

## **COMMON CAUSE V. BYRD CASE SUMMARY**

Common Cause Florida, FairDistricts Now, the Florida State Conference of the NAACP, and individual voters from across Florida have filed this litigation in federal court in arguing that the Florida General Assembly and Governor DeSantis engaged in intentional racial discrimination in violation of the 14th and 15th Amendments of the U.S. Constitution in crafting the state’s current congressional map by denying Black voters their right to elect candidates of their choice. The two-week trial in this case began on September 26, 2023 in Tallahassee.

### **Florida’s 2022 Redistricting Cycle**

In early 2022, Florida Governor Ron DeSantis rejected the state legislature’s proposed redistricting maps and held a special legislative session to push his own proposal through – the first time a Florida Governor had ever done so. DeSantis repeatedly made his intentions clear to dilute Black voting power while clumsily arguing for “race blindness,” even though he fractured Black communities with precision while sparing white-majority communities from the same fate. When justifying his map, DeSantis ignored explicit court precedent and attempted to create arbitrary justifications that he failed to apply in other parts of the state.

Governor DeSantis’s map focused largely on breaking up Congressional District (CD) 5, a district in North Florida that has served as a Black opportunity district since the early 1990s. It ran from Jacksonville to Tallahassee, across an area of former plantations that was known as the “Slave Belt” due to its history of slavery. The region is an interconnected area that shares important historic and cultural features. The Florida Supreme Court had previously said that the former CD-5 configuration complied with both the Fair Districts Amendment under the state constitution and federal law.

The state legislature attempted to address some of the Governor’s concerns in their compromise congressional map that they first adopted in 2022, and even took the unprecedented step of adopting a backup map if the compromise map was struck down by the courts. Both maps attempted to preserve a Black opportunity district in North Florida. However, the Governor dismissed this compromise and vetoed both maps the state legislature sent to him.

The Governor then called for a special session to consider his congressional map proposal. Despite early attempts to defend their work prior to the veto, the state legislature acquiesced to the Governor’s strong arming and passed a congressional map that eliminated a Black opportunity district in North Florida for the first time in decades. DeSantis’ map cracked Black voters in the former CD-5 into four separate districts, thereby denying them an opportunity to elect their candidate of choice.

### **The Enacted Map Violates the 14th and 15th Amendments**

We are suing due to violations of the 14<sup>th</sup> and 15<sup>th</sup> Amendments of the U.S. Constitution. The 14<sup>th</sup> Amendment’s Equal Protection Clause guarantees every person equal protection under law, and the 15<sup>th</sup> Amendment guarantees that the right to vote cannot be denied or abridged on account of race. Both of these

provisions are violated when a state intentionally diminishes the voting power of a racial group in redistricting.

Along with our co-plaintiffs, we argue that the Governor targeted and dismantled the former CD-5 at least in part on the basis of discriminatory racial intent. This is based on the clear disparate impact to Black voters in North Florida with the loss of a Black opportunity district, the sequence of events leading up to the passage of the unconstitutional map, the history of discrimination against Black Floridians, the legislative record recognizing the harm to Black voters, and the clear departures from a normal redistricting process that took place this past cycle.

### **A Timeline of the Case**

*Common Cause Florida v. Byrd*, initially known as *Common Cause Florida v. Lee*, was first filed on March 11, 2022. After a new congressional map was signed into law, the complaint was amended on April 29, 2022, and again on February 7, 2023. On November 8, 2022, the three-judge court denied the defendants' motion to dismiss the complaint, finding that the plaintiffs have presented "all of [the] signposts" necessary to support our arguments.

On August 18, 2023, the court denied the defendants' motion for partial summary judgment and held that the plaintiffs have standing in this case. The two-week trial began on September 26, 2023 in Tallahassee.

