



**FLORIDA STATE CONFERENCE NAACP
NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE**

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**FLORIDA NAACP ENDORSES
FAIR DISTRICTS FLORIDA**

1. What is Fair Districts Florida?

It is a citizen-sponsored ballot initiative that has successfully placed two measures dealing with redistricting on the ballot for Florida's Nov. 2 general election. One of the measures deals with redistricting Florida's congressional districts; the other deals with redistricting Florida's state legislative districts. If the measures are approved by 60% of the voters, they will become amendments to the Florida Constitution and will provide fair standards for how the Legislature draws electoral districts in the future.

2. What is the main purpose of the proposed amendments?

The main purpose is to stop the abusive practice, known as gerrymandering, of drawing electoral districts designed to favor one political party over the other or to give incumbent officeholders an unfair advantage over non-incumbents.

3. If the ballot measures are approved by the voters and become amendments to the Florida Constitution, will it lessen the ability of Florida's black voters to elect candidates of their choice?

Absolutely not. Both ballot measures contain language making it clear that electoral districts "shall not be drawn with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice." This language mirrors the key language of the Voting Rights Act.

4. Is it possible that the language in the ballot measures will enhance the rights that minority voters presently have under the federal Voting Rights Act?

Yes. While the courts have not yet had an opportunity to interpret the new redistricting standards, attorneys for the NAACP and other voting rights experts believe it is likely that the new standards will give Florida's minority voters even more protection than they presently have under the federal Voting Rights Act.

5. What are some of the ways in which the rights of minority voters might be enhanced by the new redistricting standards?

Several of the more significant enhancements are the following:

(a) The Supreme Court, interpreting Section 2 of the Voting Rights Act, recently held that in order to establish a claim for vote dilution in a redistricting case, a minority group must prove that it makes up more than 50% of the voting age population in the relevant geographic area. Bartlett v. Strickland, 129 S. Ct. 1231 (2009). Under

this ruling, states are not required to draw “crossover” districts in which the minority group makes up less than a majority of the voting age population even though it is large enough to elect a candidate of its choice with the help of non-minority voters who cross over the racial divide to support the minority’s preferred candidate. This places a significant limitation on the ability to protect “crossover” districts under the Voting Rights Act. .

By contrast, the language in the amendments to the Florida Constitution proposed by Fair Districts Florida is broader and more inclusive than Section 2, and would protect such “crossover” districts. Therefore, it likely will provide greater minority rights than federal law, including the rights of a minority group to block the dismantling of “crossover” districts.

(b) Section 5 of the Voting Rights Act prohibits “covered jurisdictions” from adopting a redistricting plan that would result in a “retrogression,” or weakening, of the electoral strength that a minority group already possesses. The non-“retrogression” standard would prohibit, for example, significantly reducing the percentage of black voters residing in an existing black majority district or “crossover” district. In Florida, however, Section 5’s prohibition of “retrogression” applies in only five counties – Collier, Hardee, Hendry, Hillsborough and Monroe. This is a very significant limitation.

By contrast, the amendments to the Florida Constitution that are proposed by Fair Districts Florida include a prohibition similar to Section 5’s that would apply to all counties in Florida.

6. What about the additional redistricting standards in the proposed amendments that electoral districts “shall be compact” and “shall, where feasible, utilize existing political and geographical boundaries”? Aren’t standards such as these inconsistent with the need to draw black majority districts that are elongated and irregularly shaped?

Often, but not always, it is necessary to draw black majority districts that are not compact in order for the district to provide an effective opportunity for blacks (or other minority) voters to elect candidates of their choice. For example, in Florida, Congressional District 3 (Rep. Corrine Brown) and Congressional District 23 (Rep. Alcee Hastings) do not satisfy some of the standard tests for measuring district compactness, while Congressional District 17 (Rep. Kendrick Meek) does satisfy such tests.

In the amendments to the Florida Constitution proposed by Fair Districts Florida, the standards of compactness and the utilization of existing political and geographic boundaries would not come into play if they would “conflict with the standards in subsection (1) [dealing with equal opportunity for minority voters] or with federal law.” Clearly there would be such a conflict in some cases. Therefore, the problematic standards would not come into play in those cases to prevent the drawing of non-compact black majority districts, and districts such as those represented by Congresswoman Brown and Congressman Hastings would remain protected.

7. So, after weighing all of these considerations, what is the NAACP’s conclusion?

The NAACP believes there is nothing to lose and much to be gained by supporting the Constitutional amendments proposed by Fair Districts Florida. The NAACP has endorsed the ballot initiative and urges all of its officers and members to vote for the proposed amendments in the Nov. 2 general election.