

## Court Holds Future of Redistricting

Update on August 17th Supreme Court hearing: Amendment 7  
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THE CAPITAL, TALLAHASSEE, Aug. 18, 2010... House Speaker Designate Dean Cannon went to the Florida Supreme Court on Wednesday to defend the Legislature's attempt to blunt a pair of ballot measures that could threaten the Republican Party's grip on the Legislature and congressional delegation.

In a rare move by an elected official, Cannon, who is also a lawyer, appeared before justices to argue in favor of keeping proposed constitutional Amendment 7 on the November ballot. He said the measure is needed to assure that minorities can maintain representation in the Legislature and Congress when voting district boundaries are redrawn in 2012.

"Nothing is more important and nothing is more complex than the fact that in the last two decades, the Legislature has made historic gains in minority representation in both language and racial minorities in our state," Cannon told the Florida Supreme Court.

But in the case before justices, Cannon is confronting the state's largest and oldest minority organization. The Florida NAACP, along with the Florida League of Women Voters, has challenged Amendment 7, saying it was designed only to confuse voters and counter a pair of ballot proposals, Amendments 5 and 6, which would prohibit lawmakers from favoring incumbents or political parties when drawing district lines.

Cannon already has a lower court ruling against him. Leon Circuit Judge James Shelfer tossed the Legislature's Amendment 7 from the ballot earlier this summer, agreeing with the NAACP that the measure would mislead voters. Amendment 7 was pushed through the Republican-ruled Legislature behind arguments that it was intended to protect so-called communities of interest in redistricting.

Legislative critics said the rival Amendments 5 and 6 require lawmakers to draw compact political boundaries that could threaten some of the multi-county, wide-ranging districts currently served by many minority lawmakers.

U.S. Reps. Mario Diaz-Balart, a Miami Republican, and Corrine Brown, a Jacksonville Democrat, have sued to bar those amendments, which made it to the ballot following a petition campaign led by FairDistricts Florida, whose \$3.2 million financing came largely from Democratic allies, including the Florida Education Association and Service Employees International Union.

Republican legislators contended during the spring legislative session, and Cannon maintained during his argument, that the FairDistricts amendments would not protect minority membership in the Legislature.

The NAACP, which filed the initial lawsuit to boot Amendment 7 from the ballot, has argued that voters will be confused by the Legislature's amendment and will think it is part of the FairDistricts proposals. Additionally, if all three amendments are on the ballot and all gain 60 percent of the vote, Amendments 5 and 6 will virtually be invalidated.

"If they all three pass, 5 and 6 become virtually surplus issues," said Ron Meyer, the attorney representing the NAACP.

Constitutional amendments must be approved by 60 percent of voters to take effect. The ballot fight amounts to the first clash of 2012 redistricting, a process which could prove pivotal to Florida Democrats and Republicans.

While registered Democratic voters outnumber Republicans in Florida by almost 700,000 voters, district line-drawing in 1992 and 2002 helped Republicans capture two-thirds of the state's congressional delegation and dominate the state House and Senate.

Cannon, in his argument, said that Amendment 7, as it will appear on the ballot, would not be confusing to voters because they will be able to read the proposal in its entirety. Normally, only a summary of the amendment appears on the ballot.

"Here, we give the voter the text," Cannon said. "There can be no word smithing. There is no editorializing. There is no emotional appeal."

The high court seemed divided on the issue. Newly installed Chief Justice Charles Canady noted that there was no law that banned a constitutional provision that might be vague or confusing and questioned whether the court even had the authority to prohibit the people from considering an amendment because it is ambiguous.

But Justice Peggy Quince voiced concerns throughout the argument that voter might not know the relationship between the amendments, specifically that Amendment 7 was meant to weaken the other two proposals.

"They're going to read 5 and 6," she said. "They're going to read 7. And my goodness, will have no idea that 7 really is there to negate or explain or do something about 5 and 6. And it just seems to me that we really do the public a disservice if we put these kinds of amendments on the ballot that don't even make reference to the fact that there is something else that's there that is related to them."