

**Revised Agenda Item #19
for
Meeting of Tuesday,
April 13, 2021**

Consent:

19. Status Report on the Commission Redistricting Process
(County Administrator/ County Administration)

Item was revised to correct certain dates.

This document distributed April 9, 2021.

Leon County Board of County Commissioners

Agenda Item #19

April 13, 2021

To: Honorable Chairman and Members of the Board
From: Vincent S. Long, County Administrator
Title: Status Report on the Commission Redistricting Process



Review and Approval:	Vincent S. Long, County Administrator Chasity H. O'Steen, County Attorney
Department/ Division Review:	Alan Rosenzweig, Deputy County Administrator
Lead Staff/ Project Team:	Heather Peoples, Special Projects Coordinator

Statement of Issue:

In anticipation of the completion of the 2020 Census in September 2020¹, this item provides an overview of the redistricting process for the County Commission districts which ensures adequate time is available to complete the process by statutorily established deadlines.

Fiscal Impact:

This item has no fiscal impact.

Staff Recommendation:

Option #1: Accept the status report on the Commission redistricting process and schedule the first and only Public Hearing to consider adopting an Ordinance amending the Leon County Commission Districts for December 14, 2021 at 6 p.m.

Report and Discussion

Background:

This item provides an overview for the redistricting process for the County Commission districts as required by the Florida Constitution and Florida Statutes following the completion of the 2020 Census. The 2020 Census is anticipated to be completed in September 2020~~1~~. Consideration of this item at this time, provides adequate time to prepare for the census data and ensure completion of the redistricting process by the statutorily established deadlines. This item advances the following FY2017-FY2021 Strategic Initiative:

- Conduct the redistricting process as mandated by the Florida Constitution to ensure Leon County's Commission districts reflect the results of the 2020 Census. (2021-12)

This particular Strategic Initiative aligns with the Board's Governance Strategic Priority:

- (G1) Sustain a culture of transparency, accessibility, accountability, civility, and the highest standards of public service.

The U.S. Constitution requires that a census be conducted every five-ten years for the purpose of counting every person living in the country and the five U.S. territories. At the federal level, this data is utilized for the apportionment of funding, to determine the number of seats each state will have in the U.S. House of Representatives, and to draw congressional and state legislative districts. Likewise, the process of drawing county commission districts is guided by the Florida Constitution (Article VIII, Section 1(e) and in the Florida Statutes (F.S. 124.01(3)).

Article VIII, Section 1(e) of the Florida Constitution states, “[a]fter each decennial census the board of county commissioners shall divide the county into districts of contiguous territory as nearly equal in population as practicable.” Section 124.01(3), Florida Statutes also states, “[t]he Board of County Commissioners shall from time to time, fix the boundaries of the above districts so as to keep them as nearly equal in proportion to population as possible; provided, that changes made in the boundaries of the county commissioner districts pursuant to this section shall be made only in odd-numbered years.”

The Leon County Charter (Charter) also contains provisions applicable to the redistricting process for the County Commission districts. Section 2.2(1) of the Charter provides, in part, “[t]here shall be one (1) Commissioner elected for each of the five (5) County Commission districts, established pursuant to general law or by ordinance, and they shall be elected by the electors of that district. Each candidate for the office of district County Commissioner shall reside within the district from which such candidate seeks election at the time of qualifying to run for that office . . . provided that any Commissioner whose residence is removed from a district by redistricting may continue to serve during the balance of the term of office.” Pursuant to Section 2.2(2) of the Charter, such “[r]edistricting of County Commission district boundaries shall be in accordance with general law, changed only after notice and a public hearing as provided by general law.”

In addition to the constitutional, statutory, and Charter requirements for redistricting, Leon County must also comply with a 1983 United States District Court (District Court) Order and Final Judgment resulting from a challenge to the election system under which all five members of the

then-county commission were elected at large. The lawsuit, brought by the Tallahassee Branch of the National Association for the Advancement of Colored People (NAACP) and a number of individuals, alleged that at-large, county-wide voting for all members of the Board of County Commissioners violated the Voting Rights Act of 1965 (Voting Rights Act) and the Fourteenth and Fifteenth Amendments to the United States Constitution by minimizing black representation and participation and diluting black voting strength. Based on the Defendant's stipulation that they would not contest the allegations that the at-large system violated Section 2 of the Voting Rights Act, the District Court entered an order stating that "the at-large election system utilized to elect members of the Board of County Commissioners of Leon County, Florida, has the effect of denying black citizens equal access to the political process in violation of Section 2 of the Voting Rights Act."

Subsequently, the parties stipulated that the election plan proposed by the Defendants complied with the Voting Rights Act, and the District Court issued the Final Judgment that established a plan by which five members of the County Commission are elected on a single-member district basis, and two members of the County Commission are elected on an at-large basis. The Court reserved jurisdiction for further action as necessary to carry out the terms of the June 13, 1986, Final Judgment.

The Final Judgment specifically incorporates the demographic characteristics and legal description of the boundaries for each of the five single-member districts which requires a minority-majority district (District 1) and a minority access district (District 2). A minority-majority district is a district in which the majority of the voting-age population is a racial or ethnic minority. A minority access district is a district in which racial or ethnic minorities are not a majority of the voting age population, but the minority population is large enough to elect a candidate of its choice. The Final Judgment further provides that all future elections are to be conducted in accordance with the election plan. Thus, any modification of the Commission districts resulting from the 2020 census will require approval by the District Court.

In 2000 and 2010, the Board directed the County Administrator to implement the redistricting process once the decennial census data was received. During each process the County Administrator formed a redistricting workgroup comprised of staff from Geographical Information System (GIS), Planning, County Attorney's Office, and Community & Media Relations (CMR). This group was tasked with performing the analysis to develop redistricting maps that provided for as nearly an equal proportion of the Leon County population as possible in each Commission district while also complying with the requirements of the election plan in the Final Judgment. Subsequently, in each instance, the County conducted a public awareness campaign to inform residents of the proposed changes to the Commission District Map, including a direct mailing to the residents impacted by the proposed changes. Finally, the Board held a public hearing to discuss, consider, and adopt the revised maps of the Commission districts.

While meeting these criteria, the redistricting workgroup also aims to minimize the impacts to residents by maintaining the existing district boundaries to the extent possible. As a result, the proposed changes to the commission districts are typically minor and concentrated within a small portion of the County. For example, the 2011 redistricting process resulted in only the necessary adjustments to boundary lines between Districts 3 and 5. These changes effected only 0.02% of

residents in these districts, approximately 2,500 individuals. The remaining single-member districts did not experience any change and the minority-majority and minority-access districts were maintained.

It should be noted that the recently proposed Election Reform Bill (HB 7041) would require all county commissioners representing single-member districts to run for re-election following each decennial redistricting. As proposed, commissioners representing single-member districts who were elected in 2018 (Commissioners Dozier, Minor, and Proctor) would be up for re-election at the end of their four-year term as usual in 2022; however, single-member district commissioners elected in 2020 (Commissioners Jackson and Welch) would be required to run again in 2022 for a two-year term to ensure commissioner terms are still staggered as provided in Florida Statute 100.041. This change will not affect at-large commissioners (Commissioners Cummings and Maddox). According to the bill sponsor, the intent of the legislation is to ensure commissioners are representative of the voters in their districts following the redistricting process.

HB 7041 has two committee stops remaining in the House. SB 90, a bill with similar provisions relating to the security and transparency of elections, has one committee stop remaining in the Senate. As currently drafted, SB 90 does not include provisions creating new redistricting reelection requirements as provided under HB 7041.

Leon County's legislative team is working with FAC to determine the potential impact of this provision, and particularly, whether it conforms with Article VIII, Section 1 of the Florida Constitution which provides that county commissioners shall be elected to four-year terms unless otherwise provided in a county charter. Staff will continue to keep the Board apprised of the progress of this bill in future Capitol Updates.

Analysis:

Historically, the County's redistricting process has begun in March or April of the year following the U.S. Census. However, due to the COVID-19 pandemic, the typical process for gathering and publishing Census data has been delayed by approximately six (6) months, which has shortened the timeline for redistricting at both the state and local levels. However, the State and Florida counties are proceeding with condensed timelines in order to complete redistricting by the December 31, 2021 deadline. The following analysis proposes a timeline for the Leon County Commission redistricting process, which is consistent with the timeline recently recommended by the Florida Association of Counties (FAC).

Timeline for the 2021 Commission Redistricting Process:

September	Sept. 31 st	U.S. Census Bureau releases the National Summary File of Redistricting Data
October:	Oct. 1 st -29 th	Redistricting Workgroup performs analysis to develop proposed redistricting map

November:	Nov. 9 th	Board presented agenda item for consideration of a proposed County Commission redistricting map to present to the public, District Court, and NAACP
	Nov. 10 th	Commence public outreach campaign including notices to all impacted households
December:	Dec. 14 th	Board conducts public hearing to adopt redistricting map
	Dec. 31 st	Deadline to complete the redistricting process

On February 12, 2021, the U.S. Census Bureau announced that the data required to commence the Commission redistricting process, known as the National Summary File of Redistricting Data, will be published by September 30, 2021. As noted previously, this six-month delay in publishing data is due to the COVID-19 pandemic and the multiple extensions of the deadline for households to complete Census forms. Once the decennial census information is released, the redistricting workgroup will begin performing the necessary technical analysis to develop a proposed County Commission redistricting map for the Board's consideration. The workgroup's analysis will include ensuring Commission districts are compact, contiguous, as nearly equal in proportion to population as possible, include both incorporated and unincorporated areas, and follow the guidelines outlined in the Final Judgment regarding minority-majority and minority access districts.

At the November 9, 2021 meeting, the Board will be presented with proposed changes to the Commission districts that meet these criteria. At this time, staff will seek the Board's authorization to present the proposed redistricting map to the NAACP and the District Court for review and to commence with public outreach. As in past redistricting years, mailouts will be sent to all residents who live within an area impacted by the proposed changes. The mailout will include a link and QR code to direct residents to the County website where they can view the redistricting maps and submit feedback. Printed maps will also be displayed at each of the County's Library facilities. To further ensure that the public is aware of the proposed changes and able to provide feedback, all of the County's available print, radio, television, digital, and social media resources will be utilized. The social media application Nextdoor will specifically be used to communicate directly with the neighborhood residents impacted by the proposed changes.

As previously mentioned, any adjustments to the Commission districts will require approval by the District Court. In order to receive approval, the District Court has required that Leon County Government first present its proposed redistricting map to the NAACP, a plaintiff in the 1983 case. The County Attorney's Office has reached out to both the District Court and the Tallahassee Branch of the NAACP to begin coordinating these presentations. It should be noted that the District Court's approval does not need to be obtained prior to the December 31, 2021 completion deadline; however, the modified Commission districts cannot be utilized for County Commission elections until the Court's approval is received.

During the December 14, 2021 Public Hearing, the Board will consider adopting the proposed Commission redistricting map inclusive of any revisions that result from public outreach efforts. Subsequently, the Supervisor of Elections will present for the Board's consideration revisions to the County's voting precincts and polling locations. In order for the new district boundaries to be

utilized in the 2022 election, the new commission districts must be complete and adopted by December 31, 2021. If for some reason the County is unable to complete the process by this date, section 124.01(3), Florida Statutes, permits counties to delay redistricting to the next odd-numbered year, which would be the year 2023.

Options:

1. Accept the status report on the Commission redistricting process and schedule the first and only Public Hearing to consider adopting an Ordinance amending the Leon County Commission Districts for December 14, 2021 at 6 p.m.
2. Do not accept the status report on the Commission redistricting process and do not schedule the first and only Public Hearing to consider adopting an Ordinance amending the Leon County Commission Districts for December 14, 2021 at 6 p.m.
3. Board direction.

Recommendation:

Option #1

Attachment:

1. United States District Court Leon County Commission Districting Order