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Redistricting Gainesville after the 2010 Census:

A Report to the Citizen Election District Review Committee

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The municipal charter requires Gainesville to adjust the borders of its (four) City Commission single-member districts to insure they produce districts that are "equally proportioned in accordance with the State Constitution and the Constitution of the United States" (Gainesville, FL 2012). The charter further requires the City Commission to assess the districts "not less frequently than within the second year following each decennial census" (*ibid*). With the completion of the 2010 decennial census, the charter mandates a review of district boundaries at this time and, if needed, revision of the districts.

Accordingly, this report

1) summarizes the principles that guide redistricting and the practices of the city since the adoption of a mixed at-large/single-member election system in 1987;
2) analyzes the populations of the existing districts and adjudges them inconsistent with the standard of equitable proportion in the city charter and federal law;
3) presents four redistricting plans that appear to meet the minimal criteria for constitutional districts;
4) evaluates the four plans on several criteria;
5) recommends one of those plans, Plan 1, for adoption by the City Commission

In preparing this report, I have drawn on materials provided by the Bureau of the Census, the Alachua County Supervisor of Elections, the office of the City Attorney, and other sources. Although I have benefitted greatly from discussions with the members of the Citizens Review Committee and the city staff, as well as comments from the public, the analysis and interpretation of these materials have been my responsibility.

Municipal Redistricting Standards

Major Criteria

In assessing any current or proposed changes to municipal election districts, there are two critical legal standards. Districts must be configured so they (1) are equal in population and (2) avoid diluting the capacity of minority voters to elect their preferred representatives.

Federal, state and local law mandate that districts have equal populations. The degree of population equality is assessed by the "total plan deviation" which must be 10% or less for local governments unless there are extremely compelling reasons to exceed that target. To calculate total plan deviation, simply divide the city's total population (those enumerated by the Census as residents) by the number of districts. This produces the target population for each district. Then calculate the percentage difference between each proposed district's population and the target population. Then add together the deviation of the smallest and largest districts without the signs. So if the largest district is 4% over the target and the smallest is 3% under the target, the total plan deviation is 7%. The 10% guideline must be satisfied at the time district boundaries are first drawn. Recognizing that populations change constantly, the federal and state courts do not require redistricting more than once every ten years

The second critical legal standard, sometimes known as "affirmative districting," is driven by the goal of insuring that the equal rights of minority voters to elect their preferred representatives are not compromised by splitting up or otherwise diluting the potential electoral power of geographically concentrated minorities that have historically experienced discrimination. In the words of Section 2 of the Voting Rights Act, racial minorities should not have "less opportunity

than other members of the electorate . . . to elect representatives of their choice" (42 U.S.C. § 1973[b] [2000]). Toward this end, redistricting authorities are encouraged to construct "majority-minority" or "minority opportunity" districts by combining areas with large minority concentrations into one or more districts (Levitt 2010, 47).[1] When redistricting takes place, localities should assess how changes in district boundaries might affect the political fortunes of minority voters in such districts.

Traditional Districting Standards

The courts have also identified what are called "traditional districting standards" that should be considered in assessing districting plans. These criteria are useful guidelines and should be followed but local governments have generally been given some leeway in meeting them.[2] I focus here on (1) contiguity and (2) compactness.

The concept of contiguity generally means that "districts have to be connected in some way" (Cain et al 2006, 7). The Florida Supreme Court has affirmed the dictionary definition of contiguous for state legislative districts as "being in actual contact: touching along a boundary or at a point" while noting that the requirement for a contiguous district is not satisfied "when a part is isolated from the rest by the territory of another district" or when the lands "mutually touch only at a common corner or right angle" (Supreme Court of Florida 2003). However, in *Shaw v. Reno* (509 U.S. 630 1993), the U.S. Supreme Court noted that governments could depart from "traditional districting principles" such as contiguity for objective reasons other than racial considerations. As the City Attorney has opined, while contiguity should be maintained whenever possible, it is not mandated by state or local law (Office of the City Attorney 2012, 3). Additionally, maintaining the integrity of the county's voting precincts is a valid neutral reason for departing from the strictest definition of contiguity.

Compactness similarly has a commonsense definition that connotes tightness and geographical concentration, something that implies "box-like districts" without too many edges or protruding fingers (Cain et al 2006, 7). As statisticians have developed dozens of different formulas for calculating this quality, there has been absolutely no consensus on how compactness should be defined and measured (Fryer & Holden 2007, 2). In the absence of "manageable standards" (*ibid*), the courts have accepted districts that appear to meander across territory and deviate substantially from the box shape.

In practice, drawing district lines to satisfy both the major legal criteria and traditional district standards involves trade-offs. Maximizing any single goal—say achieving exact population equality or insuring equal access to representation by minority voters—may well undermine compactness. There is also potential tension between these standards and the local norms and practices that have traditionally governed the creation of district lines.

Local Standards

Beyond these federal and state mandates, communities are free to consider other factors in drawing election districts provided they do not seriously impair the baseline standards. In the

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[1]For a useful discussion of some of the issues involved in assessing vote dilution, see Persily (2007).

[2]Although these standards are explicitly identified in the "Fair Vote" amendment to the Florida Constitution, the City Attorney has informed the Committee that this legislation does not apply to local government districts.

twenty-five years since the hybrid at-large/single-member district system was adopted, Gainesville's redistricting process has developed several norms.

Incrementalism: Anyone who compares the maps accompanying the district plans below with earlier incarnations will note the stability of the district boundaries over time. While there have been changes due to annexations, other sources of population change, and evolving baseline standards, the proposed redistricting plans in this report produce districts that closely resemble those first adopted in 1987. Even when the number of single-member districts increased from three to four in 2002, there remained a recognizably east Gainesville (District 1), northwest Gainesville (District 2) and southwest Gainesville (District 3) district with the new District 4 comprising mostly mid-town and the University of Florida campus. Each of these districts has a somewhat distinctive socioeconomic profile that defines what the law describes as "communities of interest." By minimizing changes where possible, this stability makes it easier for residents to identify their districts and for elected representatives to try to insure that the needs of district residents are articulated during the legislative process.

Transparency: Gainesville has maintained an open process of redistricting in which a professional consultant works with an appointive city committee in public meetings, one of which is advertised as a public hearing. The recommendations of the Committee are then referred to the City Commission as part of the normal legislative process.

Precinct Boundaries: All of the plans adopted by past City Commissions have used election precincts as the building blocks of election districts. Although considered from time to time, splitting precincts has been rejected for both administrative reasons and because Gainesville's precincts constitute relatively homogeneous areas with easy access to a central polling station. While splitting precincts might reduce plan deviations or facilitate other goals, precincts have remained wholly within a single district because there was no need to do otherwise. In any case, the Alachua County Supervisor of Elections, who both draws precinct boundaries (as mandated by state law) and administers local elections under contract with the city, has indicated that it is not possible to split city precincts for local elections.

Continuity: Gainesville limits commissioners by law to two consecutive three-year terms. It also requires commissioners to reside in the district they seek to represent at least six months before the election and to reside "continuously" in the district for the length of their term.[3] Because district elections are staggered over time, redistricting might potentially render a commissioner ineligible for reelection by moving his/her precinct of residence into another district. In practice, the City Commission has never received a plan that would redistrict a first-term Commissioner out of his/her district nor has this consultant ever recommended such a plan.

The federal Voting Rights Acts explicitly empowers redistricting authorities to consider the ongoing relationship between an elected official and a constituency. Redistricting out an official who is otherwise eligible for re-election certainly undermines the relationship between the official and the constituency, denying voters the opportunity to make their own choice based on accountability.

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[3]If redistricting moves a Commissioner from the district he or she represents, the Commissioner is allowed to serve out the term until the next election.

Although the Florida legislature has redrawn Congressional districts that move incumbents out of their former districts, the parallel with the Gainesville City Commission does not bear scrutiny. To begin with, the sheer complexity of redistricting a large and dynamic state presents a giant jigsaw puzzle that may make it impossible to maintain continuity in representation. In fact, the steady increase in U.S. House seats allotted to Florida demands changes in district boundaries that undermine long-term representation.

But the analogy breaks down, I would argue, because of the difference in qualifications for office. Members of Congress cannot be required to reside in a particular district because the Constitution denies Congress and the states power to set additional qualifications beyond age, citizenship and state residence (*Powell v. McCormack*, 395 U.S. 486 [1969]). As such, an incumbent U.S. Representative may run for re-election even if s/he no longer resides in the district which previously sent the representative to office. Given the staggered nature of district elections for the Gainesville City Commission, that same option is not automatically available to a sitting first-term commissioner. The Commissioner who is redistricted "out" would have to move his/her legal residence to a new district or choose to run in one of the three at-large districts with a very different constituency. Hence the Congressional example is not very instructive.

Analyzing the Current (2002) Districts

Verdict

The first task is to determine whether the four districts adopted in 2002 still satisfy the requirements of Gainesville, the state of Florida and the US Constitution. **Because of changes in precinct boundaries and geographically concentrated population growth, I conclude that Gainesville must redraw the boundaries of the four single-member City Commission districts adopted in 2002.**

Issues with precincts: In redrawing Gainesville's precincts, something that occurs routinely after each census, the Supervisor of Elections was constrained by a new state law to insure that precinct boundaries no longer crossed census blocks, the basic unit of enumeration used by the Bureau of the Census (2011 Florida Statutes, Title IX, Chapter 101, Section 001, Section 24, ch. 2011-40, amended subsections [3] and [4], effective July 1, 2012). This law and the growth in the number of early and absentee voters prompted far more extensive changes to precinct boundaries than in the past, submerging some old precincts into others, splitting some precincts among four or more new precincts. I will refer to the new precincts that became official in July as the 2012 precincts to distinguish them from the precincts used to draw the Commission districts in 2002.

(Map 1 about here)

There is no way to reproduce the exact borders of the 2002 districts with the new precincts. Map 1 illustrates the problem. New Precincts 12, 38, and 57 are split between the old Districts 1 and 2 and Precincts 19 and 59 are split between old Districts 1 and 4. Precincts 23 and 31, which used to be wholly contained within District 4, have been redrawn and now extend west, well into District 3 as it was configured in 2002. Moreover, Precinct 12, which used to be wholly contained in District 2, has now been extended south and east across NW 13th St (into District

1). Most of Precinct 19 is within old District 1, with the exception of the SW corner of Depot Ave and S. Main St. which is part of the old District 4.

Because of these split and overlapping precincts, the post-2012 districts (which will be used for the next municipal elections in 2013) must of necessity have different borders than the districts adopted in 2002.

Population Growth: The Commission districts drawn ten years ago also need to be changed because of Gainesville's growing population. The city's annexations (Annexation Chronology 2012), the continued growth of the University of Florida, and natural population change have combined to increase the city's population by about 10.5% since the last redistricting in 2002.[4] The net result of this growth is a population of 124,092 that yields a precinct target of 31,023.[5] When the districts were realigned in 2002, the total plan deviation was 9.7% (Wald and Comenetz 2002, 24).

How does subsequent population change affect Commission districts in 2012? Table 1 shows the plan deviation if I assign each 2012 precinct (whether newly-drawn or not) to the commission district in which it was entirely or mostly located prior to the reprecincting process described above. Summing the 2010 enumerated population in those precincts indicates the magnitude of the population changes that have to be made to the four districts. The total plan deviation, the sum of the largest positive and negative percentage deviations (ignoring signs), is now an astounding 62%. To get back to population equality as required by federal, state and local law, District 1 will require about 10,000 new residents to bring it close to the target and District 3 must be reduced by approximately 10,000 residents to regain balance. District 2 will have to lose about 1500 residents and District 4 will require an infusion of about 1200. As Districts 1 and 3 are on opposite sides of the city and do not meet at any point on the map, they cannot be brought into population equality by any simple one-to-one exchange of precincts. The new residents of District 1 can only come from precincts that are currently in District 2 or District 4 and the residents of District 3 who must be redistributed to reduce the population of the district will inevitably end up in those same two districts.

(Table 1 about here)

Complications

It will help the Commissioners understand why I recommend Plan 1 (below) if they recognize four factors that further complicate redistricting in this cycle:

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[4]The city added about 6400 new residents in a 2008 annexation in the SW 20th Avenue area including I-75. A 2009 attempt to annex about 3600 residents on the east side, which would have added a significant number of African Americans to the city and to District 1, was defeated decisively. Adding the 6400 new residents to the contiguous District 3 pulled the districts out of alignment in 2008. A review in 2009 concluded that the absence of reliable data about population in the precincts and the imminence of the 2010 census made it prudent to defer redistricting until the current period. (See City of Gainesville. Citizen Election District Review Committee. Legistar No. 080871, 2012).

[5]There is a difference of 262 between the U.S. Census Bureau's 2010 population figure for Gainesville (124,354) and the figure of 124,092 used as the target district population in this report. Close inspection of Census blocks shows the Bureau includes in the city of Gainesville parts of Precincts 15 and 51 which are outside the city limits and part of county-only precincts as defined by the Supervisor of Elections. Removing the 262 residents in these census blocks brings the city's population to 124,092.

1. By coincidence, all four commissioners who currently represent the single-member districts are in their first terms, thus eligible to seek re-election for a second three-year term. That increases the prospect that changes in district boundaries could render certain commissioners ineligible to seek a second term.

2. Second, the city is moving ahead with an annexation proposal on the November, 2012 ballot.[6] If it proceeds and passes in whole or part, that could throw the new districts out of population equality. While the changes would not become official until mid-2013, after the next round of city elections, they might require further adjustment of district lines.

3. Another city committee has been considering changes to the election calendar and ballot labels among other topics. Should these changes be incorporated, they might have spillover effects on whatever redistricting plan is adopted by the City Commission in 2012.

4. Finally, as I noted above, the City must be attentive to the impact of new boundaries (and new residents) on the political rights of minority voters. This applies to District 1, the only district with enough black voters to constitute a voting majority or plurality. In the past, I used previous election results to estimate with a high degree of accuracy how the movement of precincts in or out of District 1 would affect the ability of those minority voters to elect representatives of their choosing. Because of the change in precinct boundaries, I have less data available to perform that analysis in 2012. I discuss below the issue of potential minority vote dilution in District 1.

Plan Options[7]

After exploring more than a dozen scenarios (each with multiple options) to balance the four districts, I have identified four potential plans for redistricting the Gainesville City Commission. Each is plausible in the sense that the plans meet the standard of population equality, make a good faith effort to satisfy other traditional redistricting standards, and do not on their face appear to dilute the equal rights of minority residents. None splits a precinct. Each plan retains the basic geographic configuration of districts in the eastern, northwestern, southwestern and central/midtown/UF areas of the city. These plans are represented by maps 2-5 in the appendix.

Beauty being in the eye of the beholder, it's possible that some observers will find distinctive advantages to this or that feature of a particular plan. For example, Plans 2-4 move Precincts 55 and 12 into District 1, which might be more appropriate than District 2 in terms of demography and community of interest. Plan 1 puts part of the old Precinct 19, which was formerly in District 1, back into that District by virtue of the precinct's partial amalgamation with Precinct 59. Plan 4 might strike a reader as producing somewhat "boxier" looking districts, suggesting a more compact overall plan than the alternatives.

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[6]Voters in three areas of the two precincts affected will be polled separately so only parts of the entire area might enter the city.

[7]The development of these plans was based on mapping and other technical assistance provided by Crystal Goodison. Ms. Goodison is the GIS Database Administrator for the University of Florida GeoPlan Center. She holds a B.A. in Geography and a M.A. in Urban & Regional Planning from the University of Florida, with a specialization in Planning Information Systems and a certification in Interdisciplinary Geographic Information Systems. She has 14 years experience in the field of Geographic Information Systems and over 7 years experience with geospatial data management and relational database management systems. She was a member of the 2009 Citizen Election District Review Committee.

As I will recount below, I think these subjective benefits are outweighed by differences between plans in the degree to which they (a) risk dilution of minority voting power and (b) follow the norms previously employed in Gainesville redistricting. For those reasons, ***I recommend only Plan 1***.

Plan 1 rebalances the population of the four districts by moving Precinct 59 from District 4 to District 1, transferring Precinct 44 from District 3 to District 4 and then shifting Precinct 61 from District 2 to District 3.[8]

Plan 2 requires five precinct shifts: It moves Precincts 12 and 38 from District 2 to District 1 and Precincts 24, 26 and 40 from District 3 to District 2.

Plan 3 moves seven precincts. The plan moves Precincts 12 and 38 from District 2 and Precinct 7 from District 4 into District 1. It also moves Precinct 24, Precinct 26, and Precinct 40 from District 3 to District 2. Precinct 25 is shifted from District 1 to District 4.

Plan 4, the final option, moves six precincts between districts. Specifically, Precincts 12 and 7 (both in District 2) and Precinct 27 (District 4) move into District 1. Precinct 40 shifts from District 3 into District 2, Precinct 5 transfers from District 4 into District 3 and Precinct 44 goes from District 3 into District 4.

(Table 2 about here)

Table 2 presents basic population data on the four plans. The interested reader will find a detailed racial/ethnic breakdown of the census population for each of the four plans in Tables 3A through 3D.

Rationale for Recommendation of Plan 1

Apart from its acceptable plan deviation which is well within the guidelines, Plan 1 has four advantages over the alternatives which prompt me to recommend it.

First, it better follows the Gainesville tradition of incrementalism by moving only three precincts.

Second, Plan 1 can best handle the expansion of population if the November, 2012 annexation is implemented in whole or in part. Note that the two smallest districts under Plan 1, #2 and #3, are both below the target population of 31,023. The annexation areas are adjacent to these two districts and could be absorbed into the existing districts without doing much violence to the population equality standard. This would avoid the expense of a new round of redistricting in 2013.

Third, only Plan 1 offers the possibility of continuity of representation by allowing *all* incumbent district commissioners to seek a second term. Plans 2 and 3 would prohibit the incumbent in District 3 from seeking a second term while Plan 4 similarly debars the District 4 incumbent commissioner from seeking re-election in that district. I've indicated I consider such action unfair to voters and unnecessary given the option of Plan 1.

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[8]The following discussion uses the new precinct numbers.

Finally, Plan 1 provides a minority influence district (District 1) that best safeguards the rights of minority voters to select representatives of their choosing. Because that claim may seem counter-intuitive given the data in Table 3, which details the racial/ethnic composition of District 1 under each plan, it requires some explanation.

(Table 3 about here)

As noted above, the Voting Rights Act enjoins localities from redistricting that dilutes the voting power of minority citizens. "Vote dilution" arises when racially polarized voting—significant differences in preferred candidates between minority and non-minority voters— interacts with changes in district boundaries. If a plan increases the probability that the candidate preferences of minority voters will be defeated by the preferences of non-minority voters, the courts will often sustain claims of vote dilution under the Voting Rights Act. Some vote dilution may be unavoidable within a jurisdiction where the non-black share of the population grows faster than black population or the black population becomes more widely dispersed across all parts of the city. In Gainesville, moving some of the black population into precincts that are no longer inside District 1 (as was done in the "reprecincting" earlier this year) will accentuate the tendency toward dilution. These trends appear to explain why the black share of the total population in District 1, which reached 61.7% in 2002, is lower in all four plans.[9]

The relevant question is whether Plan 1 does as well as or better than the alternatives in preserving the political character of District 1. At first glance, the answer appears to be "no" because the black population share of District 1 under Plan 1 drops to 48%, 4-6% below the alternatives. But as political scientists have documented, racial population percentages from the census are not good predictors of how districts perform in real elections (Brace et al. 1988). To determine the probable impact of redistricting on the chances of minority voters to elect their preferred representatives, it is more realistic to rely on data from elections than just census tabulations. As Lisa Handley (2011) noted in a presentation to the National Conference of State Legislators, the effectiveness of minority districts in representing minority voters can be assessed when "Election results from previous contests that included minority-preferred candidates [are] recompiled to reflect results in proposed district(s)." When I perform that analysis in Gainesville using results from the August 14, 2012 primary election, it demonstrates that Plan 1 minimizes vote dilution more so than the three alternatives.

Minority Vote Dilution Under Four Plans in Gainesville

Using final results from the August 14th primary elections, the first conducted with the newly defined precincts, I determine minority vote dilution under the four plan proposals by comparing the outcome in the six precincts that formed the core of old District 1 with the results that occur in the proposed new District 1 area under the four plan options for 2013. It's worth emphasizing that

1. The core precincts that made up the new District 1 (precincts 13, 19, 25, 28, 33, and 55) do not coincide exactly with the old District 1 due to the changed precinct boundaries.

[9]The same decline is apparent in black share of the voting age population (which was 54.8% in 2002).

2. The District 1 configuration in Plan 3 contains five of the six core precincts, dropping new Precinct 25 to achieve closer population equality among the four districts.

3. The elections that provide these data were not contested only in District 1 but also in precincts outside the Gainesville city limits.

4. All these elections except for the School Board District 2 seat and the Florida House of Representatives seat in District 20 were partisan primaries whereas Gainesville municipal elections are formally non-partisan.[10]

These shortcomings are unavoidable because the change in precinct boundaries eliminated direct comparisons with elections conducted before July 2012. Nonetheless, it is highly unlikely that these discrepancies generate much prediction error. The six precincts that I describe as the "core" of old District 1 will be the core of District 1 under the new precinct boundaries. Because precinct 25 contributed less than 7% of the votes cast in the six core precincts, its removal from District 1 in Plan 3 does not substantially change the results. Regarding point #3 above, it is hard to see how the awareness that voters in other precincts and areas were also participating in any particular election should alter the preferences of voters in the Gainesville precincts.

Even the partisan nature of the elections is unlikely to be consequential for analyzing vote dilution. The six core precincts of the new District 1 (which closely resemble the old District 1) are overwhelmingly Democratic. As of the end of July, three fourths of the registered voters in the District 1 core were Democrats, leaving less than 10% Republican and the remaining 18% embracing non-party status. In the August, 2012 Democratic and Republican primaries for County Commission Seat 1, the only office with competitive, contested primaries in both parties, fewer than 10% of the actual voters in the District 1 core were registered as Republicans. Had Republicans and non-party registrants been able to join Democrats in voting for these offices, it might have increased racial polarization in voting somewhat but probably not enough to differentiate among the four plan options for District 1.

To identify the candidate preferences of minority voters, I simply identify the candidate who won the most votes in the District 1 core precincts in the five contests used for this analysis—School Board District 2 seat, County Property Assessor, County Commission seats 1 and 3, and the State House District 20 seat. In addition, I also indicate if the candidate was formally endorsed by the African-American Accountability Alliance, a group that hosts voter forums for residents of east Gainesville (Tinker 2012). The candidates with the "4A" endorsement are indicated by a grey filling in the column header. The votes received by the preferred candidates in the August 14 primary are reported, first by the core precincts, and then by the four District 1 plans that augment the core with other precincts. The "Dilution" column reports the percentage change in the preferred candidates' vote share in the reconfigured District 1 from what was registered in the six core precincts, the old District 1 more or less. A positive number indicates that the preferred candidate of the minority community in the core precincts did better in the enlarged District 1 than the core while a negative sign indicates the preferred candidate in the core precincts of District 1 did less well when the District boundaries were changed to bring in or

[10]Although Florida has a closed primary system, which permits only registered members of a party to vote in a party primary, all registered voters are allowed to participate if only one party has a primary and there are no candidates from the other party or write-in candidates who have qualified for the ballot. Under this system, all registered voters were eligible to vote in the contest for House District 20 where only two Democrats qualified for the ballot.

remove other precincts. The final column averages the dilution across the five offices. The results are presented below in Table 4.

(Table 4 about here)

Comparing the dilution percentages across the four plans, it is clear that Plan 1 produces by far the lowest level of vote dilution. The average deviation between District 1 as proposed in Plan 1 and in the core precincts of the old District 1 was less than 1.5%. The "winner" of the core precincts would also have won a majority in four of the five races under the Plan 1 scenario for District 1 and come in a virtual tie for first in the other contest. By contrast, Plans 2 and 3 average three times the dilution of Plan 1 and the Plan 4 configuration scored over four times the dilution percentage of Plan 1.[11]

Anyone who looks only at the census data on total population or voting population broken down by race in Table 3 may find these results difficult to comprehend. After all, based strictly on demographics, the District 1 in Plan 1 has the smallest percentage of African American residents and adults of the four options. Yet it yielded the voting results that best reflected the preferences of minority voters in the District 1 core precincts. How can this be?

To understand why the actual outcome differed so much what one would expect based simply on demographics, consider the almost 7% difference in the District 1 outcome between the showing of Alonzo Perkins in the County Appraiser's primary under Plan1 (52.2%) and Plan 4 (45.4%). Under both these plans, the new District included the six core precincts of the old District 1. In Plan 1, these precincts were augmented by adding Precinct 59 while precincts 7, 12 and 27 were added to the core to make up District 1 in Plan 4. The two major factors that account for the different electoral outcomes of the two plans are voter registration and voter turnout in these added precincts.

In Precinct 59, barely half the voting age population registered to vote in the August primary. In the three precincts added to District 1 under Plan 4, by contrast, almost 85% of the voting age population was registered for the same election. That massive (30+%) discrepancy in registration percentages was reinforced by similar differences in turnout among registered voters on August 14th: Only 7.9% of the registered voters in Precinct 59 who were eligible to cast a Democratic primary vote for Property Appraiser actually did record a vote. But in the three precincts added to District 1 in Plan 4, the turnout rate was 26%--more than 3 times as high. Putting these registration and turnout gaps together, voters in Precinct 59 contributed only one-eighth of the total votes cast in the District 1 Appraiser's primary under Plan 1 while voters in the three added precincts under Plan 4 cast fully one-third of the votes in the same (hypothetical) District 1 primary.

Why did this produce a substantially lower vote for Perkins in the District 1 boundaries under Plan 4? Although the precincts added to the District 1 core bring in substantially more voting age

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[11]The gap between Plan 1 and the three alternative plans is even greater if one looks only at the House District 20 primary which was open to all registered voters without regard to party affiliation and in which party labels did not distinguish the candidates. This was also an open seat in which incumbency did not matter and neither candidate had previously run for public office. Under these circumstances, which resemble the conditions of a Gainesville municipal election, Plan 4 produced nearly 5 times the dilution of Plan 1 and the gap between Plan 1 and the two other options also grew apace. This reinforces the point that vote dilution should be assessed by votes, not population percentages

residents in both plans, far more of them register and vote in the three precincts added under Plan 4 than the sole precinct added in Plan 1. Further, because the voting age population added to District 1 in both plans is much more likely to be white than in the six core precincts, the higher registration and turnout rates in the Plan 4 additions almost certainly change the racial composition of the voters much more than does Plan 1. When there are substantial differences between the candidate preferences of white and non-white voters, as there apparently were in this election, Plan 4 is thus more likely than Plan 1 to tilt the composition of the electorate decidedly against the candidate preferred by minority voters.[12] The lesson is that the black percentage of the census population is neither a reliable indicator of the political character of a precinct nor a good predictor of the political character of a reconfigured District 1.

This comparison assumes that the differential rates of electoral participation in the two configurations are stable patterns that will persist over time. The extensive changes in the boundaries of precincts 7 and 12 permit only a comparison between Precinct 59 and Precinct 27 whose boundaries have been largely intact over time. Based on past Gainesville elections, Precinct 27 has uniformly (and appreciably) higher levels of registration and turnout than Precinct 59—especially in "low stimulus" elections for nonpartisan city offices. These differences in registration and turnout have persisted over time because of the demographic character of the two precincts. Precinct 27, which incorporates the "Duck Pond," is composed primarily of stable neighborhoods with single family homes. Although it has some areas that resemble Precinct 27 (and Precinct 27 also has some rental housing), Precinct 59 has a much higher proportion of rental housing and college student residents than Precinct 27. The socioeconomic differences between the two precincts are striking. The median family income (which roughly tracks owner-occupied households) and median household income (a good indicator of rental households with unrelated residents) in Precinct 59 are one third to one half the comparable figures for Precinct 27. Precinct 59 much more closely fits District 1 socioeconomically than does Precinct 27.[13]

These demographic differences largely explain the political differences between the two precincts. Research on political participation and local political activism has long emphasized the powerful causal effect of what is called "community attachment" (Alford and Scoble 1986, Strate et al 1989). Community attachment, in turn, is highly correlated with long-term residence, homeownership, membership in associations, middle age, and other variables—traits which are much more pronounced in Precinct 27 than Precinct 59. Hence the registration and turnout differences between Precincts 27 and 59 will persist into the next decade absent massive demographic changes or extraordinary voter mobilization in the two areas.

Amidst all these numbers, it's easy to lose sight of the central question about the changes in District 1 boundaries: Will minority voters still have a reasonable opportunity to elect representatives of their choosing? Since it was first created, District 1 has without exception

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[12]Had this election been open to Republican and non-party registered voters as well as Democrats, as is the case for municipal elections, the two plans would have added about the same total number of voters (ca. 2650). There is no reason to assume this enlarged electorate would have altered the patterns of vote dilution differently under Plans 1 and 4.

[13]Although I do not have data on comparative educational attainment, such data if available would almost certainly confirm the characterization. The American Community Survey only reports educational attainment at the Census block group level for the population 25 and older, screening out the college student residents of Precinct 59 who have attained only a high school degree.

elected an African-American commissioner with deep roots in East Gainesville.[14] It did so despite census data that suggested that it would not be easy for the minority voters of the district to elect their preferred representative. From 1988-1992, the black population of District 1 was a bare 51% of the total population and a minority of registered voters. From 1993 through 2002, the black population dropped further to 47.5% and the black share of the voting age population was a mere 38%. Even in 2002, when the district was last revised, blacks constituted only 55% of the voting age population and probably a minority of the registered voters. Based on census data, District 1 has never been a typical minority-majority district yet it has consistently produced electoral outcomes that reflect the preferences of minority voters.

Moreover, the primary election last August provided real-world tests of whether black candidates could carry District 1 in its new configuration. The toughest of these tests featured contests in which a black candidate faced a white opponent in an election marked by a high degree of racially polarized voting. Those are precisely the conditions that most seriously threaten the ability of minority voters to elect their preferred candidates. As a rough measure of polarized voting, I calculated the difference between the vote share of the minority candidate preferred in the core District 1 precincts (which have a black voter registration majority of 58%) and that candidate's vote share in the entire county where blacks constitute just 17% of registered voters.[15] Using a 20% difference between the preferences of the predominantly black core of District 1 and the predominantly white Alachua County electorate as an indicator of polarization, I found three of the elections marked by a high level of racially polarized voting: School Board, Property Appraiser, and District 20 State Representative.[16] **As Table 4 showed, the black candidates in each of these races won a majority in the District 1 proposed by Plan 1.** Based on tangible election results rather than census data, the evidence strongly indicates that the new District 1 will behave politically much like the old District 1.

If this discussion sounds familiar, that is because precisely the same issue arose in 1992 when Gainesville first revised the district boundaries after a census. On that occasion too, District 1 needed to be augmented and the choice came down to a plan that included much of the current Precinct 59 versus an option that included Precinct 27.[17] As is the case in 2012, the 1992 plan with Precinct 59 reduced the black population share more than the Precinct 27 option. But with unchanged precincts and ample data from previous elections, I demonstrated using the same techniques employed with the 2012 primary data that adding Precinct 27 would reduce the vote share of minority candidates in District 1 by a larger margin than would the addition of Precinct 59. The City Commission thus added Precinct 59 to District 1. Over the next decade, this addition did not diminish the capacity of black residents to elect their preferred candidates. Because the underlying demographics and patterns of registration and turnout are not radically

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[14]The legal goal of equal representation would be the same if black voters strongly preferred a white candidate over an African-American opponent. However the elections in District 1 have never produced that outcome.

[15]The racial breakdown of the core District 1 registered voters was obtained from data provided by the Alachua County Supervisor of Elections. The county-wide voter registration data breakdown by race came from Florida Department of State (2012).

[16]It's worth emphasizing that two of these three cases involved elections that were open to all voters, not just partisans. The School Board race was unusual in that all three candidates were black yet one of them, who was thought to be a creationist, did much better among whites than blacks. This produced racially polarized voting despite the absence of a white candidate. In the County Commission race where a black candidate competed against a white opponent, the gap was only 8%. The black candidate had lived, worked and held public office in a small town in the southwestern corner of Alachua County and was not well known in Gainesville.

[17]Precinct 23 was then a major part of what is now Precinct 59.

different in 2012, I believe history will repeat itself if the city adopts Plan 1—as I recommend it should.

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Tables

Table 1

Estimated Census 2010 Population of Current Districts
(based on assigning current precincts to the 2002 districts in which they were mostly located)

District	Total Population 2010	Population Deviation	Percentage Deviation
1	21,230	-9,793	-31.57%
2	32,506	1,483	4.78%
3	40,538	9,515	30.67%
4	29,818	-1,205	-3.88%
Total	**124,092**		**62.24%**

Table 2

Basic Population Data for Proposed Plans

Plan	District	District Population	District Voting-Age Population	% Deviation
Plan 1	1	31,236	25,598	0.69%
	2	30,020	23,996	-3.23%
	3	30,481	27,591	-1.75%
	4	32,355	30,325	4.29%
	Totals	**124,092**	**107,510**	**7.53%**
Plan 2	1	29,277	22,482	-5.63%
	2	30,695	25,221	-1.06%
	3	31,959	29,752	3.02%
	4	32,161	30,055	3.67%
	Totals	**124,092**	**107,510**	**9.30%**
Plan 3	1	29,315	22283	-5.51%
	2	30,695	25221	-1.06%
	3	31,959	29752	3.02%
	4	32,123	30254	3.55%
	Totals	**124,092**	**107510**	**9.05%**
Plan 4	1	31,351	24,652	1.06%
	2	30,610	24,694	-1.33%
	3	30,416	27,968	-1.96%
	4	31,715	30,196	2.23%
	Totals	**124,092**	**107,510**	**4.19%**

Table 3

Racial/Ethnic Composition of District 1 in Four Plans

Plan	Total Pop 2010	Black	% Black	White	% White	Hispanic	% Hispanic	Asian Pop	% Asian	Other Races Pop	% Other Races
Total Population in 2010 Census											
1	31,236	14,974	47.9	11,792	37.8	2,243	7.2	1,569	5.0	658	2.1
2	29,277	16,335	55.8	10,074	34.4	1,737	5.9	534	1.8	597	2.0
3	29,315	16,279	55.5	10,271	35.0	1,694	5.8	446	1.5	625	2.1
4	31,351	16,240	51.8	12,021	38.3	1,848	5.9	549	1.8	693	2.2

Plan	Pop 18+ 2010	Black VAP	% Black VAP	White VAP	% White VAP	Hispanic VAP	% Hispanic VAP	Asian VAP	% Asian VAP	Other Races VAP	% Other Races VAP
Voting Age Population (18 and older) in 2010 Census											
1	25,598	10,663	41.7	11,136	43.5	1,935	7.6	1,447	5.7	417	1.6
2	22,482	11,445	50.9	8,955	39.8	1,333	5.9	458	2.0	291	1.3
3	22,283	11,322	50.8	9,052	40.6	1,239	5.6	365	1.6	305	1.4
4	24,652	11,426	46.3	10,915	44.3	1,444	5.9	474	1.9	393	1.6

Table 3A

Racial/Ethnic Composition of All Districts in Plan 1

District	Total Pop 2010	Black	% Black	White	% White	Hispanic	% Hispanic	Asian Pop	% Asian	Other Races Pop	% Other Races
Total Population in 2010 Census											
1	31,236	14,974	47.9	11,792	37.8	2,243	7.2	1,569	5.0	658	2.1
2	30,020	4,861	16.2	20,484	68.2	2,429	8.1	1,496	5.0	750	2.5
3	30,481	3,882	12.7	20,301	66.6	3,505	11.5	2,070	6.8	723	2.4
4	32,355	4,825	14.9	19,141	59.2	4,191	13.0	3,371	10.4	827	2.6

District	Pop 18+ 2010	Black VAP	% Black VAP	White VAP	% White VAP	Hispanic VAP	% Hispanic VAP	Asian VAP	% Asian VAP	Other Races VAP	% Other Races VAP
Voting Age Population (18 and older) in 2010 Census											
1	25,598	10,663	41.7	11,136	43.5	1,935	7.6	1,447	5.7	417	1.6
2	23,996	3,331	13.9	17,320	72.2	1,792	7.5	1,172	4.9	381	1.6
3	27,591	3,266	11.8	18,659	6.76	3,180	11.5	1,921	7.0	1,921	2.1
4	30,325	4,081	13.5	18,362	60.6	3,945	13.0	3,241	10.7	696	2.3

Table 3B

Racial/Ethnic Composition of All Districts in Plan 2

District	Total Pop 2010	Black	% Black	White	% White	Hispanic	% Hispanic	Asian Pop	% Asian	Other Races Pop	% Other Races
Total Population in 2010 Census											
1	29,277	16,335	55.8	10,074	34.4	1,737	5.9	534	1.8	597	2.0
2	30,695	2,617	8.5	23,434	76.3	2,391	7.8	1,565	5.1	688	2.2
3	31,959	5,486	17.2	17,753	55.6	4,476	14.0	3,431	10.7	813	2.5
4	32,161	4,104	12.8	20,457	63.6	3,764	11.7	2,976	9.3	860	2.7

District	Pop 18+ 2010	Black VAP	% Black VAP	White VAP	% White VAP	Hispanic VAP	% Hispanic VAP	Asian VAP	% Asian VAP	Other Races VAP	% Other Races VAP
Voting Age Population (18 and older) in 2010 Census											
1	22,483	11.445	50.9	8,955	39.8	1,333	5.9	458	2.0	291	1.3
2	25,221	1,823	7.2	19,939	79.1	1,825	7.2	1,239	4.9	395	1.6
3	29,752	4,650	15.6	16,983	57.1	4,175	14.0	3,278	11.0	666	2.0
4	30,055	3,423	11.4	19,600	65.2	3,519	11.7	2,806	9.3	707	2.4

Table 3C

Racial/Ethnic Composition of All Districts in Plan 3

District	Total Pop 2010	Black	% Black	White	% White	Hispanic	% Hispanic	Asian Pop	% Asian	Other Races Pop	% Other Races
Total Population in 2010 Census											
1	29,315	16,279	55.5	10,271	35.0	1,694	5.8	446	1.5	625	2.1
2	30,695	2,617	8.5	23,434	76.3	2,391	7.8	1,565	5.1	688	2.2
3	31,959	5,486	17.2	17,753	55.6	4,476	14.0	3,431	10.7	813	2.5
4	32,123	4,160	13.0	20,260	63.1	3807	11.9	3064	9.5	832	2.6

District	Pop 18+ 2010	Black VAP	% Black VAP	White VAP	% White VAP	Hispanic VAP	% Hispanic VAP	Asian VAP	% Asian VAP	Other Races VAP	% Other Races VAP
Voting Age Population (18 and older) in 2010 Census											
1	22,283	11,322	50.8	9052	40.6	9052	5.6	1239	1.6	305	1.4
2	25,221	1,823	7.2	19,939	79.1	1,825	7.2	1,239	4.9	395	1.6
3	29,752	4,650	15.6	16,983	57.1	4,175	14.0	3,278	11.0	666	2.0
4	30,254	3546	11.7	19,503	64.5	3613	11.9	2899	9.6	693	2.3

Table 3D

Racial/Ethnic Composition of All Districts in Plan 4

District	Total Pop 2010	Black	% Black	White	% White	Hispanic	% Hispanic	Asian Pop	% Asian	Other Races Pop	% Other Races
Total Population in 2010 Census											
1	31,351	16,240	51.8	12,021	38.3	1,848	5.9	549	1.8	693	2.2
2	30,610	3,926	12.8	21,955	71.7	2,445	8.0	1,550	5.1	734	2.4
3	30,416	3,828	12.6	20,025	65.8	3,718	12.2	2,110	6.9	735	2.4
4	31,715	4,548	14.3	17,717	55.9	4,357	13.7	4,297	13.6	796	2.5

District	Pop 18+ 2010	Black VAP	% Black VAP	White VAP	% White VAP	Hispanic VAP	% Hispanic VAP	Asian VAP	% Asian VAP	Other Races VAP	% Other Races VAP
Voting Age Population (18 and older) in 2010 Census											
1	24,652	11,426	46.3	10,915	44.3	1444	5.9	474	1.9	393	1.6
2	24,694	2,721	11.0	18,528	75.0	1836	7.4	1225	5.0	384	1.6
3	27,968	3242	11.6	18,728	67.0	3427	12.3	1971	7.1	600	2.2
4	30,196	3952	13.1	17,306	57.3	4145	13.7	4111	13.6	682	2.3

Table 4

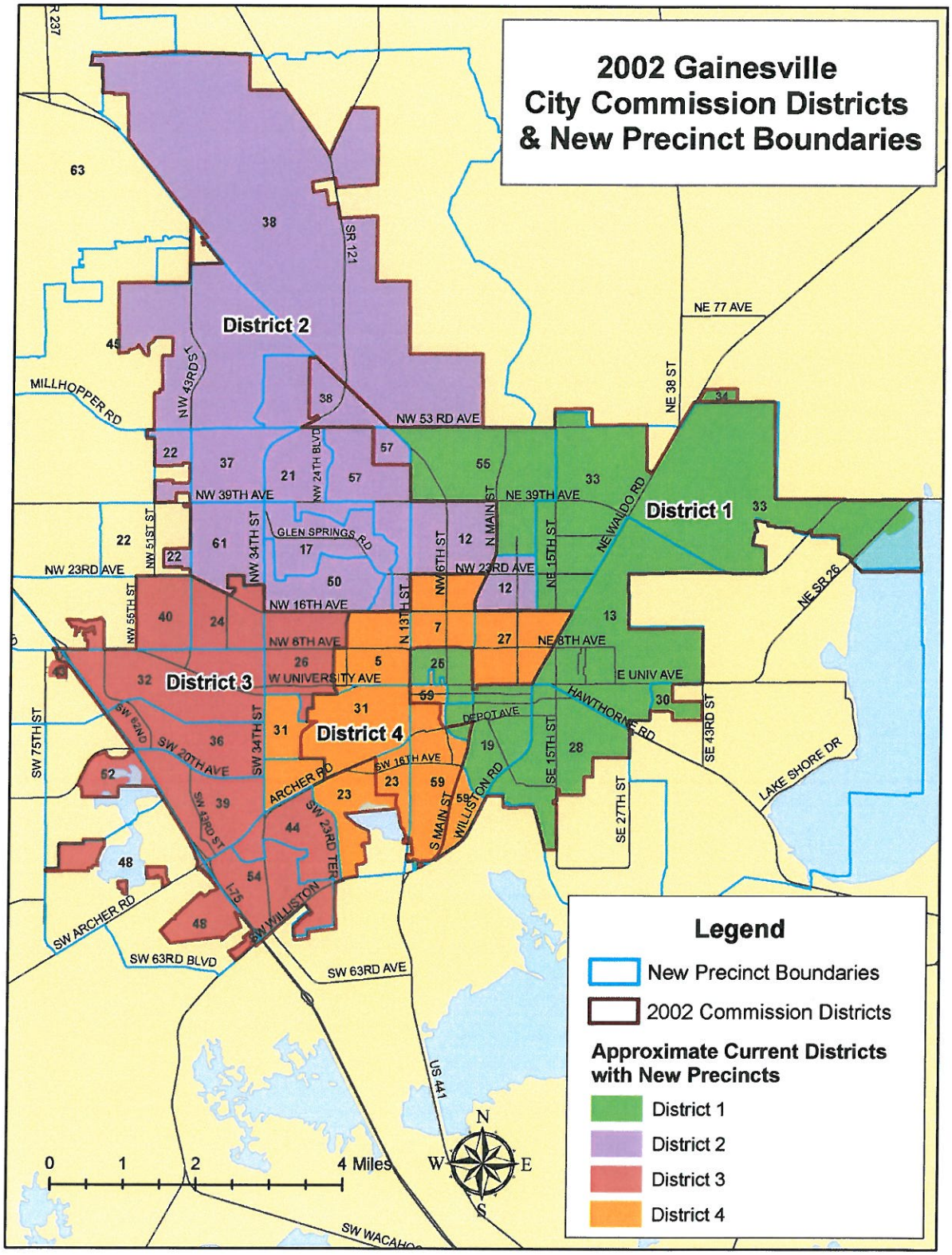
Vote Dilution under Plans 1-4
in August 14, 2012 Primary Elections

		School Board #2		Property Assessor		State House #20	
Plan	**Precincts**	**% McNealy**	**Dilution**	**% Perkins**	**Dilution**	**% Watson**	**Dilution**
Core	13, 19, 25, 28, 33, 55	59.26%		54.15%		77.76%	
Plan 1	+ Precinct 59	57.58%	-1.68%	52.16%	-1.99%	74.76%	-3.00%
Plan 2	+ Precincts 12 & 38	54.60%	-4.66%	48.40%	-5.75%	68.98%	-8.78%
Plan 3	7, 12, 13, 19, 28, 33, 38, 55	54.16%	-5.11%	47.84%	-6.32%	66.83%	-10.93%
Plan 4	+ Precincts 7, 12, 27	57.37%	-1.90%	45.35%	-8.80%	61.29%	-16.47%

		County Commission #1		County Commission #3		All
		% Lopez	**Dilution**	**% Hutchinson**	**Dilution**	**Average Dilution**
Core	13, 19, 25, 28, 33, 55	50.33%		63.97%		
Plan 1	+ Precinct 59	48.88%	-1.45%	64.86%	0.89%	-1.45%
Plan 2	+ Precincts 12 & 38	46.68%	-3.64%	63.72%	-0.25%	-4.62%
Plan 3	7, 12, 13, 19, 28, 33, 38, 55	45.63%	-4.70%	64.72%	0.75%	-5.26%
Plan 4	+ Precincts 7, 12, 27	40.84%	-9.49%	68.86%	4.89%	-6.35%

Maps

Map 1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City Commission Districts
& New Precinct Boundaries
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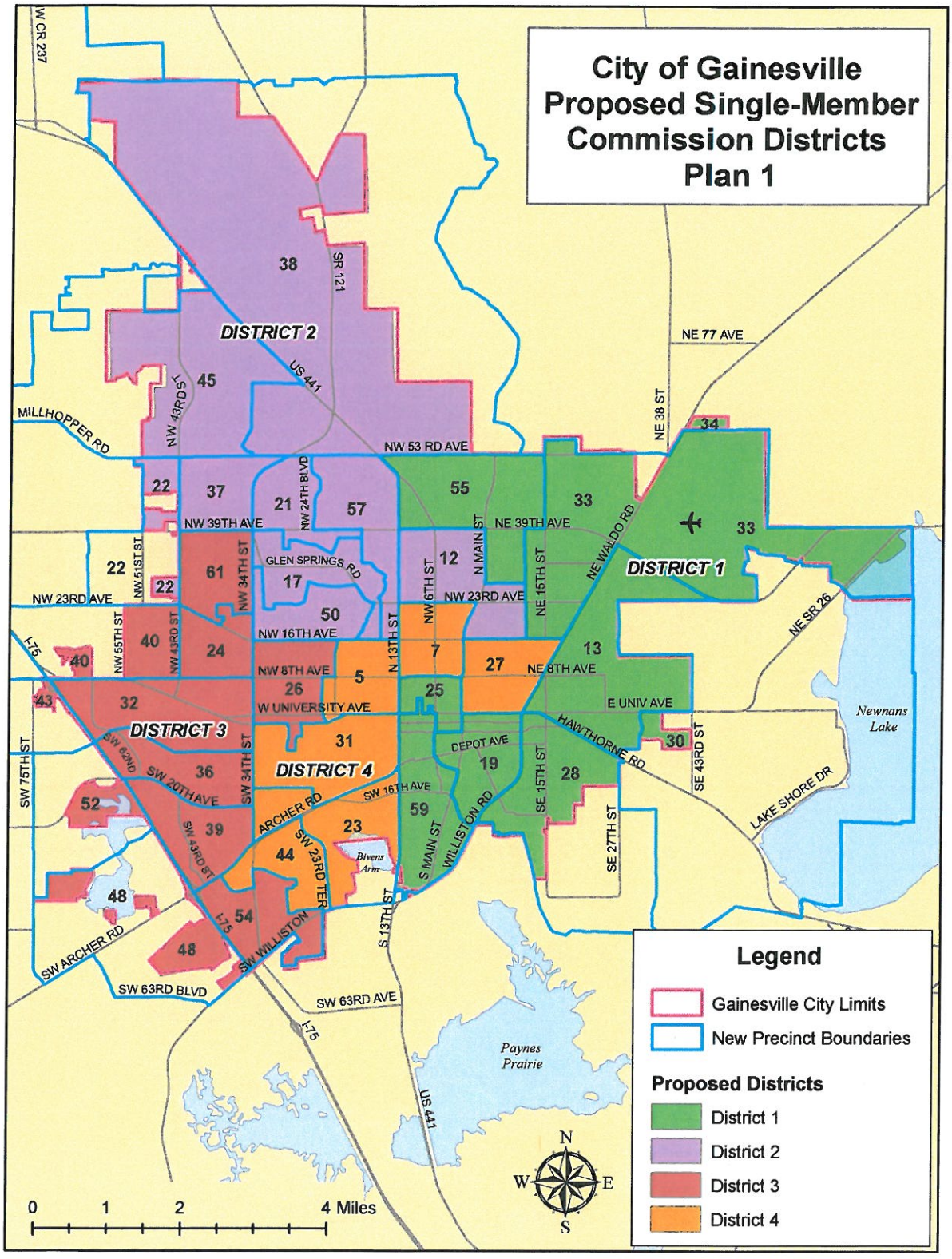
Map 2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New Precinct Boundaries
Proposed Districts
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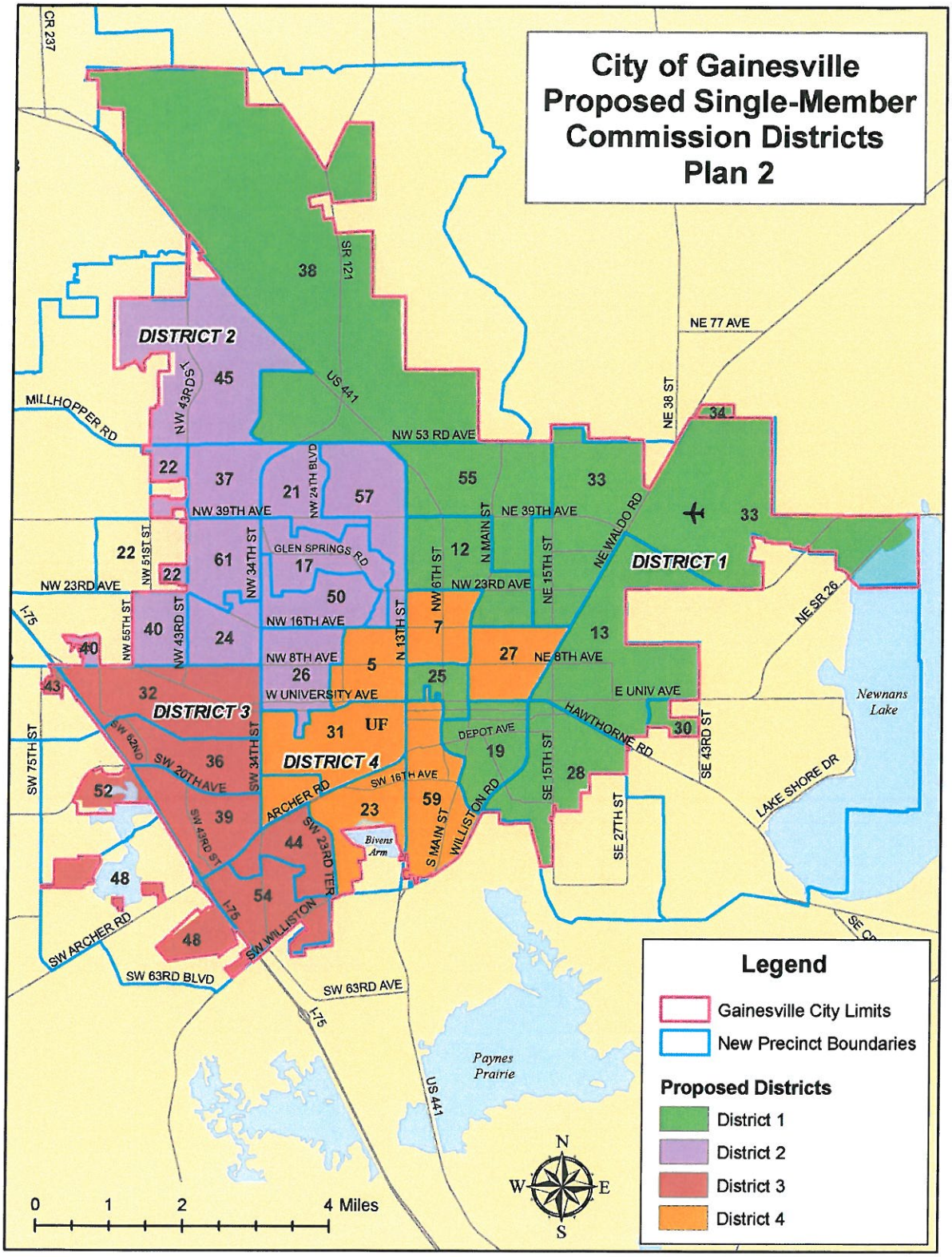
Map 3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Gainesville City Limits
New Precinct Boundaries
Proposed Districts
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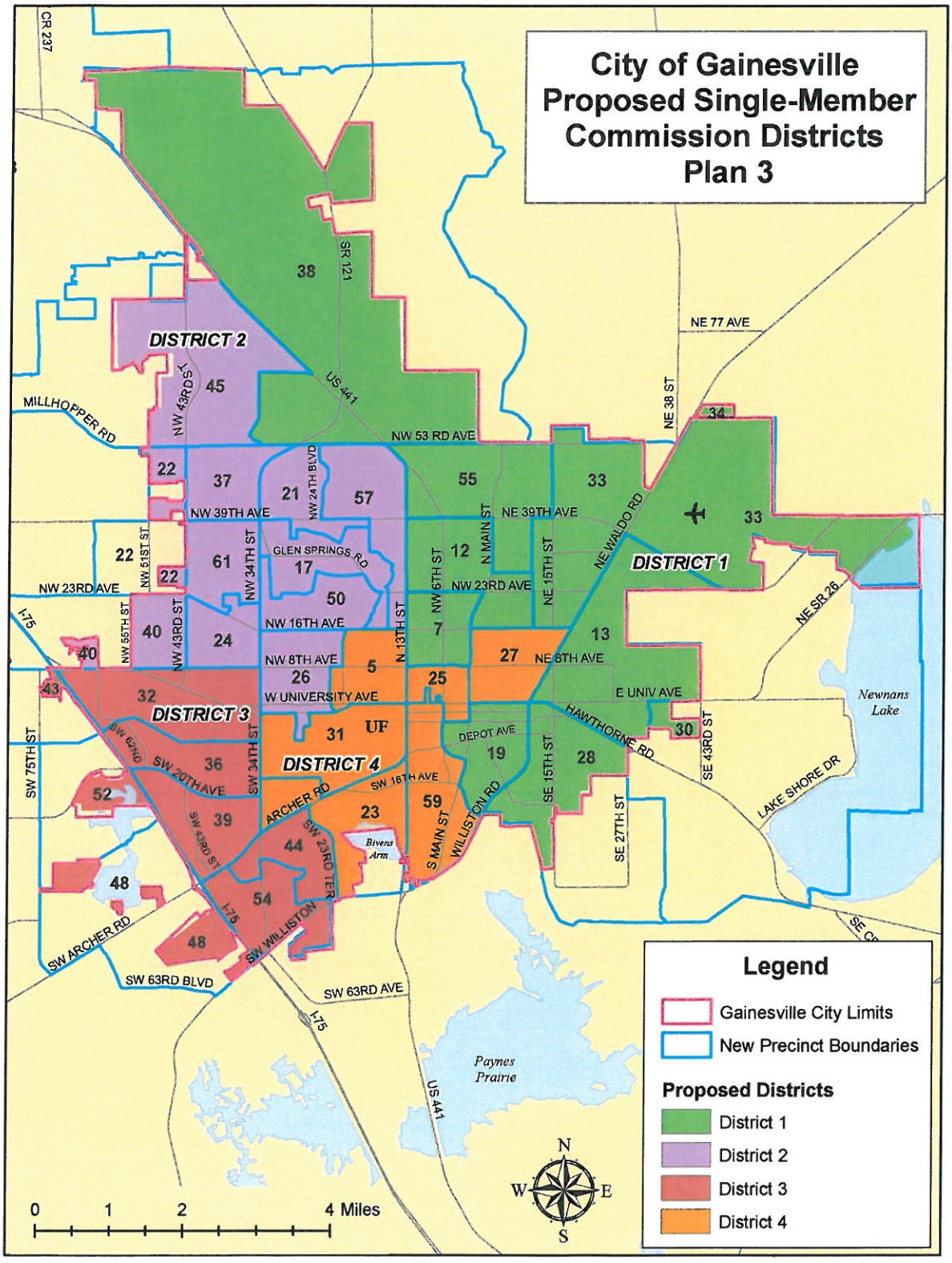
District 4

Map 4


City of Gainesville
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Gainesville City Limits
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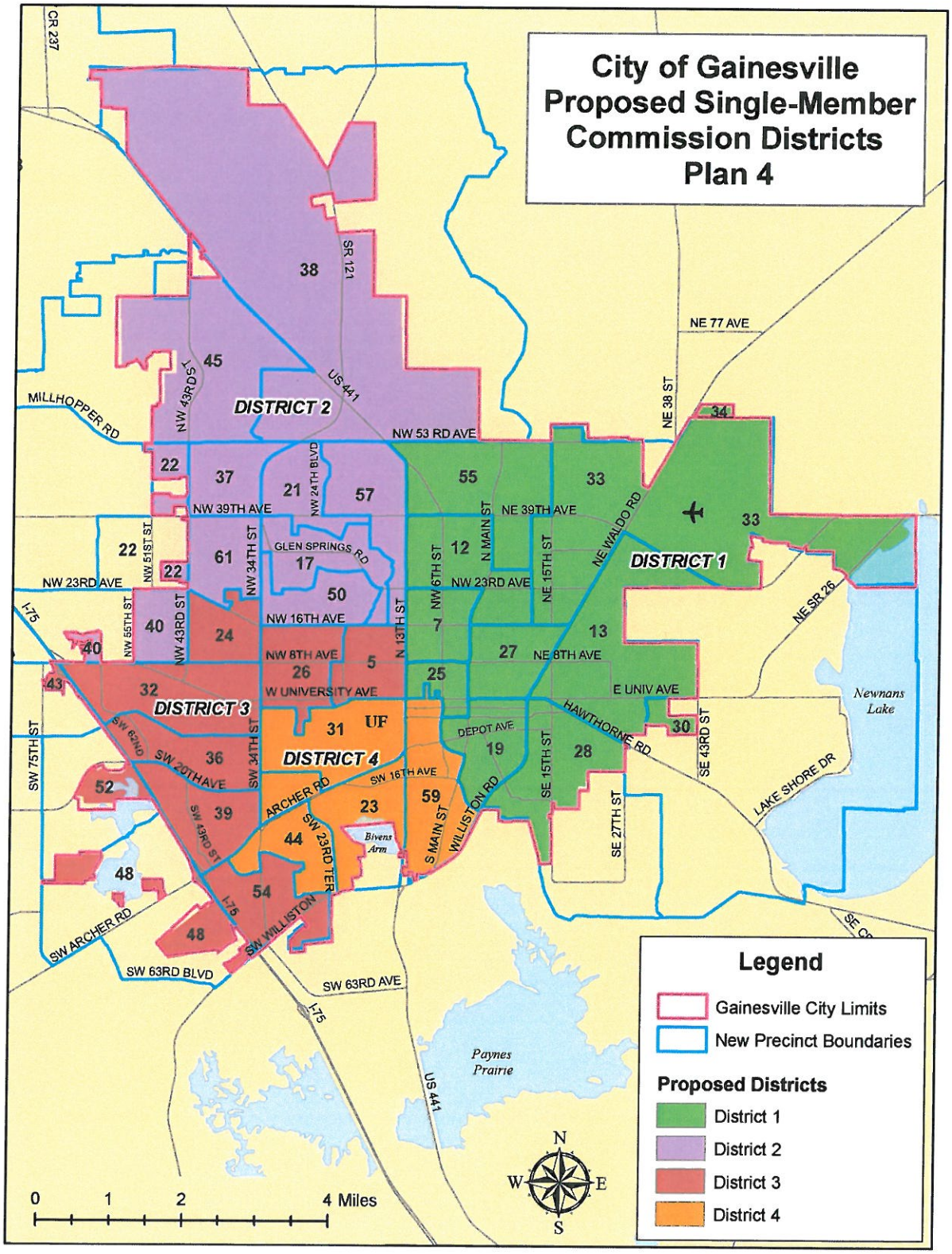
Map 5


City of Gainesville
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