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MEMORANDUM

TO: Andrew J, Meyers, County Attorney

FROM: Joseph K. Jarone, Assistant County Attorney s/ Joseph K. Jarone

DATE: November 16, 2020

RE: **2021 Redistricting Process with Revised Timeline**

Broward County is required to approve new County Commission districts by December 31, 2021. This will be the first redistricting impacted by recent amendments to the Broward County Charter.

Under the Florida Constitution, the Board must divide the County into districts of contiguous territory “as nearly equal in population as practicable” after the decennial census. Art. VIII, §1(e), Fla. Const. In addition, a 2018 amendment to the County Charter requires these districts to (1) “be compact” and (2) “where feasible, utilize existing political and geographical boundaries.” Broward Cty. Charter § 2.01A.(2)(b). Furthermore, under this charter amendment, districts may not “be drawn with the intent to favor or disfavor a political party or an incumbent” or “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.” *Id.* at § 2.01A.(2)(a).

Additionally, the Charter now requires the County to contract with an “accredited public four (4) year college or university located within the State of Florida for the purpose of identifying and designating nine (9) single-member districts within Broward County.” *Id.* § 2.01A.(1). The Charter does not prescribe a process by which the college or university must be selected or otherwise mandate contractual terms except that the contract must require the university to use an “open and transparent” process and must require compliance with state and federal law and the Charter. Although the Board must approve a redistricting plan “as designated” by the college or university, nothing in the Charter restricts the Board from receiving multiple redistricting plans or using its considerable discretion in selecting a plan.

Finally, because Section 124.01(3), Florida Statutes, limits redistricting to only “odd-numbered years” and because the Broward County Charter and Florida Constitution require redistricting following the census, it is imperative that the redistricting process be completed in 2021. Recent reports have indicated that critical 2020 Census redistricting data, scheduled to be released in March 2021, may be delayed due to COVID-19. Because of this uncertainty, it would be prudent to begin preparations as soon as possible. Accordingly, I offer the following proposed timeline:

- December 1, 2020 – Set a motion to discuss to allow the Board to provide direction to the County Attorney and County Administrator concerning the redistricting process.
- December 2020 – February 2021 – Reach out to eligible four-year colleges and universities to inform them of our need for redistricting analysis and to obtain proposals from them to provide redistricting plans.
- February 2021 – March 2021 – The Board or County Administrator, as applicable, should consider the proposal(s) received and select a college or university with which to contract.
- March 31, 2021 – The 2020 Census redistricting data is scheduled to be released.
- June 1, 2021 – College or university should submit its final plan(s) to Board for its consideration.
- September 1, 2021 (or earlier) – Board consideration of final college or university plan(s).

I am available to answer any questions a Commissioner, County Administration, or you might have regarding this process.

JKJ/jl