

**LEGISLATIVE #**

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Redistricting Gainesville in 2012:  
Supplementary Report to the Gainesville City Commission

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SUMMARY:

The results of the general election on November 6, 2012 provide additional information to assess the extent of vote dilution in the proposed District 1 recommended for adoption. My analysis of three additional races reaffirms that the recommended option, Plan 1, produces a District 1 that minimizes vote dilution and offers other advantages not available in Plans 2-4.

8 November 2012

On October 18, 2012 I presented you with a report that recommended a new set of boundaries for the four district seats on the Gainesville City Commission. That report identified four plans that met the basic legal requirement of population equality, that did not split precincts between districts, and that complied with the traditional districting goals of contiguity and compactness. I recommended (and the Citizen Election District Review Committee approved) the boundaries in Plan 1. The Commission accepted that recommendation and asked the City Attorney's office to present an ordinance adopting those boundaries, noting that the recommendation could change during the course of the legislative process.<sup>1</sup>

This report addresses one issue that arose during the meeting, concern about the impact of the new boundaries on the proposed District 1 under Plan 1. Because of the substantial change in precinct boundaries adopted in July 2012, my first report could draw only on the August 14 primary election results to demonstrate the electoral consequences of the proposed new districts. The general election on November 6, 2012 provides an additional set of elections that can be analyzed to provide further information about the impact of the new boundaries on the political character of District 1.

Before reviewing those new data, I wish to emphasize what this report does not change. Apart from the issue of minority vote dilution, Plan #1 has two advantages over the three alternatives presented in the full report. It moves the fewest number of precincts, thus minimizing electoral confusion. Of the four plans, Plan 1 alone enables all four sitting commissioners to seek a second term rather than forcing them out of office after one term. That is, it enables the voters in those districts to make the choice whether or not they wish the incumbent to remain in office for a second term.<sup>2</sup> Those remain important considerations in favor of Plan 1. In addition, I need to stress that I explored every possible way of reconfiguring District 1 using whole precincts and found only four ways that met applicable legal standards. That too has not changed.

### **Vote Dilution**

As I reported to you in October, the Voting Rights Act encourages localities to concentrate minorities in election districts where they form a critical mass. The goal is to give minority residents equal opportunity to elect representatives of their own choosing. For Gainesville, that issue is relevant to District 1, the traditional geographic center of the black community. First drawn in 1987, District 1 has elected African-American representatives to the City Commission in nine consecutive elections. While that outcome is not mandated, it strongly suggests that the goal of "affirmative districting" has been achieved.

The Courts have defined a "minority majority" district as one where minorities constitute at least 65% of the population. Under the 65% standard, District 1 has *never* been a minority majority district; in fact, only in 2002 did District 1 first attain a black population majority. Where it has counted, at the ballot box, District 1 *has been* a minority majority district despite the Census

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<sup>1</sup>I regret that I cannot present this report personally at your meeting on November 15, 2012 due to a pre-arranged speaking engagement at Michigan State University. I have every confidence in Crystal Goodison, who has been the GIS consultant on this project and was fully engaged in the analysis of the data for this report.

<sup>2</sup>Plan 1 also had the advantage of minimizing the need for further redistricting had the city's annexation referenda been passed. As the proposed annexations were decisively rejected, that point is moot.

data. Can that character be preserved now that District 1 has fallen behind the city's population growth and needs to add about 10,000 residents to reach the goal of equal representation?<sup>3</sup> Evidence that blacks composed just 48% of the population and 42% of the voting-age population in the recommended District 1 fueled some skepticism at your October 18<sup>th</sup> meeting.

The results of the primary election on August 14, 2012 indicated that the recommended District 1 boundaries would not change the political character of the district. By recompiling the results of five elections which involved minority candidates and/or candidates endorsed by the African American Accountability Alliance, I found that (a) all candidates clearly preferred by voters in the six core precincts of the "old" District 1 won a majority of the vote in the new District 1 of Plan 1 but did not always come first in the District 1 of Plans 2-4 and (b) that the candidates preferred by the voters in the core of the old District 1 did consistently better across all elections in the Plan 1 boundaries of District 1 than in any of the other three configurations presented in the report.<sup>4</sup> Moreover, in the three contests when voting was most racially polarized (as indicated by the difference in the candidate's vote share in the predominantly white county as a whole and in just the core precincts of old District 1), Plans 2-4 reduced significantly the vote share for the candidate preferred by black voters in the old District 1. As I explained, while the new precinct added to District 1 under Plan 1 had a higher percentage of non-black residents (both absolutely and those of legal voting age) than the precincts added to District 1 under Plans 2-4, precinct 59 has a long history of low rates of voter registration and turnout. The large student population of the precinct, principally short-term residents of the city with a history of inattention to city politics, largely accounts for this result.

I limited the general election analysis to contests involving the precincts currently in District 1 and those to be added to it under Plans 1-4. I eliminated elections for national office and those that were uncontested (where the winning candidate received 80+% of the vote). That leaves two contests, Alachua County Commission District 5 and Alachua County School Board District 4, both of which featured black candidates who were endorsed by the political action committee of the African American Accountability Alliance.<sup>5</sup> I added to this the referendum to renew the one mil School District tax to support art and music education in the schools. Because school board tax referenda often generate racially polarized voting patterns, the referendum is relevant to concerns about District 1's political character. As "down ballot" contests, these three elections have the same low turnout as City Commission elections; almost 40% of voters countywide who participated in the presidential election did not cast a vote on the school referendum. Moreover, two of these races were effectively non-partisan because both School Board candidates were registered Democrats and the school millage referendum was not an overtly partisan contest.<sup>6</sup>

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<sup>3</sup>The target population for each district based on the 2010 Census is now 31,023 residents and the precincts that made up the core of District 1 had only 21,230, leaving a gap of 9,793 which amounts to an almost 32% shortfall.

<sup>4</sup>Roberta Lopez, a candidate for County Commission District 1 in the Democratic primary, earned only 50% of the vote in the core of the old District 1, indicating a lack of strong support given the 54-78% majorities earned by candidates in the other four elections on the ballot.

<sup>5</sup>Some might wonder if the presence of two black candidates in the School Board runoff makes this an appropriate election for analysis of vote dilution. It's worth emphasizing that Voting Rights act is mean to insure that minority voters have an equal chance to elect voters of their own choosing and there can be racially-polarized voting with two black (or two white) candidates. So the election is germane to questions of vote dilution.

<sup>6</sup>The electoral data from the Supervisor of Elections will not be certified until November 20<sup>th</sup>. In previous elections, the preliminary results in Alachua County have rarely deviated from the certified results.

Table 5 duplicates the analysis in Table 4 of my original report for the three elections on the November ballot.

**Table 5**  
Vote Dilution in General Election under Plans 1-4

Plan	Precinct Name	County Commission District 5		School Board District 4		School Tax	
		% Chestnut	Dilution	% McNealy	Dilution	% Favor	Dilution
<b>Core</b>	Core: 13, 19, 25, 28, 33, 55	85.20%		62.95%		72.97%	
<b>Plan 1</b>	With Precinct 59 only added	79.53%	-5.67%	61.02%	-1.93%	74.93%	1.96%
<b>Plan 2</b>	Core with 12 & 38 added	78.64%	-6.56%	61.12%	-1.83%	72.12%	-0.86%
<b>Plan 3</b>	7, 12, 13, 19, 28, 33, 38, 55	78.70%	-6.50%	61.50%	-1.45%	71.74%	-1.23%
<b>Plan 4</b>	Core with 7, 12, 27 added	82.01%	-3.20%	63.17%	0.22%	74.78%	1.80%
Countywide Result		53.74%		52.31%		71.74%	

Charles Chestnut won the election for County Commission District 5 with 54% of the vote in Alachua County. By contrast, in the core precincts of the current District 1, he earned 85% of the vote—indicating an extremely high degree of racially polarized voting. He would have received approximately 80% of the vote in District 1 as configured by Plan 1, a landslide victory by any measure. Plan 4 would have yielded a slightly higher Chestnut vote of 82%.<sup>7</sup> In all plans, the level of vote dilution—just 5-7%--is very small. This was a particularly rigorous test of how District 1 would behave under Plan 1 because it was a straight contest between a credible black candidate with prior electoral experience and a white challenger who had significant resources, a strong organization, and an energetic campaign. Turnout among young people was exceptionally high on November 6, meaning that more student residents than usual probably voted. The contest produced a high level of racially polarized voting. These conditions typically make it harder for a minority candidate but Chestnut won handily in the recommended district.

The School Board race also exhibited some racially polarized voting but not a substantial degree. Loretta McNealy garnered 52% of the vote in Alachua County but 63% in the current District 1. All four plans diluted this vote by a very small degree, producing a McNealy victory with a vote share ranging from 61-63%. The District 1 in Plan 4 performs a bit better, with the same 2% edge noted in the Chestnut race.

The School District tax referendum was supported almost equally in the County as a whole and the current District 1—68% vs. 73% respectively. District 1 and District 4 raised the approval rate to 75% while the other two options were just 1-2% below the core.

<sup>7</sup>The small but relatively better showing of Cheshire in Precinct 59 compared to Precincts 7, 12 and 27, probably reflects the greater concentration of Republicans in the former. Cheshire also ran a heavy television campaign in the last ten days or so before voting, emphasizing his youth, dynamism and high tech background while omitting emphasis on his Republican partisanship and avoiding explicit programmatic proposals. This type of campaign might appeal to college students who voted in that race.

The major conclusion of this additional analysis is that District 1 under Plan 1 continues to exert very low levels of vote dilution, less so than Plans 2 and Plan 3, about the same as in Plan 4 in the general election. The two candidates endorsed by the African American Accountability Alliance and who won decisively in the current District 1 would have won decisively in the District 1 boundaries I have recommended to you. The School District referendum which passed in the current District 1 would have passed even more heavily in District 1 under Plan 1.

In the November general election as in the August primary, the census data did not accurately predict voting patterns in the precincts under consideration for District 1. District 1 in Plan 1 has a lower rate of black residents and black residents of voting age than Plans 2-4. If the Census data were a reliable guide to voting, District 1 under Plans 2, 3 and 4 should have produced less vote dilution and stronger majorities than the recommended District 1. Yet across 8 contests in two elections—some primaries and some general elections, some partisan and some non-partisan, some local and some statewide—the candidates who carried the old District 1 and/or were endorsed by a black political action committee did better (or no worse) in the recommended District 1 of Plan 1 than the counterpart district defined by Plans 2-4. Census data, invaluable for telling us population size on Census Day, do not tell us who among voting age residents register to vote, which of those registered voters go to the polls in an election (either literally or by voting absentee), and how many of those actual voters pick a candidate in local elections at the bottom of the ballot. Yet those are the factors that decide elections.

As I reported to you on September 18<sup>th</sup>, the key to this surprising outcome—surprising only if one considers census data as political destiny—is the character of the precinct which Plan 1 adds to the existing District 1 core. As in the primary, political patterns in Precinct 59 overrode the census data. The rate of voter registration in precinct 59 was 63%, 13% below the city-wide average and 30% below the registration rate in some of the other precincts added to District 1 by Plans 2-4. The turnout rate among registered voters in precinct 59 was 58.2%, 14.5% below the countywide total, and the drop-off rate (the percentage of voters who picked a candidate for the presidency but did not select a candidate in the school board race), was 58.4%, almost 20% higher than the county-wide average. *Compared to the County as a whole and to the precincts added to District 1 in Plans 2-4, Precinct 59 residents were less likely to register to vote, the registrants were less likely to turn out for the election, and those who did cast a ballot were more likely to skip local races at the end of the ballot.* That is why adding Precinct 59 to District 1, the recommended option, has a negligible impact on the political character of District 1.

Considering the new data, I reiterate that the recommended District 1 in Plan 1 minimizes vote dilution, reduces precinct shifts across the city, and guarantees voters in all four districts the chance to exercise electoral accountability if their incumbent commissioner seeks a second term. None of the alternative plans offers those features. For that reason, I again recommend that you adopt the Plan 1 redistricting changes by ordinance.

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