as nearly equal in population and are arranged in a logical and compact geographic pattern to the extent possible."

9

* As equal in population as "possible" or "practicable"

Absolute population equality is impossible.
Minimize the deviation from the mean

✓ Less than 3% over/under ideal is good

Population $\neq$ Registered Voters

Two districts with population differences over 10 percentage points raises red flag

10

* As equal in population as "possible" or "practicable"

Two districts with population differences ≥ 10 percentage points raises red flag

District #	Average Population	Actual Population	Actual Deviation	Percent Deviation
1	2,952	3,108	156	5.28%
2	2,952	2,741	(211)	-7.15%
3	2,952	3,066	114	3.85%
4	2,952	3,113	161	5.45%
5	2,952	2,733	(219)	-7.42%



Deviation =
12.87 points

11

* As equal in population as "possible" or "practicable"

Examples of possible exceptions to 10-point rule
(with well-documented record and in concert
with other criteria)

- ✓ To create minority influence or minority majority district
- ✓ To under populate high growth area of city

12

Don't Dilute Minority Voting Strength

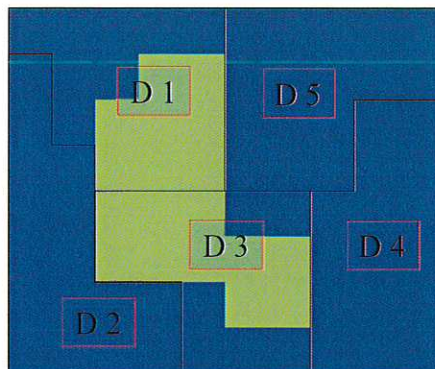
Packing – locating most of minority population into one district so as to dilute influence in other districts

Cracking – splitting minority population into two or more districts so as to dilute influence in all districts

13

Don't Dilute Minority Voting Strength

Example city's electorate is 22.5% Green and 77.5% Blue. Below shows a relatively even distribution of blue and green electorate into five districts.

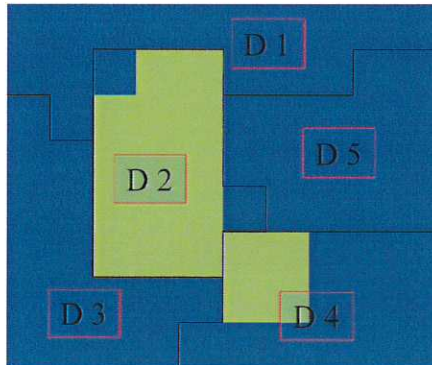


District	Blue %	Green %
1	50	50
2	100	0
3	40	60
4	100	0
5	100	0

14

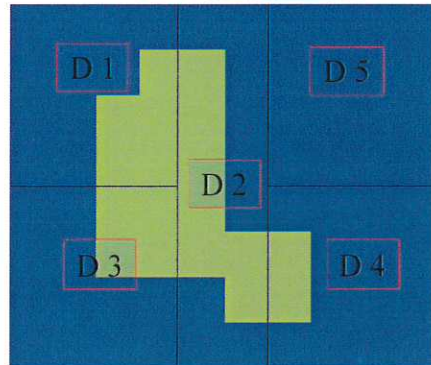
Don't Dilute Minority Voting Strength

Packing: – 4 blue, 1 green



Green electorate concentrated in one district

Cracking: 4 blue, 1 green influence



Green electorate split among four districts

15

Use Census Blocks

Readily available

Smallest unit of “building blocks”

Presumed to be valid...but look for anomalies

Total population v. 18+ years

May be altered or supplemented with other sources of data but must document valid reasons why and how

16

Follow Significant Boundaries

Follow major natural or man-made boundaries – waterbodies, arterial roads, etc.

- ✓ Easier to understand
- ✓ Less disruptive to precincts
- ✓ Coterminous with census blocks

Follow existing district boundaries when possible

- ✓ Easier to understand
- ✓ Recognizes will of voters

17

Other Criteria...

Individual districts must be contiguous

- ✓ Contiguity may be maintained via waterbody

Attempt to keep communities of interest together

- ✓ Neighborhoods

Don't draw incumbents out of their district

Avoid districts with "bizarre" shapes

18

Gerrymandering



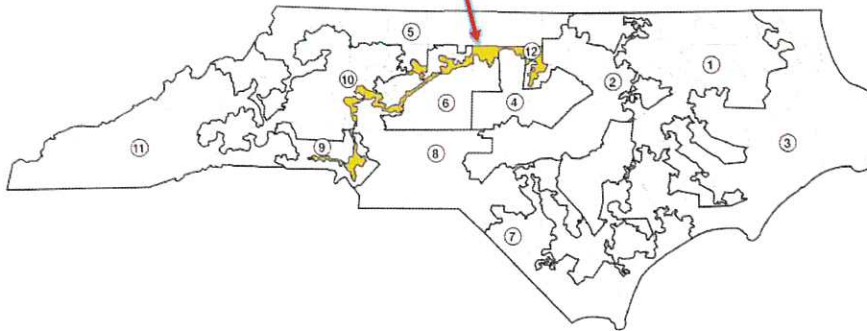
Gov. Elbridge Gerry

✓ 9th Governor of Massachusetts

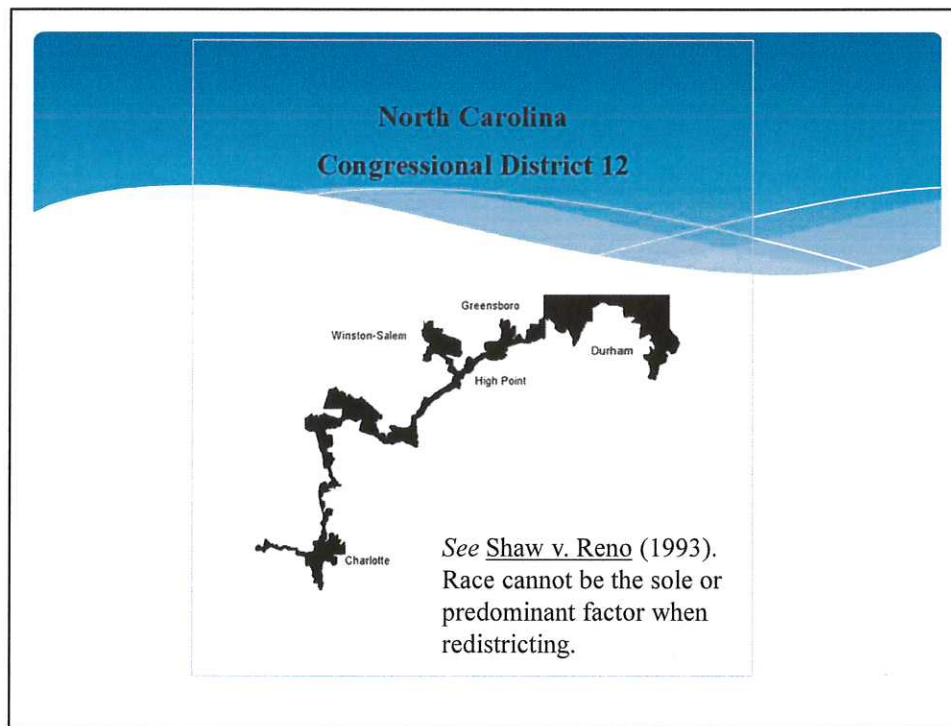
✓ 5th Vice President of US

19

North Carolina Congressional District 12



20



21

General Guidelines

- **Equal (almost) in population**
- Don't dilute minority voting strength
- Follow census blocks
- Follow significant boundaries
- Must be contiguous
- Should be as compact as possible
- Preserve communities of interest
- May consider party affiliation

22

General Guidelines

- It is impossible for any redistricting plan to attain 100% compliance with every criteria
- Individual criteria are *balanced in concert with each other* with population being the dominant criteria

23

General Guidelines

Use Common Sense!

	Comparison of Plans (Total Population)										Pop. for proposed districts					
	Remains in same district					New in district					Formula Table					
Plan 5	Total	White	Black	Others	%	Total	White	Black	Others	%	Total	White	Black	Others	% Dev.	
Dist 1	34,140	28,003	4,589	1,548	71.8%	13,439	11,615	1,263	561	28.2%	47,579	39,618	5,852	2,109	-0.65%	
Dist 2	34,764	25,250	7,889	1,625	72.3%	13,312	9,945	2,793	574	27.7%	48,076	35,195	10,682	2,199	0.39%	
Dist 3	22,354	3,607	17,919	828	46.9%	25,300	12,424	11,695	1,181	53.1%	47,654	16,031	29,614	2,009	-0.49%	
Dist 4	38,190	30,090	6,626	1,474	79.2%	10,010	7,073	2,453	484	20.8%	48,200	37,163	9,079	1,958	0.65%	
Dist 5	21,749	13,848	6,476	2,425	47.5%	26,194	17,038	8,001	1,155	54.6%	47,943	30,886	14,477	2,580	0.11%	
	151,197	100,798	43,499	7,900	63.6%	88,255	58,095	26,205	2,955	36.9%	239,452	158,893	69,704	10,855	1.3 pts	
Plan 1	Total	White	Black	Others	%	Total	White	Black	Others	%	Total	White	Black	Others	% Dev.	
Dist 1	42,632	34,854	5,933	1,845	90.1%	4,691	4,052	377	262	9.9%	47,323	38,906	6,310	2,107	-1.18%	
Dist 2	46,659	32,735	11,752	2,172	93.5%	3,249	1,925	1,162	162	6.5%	49,908	34,660	12,914	2,334	4.21%	
Dist 3	34,887	11,221	22,212	1,454	76.1%	10,927	5,316	5,203	408	23.9%	45,814	16,537	27,415	1,862	-4.33%	
Dist 4	43,940	35,945	6,523	1,472	92.6%	3,508	2,467	884	157	7.4%	47,448	38,412	7,407	1,629	-0.92%	
Dist 5	45,337	27,962	14,793	2,582	92.6%	3,622	2,416	865	341	7.4%	49,959	30,378	15,658	2,923	2.23%	
	213,455	142,717	61,213	9,525	89.1%	25,997	16,176	8,491	1,330	10.9%	239,452	158,893	69,704	10,855	8.54 pts	

24

Upcoming Challenges in Redistricting



25

Upcoming Challenges

- To count or not to count?
- Fair Districts Amendments
- What is a "minority" in the redistricting process?
- 2020 Census

26

Count Prison Population?

- Florida (state & federal) prison population = 100,000+
- Impact especially significant in small jurisdictions when redistricting
- Census counts "people" without regard to age or voting status

27

Count Prison Population?

- Florida AGO 2001-55 – you must count prison population
- Calvin v. Jefferson County (1st DCA, ND Fla - March 19, 2016) - you may not count prison population
- Evenwel v. Abbott (US S/Ct - April 4, 2016) - a [state] may draw districts based on total population (not registered voters)

28

"Fair Districts"

Fair Districts Amendments (2010) to Article III

- Section 20 (Standards for Congressional Districts)
- Section 21 (Standards for Legislative Districts)

29

"Fair Districts"

(a) 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**.

(b) Unless compliance with the standards in this subsection conflicts with the standards in subsection 1(a) 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**.

30

"Fair Districts"

- Amendments do not apply to cities or counties
- But are reasonable policies or criteria to follow at local level

31

What is a "minority"?

VRA enacted during the height of the civil rights movement in 1965

- Enforces rights guaranteed by the 14th and 15th Amendments to the US Constitution
- Prohibits laws/policies that result in discrimination against racial or language minorities

32

What is a "minority"?

- Is a non-Hispanic white community that is a minority of a jurisdiction's population afforded protections under 14th Amendment or VRA?
- TBD...*See Baroody v. City of Quincy*
No. 4:20-cv-217-AW-MAF

33

The 2020 Census

- First Census conducted in 1790 (US population = 3,929,214)
- 2020 Census – administrative functions began in January 2019
- 2020 Census – counting began in January
- Presumed to be correct but check for anomalies

34



35

The 2020 Census – Original Plan

Date	Task
January 2020	Census begins counting remote Alaska
March	Paper instructions sent re: responding online
April 1	Census Day – snapshot of households
Mid-April	Paper Questionnaires mailed
April – June	Census Takers visit group quarters
May - August	Census Takers visit homes not yet responded
December 31	Reapportionment counts to Congress
March 31, 2021	Census Bureau delivers counts to states

36

Amended
S

The 2020 Census - Reality

Date	Task
January 2020	Census begins counting remote Alaska • 1st US COVID-19 case - travel ban
March	Paper instructions sent on responding online • Census suspends field operations
April 1	Census Day – snapshot of households
Mid-April	Paper Questionnaires mailed
April – June	Census Takers visit group quarters • Field operations reinstated in May
May - August	Census Takers visit homes not yet responding
December 31	Reapportionment counts to Congress • New target: February 2021
March 31, 2021	Census Bureau delivers counts to states • New target: July 2021

37

Questions?



KSA
Governmental
Consultants

Kurt Spitzer
kurtspitzer@ksanet.net
www.ksanet.net
850-228-6212

38