

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

PLAINTIFFS' STATEMENT OF MATERIAL FACTS

Plaintiffs respond to the City's Statement of Material Facts (ECF No. 130), as follows:

I. Background

1. Undisputed.
2. Undisputed.¹
3. Undisputed.
4. Undisputed.
5. Undisputed.

II. General Demographics

6. Undisputed.
7. Disputed. The district-level racial demographics of P1, P2, P3, and P4 differ from the City's New Plan ("2023 Plan") in significant ways. Ex. 1, Abott Trial Rep. at 44–45.

III. Plaintiff Clarice Cooper

8. Undisputed.

¹ Plaintiffs assume the City inadvertently omitted the word "same" before "racial demographics" in this paragraph.

9. Undisputed.

10. Undisputed.

11. Disputed. Cooper believes that part of Coconut Grove was moved from District 2 and put into Districts 3 and 4 for racial reasons. ECF No. 130-3 (Cooper Dep.) at 33:18–34:7, 36:14–18, 50:20–23, 87:19–88:18; ECF No. 24-37 (Cooper Decl.) ¶ 9.

12. Undisputed.

13. Disputed. Cooper is “worried about the diluting of influence of Black residents” in District 5, and is concerned that Black residents were artificially stripped from District 2 in the 2022 Plan on the basis of their race. Cooper Dep. at 41:3–15; Cooper Decl. ¶ 6.

IV. Plaintiff Steven Miro

14. Undisputed.

15. Undisputed.

16. Undisputed.

17. Disputed. Miro has multiple issues with District 3, including that race predominated in the drawing of it, that the Commission “label[ed] it totally based on race,” that Hispanics were packed into the district on the basis of their race, that it split Little Havana to “deliberately [] allocate Hispanic residents into different districts,” and that it did not respect natural boundaries. ECF No. 130-4 (Miro Dep.) at 21:15–22:18, 33:9–24, 34:13–19, 36:3–11, 70:6–11, 73:4–12, 74:2–8, 77:22–78:15, 79:18–25; ECF No. 24-39 (Miro Decl.) ¶¶ 5–7.

18. Disputed. Miro has race-based objections to District 3 in both the 2022 Plan and 2023 Plan. Miro Dep. at 21:15–22:18, 33:9–24, 34:13–19, 36:3–11, 70:6–11, 73:4–12, 74:2–8, 77:22–78:15, 79:18–25; Miro Decl. ¶¶ 5–7.

19. Undisputed.

20. Undisputed.

V. Plaintiff Jared Johnson

21. Undisputed.

22. Undisputed.

23. Undisputed.

24. Undisputed.

25. Undisputed.

26. Undisputed.

27. Undisputed.

28. Undisputed.

VI. Plaintiff Alexandra Contreras

29. Undisputed.

30. Undisputed.

31. Disputed. The racial composition of District 4 had nothing to do with Contreras' decision to move there in August 2022. ECF No. 130-6 (Contreras Dep.) at 12:7–20.

32. Disputed. Contreras stated she is “concerned that Hispanic residents like me have been packed into my district on the basis of their race.” Contreras Dep. at 61:7–11. The racial composition of District 4 had nothing to do with Contreras' decision to move there. *Id.* at 12:7–20. She acknowledged that District 4's Hispanic voting-age population increased from 89.5% in the 2022 Plan to 90% in the 2023 Plan. *Id.* at 61:15–18, 61:21–24.

33. Undisputed.

34. Undisputed.

35. Undisputed.

36. Undisputed.

37. Undisputed.

38. Undisputed.

39. Undisputed.

40. Disputed. Contreras explained her opinion that District 4 was atypical in shape. Contreras Dep. at 22:11–18, 37:13–20.

41. Disputed. Contreras objects to the City of Miami using race as a basis to draw its maps (including the 2023 Plan), rather than, for example, respecting neighborhoods and boundaries. Contreras Dep. at 62:7–15. Contreras objects to the atypical shapes of the 2022 Plan’s districts (including District 4), which barely changed in the 2023 Plan. *Id.* 15:17–25, 22:11–18.

VII. Plaintiff Yanelis Valdes

42. Undisputed.

43. Undisputed.

44. Disputed. Valdes’ grievance with the 2022 Plan was not only that she was moved into a different district. ECF No. 130-7 (Valdes Dep.) at 18:2–5. Her other grievances with the 2022 Plan included that “it wasn’t representative of [] the neighborhood[s] and geographic areas that represented communities and instead [districts] were drawn based on race;” that “the map was drawn to seemingly put Black residents into one district and Hispanic residents into other districts,” thereby “split[ting] up . . . communities . . . and neighborhoods,” rather than drawing districts along “boundaries that are naturally occurring, but based on people’s race.” *Id.* at 18:6–25, 19:13–14, 26:13–28:15, 61:3–10; ECF No. 24-41 (Valdes Decl.) ¶¶ 6–8. These grievances were not redressed by the 2023 Plan. *Id.* at 68:12–20.

45. Undisputed.

46. Disputed. Valdes objects that the 2023 Plan is drawn based on people's race, rather than communities of interest and neighborhoods. Valdes Dep. at 68:12–20.

47. Disputed. Valdes testified that, “given [she] already testified that [she] do[es]n’t have a problem being represented by a Black commissioner or a Hispanic commissioner,” she does not “have a concern with representation,” but was “not really sure how to answer that.” *Id.* at 67:13–20. Valdes continues to be concerned that the City Commission’s maps are “based on people’s race and not necessarily communities of interest and neighborhood makeup.” *Id.* at 68:16–20.

48. Undisputed.

VIII. Plaintiff Miami-Dade NAACP

49. Undisputed.

50. Undisputed.

51. Disputed. The Miami-Dade NAACP corporate representative testified that she personally knows that there are branch members who live in Districts 1, 2, 3, and 5. ECF No. 130-8 (Pierre Dep.) at 42:17–43:1, 71:14–73:7, 86:12–89:2.

52. Undisputed.

53. Disputed.² The Miami-Dade NAACP’s issues with the 2022 Plan included that it unfairly classified Miami residents on the basis of race, and that Black residents in the northern half of the city had been packed into a single district. Pierre Dep. at 43:2–44:1, 47:13–48:20; ECF No. 24-36 (Pierre Decl.) ¶¶ 6–8.

54. Disputed. The Miami-Dade NAACP objects to both the 2022 Plan and 2023 Plan unfairly classifying Miami residents on the basis of race, and packing Black voters into District 5,

² Plaintiffs do not dispute the second sentence of this paragraph.

among other objections. Pierre Dep. at 43:2–44:1, 47:13–48:20, 29:9–30:19; Pierre Decl. ¶¶ 6–8.³ During her deposition, Pres. Pierre was asked whether she recognized the maps of the 2022 Plan and 2023 Plan; she replied that she did not. Pierre Dep. at 28:4–8, 31:20–23. Pres. Pierre was then asked whether the Miami-Dade NAACP had an objection to those exhibits; she replied that she did not know. *Id.* at 30:23–31:16, 31:24–32:1.

IX. Plaintiff South Dade NAACP

55. Disputed. Information on where South Dade NAACP members live is available at the national level of the NAACP. ECF No. 130-9 (Donaldson Dep.) at 23:15–18. Donaldson herself personally knows of South Dade NAACP members who live in District 2, and knows of members who lived in District 4 as of early 2023. *Id.* at 24:2–6, 24:19–25:11.
56. Disputed. Information on where South Dade NAACP members live is available at the national level of the NAACP. Donaldson Dep. at 23:15–18.
57. Disputed. The cited testimony discusses GRACE board members, not South Dade NAACP board members. Donaldson Dep. at 80:14–81:5.
58. Undisputed.
59. Disputed. The South Dade NAACP was concerned that the 2022 Plan split the West Grove and Coconut Grove into Districts 2, 3, and 4, and was also concerned that the 2022 Plan unfairly classified Miami residents on the basis of race. *Id.* at 35:12–17, 37:24–38:12; ECF No. 24-35 (Ford Decl.) ¶¶ 6–9.

³ See also ECF No. 109 (Supp. Compl.) ¶¶ 55–63, 134–59, 177–80 (Supplemental Complaint filed September 7, 2023 demonstrating objections to the 2023 Plan).

60. Disputed.⁴ The South Dade NAACP corporate representative did not express an opinion on whether the capturing of the piece of Coconut Grove with Commissioner Carollo's house had been done for racially motivated reasons. Donaldson Dep. at 39:2–21.

61. Undisputed.

62. Disputed. At her deposition, the South Dade NAACP corporate represented stated that she could not say whether the South Dade NAACP objects to the 2023 Plan, because she had not discussed it with the branch's board. Donaldson Dep. at 47:20–48:11, 54:16–55:16. The South Dade NAACP filed the Supplemental Complaint objecting that the 2023 Plan classifies its members on the basis of race and subordinates traditional redistricting principles like compactness, following major boundaries, and respecting neighborhoods. Supp. Compl. ¶¶ 55–63, 134–59, 177–80.

X. Plaintiff GRACE

63. Undisputed.

64. Disputed. GRACE has both organizational and individual members. ECF No. 130-1 (Robinson Dep.) at 9:15–22. Individual members of GRACE's organizational members are also members of GRACE. *Id.* at 59:5–18.

65. Undisputed.

66. Disputed. GRACE has identified that its members, and constituent organizations' members, reside in Districts 2 and 4. Robinson Dep. at 51:3–17, 52:1–4, 60:20–61:6.

67. Disputed. GRACE's concerns with the Enjoined Plan included that part of the West Grove was being split from District 2, that the opinions of the community had not been taken into

⁴ Plaintiffs do not dispute that "South Dade NAACP was also concerned with a piece of District 3 that covered Coconut Grove."

consideration, that communities of interest and neighborhoods were respected in some parts of the city but not in others, that natural boundaries weren't used, and that the neighborhood divisions were to achieve a particular racial balance of the different districts, rather than to serve neighborhoods. Robinson Dep. at 29:12–30:16; ECF No. 24-33 (Donaldson Decl.) ¶¶ 6–9.

68. Undisputed.

69. Undisputed.

70. Disputed.⁵ GRACE alleges in the Supplemental Complaint that the 2023 Plan sent the message to its members who are in a district where they are not the predominant racial group, that their commissioner's job is to represent the predominant group, not them. Supp. Compl. ¶ 16. During his deposition, GRACE's corporate representative replied when asked that he did not know if the statement would apply to GRACE's members. Robinson Dep. at 66:9–15.

71. Disputed. After the enactment of the 2023 Plan, GRACE's initial concerns were addressed. Robinson Dep. 103:8–11, :19–22. GRACE's concerns evolved and GRACE also was concerned about how its members were being treated under the 2023 Plan. *Id.* 103:12–14; *see also* Supp. Compl. ¶¶ 16, 18, 177–180 (evidencing GRACE's ongoing concerns with 2023 Plan). GRACE did not only share the concerns of how other organizations and individuals were being treated. Robinson Dep. 103:12–18.

XI. Plaintiff Engage Miami

72. Undisputed.

⁵ As written, this paragraph does not assert a fact. Plaintiffs assume the sentence has typos, and should read: “GRACE did not believe that the new Plan sent the message to its members that their commissioner's job is to represent the predominant racial group.”

73. Undisputed.

74. Undisputed.

75. Undisputed.

76. Undisputed.

77. Undisputed.

ADDITIONAL FACTS

78. Plaintiff Cooper is a member of GRACE. ECF No. 130-3 (Cooper Dep.) at 41:16–17.

79. Plaintiff Cooper is a member of one of GRACE’s constituent members, the Coconut Grove Village West Homeowners and Tenants Association (HOTA). *Id.* at 80:12–15, 80:24–81:4.

80. Plaintiff Cooper is a resident of District 2 under both the 2022 and 2023 Plans. *Id.* at 12:16–13:1.

81. Plaintiff Engage Miami has members who reside in all five City Commission districts under both the 2022 and 2023 Plans. Pelham Dep. 25:7–12, 27:7–17; Ex. 2 (Engage membership list noting each member’s commission district).

82. The South Dade NAACP and Miami-Dade NAACP objected to the City’s requests for specific information about its members protected from disclosure by the associational privilege. Ex. 3 (Miami-Dade NAACP’s Responses to Def.’s First Request for Production) at 2, 5–6; Ex. 4 (South Dade NAACP’s Responses to Def.’s First Request for Production) at 2, 5–6.

83. The South Dade NAACP and Miami-Dade NAACP informed the City that they would submit declarations and/or provide testimony at the appropriate stage of litigation verifying that they have members who reside in the relevant Commission districts. Ex. 3 at 5–6; Ex. 4 at 5–6.

Respectfully submitted this 27th day of November, 2023,

/s/ Nicholas L.V. Warren

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GRACE, INC., *et al.*,

Plaintiffs,

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CITY OF MIAMI,

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EXPERT REPORT OF DR. CAROLYN ABOU

January 31, 2023

Introduction and Summary

The Enacted Miami City Commission Districting Plan is the byproduct of many decades of racialized Commission maps. Changes made from the 2013 enacted plan were also racially motivated, though these changes are minimal compared to the inherited racialization from previous plans.

I was asked by Plaintiff’s counsel in this case to use data on voting-age population (VAP), citizen voting-age population (CVAP), and voting patterns within individual city precincts in order to determine whether and to what extent race can explain the overall shapes of the 2022 Enacted Plan districts as well as the changes between the 2013 Plan and the 2022 Plan. In particular, I will examine the Black, White, and Hispanic voting-age populations in the precincts that border all five Commission Districts and draw conclusions about the way race was used to determine the district boundaries. I will also consider alternative explanations for the boundary

changes, and show that these alternatives cannot explain the patterns I observe. Finally, Plaintiff's counsel asked me to draw a majority White-CVAP district but was unable to do so due to the geographic distribution of racial groups.

Based on my examination, I reach the conclusion that areas moved from one district to another were done so on the basis of race and that other areas could have been moved without further segregating the districts by race but were rejected by the Commission or not considered at all. I also have observed the Commission's practice of splitting precincts along racial lines. Finally, I note that there are several alternative precincts that could have been moved out of District 2 for population equality reasons that would not have enhanced the racial divisions of districts to the same extent as the Enacted Plan. Most changes to Districts 1, 3, 4 and 5 that did not involve District 2 were unnecessary and can only be understood on the basis of race.

Qualifications

I am an Assistant Professor of Political Science at Baruch College, City University of New York, where I teach courses in American Government, State and Local Politics, Political Economy, Public Policy, and Public Administration. Prior to joining the faculty at Baruch, I taught at St. John's University in Queens, New York and completed a postdoctoral fellowship at The Ohio State University. I received a Ph.D. in political science and social policy from Princeton University in 2016. Both my research and teaching focuses on various aspects of American politics and public policy, particularly at the state and local level. This work includes research on American elections, including publications in top peer-reviewed journals on local elections, minority representation, voting rights, and voting behavior. Further details about my

professional qualifications and experience are listed in the copy of my curriculum vitae attached. I am being compensated for my work on this report at an hourly rate of \$450/hour. No part of my compensation depends on the outcome of this case or on the nature of the opinions that I provide.

Sources and Methodology

In preparing this report, I have relied on my personal knowledge gathered through my years of researching, studying, and publishing. I also utilize the standard methodology that political scientists use when investigating precinct and census data. The 2020 Census provided data on voting-age populations (VAP) by race at the block level that could then be aggregated up to the precinct and split-precinct level. Data on 2019 citizen voting-age population (CVAP) by race provided in the Appendix comes from the 2019 American Community Survey 5-Year Estimates (ACS).

City Commission district maps and incumbent addresses were provided to me by Counsel. Precinct shapefiles and statewide election results were downloaded from the Voting and Election Science Team on Harvard's Dataverse (<https://dataverse.harvard.edu/dataverse/electionscience>). Dr. Moy provided me with election results for the 2020 County Mayor race.

Overview of District Maps Prior to 2022 Enacted Plan

When embarking upon the current round of redistricting, the City of Miami had inherited district maps from 2013 and beyond that exhibited clear patterns of racial segregation. *Table 1*

depicts the VAP by race in all five districts under the 2013 Plan. Majorities tend to be exaggerated in districts (Districts 1, 3, and 4 for Hispanic voters; District 5 for Black voters) while voters of those races tend to be spread out across districts in which they do not hold a majority. This is particularly true of Black voters. The Black VAP is 14.8% in the City of Miami. Only one district (District 5) had equal or greater Black VAP under the 2013 Plan. Under the previous map, District 1 contained 10% Black VAP, District 2 contained 7.7% Black VAP, District 3 contained 5.6% Black VAP, and District 4 contained 2.9% Black VAP. District 5, however, had 53% Black VAP, and is the only district in which Black voters could conceivably have any “voice” in a Commission election.

Table 1: District Racial Compositions Under the 2013 Plan

District	Black VAP	White VAP	Hispanic VAP
1	10.1%	3.0%	91.0%
2	7.7%	34.5%	51.9%
3	5.6%	7.4%	88.5%
4	2.9%	6.0%	91.6%
5	52.9%	7.8%	41.6%

Districts 2 and 5 are the most racially diverse districts in the sense that there is no clear racial supermajority of voters. Unlike District 5, however, District 2 needed to be redrawn substantially in order to satisfy population equality concerns (District 5 needed to grow only somewhat). *Table 2* shows the size of the VAP in districts before and after the most recent round of redistricting. Under the 2013 Plan, District 2 contained 34,540 more residents than the

next largest district. This is equivalent to being more than 40% larger than any of the other districts. As a result, District 2 shrunk considerably under the 2022 Enacted Plan while the other four districts all grew. As we will see, however, District 2 was not the only donor of precincts; all districts except District 3 (the smallest under the 2013 plan) donated precincts or portions of precincts, often receiving different precincts from the very districts they were donating to.

Table 2: Population Before and After Redistricting

District	2013 Plan	2022 Enacted Plan
1	81,449	88,108
2	117,281	93,300
3	80,169	87,658
4	80,601	86,597
5	82,741	86,578

Table 3 depicts the racial VAP composition after redistricting. Overall, Black VAP in District 2 decreased slightly as a percentage of total VAP (from 7.7% to 7.2%), as did Hispanic VAP (from 52% to 49%) after redistricting. This was due to the fact that White VAP increased from 34% to 37% after redistricting. White VAP also increased in District 5 while both Black and Hispanic VAP decreased. On the whole, however, there was no statistical difference between VAP by race before and after redistricting at the district level. There were, however, significant patterns of change at a more granular level, which I will discuss in the next section.

Table 3: District Racial Compositions Under the 2022 Enacted Plan

District	Black VAP	White VAP	Hispanic VAP

1	11.0%	3.5%	89.5%
2	7.2%	37.4%	48.6%
3	5.4%	7.7%	88.3%
4	3.1%	7.6%	89.5%
5	50.3%	10.5%	40.6%

Changes Made Between 2013 and 2022 Plan

District 1

District 1 is a super-majority Hispanic district with a small Black and even smaller White population. The district was third largest by population under the 2013 Plan so, in theory, needed to gain only a few residents. The changes under the 2022 Enacted Plan resulted in District 1 growing both in absolute and relative terms (it is now second largest, after District 2).

Changes made to District 1 occurred in tandem with changes only to District 5. Areas 6 and 8 were moved from District 5 into District 1 while Area 7 was moved out of District 1 and into District 5 (please see *Figure 1*). These swaps appear to be entirely motivated by race. Areas 6 and 8 are less Black than the nearby areas surrounding it that remained in District 5, while the reverse is true of Area 7.

At the precinct level, the portions of precincts that were split during the redistricting and remained in their original district looked significantly different from the portions that were moved. In Area 6, the portion of Precinct 531 that was moved from District 5 to District 1 had lower Black VAP and greater Hispanic VAP compared to the portion that remained in District 5.

In Area 8, Precinct 522 also had a split with lower Black VAP and greater Hispanic VAP that was moved into District 1 in addition to a portion of Precinct 512 that had comparatively lower White VAP. And in Area 7, the portion of Precinct 523 that was moved from District 1 to 5 had greater Black VAP and lower Hispanic VAP compared to the portion that remained in District 1. *Table 4* lists these disparities in greater detail.

Table 4: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Areas 6, 7, and 8

Precinct	District 1 Split	District 5 Split
<i>Area 6</i>		
531	27.2%, 44.9%, 71.1%	62.5%, 2.7%, 38.7%
<i>Area 7</i>		
523	27.4%, 1.8%, 82.0%	40.5%, 0.5%, 65.7%
529	18.7%, 2.7%, 86.6%	13.3%, 13.3%, 73.3%
<i>Area 8</i>		
512	50.0%, 37.5%, 37.5%	61.2%, 1.3%, 41.6%
522	32.8%, 1.1%, 77.0%	60.1%, 2.5%, 41.1%

Because District 5 took on additional precincts from District 2 as was necessary for population equalization purposes, District 5 needed to give precincts to either District 1 or District 3. In this regard, it is understandable why District 5 would have been a net donor to District 1. But the areas that were chosen were deliberately done so on the basis of race. That District 5 also received precincts from District 1 (which were also racially distinct from the

surrounding areas) when this should not have been necessary for equalizing, further bolsters the argument that changes made to District 1 were done so on a racialized basis.

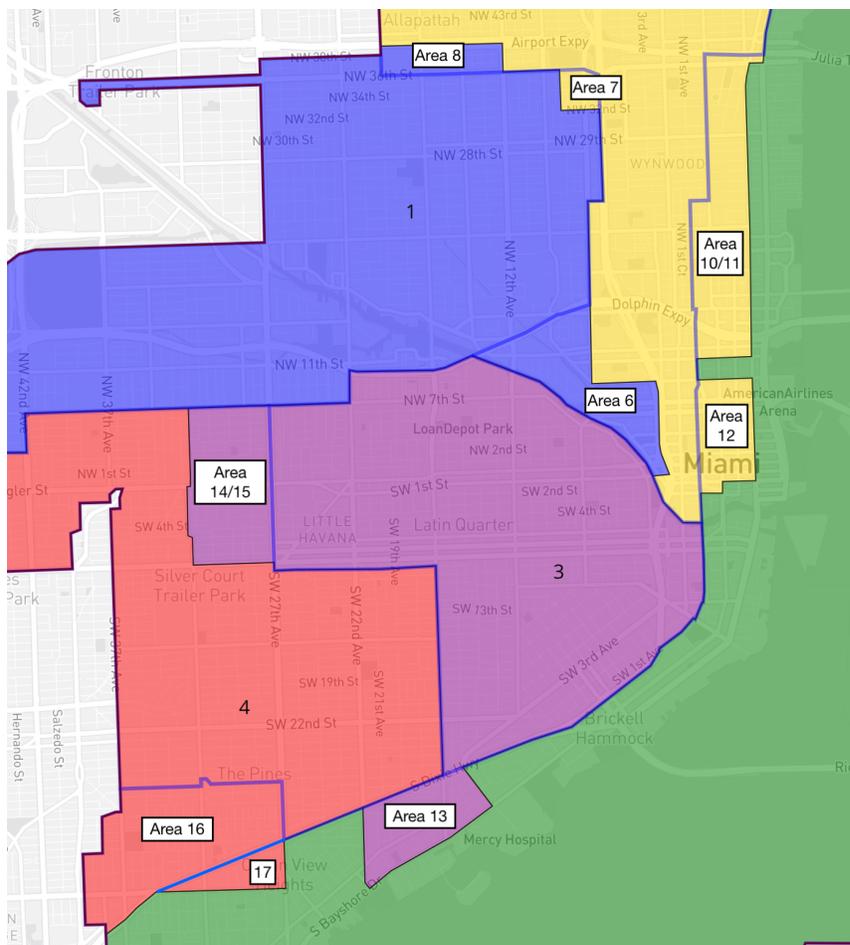


Figure 1: Areas moved between 2013 Plan and 2022 Enacted Plan

District 2

As previously discussed, District 2 is one of the two ethnically and racially diverse Commission districts in the City (District 5 being the other). It was also the largest in terms of population going into the redistricting process and needed to shrink in order to be in compliance with the law. This was accomplished by donating precincts and portions of precincts to Districts 3, 4, and 5. Three areas that were moved from District 2 stand out. The first is Area

10/11 that was given to District 5. This section of donated precincts had a lower White VAP and a greater Hispanic and Black VAP compared to areas that were not moved. This is particularly pronounced among some precincts that were split across District 2 and 5 during the redistricting. Precinct 534A, for instance, was split in such a way that the portion donated to District 5 had nearly 10 percentage points greater Black VAP than the portion that remained in District 2. Precinct 536A saw a split given to District 5 that contained Black VAP that was 45 percentage points higher than the split that stayed in District 2. *Table 5* lists the VAP by race for each of these split precincts.

Area 17, a former section of the southwest part of District 2 directly below US 1, did not substantially differ from the other portions of District 2 surrounding it. It did, however, differ markedly from the racial composition of the receiving District 4, which undercuts the argument that Commissioners were seeking to maintain the core of the Districts' racial compositions. Looking at the split precincts in this area also raises concerns about race-based motivations. *Table 6* lists the areas' two precinct splits and the VAP by race in each district. These precincts were split into sections with very different racial compositions: Precinct 583 gave District 4 a section with a greater percentage of Black and Hispanic voters, while Precinct 584 gave District 4 a much lower percentage of Black voters.

It should be noted, however, that the District 4 split of Precinct 584 contains about 10% of the VAP that the District 2 split contains (235 individuals versus 2,108). This pattern is generally true across all districts and precincts: on average, portions of splits precincts that were moved were one-third the size of the portions that remained in their original 2013 districts.

Table 5: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Areas 10/11

Precinct	District 2 Split	District 5 Split
<i>Area 10/11</i>		
538	8.3%, 31.1%, 54.8%	8.3%, 31.1%, 56.7%
534	6.6%, 24.7%, 60.0%	9.8%, 20.4%, 65.8%
534A	8.3%, 47.3%, 34.2%	17.5%, 28.2%, 42.5%
536A	13.0%, 16.6%, 67.0%	54.8%, 0.0%, 74.2%
984A	7.8%, 23.6%, 61.3%	20.0%, 20.0%, 65.0%
984	7.3%, 35.6%, 48.8%	16.7%, 22.8%, 57.4%

Table 6: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Area 17

Precinct	District 2 Split	District 4 Split
<i>Area 17</i>		
583	5.3%, 50.3%, 41.6%	8.3%, 35.6%, 53.9%
584	34.2%, 21.8%, 42.1%	1.3%, 14.0%, 83.4%

Area 13 is also notable for a number of reasons. The first is the odd and unintuitive shape that this carve-out of District 2 creates. For compactness reasons, it would have made more sense to give District 3 portions of District 2 that were further north and closer to District 5. These portions further north along US 1 could have even been donated to District 3 in addition to Area 13. Instead, however, District 3 took on portions of District 4 (discussed below) that did not make sense strictly for purposes of population equalization. Secondly, while Area

13 does not differ markedly from the surrounding areas in terms of Black VAP, it has considerably lower Hispanic VAP than both the surrounding areas of District 2 and – by quite a bit – of the receiving District 3. Though the split precincts in Area 13 do not markedly differ from one another across districts in terms of VAP by race, the movement of Area 13 had ripple effects in the drawing of other districts that was largely adjudicated by racial concerns. *Table 7* lists these split precincts and how the portions between Districts 2 and 3 differ by racial VAP.

Table 7: Black, White, and Hispanic Voting-age Population in Precinct Splits that Were Located in Different Districts Under the 2022 Enacted Plan, Area 13

Precinct	District 2 Split	District 3 Split
<i>Area 13</i>		
546	3.1%, 51.3%, 40.5%	2.8%, 52.4%, 37.6%
582	1.6%, 49.9%, 43.5%	2.5%, 51.7%, 37.7%

District 3

District 3 is the second smallest district by population. As discussed in the previous section, District 3 needed to add portions of other districts in order to address population equalization issues, and did so by taking on areas from District 2 – the largest district in the City – and from District 4.

As discussed above, Area 13 was moved from District 2 to 3 for reasons that appear to be unmotivated by race as the precinct splits are not substantively distinct across district lines. Area 13, however, contains only 1,396 people. This is a relatively small (18.6) percent of the total 7,493 people that were moved into District 3. These 1,396 residents in Area 13 make up

only 1.6% of District 3's overall population of 87,658 under the 2022 Enacted Plan. The bulk of the population that was moved came instead from Area 14/15 that originated in District 4.

Area 14/15 did not strongly differ from the areas immediately surrounding it, either in District 3 or District 4. The two split precincts in this area also did not look different from the split portions that remained in District 4. Area 14/15, however, has a very high Hispanic VAP of 96.2%. This very high proportion of potential Hispanic voters helped to offset the lower proportion of Hispanic voters that were gained by District 3 in Area 13 (37.6% Hispanic VAP). Adding additional portions of District 2 – rather than unnecessarily adopting Area 14/15 from District 4 – would have lowered the overall percentage of Hispanic VAP. It is likely that Area 14/15 was adopted by District 3 in order to balance the addition of Area 13.

Changes to Districts 4 and 5 were discussed in the sections on Districts 1-3.

Alternative explanations

Partisan gerrymander

Partisan gerrymanders are loosely defined as an attempt by a single party in charge of redistricting to maximize the number of seats held by the party. Partisan gerrymanders often occur when the majority party is tasked with drawing the maps and has full control over the district lines. This allows the majority party to draw districts in such a way as to narrowly guarantee the most number of majority-held seats in the legislative body, i.e., create competitive districts that give the majority party a narrow victory while splitting the minority party's voters into as few districts as possible that could grant them a victory.

This is not a viable explanation for what happened during the most recent round of redistricting of the Miami City Commission for a number of reasons. First, City Commission elections are nonpartisan. While it is quite easy to figure out the partisan affiliation of a candidate, there are no partisan primaries nor general elections that are guaranteed to pit candidates of different parties against one another. Second, the redistricting process was under the purview of the entire Commission, not just the “majority party” (in quotations as the Commission is nonpartisan and as such cannot have explicit partisan control), which meant that all Commissioners had at least nominal input on the map. Finally, the 2022 Enacted Plan was approved by a margin of 3-2 with one Democratic Commissioner joining two Republican Commissioners in the majority. Approval of traditional partisan gerrymanders cannot cross party lines as no minority party member would agree to the final product.

Maintaining the partisanship of the district cores

A similar but unrelated alternative explanation to partisan gerrymandering is the idea that the 2022 Enacted Plan was designed to maintain the current partisan makeup of the cores of the districts, i.e., in order to guarantee that a Democrat would always represent District 5 and that a Republican would always represent District 3.

This alternative explanation does not hold water. For moved precincts that were not split and still had geographically contiguous neighboring precincts that remained and could be used for comparison, either partisan voting patterns in both the 2018 gubernatorial election and the 2020 county mayor election looked remarkably similar or the comparison precinct was too small (i.e., only one person voting) to make reasonable inferences.

Additionally, moved precincts – generally speaking – did not look like the cores of the receiving districts. There were other precincts that could have been moved, even if they were not directly nearby to the precincts that were moved (but were geographically contiguous to the receiving district), that would have been preferable for maintaining partisan voting patterns of the adopting or donating district. For example, part of Precinct 548 was moved into District 3 from District 4. Precinct 548 looked nothing like the core of District 3. 59.4% of voters voted for DeSantis (the Republican candidate) in Precinct 548 that was moved, while 41.2% of District 3 voted for DeSantis using the 2013 map. Conversely, 53.4% of District 4 - the giving District - went for DeSantis. A more reasonable precinct to have been moved, had the plan been truly concerned about maintaining core partisanship patterns, would have been Precinct 572, 49.2% of which voted for DeSantis.

As another example, part of Precinct 583 was moved from District 2 to 4. 22% of this precinct voted for DeSantis compared to the overall 53.4% of District 4 and the 29.4% of District 2. A better portion of District 2 to move (which, again, was necessary for population equalization reasons) would have been 546 which went 29.9% for DeSantis. This precinct was split in the 2022 map, with one portion remaining in District 2 and one portion moved to District 3. If the map had truly aimed to preserve core partisanship, it would have made more sense to keep 546 in District 2 (or cede it to District 4) rather than give it to District 3 and instead move 582, 993, and/or 569 to District 3 where partisan voting patterns were far more similar. District 2 could have also donated its north end, which is heavily Democratic (i.e., Precincts 516, 544, 534B or the remaining portions of 999, 538, 534, 534A, 536A, 984A, 984

which each went 25.6%, 24.2%, 24.1% 26.5%, 18.1%, 23.2%, 24%, 14%, 23%, and 23% for DeSantis), and given them to District 5 which is also heavily Democratic.

Keeping incumbents in their districts

I have reviewed the locations of the five incumbents' addresses as given to me by Counsel and as reported on their voting registration, and I have come to the conclusion that no incumbent lives near one another, nor do they live near district boundaries that needed to change for population-equalization reasons, and that this consideration could not have affected the drawing of the district lines.

Maintaining the cores of existing districts

Cores of existing districts were not changed; only boundary areas were affected. That said, there were a number of other boundary precincts and areas that could have made equal or greater sense to have been moved. These have been discussed in previous sections of the report.

Compactness

Visual inspection reveals that the 2022 Enacted Plan is less compact than the 2013 Plan and as such compactness concerns cannot be used as an explanation for redistricting decisions.

Notable features of the 2022 Enacted Plan that stand out as being strangely drawn include splits of Precincts 536A and 534A (District 2) that act as a finger that juts into District 5.

Similarly, splits of Precincts 546 and 582 belonging to District 3 extend past US-1 into District 2

when the rest of District 2's border is contiguous with US-1. The exception to this are splits of Precincts 583 and 584 belonging to District 4, and also appear to be drawn without regard to natural geographic boundaries.

Alternative Map Proposals

A number of alternative maps were proposed but not enacted. All maps tended to shore up existing racial compositions within individual Commission districts, particularly those of Districts 1, 2, and 5. The alternative maps did differ from one another in a number of ways, however, as described below.

A February 7, 2022 draft map

This alternative map (please refer to *Figure 2*) proposed to move Area B from District 2 to 5 and has 32.1% Black VAP, 22% White VAP, and 46.4% Hispanic VAP. This area was proposed to be moved to District 5 in exchange for keeping a small carve out of Area A in District 2. Area A has 14.2% Black VAP, 20.9% White VAP, and 61% Hispanic VAP.

The February 7 draft map also proposed to keep Area D in its 2013 district (District 5) but was instead moved to District 1 under the 2022 Enacted Plan. Area D has 29.9% Black VAP, 3.5% White VAP, and 72.1% Hispanic VAP. In exchange, Area C stayed in District 5. This area is very small with only 647 residents (580 of whom are of voting age) and has 7.6% Black VAP, 27.9% White VAP, and 58.8% Hispanic VAP.

Commissioner Russell's rejected proposal

This map (please see *Figure 3*) would have moved a less Hispanic area into District 3, lowering the District's overall Hispanic share. Areas 13 and 17 from *Figure 1* were not planned to be moved out of District 2 in this proposal, though they eventually were in the 2022 Enacted Plan. These areas are 5.1% Black VAP, 40.8% White VAP, and 49.5% Hispanic VAP. Under this proposal, there was also an area that would be moved from District 2 to District 3 that did not come to pass. This area has 5.6% Black VAP, 40.8% White VAP, and 42.9% Hispanic VAP.

Commissioner Russell's rejected revised proposal

This proposal (*Figure 4*) differed from the original Russell proposal in that the area proposed to be moved from District 2 to District 3 was cut in half. The area that was proposed to remain in District 2 has 4.9% Black VAP, 46.8% White VAP, and 37.6% Hispanic VAP. In comparison, the area that was proposed to continue to move to District 3 has 5.8% Black VAP, 38.9% White VAP, and 44.6% Hispanic VAP.

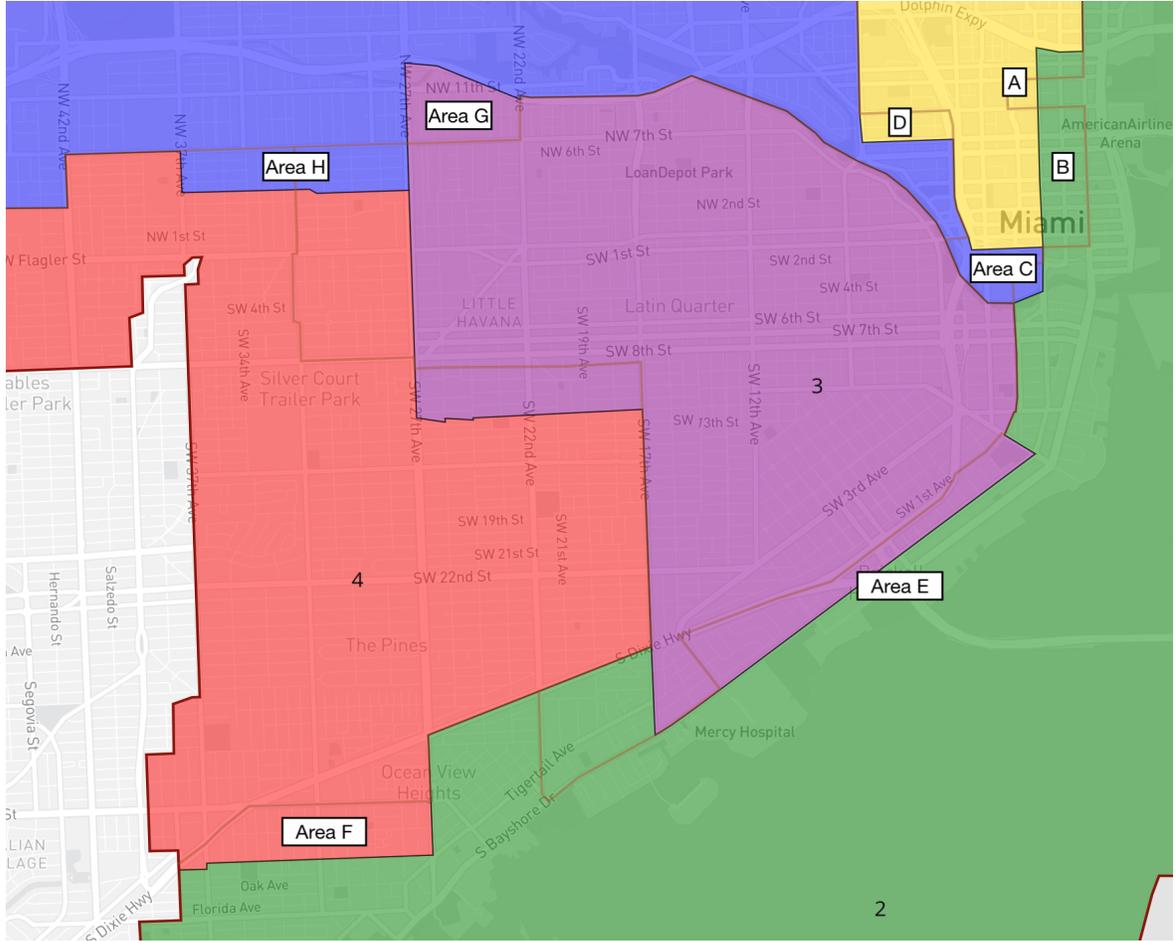


Figure 2: Areas of difference between February 7, 2022 draft map and 2022 Enacted Plan

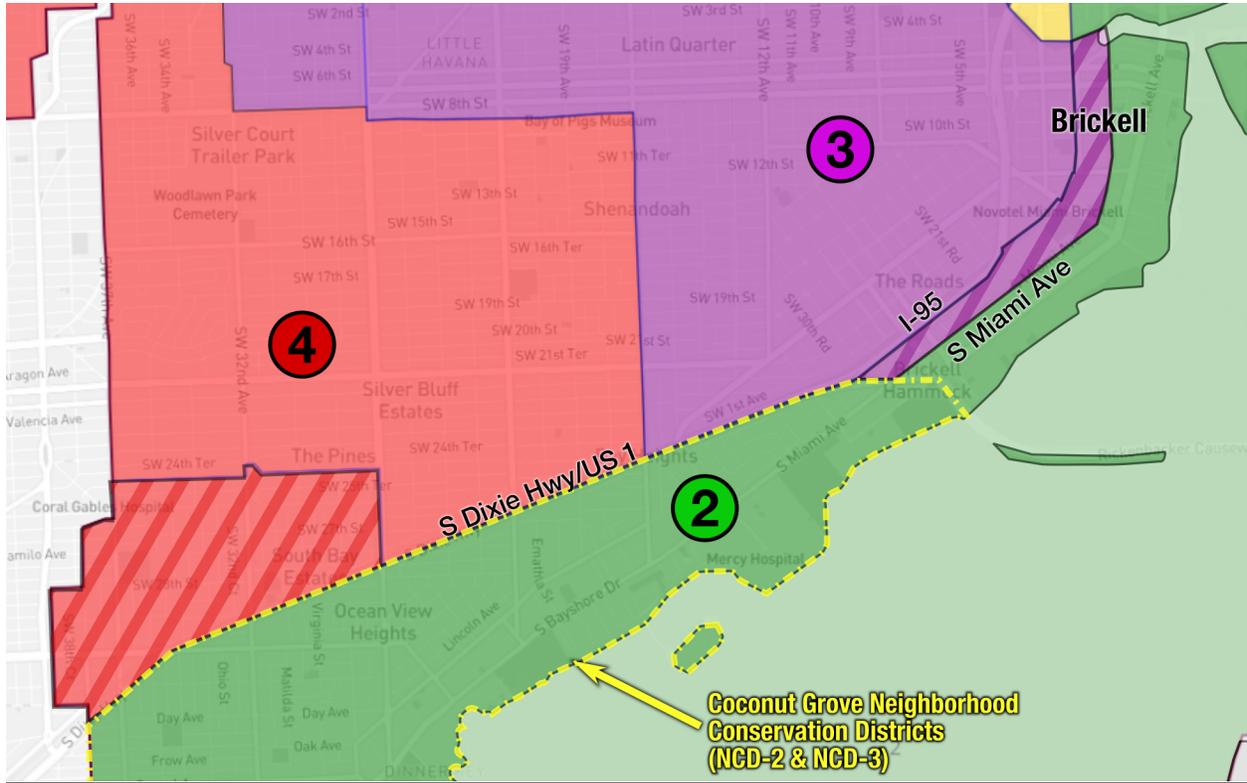


Figure 3: Commissioner Russell's initial proposal

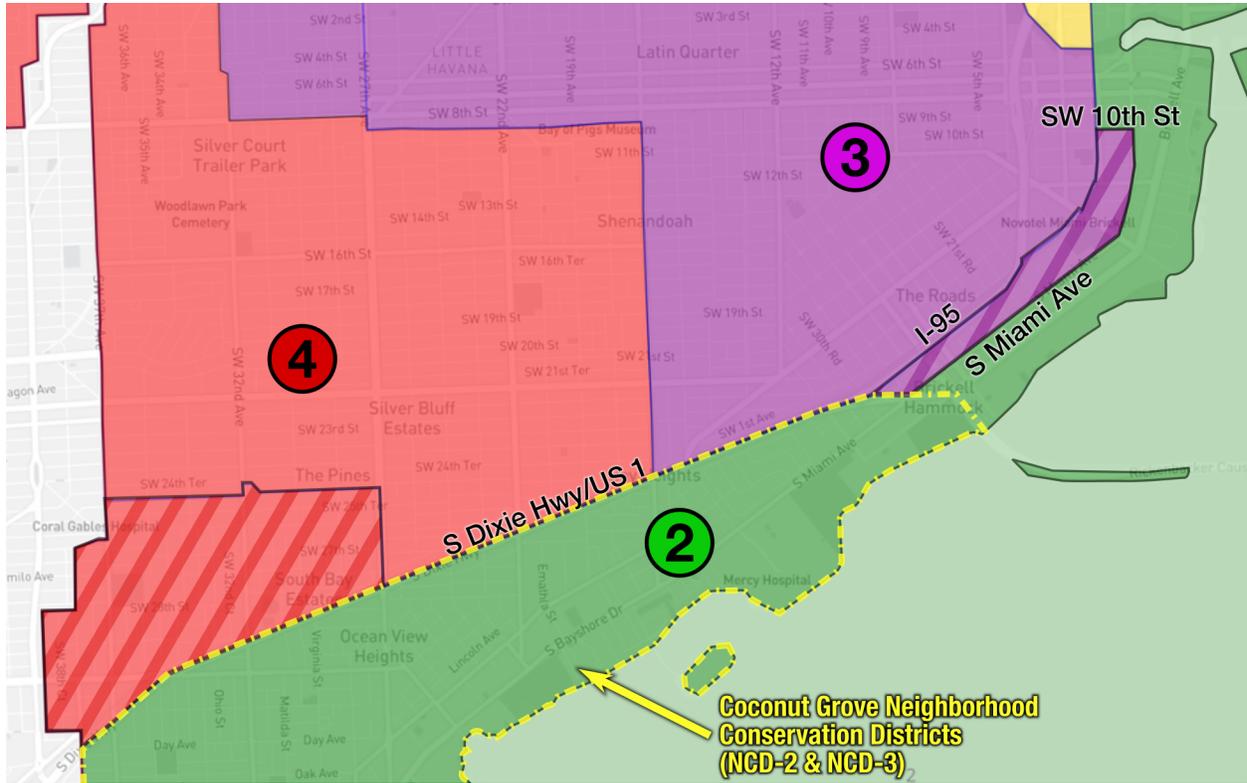


Figure 4: Commissioner Russell’s revised proposal

Commissioner Reyes’s rejected proposal

This map (Figure 5) proposed to move an area that would have been less Hispanic than the one that was eventually moved. This proposal is similar to the Russell proposals except that it adds in a portion of District 2 to be moved to District 3 that encompasses both Area 13 in Figure 1 and the area that connects Area 13 to the Russell area. This strip has 0.9% Black VAP, 31.4% White VAP, and 61.6% Hispanic VAP. These numbers do not include Area 13.

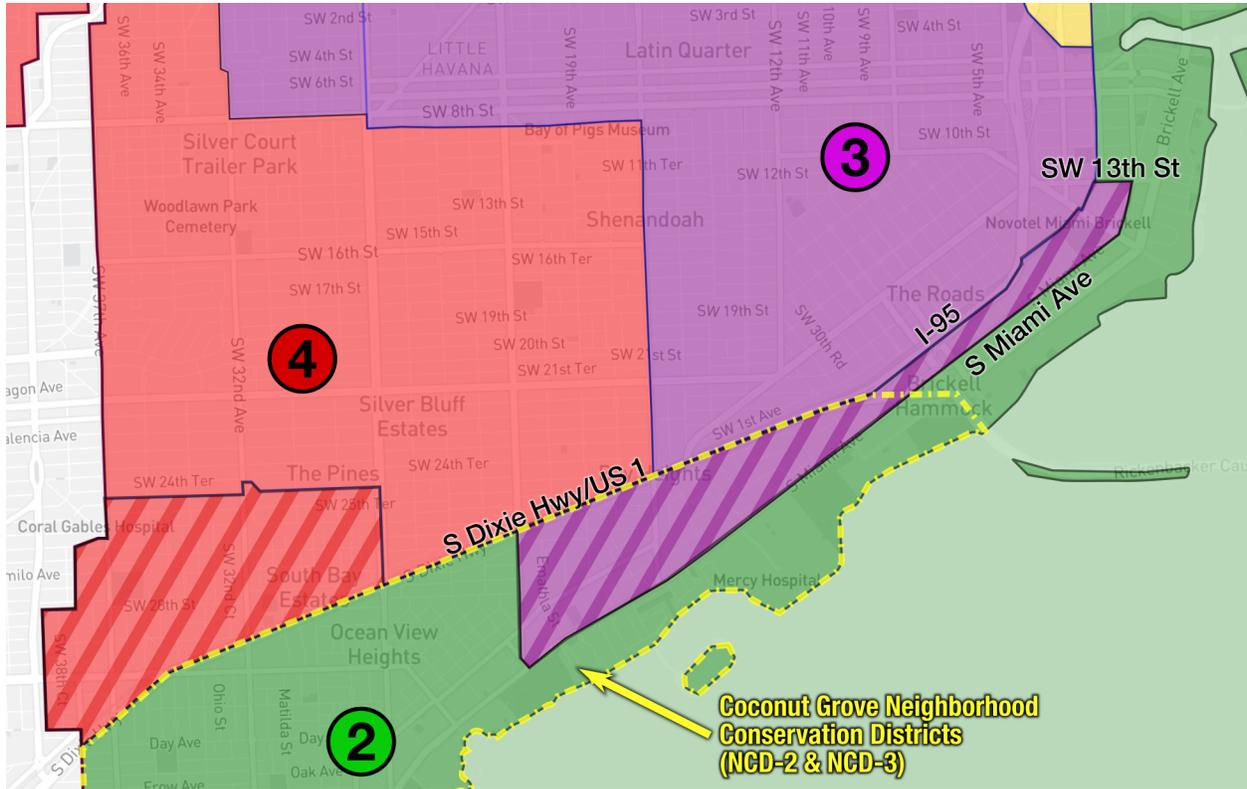


Figure 5: Commissioner Reyes's proposal

Map with a majority White CVAP district

Counsel asked me to attempt to draw a district that contained 50% or more White CVAP but I found it impossible to do so due to the distribution of racial groups across the city.

Conclusion

The 2022 Enacted Plan for the Miami City Commission has been designed around racial and ethnic considerations. While the Commission inherited a 2013 Plan that was already highly segregated by race, many of the changes made during the most recent round of redistricting were also motivated by race. Apart from a small portion of District 2 that was moved into

District 3 that objective demographic data does not demonstrate to be race-based, I found no evidence that any factors other than race and ethnicity affected the drawing of district lines in pursuit of equalizing population across districts.

A handwritten signature in black ink, appearing to read "Carolyn Abott". The signature is written in a cursive, flowing style.

Dr. Carolyn Abott, Ph.D.

January 31, 2023, in New York City, NY

Appendix

Demographics of the 2013 Plan									
	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Dist.	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	81,449	-6,999	-7.9%	91.0%	10.1%	3.0%	86.6%	8.0%	4.8%
2	117,281	+28,833	+32.6%	51.9%	7.7%	34.5%	49.4%	9.5%	38.1%
3	80,169	-8,279	-9.4%	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%
4	80,601	-7,847	-8.9%	91.6%	2.9%	6.0%	90.1%	1.1%	7.5%
5	82,741	-5,707	-6.5%	41.6%	52.9%	7.8%	30.9%	59.4%	8.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the February 7 Draft									
	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Dist.	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,775	+327	+0.4%	88.7%	10.5%	4.3%	84.8%	8.7%	5.9%
2	88,363	-85	-0.1%	47.8%	7.8%	37.6%	44.7%	10.4%	41.5%
3	87,600	-848	-1.0%	88.4%	5.5%	7.6%	86.6%	3.2%	9.3%
4	90,437	+1,989	+2.3%	88.1%	3.4%	8.7%	86.7%	1.7%	10.2%
5	87,066	-1,382	-1.6%	41.6%	49.8%	10.1%	30.9%	58.7%	8.9%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Feb. 22 Draft/Base Plan/Enacted Plan									
	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Dist.	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	86.1%	8.2%	5.0%
2	93,300	+4,852	+5.5%	48.6%	7.3%	37.4%	44.4%	8.7%	40.5%
3	87,658	-790	-0.9%	88.3%	5.4%	7.7%	85.6%	3.9%	9.9%
4	86,597	-1,851	-2.1%	89.5%	3.1%	7.6%	89.6%	1.3%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.8%	58.2%	9.5%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Initial Russell Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	89,309	+861	+1.0%	49.1%	7.3%	37.1%	46.0%	9.4%	41.1%
3	93,246	+4,798	+5.4%	85.2%	5.4%	9.9%	84.8%	3.2%	11.1%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Revised Russell Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	91,619	+3,171	+3.6%	48.8%	7.3%	37.4%	46.0%	9.4%	41.1%
3	90,936	+2,488	+2.8%	86.6%	5.4%	8.9%	84.8%	3.2%	11.1%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Demographics of the Reyes Plan									
Dist.	Total Population and Deviations			2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
	Total Pop.	Pop. Dev.	% Dev.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
1	88,108	-340	-0.4%	89.5%	11.0%	3.5%	84.8%	9.3%	5.4%
2	92,617	+4,169	+4.7%	48.7%	7.3%	37.2%	45.5%	9.2%	41.7%
3	89,938	+1,490	+1.7%	87.3%	5.3%	8.6%	86.0%	3.3%	9.9%
4	85,000	-3,448	-3.9%	90.1%	3.0%	7.2%	89.1%	1.4%	8.2%
5	86,578	-1,870	-2.1%	40.6%	50.3%	10.5%	30.1%	59.0%	9.2%
City	442,241	—	—	71.1%	14.8%	13.9%	66.4%	17.6%	14.5%

Comparison of 2013 Plan and Feb. 7 Draft										
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)			
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP	
Coconut Grove area moved from D2 to D4	US 1, SW 27th Ave, Day Ave, city limits	Parts of 532, 583, 584, 585, 587	5,071	49.1%	10.1%	37.4%	43.5%	6.5%	46.3%	
Golden Pines area moved from D2 to D4	SW 25th St, SW 27th Ave, US 1, city limits	577, 578	10,496	81.8%	3.6%	13.6%	83.9%	3.8%	11.8%	
Area moved from D2 to D3	SW 17th Ave, S Miami Ave, SW 15th Rd, SW 1st Ave, I-95, US 1	993, part of 582	1,313	56.2%	2.3%	36.9%	60.3%	0.8%	34.8%	
Little Havana area moved from D4 to D3	SW 27th Ave, SW 9th St, SW 17th Ave, SW 12th St	Parts of 572, 574	3,221	91.1%	4.1%	5.6%	85.4%	0.9%	13.0%	
Little Havana area moved from D4 to D1	NW 37th Ave, NW 7th St, NW 27th Ave, NW 4th St	Parts of 510, 548	2,510	96.1%	2.2%	2.5%	99.1%	0.0%	0.1%	
Little Havana area moved from D1 to D3	Dolphin Expy, NW 22nd Ave, NW 7th St, NW 27th Ave	Part of 545	2,897	96.1%	4.2%	1.8%	98.2%	0.6%	0.8%	
Riverside area moved from D5 to D1	Miami River, Dolphin Expy, NW 7th Ave, NW 6th Ave, I-95, SW 2nd St, Metrorail	530, 540, 656, 656A, 985, 990, parts of 531, 655	5,230	70.4%	20.0%	10.6%	62.5%	21.2%	15.3%	
Riverside area moved from D2 to D1	Miami River, Metrorail, SW 2nd St, S Miami Ave	Part of 984	2,483	56.7%	6.0%	30.2%	60.0%	7.5%	29.0%	
Downtown/Omni/Wynwood/Edge water area moved from D2 to D5		536, 536A, 599, parts of 534, 538, 658A, 984, 984A, 999	9,555	56.9%	10.8%	27.9%	60.5%	11.9%	26.4%	
Portion of D1 remaining in D1			78,552	90.8%	10.3%	3.1%	86.3%	8.3%	4.9%	
Portion of D2 remaining in D2			88,363	47.8%	7.8%	37.6%	44.7%	10.4%	41.5%	
Portion of D3 remaining in D3			80,169	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%	
Portion of D4 remaining in D4			74,870	91.5%	2.9%	6.1%	89.9%	1.2%	7.5%	
Portion of D5 remaining in D5			77,511	39.4%	55.4%	7.6%	29.1%	61.6%	7.8%	

Comparison of Feb. 7 Draft and Base/Enacted Plan									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Allapattah area moved from D5 to D1	SR 112, NW 12th Ave, NW 36th St, NW 19th Ave	Parts of 512, 522	995	76.6%	33.0%	1.5%	62.8%	34.9%	2.3%
Allapattah area moved from D1 to D5	I-95, NW 32nd St, NW 8th Ave, NW 36th St	Parts of 523, 529	329	66.7%	37.1%	2.1%	50.0%	50.0%	1.4%
Downtown area moved from D5 to D1	I-95, NW 6th St, NW 7th Ave, NW 8th St	Part of 531	794	72.1%	29.9%	3.5%	64.8%	32.6%	0.7%
Riverside area moved from D1 back to D5 (including the Wharf)	Miami River, SW 1st St, I-95, SW 2nd St, S Miami Ave, SW 3rd St, Metrorail	Parts of 655, 656, 984	81	52.6%	40.4%	7.0%	61.5%	15.4%	15.4%
Downtown areas moved from D2 to D5	N/S Miami Ave, SW 2nd St, SE/NE 2nd Ave, NE 8th St; and N Miami Ave, NE 10th St, NE 2nd Ave, Dolphin Expy	982A, parts of 534A, 658A, 984, 984A	2,521	46.4%	32.1%	22.0%	46.1%	33.0%	19.1%
Downtown area moved from D5 back to D2	N Miami Ave, NW 8th St, Metrorail, NE 10th St	Part of 536A	1,638	67.0%	13.0%	16.6%	72.6%	10.7%	15.6%
Riverside area moved from D1 back to D2	Miami River, Metrorail, SW 3rd St, S Miami Ave	Part of 984	2,433	56.7%	5.5%	30.5%	60.0%	5.5%	30.3%
Area moved from D3 back to D2	Alatka St, S Miami Ave, SW 15th Rd, SW 1st Ave, I-95, US 1	993, part of 582	918	62.9%	1.6%	31.3%	57.7%	0.9%	37.1%
Coconut Grove area moved from D2 to D3	US 1, SW 17th Ave, S Bayshore Dr, SW 22nd Ave	Parts of 546, 582	997	36.7%	2.2%	52.8%	36.2%	0.0%	61.7%
Coconut Grove area moved from D4 back to D2	US 1, Bird Ave, SW 27th Ave, Day Ave	Parts of 532, 583, 584, 585, 587	3,474	44.5%	11.5%	40.0%	43.6%	8.0%	44.7%
Little Havana area moved from D3 back to D4	SW 27th Ave, SW 9th St, SW 17th Ave, SW 12th St	Parts of 572, 574	3,221	91.1%	4.1%	5.6%	85.4%	0.9%	13.0%
Little Havana area moved from D4 to D3	SW 8th St, SW/NW 32nd Ave, NW 4th St, NW/SW 27th Ave	Parts of 548, 670	5,026	96.2%	3.0%	2.5%	96.8%	0.4%	2.3%
Little Havana area moved from D1 to D3	NW 4th St, NW 32nd Ave, NW 7th St, NW 27th Ave	Part of 548	1,071	96.1%	3.7%	2.5%	98.2%	0.0%	1.8%
Little Havana area moved from D1 back to D4	NW 4th St, NW 37th Ave, NW 7th St, NW 32nd Ave	Parts of 510, 548	1,439	96.1%	1.1%	2.5%	99.7%	0.0%	0.1%
Little Havana area moved from D3 back to D1	Dolphin Expy, NW 22nd Ave, NW 7th St, NW 27th Ave	Part of 545	2,897	96.1%	4.2%	1.8%	98.2%	0.6%	0.8%
West Grove Triangle moved from D2 to D4 in Feb. 7 Draft and remaining in D4	US 1, SW 27th Ave, Bird Ave	Parts of 583, 584	1,597	59.2%	7.1%	31.7%	43.1%	3.5%	49.6%

Comparison of 2013 Plan and Base/Enacted Plan									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Allapattah area moved from D5 to D1	SR 112, NW 12th Ave, NW 36th St, NW 19th Ave	Parts of 512, 522	995	76.6%	33.0%	1.5%	62.8%	34.9%	2.3%
Allapattah area moved from D1 to D5	I-95, NW 32nd St, NW 8th Ave, NW 36th St	Parts of 523, 529	329	66.7%	37.1%	2.1%	50.0%	50.0%	1.4%
Downtown area moved from D5 to D1	Miami River, Dolphin Expy, NW 7th Ave, NW 8th St, I-95, SW 1st St	530, 540, 656A, 985, 990, and parts of 531, 656	5,993	70.8%	21.1%	9.7%	62.7%	22.2%	14.1%
Downtown/Omni/Wynwood/Edgewater area moved from D2 to D5	Metrorail, NW/NE 8th St, NE 2nd Ave, SW/SE 2nd St, S Miami Ave, SW 3rd St, and FEC Railway, NW 14th St, NW 1st Ave, NW 22nd St, N Miami Ave, SR 112, Biscayne Blvd, NE 36th St, NE 2nd Ave, NE 10th St	536, 599, 658A, 982A, and parts of 534, 534A, 536A, 538, 984, 984A, 999	10,496	52.8%	15.9%	28.0%	51.5%	21.4%	25.6%
Coconut Grove area moved from D2 to D3	US 1, Alarka St, S Bayshore Dr, Kirk St, SW 22nd Ave	Parts of 546, 582	1,392	37.6%	2.6%	52.1%	47.1%	0.3%	49.9%
Entire Golden Pines/Coconut Grove area moved from D2 to D4	SW 25th, SW 27th Ave, Bird Ave, US 1, city limits	577, 578, and parts of 583, 584	12,093	78.9%	4.0%	15.9%	76.7%	3.8%	18.5%
Little Havana area moved from D4 to D3	SW 8th St, SW/NW 32nd Ave, NW 7th Ave, NW 27th Ave	Parts of 548, 670	6,097	96.2%	3.1%	2.5%	97.1%	0.3%	2.1%
Portion of D1 remaining in D1			81,120	91.1%	10.0%	3.0%	86.7%	7.9%	4.8%
Portion of D2 remaining in D2			93,300	48.6%	7.3%	37.4%	45.6%	9.3%	41.5%
Portion of D3 remaining in D3			80,169	88.5%	5.6%	7.4%	86.8%	3.5%	8.8%
Portion of D4 remaining in D4			74,504	91.3%	2.9%	6.3%	89.6%	1.2%	7.8%
Portion of D5 remaining in D5			75,753	38.5%	56.0%	7.7%	28.3%	62.2%	7.9%

2022 Enacted Plan's Division of the Southeast Overtown/Park West CRA									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Portion in D1			1,760	74.4%	27.9%	2.4%	67.1%	30.4%	1.6%
Portion in D2 (6-block appendage off NE 2nd Ave)			1,972	61.0%	14.2%	21.0%	70.9%	11.8%	16.1%
Portion in D5			8,072	38.2%	61.0%	4.7%	23.6%	71.2%	4.4%

Miscellaneous Areas									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Portion of Allapattah in D1	NW 27th Ave, Miami River, Dolphin Expy, NW 7th Ave, NW 22nd St, I-95, NW 32nd St, NW 8th Ave, NW 36th St, NW 12 Ave, SR 112		40,669	86.8%	17.0%	2.9%	78.6%	15.3%	5.3%
Portion of Allapattah in D5	SR 112, I-95, NW 23nd St, NW 8th Ave, NW 36th St, NW 12 Ave		774	54.7%	47.4%	3.1%	49.2%	49.2%	1.6%
Portion of D5 protruding west of I-95	I-95, NW 8th St, NW 7th Ave, NW 22nd St		1,634	39.6%	60.5%	5.1%	38.6%	58.5%	2.5%
Portion of D2 west of SE 2nd Ave by Miami River	SE 2nd Ave, Miami River, Metrorail, SW 3rd St, S Miami Ave, SW 2nd St		2,433	56.7%	5.5%	30.5%	60.0%	7.5%	29.0%
Portion of the North Grove	US 1, SW 22nd Ave, Kirk St, S Bayshore Dr, SW 27th Ave		2,832	36.7%	2.4%	55.0%	29.9%	1.4%	67.7%

Comparison of Initial Russell Plan to Base Plan									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	I-95, US 1, S Miami Ave, Miami River, Metrorail, SW 1st Ave	568, 668, 993, 996, and part of 541	6,980	42.2%	5.5%	41.5%	37.4%	2.8%	56.2%

Comparison of Revised Russell Plan to Base Plan									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	I-95, US 1, S Miami Ave, SW 10th St, Metrorail, SW 1st Ave	993 and parts of 668, 996	4,670	44.6%	5.8%	38.9%	37.4%	2.8%	56.2%

Comparison of Reyes Plan to Base Plan									
			Total Population	2020 Census Voting-Age Population (VAP)			2019 American Community Survey Citizen VAP (CVAP)		
Area Description	Boundaries	Precincts	Total Pop.	Hisp. VAP	Black VAP	White VAP	Hisp. CVAP	Black CVAP	White CVAP
Area moved from D2 to D3	Alatka St, S Miami Ave, SW 13 St, Metrorail, SW 1st Ave, I-95, US 1	993 and parts of 582, 668, 996	2,280	50.8%	3.0%	39.0%	48.0%	6.0%	43.6%

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

GRACE, INC., *et al.*,

Plaintiffs,

v.

Case No. 1:22-cv-24066-KMM

CITY OF MIAMI,

Defendant.

SECOND EXPERT REPORT OF DR. CAROLYN ABBOTT

July 5, 2023

Introduction and Summary

The City’s Proposed Remedy (“Res. 23-271”) differs only marginally from the Enjoined Plan. The largest differences can be found in Districts 3 and 4, though Black voting-age populations do not change substantively at all between the two plans. Race is still the primary determinant of the shapes of the districts in Res. 23-271.

I was asked by Plaintiff’s counsel in this case to use data on voting-age population (VAP), citizen voting-age population (CVAP), and voting patterns within individual city precincts in order to determine whether and to what extent race can explain the overall shapes of the districts in Res. 23-271 as well as the changes between the Enjoined Plan and Res. 23-271.

Based on my examination, I reach the conclusion that differences between Res. 23-271 and the Enjoined Plan are a result of racial concerns.

Sources and Methodology

In preparing this report, I have relied on my personal knowledge gathered through my years of researching, studying, and publishing. I also utilize the standard methodology that political

scientists use when investigating precinct and census data. The 2020 Census provided data on voting-age populations (VAP) by race at the block level that could then be aggregated up to the precinct and split-precinct level. Data on 2020 citizen voting-age population (CVAP) by race provided in the Appendix is from the 2020 American Community Survey 5-Year Estimates (ACS).

City Commission district maps were provided to me by Counsel. Precinct shapefiles and statewide election results were downloaded from the Voting and Election Science Team on Harvard's Dataverse (<https://dataverse.harvard.edu/dataverse/electionscience>).

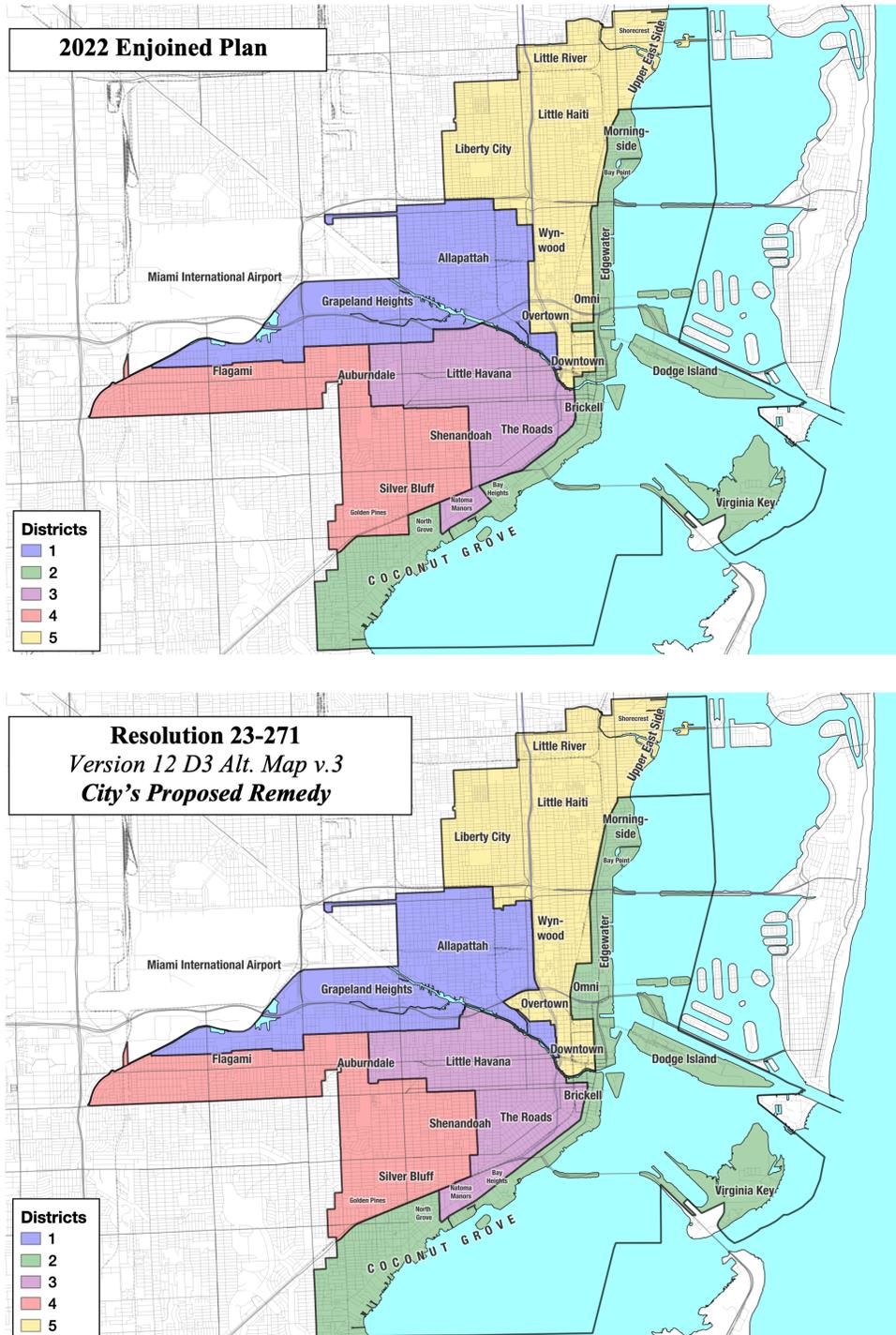
Overview of Commission Districts in Res. 23-271

Overall, the commission districts in Res. 23-271 are nearly identical to those contained in the Enjoined Plan. *Figure 1* displays the two maps next to one another. They are visually very similar. The biggest changes to the overall composition of the districts occurred in Districts 3 and 4. As shown in *Table 1* and *Table 2*, White VAP increases in District 3 from 7.7% under the Enjoined Plan to 10.5% under Res. 23-271. Hispanic VAP, on the other hand, decreases in District 3 from 88.3% to 84.5%. District 4 absorbs most of these changes such that White VAP decreases (from 7.6% to 7.2%) and Hispanic VAP increases (89.5% to 90.0%). District 2 also absorbs some of these racial changes, though to a lesser degree. Across all districts, Black VAP remains virtually unchanged. Population deviation improved under Res. 23-271, decreasing the population spread from 6,722 (with 86,578 in District 5 and 93,300 in District 2) under the Enjoined Plan to a spread of 3,149 (with 86,444 in District 5 and 89,593 in District 2).

While both maps are overwhelmingly similar, as discussed above, there is a degree of compactness that is lost in Res. 23-271 relative to the Enjoined Plan. This is particularly true with regards to District 5 and the areas moved between District 5 and 1 (especially Areas 13, 14, and

16 in Figure 2) and the areas moved between Districts 5 and 2 (particularly Area 19). The single block that makes up Area 12, moved from District 3 to 2, also creates an unnatural sliver of District 3 that extends into District 2, decreasing overall compactness.

Figure 1: The Enjoined Plan (Top Panel) and Res. 23-271 (Bottom Panel)



Individual Areas Moved Between Enjoined Plan and Res. 23-271

District 1

District 1, under both plans, is a super-majority Hispanic district with a small Black and even smaller White VAP. Under Res. 23-271, District 1 lost four areas from the Enjoined Plan as depicted in *Figure 2*: Areas 7, 13, 16, and 17. These areas moved out of District 1 are highlighted in yellow in *Table 3*. District 1 also gained four areas: Areas 6, 8, 14, and 15. These areas are highlighted in teal. Below I discuss the racial compositions of each of these areas and how they impacted the overall change to District 1. I exclude Areas 15 and 16 in this discussion as they are given separate treatment in the discussion of Historic Overtown.

Area 7 is a small (population of 48), high Hispanic VAP, low Black VAP area that was moved from District 1 to District 3. Both districts are of similar racial composition and this movement made little difference to either of their overall racial VAP. Areas 13 and 17, however, have higher Black VAP than District 1 (29.2% and 66.7%, respectively) and were moved into District 5, a majority Black district.

Table 3: Areas Moved Between Enjoined Plan and Res. 23-271 in District 1 (areas moved out highlighted in yellow; areas moved in highlighted in teal)

Area #	Movement	WVAP	HVAP	BVAP	Total Pop.
6	4 to 1	0.0	99.1	3.6	139
7	1 to 3	25.7	68.6	8.6	48
8	3 to 1	1.5	97.1	2.9	762
13	1 to 5	1.0	80.2	29.2	805
14	5 to 1	2.4	66.3	37.5	286
15	5 to 1	11.1	41.9	55.6	376
16	1 to 5	7.3	66.7	26.4	1,353
17	1 to 5	0.0	33.3	66.7	10

Areas 6 and 8, moved into District 1 from racially similar Districts 4 and 3 (respectively) are high Hispanic VAP, low Black VAP areas. Area 14, moved from District 5 to District 1, has a relatively high Hispanic VAP compared to the district it is being moved from, and a relatively low Black VAP.

Areas 15 and 16 are discussed separately in the discussion of Overtown.

District 2

District 2 is the most ethnically and racially diverse Commission district in the City. Though the district is still Hispanic VAP-plurality under both plans, white VAP trails by only 11 percentage points under the Enjoined Plan, compared to about 13 percentage points under Res. 23-271. In other words, the white VAP of District 2 is just 0.9 points lower than the Enjoined Plan, and Hispanic VAP is just 1.0 point higher. Six areas moved between the Enjoined Plan and Res. 23-271 affected District 2 directly. These are listed in *Table 4*, where areas moved out of District 2 are again highlighted in yellow and areas moved into District 2 are highlighted in teal.

Table 4: Areas Moved Between Enjoined Plan and Res. 23-271 in District 2 (areas moved out highlighted in yellow; areas moved in highlighted in teal)

Area #	Movement	WVAP	HVAP	BVAP	Total Pop.
10	4 to 2	31.7	59.2	7.1	1,597
11	2 to 3	41.0	43.6	5.2	8,304
12	3 to 2	45.9	42.1	4.7	1,360
18	5 to 2	30.6	50.6	8.6	342
19	5 to 2	20.8	64.0	11.9	3,731
20	2 to 5	30.5	56.7	5.5	2,433

Both Areas 11 and 20 are Hispanic VAP-plurality areas with low Black VAP. They are similar in racial composition to the donor District 2. Area 11 has lower Hispanic VAP than recipient District

3, although it is a Hispanic-plurality area. Area 20 has lower Black VAP than recipient District 5, and a lower white VAP than donor District 2.

All of the areas that were moved into District 2 look more similar, racially, to District 2 than their donor districts. Area 12, in particular, is a white VAP-plurality area that was moved out of a Hispanic VAP supermajority district. Similarly, Areas 18 and 19 have Black VAP that is considerably lower than their donor District 5 and considerably higher White VAP.

District 3

District 3 is another Hispanic VAP supermajority district. *Table 5* lists the moved areas that affected District 3.

Areas 8, 9, and 12 were moved out of the Enjoined Plan’s District 3 under Res. 23-271. While Areas 8 and 12 were discussed in previous sections, Area 9 was also moved out of District 3. Area 9 is a supermajority Hispanic VAP area that was moved into another high Hispanic VAP district (District 4). While both Areas 8 and 9 are high Hispanic VAP areas that were exchanged amongst other high Hispanic VAP areas, it bears repeating that Area 12 is a plurality White VAP area that was moved out of District 3 and into the more diverse District 2, forming an irregular divot into District 3—as if to compensate for the more evenly divided plurality Hispanic VAP Area 11, which was added to District 3 immediately to the south.

Table 5: Areas Moved Between Enjoined Plan and Res. 23-271 in District 3 (areas moved out highlighted in yellow; areas moved in highlighted in teal)

Area #	Movement	WVAP	HVAP	BVAP	Total Pop.
7	1 to 3	25.7	68.6	8.6	48
8	3 to 1	1.5	97.1	2.9	762
9	3 to 4	7.2	89.3	5.1	4,694
11	2 to 3	41.0	43.6	5.2	8,304
12	3 to 2	45.9	42.1	4.7	1,360

Area 7 was discussed in a previous section.

Changes to Districts 4 and 5 were discussed in the sections on Districts 1-3.

Table 6 summarizes the areas moved into and out of District 4 and Table 7 summarizes the areas moved into and out of District 5. Note that eight distinct areas were moved in and out of District 5, the largest number in any district.

Table 6: Areas Moved Between Enjoined Plan and Res. 23-271 in District 4 (areas moved out highlighted in yellow; areas moved in highlighted in teal)

Area #	Movement	WVAP	HVAP	BVAP	Total Pop.
6	4 to 1	0.0	99.1	3.6	139
9	3 to 4	7.2	89.3	5.1	4,694
10	4 to 2	31.7	59.2	7.1	1,597

Table 7: Areas Moved Between Enjoined Plan and Res. 23-271 in District 5 (areas moved out highlighted in yellow; areas moved in highlighted in teal)

Area #	Movement	WVAP	HVAP	BVAP	Total Pop.
13	1 to 5	1.0	80.2	29.2	805
14	5 to 1	2.4	66.3	37.5	286
15	5 to 1	11.1	41.9	55.6	376
16	1 to 5	7.3	66.7	26.4	1,353
17	1 to 5	0.0	33.3	66.7	10
18	5 to 2	30.6	50.6	8.6	342
19	5 to 2	20.8	64.0	11.9	3,731
20	2 to 5	30.5	56.7	5.5	2,433

Overall Movement between Majority-Hispanic and -Black Districts, and District 2

Looking at all of the areas moved into and out of the three majority-Hispanic Districts 1, 3, and 4; majority-Black District 5, and the racially mixed District 2, further shows that the changes made to the Enjoined Plan shored up, or did not change, the racial composition of each grouping of districts. Collectively, the areas moved out of Districts 1, 3, and 4 have much lower Hispanic VAP

(58.8%) than the Enjoined districts (86.1, 85.6, and 89.6%), making that three-district grouping more concentrated in its Hispanic VAP.

Likewise, the areas moved out of District 5 had a much lower Black VAP (16.6%) than the district overall. District 5’s Black VAP (50.3%) is the same in the Enjoined Plan and Res. 23-271.

Areas moved out of District 2 were similar in demographics to the district overall.

Table 8: Overall Movement in and out of Districts 1-3-4, District 2, and District 5

Area #	Description	WVAP	HVAP	BVAP	Total Pop.
6, 7, 8, 9	Areas moved among D1, D3, D4	6.4	90.4	4.8	5,643
10, 12, 13, 16, 17	Areas moved out of D1, D3, D4 and into D2 or D5	25.6	58.8	14.3	5,125
11, 20	Areas moved out of D2	38.6	46.6	5.3	10,737
14, 15, 18, 19	Areas moved out of D5	19.8	61.2	16.6	4,735

Changes made to Overtown

Referring back to *Figure 2*, Area 15 (moved from District 5 to District 1) and Area 16 (moved from District 1 to District 5) are of special note. These areas are portions of a contested area of the City referred to as Overtown (by City Code § 2-1051,¹ the Miami Police Department (MPD),² and the City’s now-dissolved Neighborhood Enhancement Team (NET)³) or as Historic Overtown (by the Greater Miami Convention & Visitors Bureau (GMCVB)⁴ and consultant Miguel De Grandy).

While the definitions found in City Code and by the GMCVB/NET/MPD⁵ differ slightly, as

¹ The Code defines Overtown as follows: “As used herein, the "Overtown area" is that area approximately bounded on the north by Northwest 20th Street from Florida East Coast Railroad to Northwest 3rd Avenue to Northwest 5th Avenue; on the west by I-95 Expressway from Northwest 21st Terrace to 836 Expressway and State Road 836 (East-West) Expressway from I-95 to the Miami River; on the south by Northwest 3rd Street from Florida East Coast Railroad to Northwest 7th Avenue and the Miami River from Northwest 7th Avenue to 836 Expressway; and on the east by Florida East Coast Railroad right-of-way. (Note: All boundaries are to be construed expansively, incorporating the breadth of described streets, avenues, expressways, and railroad property.)”

² <https://www.miami-police.org/overtown.html>

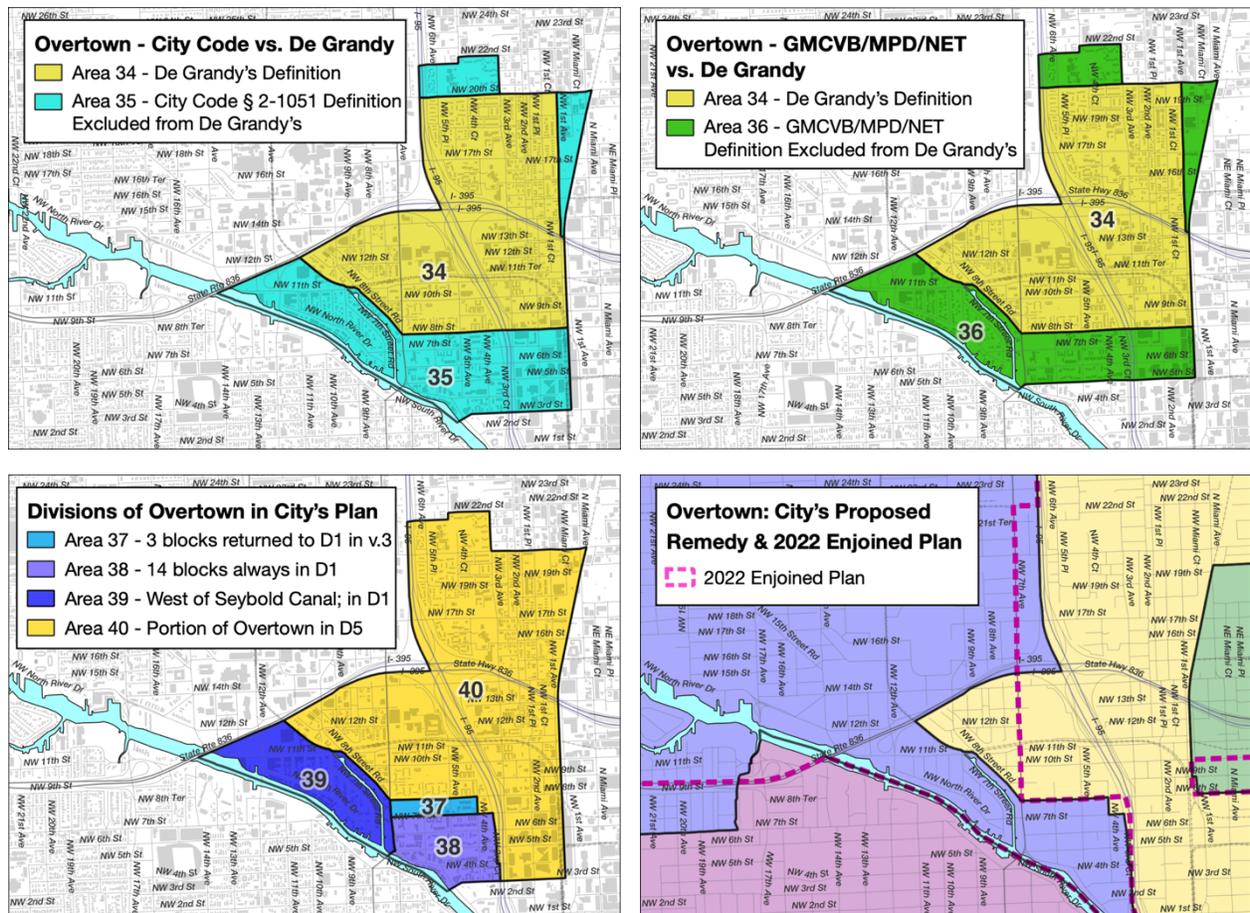
³ <http://www.miami21.org/PDFs/support/netmapnew.jpg>

⁴ <https://www.miamiandbeaches.com/neighborhoods/historic-overtown>

⁵ The GMCVB’s Overtown definition is identical to the NET and Police Neighborhood Service Area boundaries.

depicted in *Figure 3*, they are both more expansive than the definition used by De Grandy.

Figure 3: Different Definitions of Overtown/Historic Overtown



The top-left panel of *Figure 3* compares the City's definition with that of De Grandy's; Area 35, in teal, is the area included in the City's definition but excluded by De Grandy. Similarly, Area 36 in the top-right panel – though slightly smaller than Area 35 – is the area included in the GMCVB/NET/MPD definition but excluded in De Grandy's. What both Area 35 and Area 36 have in common is that they have considerably lower Black VAP (24.6% and 26.2%, respectively) than Area 34 (60.5%), De Grandy's definition of Overtown. This is important to note because Area 34 corresponds almost exactly to the portions of Overtown that are contained in District 5 under Res. 23-271. While the northeast portions of Areas 35 and 36 (north of NW 20th St and east of

NW 1st Ave), which were also excluded from De Grandy's definition, are contained within District 5, these portions have much greater black VAP (64.1%) than the southwest portions that are contained in District 1.

Overall, De Grandy's boundaries of Historic Overtown are considerably more restrictive than both City Code and the GMCVB/NET/MPD definition. The southwest portions of Historic Overtown that De Grandy excluded from his definition were kept in D1 (with high Hispanic VAP) and are notably racially different from the area that he defined as Historic Overtown. This definition shored up the existing racial composition of District 5 and shored up the Hispanic supermajority in District 1. While there is a small sliver of Historic Overtown excluded from De Grandy's version in the northeast that contains very few people (413 relative to the 3,301 that made up the entirety of the area excluded by the consultant), it is characterized by levels of Black VAP that are more similar to the areas that the consultant did not exclude (64.1% in this northern portion compared to the 60.5% in the portion of Historic Overtown identified by De Grandy). Regardless of definitions, this small, high Black VAP section of Areas 35 and 36 was included in District 5 along with De Grandy's defined area, providing further evidence that De Grandy defined Historic Overtown along racial lines, resulting in the area being split into District 1 and District 5 on the basis of race.

Partisan motivations

Partisan motivations cannot explain the boundaries of the commission districts nor the movement of specific areas between the Enjoined Plan and Res. 23-271. In particular, a desire to maximize Republican advantage in Districts 1, 3, and/or 4 cannot explain any aspect of Res. 23-

271. As I discussed in my previous report, commission elections occur on a nonpartisan basis and commission district maps have no outcome on other elections (i.e., state or federal elections).

Additionally, the areas that were moved into Districts 1, 3, and 4 under Res. 23-271 were, in general, no less Republican than other surrounding precincts that could have potentially been moved. Most of Precinct 531, for instance, was kept in District 5 (which voted only 16% for Donald Trump for president in 2020) and out of District 1 (which voted 49% for Trump). But Precinct 531 is less Democratic (28% for Trump) than both Precinct 522 (13% for Trump) and Precinct 523 (26% Trump), parts of which were kept in District 1. It is notable that the less-Democratic Precinct 531 includes most of the Overtown area, as discussed above. The more-Democratic Precinct 522 is divided in the identical manner as in the Enjoined Plan, along racial lines, as discussed in my initial report at page 7.

Less-Republican areas like Precincts 996 (31% for Trump) and part of Precinct 546 (29% for DeSantis) were also added to or retained in District 3 (which voted 46% for Trump), while alternative adjacent precincts like 569 (43% Trump), nearly all of 541 (41% Trump), and part of 566 (39% Trump) with higher Republican vote shares remained or were moved into District 2 (which voted 34% for Trump).

Further, Precinct 989 (78% Trump) was moved in its entirety from District 1 into District 3. In exchange, most of the less-Republican Precincts 997 (58% Trump) and 971 (63% Trump) were added to District 1 from Districts 3 and 4. These movements suggest that enhancing Republican advantage in District 1 was not a motivation behind the map.

Shoring up the Republican partisanship of any one of Districts 1, 3, or 4 would have allowed the mapmaker to move areas along the internal borders of those districts to achieve a

desired partisan advantage in the others, but the map does not reflect such a strategy. There is no evidence to suggest that any areas were moved or not moved to shore up partisan advantages in district cores.

Conclusion

The City's Proposed Remedy ("Res. 23-271") for the Miami City Commission has not been substantially changed from the Enjoined Plan. The changes that have occurred appear to continue to be designed around racial and ethnic considerations. There is no basis on which to make the argument that these considerations were instead partisan in nature.

A handwritten signature in black ink, appearing to read "Carolyn Abott". The signature is written in a cursive, flowing style.

Dr. Carolyn Abott, Ph.D.

July 5, 2023, in New York City, NY

Appendices

Appendix 1. Plan District Demographics

Enjoined Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	88,108	-340	-0.4	3.5	89.5	11.0	5.0	86.1	8.2
2	93,300	+4,852	+5.5	37.4	48.6	7.3	40.5	44.4	8.7
3	87,658	-790	-0.9	7.7	88.3	5.4	9.9	85.6	3.9
4	86,597	-1,851	-2.1	7.6	89.5	3.1	8.3	89.6	1.3
5	86,578	-1,870	-2.1	10.5	40.6	50.3	9.5	30.8	58.2
<i>Overall Range</i>		<i>6,722</i>	<i>7.6</i>						

Version 12									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	88,749	+301	+0.3	36.1	49.9	7.7	38.1	46.3	9.7
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	87,158	-1,290	-1.5	10.8	40.7	50.0	9.8	31.4	57.0
<i>Overall Range</i>		<i>2,276</i>	<i>2.6</i>						

Version 14 (D1 alt)									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,424	+976	+1.1	35.9	51.2	5.9	38.9	49.5	5.7
3	89,530	+1,082	+1.2	7.1	89.5	5.1	9.9	86.0	3.6
4	88,247	-201	-0.2	10.2	84.6	5.1	10.4	83.6	4.8
5	87,575	-873	-1.0	11.0	40.5	49.9	10.2	31.4	56.6
<i>Overall Range</i>		<i>2,065</i>	<i>2.3</i>						

Version 12 D2 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	90,146	+1,698	+1.9	36.7	49.4	7.6	38.4	45.9	9.6
3	88,806	+358	+0.4	10.1	85.0	5.5	12.7	82.6	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,712</i>	<i>4.2</i>						

Version 12 D5 alt									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,473	+1,025	+1.2	36.2	49.8	7.7	38.0	46.1	9.8
3	89,479	+1,031	+1.2	10.7	84.4	5.4	13.8	81.4	3.8
4	89,390	+942	+1.1	7.4	89.8	3.1	8.0	89.8	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,045</i>	<i>3.4</i>						

Version 12 D3 alt v1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,465	-983	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,434	-2,014	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,159</i>	<i>3.6</i>						

Version 12 D3 alt v2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,201	-1,247	-1.4	3.4	89.8	10.8	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,698	-1,750	-2.0	10.5	40.7	50.3	9.6	31.6	57.3
<i>Overall Range</i>		<i>2,895</i>	<i>3.3</i>						

Resolution 23-271 - Version 12 D3 alt v3 - City's Proposed Remedial Plan									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,455	-993	-1.1	3.4	89.7	10.9	5.0	85.9	8.3
2	89,593	+1,145	+1.3	36.5	49.6	7.7	38.6	45.8	9.6
3	89,194	+746	+0.8	10.5	84.5	5.4	12.6	82.7	3.8
4	89,555	+1,107	+1.3	7.2	90.0	3.1	7.9	90.0	1.4
5	86,444	-2,004	-2.3	10.5	40.6	50.3	9.6	31.4	57.4
<i>Overall Range</i>		<i>3,149</i>	<i>3.6</i>						

P1									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,569	-1,879	-2.1	14.9	70.1	16.1	14.8	66.3	16.5
2	89,078	+630	+0.7	31.2	57.9	5.8	33.2	56.3	6.4
3	87,666	-782	-0.9	5.8	90.8	5.2	7.4	88.6	3.6
4	89,091	+643	+0.7	3.5	95.0	3.0	4.5	94.1	0.8
5	89,837	+1,389	+1.6	13.8	41.2	45.2	12.4	32.3	53.0
<i>Overall Range</i>		<i>3,268</i>	<i>3.7</i>						

P2									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	86,541	-1,907	-2.2	4.3	86.6	13.7	6.0	81.0	12.4
2	89,897	+1,449	+1.6	36.9	48.7	7.9	39.6	44.3	10.1
3	85,108	-3,340	-3.8	10.6	84.8	4.3	12.3	84.5	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	90,307	+1,859	+2.1	13.3	41.0	46.2	11.9	31.8	54.3
<i>Overall Range</i>		<i>5,280</i>	<i>6.0</i>						

P3									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,607	-841	-1.0	5.6	85.4	13.0	7.2	80.6	11.7
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	85,973	-2,475	-2.8	10.6	84.9	4.3	12.2	84.6	2.4
4	90,388	+1,940	+2.2	2.9	95.6	3.3	3.5	94.5	1.5
5	88,751	+303	+0.3	11.3	41.1	48.8	10.1	31.6	56.5
<i>Overall Range</i>		<i>4,415</i>	<i>5.0</i>						

P4									
Dist.	Total Pop.	Pop. Dev.	% Dev.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1	87,556	-892	-1.0	5.6	85.8	13.0	7.2	80.3	11.9
2	89,522	+1,074	+1.2	37.9	48.2	7.0	41.1	44.2	8.2
3	87,829	-619	-0.7	10.4	85.1	4.2	12.1	84.7	2.4
4	87,667	-781	-0.9	2.9	95.6	3.2	3.4	94.5	1.5
5	89,667	+1,219	+1.4	11.2	41.5	48.4	10.0	32.3	55.8
<i>Overall Range</i>		<i>2,111</i>	<i>2.4</i>						

Appendix 2a. Areas Moved between Enjoined Plan and Res. 23-271

Area #	Description	Movement	WVAP	HVAP	BVAP	Total Pop.	Bounded by
6	Flagami (single block)	4 to 1	0.0	99.1	3.6	139	NW 3rd St, 4th Ave, 4th St, 45th Ave
7	Sewell Park	1 to 3	25.7	68.6	8.6	48	Dolphin Expy, Lawrence Canal, Miami River
8	Sewell Park	3 to 1	1.5	97.1	2.9	762	Dolphin Expy, Lawrence Canal, NW 7th St, 22nd Ave
9	Little Havana/Shenandoah	3 to 4	7.2	89.3	5.1	4,694	SW 32nd Ave, 5th St, 31st Ave, 4th St, 23rd Ave, 8th St, 16th Ave, 22nd St, 17th Ave, 9th St, 27th Ave, 8th St
10	West Grove	4 to 2	31.7	59.2	7.1	1,597	US 1, SW 27th Ave, Bird Ave
11	Bay Heights to Brickell	2 to 3	41.0	43.6	5.2	8,304	SW/SE 7th St, Metromover, Brickell Plaza, S Miami Ave, Alarka St, US 1, I-95, Metrorail
12	West Brickell (single block)	3 to 2	45.9	42.1	4.7	1,360	Miami River, Metrorail, SW 7th St, 2nd Ave
13	Northeast Allapattah	1 to 5	1.0	80.2	29.2	805	NW 12th Ave, 36th St, 8th Ave, 34th St, 11th Ave, 33rd Ct, 33rd St
14	Northeast Allapattah	5 to 1	2.4	66.3	37.5	286	I-95, NW 32nd St, 8th Ave, 35th St
15	Overtown	5 to 1	11.1	41.9	55.6	376	I-95, Dolphin Expy, NW 7th Ave, 22nd St
16	Overtown/Culmer	1 to 5	7.3	66.7	26.4	1,353	Dolphin Expy, NW 7th Ave, 8th St Rd, Seybold Canal
17	People's BBQ block	1 to 5	0.0	33.3	66.7	10	I-95, NW 7th St, 4th Ave, 8th St
18	Baypoint/Morningside	5 to 2	30.6	50.6	8.6	342	Biscayne Blvd, Federal Hwy, NE 36th St
19	Omni	5 to 2	20.8	64.0	11.9	3,731	FEC Rwy, NE 19th St, NE 2nd Ave, NE/NW 10th St
20	Downtown	2 to 5	30.5	56.7	5.5	2,433	Miami River, Metrorail, SW 3rd St, S Miami Ave, SE 2nd St, SE 2nd Ave
Total Moved						26,240	

Appendix 2b. Overall Movement between Majority-Hispanic Districts, Majority-Black District 5, and District 2 between Enjoined Plan and Res. 23-271

Area #	Description	WVAP	HVAP	BVAP	Total Pop.
6, 7, 8, 9	Areas moved among D1, D3, D4	6.4	90.4	4.8	5,643
10, 12, 13, 16, 17	Areas moved out of D1, D3, D4 and into D2 or D5	25.6	58.8	14.3	5,125
11, 20	Areas moved out of D2	38.6	46.6	5.3	10,737
14, 15, 18, 19	Areas moved out of D5	19.8	61.2	16.6	4,735

Appendix 3. Cores of Enjoined Districts Remaining Intact in Res. 23-271

Dist.	WVAP	HVAP	BVAP	Total Pop.
1	3.4	90.0	10.6	85,892
2	37.2	48.8	7.5	82,563
3	7.1	89.0	5.4	80,842
4	7.2	90.1	3.0	84,861
5	9.9	39.3	52.5	81,843

Appendix 4. Areas Moved between Version 12 and Res. 23-271

Area #	Description and Movement Between Enjoined, Version 12, and Res. 23-271	WVAP	HVAP	BVAP	Total Pop.	Bounded by
17	People's BBQ block moved from D1 to D3 in Res. 23-271	0.0	33.3	66.7	10	I-95, NW 7th St, 4th Ave, 8th St
21	North Grove area moved from D2 to D3 in Version 12, then back to D2 in Res. 23-271	54.8	35.9	3.3	1,672	US 1, SW 22nd Ave, Kirk St, S Bayshore Dr, Aviation Ave, SW 27th Ave
22	Shenandoah area moved from D3 to D4 in Version 12, then back to D3 in Res. 23-271	12.1	83.2	3.2	1,932	SW 17th Ave, 22nd St, 16th Ave, 8th St, 14th Ave, 3rd Ave, US 1
23	Little Havana area moved from D3 to D4 in Res. 23-271	3.0	94.8	4.3	2,097	SW 8th St, 32nd Ave, 5th St, 31st Ave, 4th St, 23rd Ave
24	Brickell/Simpson Park areas moved from D2 to D3 in Res. 23-271	39.2	47.1	5.3	2,949	SW 25th Rd, I-95, Metrorail, SW 12th St, S Miami Ave; and S Miami Ave, SE 7th St, Brickell Place
25	Brickell area moved from D3 to D2 in Res. 23-271	45.2	42.1	5.3	1,397	SW 7th St, 2nd Ave, Miami River, S Miami Ave
26	North end of Morningside moved from D2 to D5 in Version 12, then back to D2 in Res. 23-271	41.9	42.8	11.8	724	Biscayne Bay, NE 55th Ter, Biscayne Blvd, NE 61st St

Appendix 5. Other Areas of Comparison

Area #	Description	WVAP	HVAP	BVAP	Total Pop	Bounded by
27	South end of Morningside/Baypoint, kept in D2 in Version 12	39.5	44.7	10.1	1,980	Biscayne Bay, Julia Tuttle, Federal Hwy, NE 55th Ter
26 + 27	Entire Morningside/Baypoint area – moved into D5 in Version 14 and P1, P2, P3	40.1	44.2	10.6	2,704	Biscayne Bay, Julia Tuttle, Federal Hwy, Biscayne Blvd, NE 61st St
28	D5's Downtown appendage south of NW/NE 8th St retained from Enjoined Plan	21.1	47.4	32.5	2,848	Miami River, SW 1st St, I-95, NW/NE 8th St, NE/SE 2nd Ave, SE 2nd St, S Miami Ave, SW 3rd St, Metrorail
29	Entire Omni/Downtown area west of NE 2nd Ave included in D2 (including Condo Canyon)	20.8	62.9	12.7	5,703	FEC Rwy, NW 19th St, 2nd Ave, NE/NW 8th St
30	Bay Heights area added to D3	31.4	61.6	0.9	604	US 1, S Miami Ave, Alarka St
31	Entire Northeast Allapattah area included in D5	2.0	67.8	38.3	1,293	SR 112, I-95, NW 35th St, 8th Ave, 34th St, 11th Ave, 33rd Ct, 33rd St, 12th Ave
32	D1's entire riverside appendage	10.4	71.9	19.6	4,630	Miami River, Dolphin Expy, Seybold Canal, NW 8th St Rd, 8th St, 4th Ave, 7th St, I-95, SW 1st St

Appendix 6. Divisions of Overtown

Area #	Description	WVAP	HVAP	BVAP	Total Pop	Bounded by
34	“Historic Overtown” on De Grandy Slide	3.6	39.5	60.5	8,536	Dolphin Expy, I-95, NW 20th St, 1st Ave, FEC Rwy, NW 8th St, 8th St Rd, Seybold Canal
35	Areas of Overtown (City Code § 2-1051) excluded from De Grandy definition	9.1	67.6	24.6	4,394	Dolphin Expy, I-95, NW 21st Ter, 22nd St, 3rd Ave, 20th St, FEC Rwy, NW 3rd St, Miami River
36	Areas of Overtown (Greater Miami Convention & Victors Bureau/NET/MPD definition) excluded from De Grandy definition	10.9	63.7	26.2	3,301	Dolphin Expy, I-95, NW 21st Ter, 22nd St, 3rd Ave, 20th St, FEC Rwy, NW 5th St, Miami River
37	3 Overtown blocks moved into D5 in Version 12 D3 alt v2, then moved back into D1	5.3	70.2	35.6	254	NW 7th Ave, 8th St, 4th Ave, 7th St
38	14 Overtown blocks always kept in D1	2.9	76.5	23.6	2,589	NW 7th Ave, 7th St, I-95, 3rd St, Miami River
37 + 38	Total 17-block Overtown area in D1 (between NW 3rd and 8th Streets)	3.1	76.0	24.6	2,843	NW 7th Ave, 8th St, 4th Ave, 7th St, I-95, 3rd St, Miami River
39	Overtown area west of the Seybold Canal kept in D1	28.0	56.1	10.3	948	Dolphin Expy, Seybold Canal, NW 8th St Rd, 7th Ave, Miami River
40	Portion of Overtown (City Code) in D5	3.7	39.6	60.1	9,139	Dolphin Expy, I-95, NW 21st Ter, 22nd St, 3rd Ave, 20th St, FEC Rwy, NW 3rd St, I-95, NW 7th St, 4th Ave, 8th St, 8th St Rd, Seybold Canal

Appendix 7. FDC-Miami Population and Placement in Different Plans

The Federal Detention Center (FDC) Miami is located at Block 1013 of Tract 37.06 in Miami-Dade County. The Census Bureau reports separately the incarcerated population. For this block, the incarcerated population is the same as the total population, meaning no non-incarcerated individuals were counted at this block. Below are the demographics of the FDC-Miami block, and which Commission district FDC-Miami is located in under each of the redistricting plans.

Total Pop.	WVAP	HVAP	BVAP	WCVAP	HCVAP	BCVAP
1,407	20.7	40.5	43.7	12.3	40.3	47.4

Plan	District
2013 Plan	2
Enjoined Plan	5
Version 12	5
Version 14 (D1 alt)	5
Version 12 D2 alt	5

Plan	District
Version 12 D5 alt	5
Version 12 D3 alt v1	5
Version 12 D3 alt v2	5
Version 12 D3 alt v3 (Res. 23-271)	5

Plan	District
P1	1
P2	2
P3	1
P4	1

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Academic Positions

Assistant Professor, Department of Political Science, Baruch College - CUNY, 2021 —
Assistant Professor, Department of Government and Politics, St. John's University, 2018 –21
Postdoctoral Research Fellow, John Glenn College of Public Affairs and Department of Political Science, The Ohio State University, 2016 – 18

Education

Ph.D., Politics and Social Policy, Princeton University, 2016
Dissertation: *The Politics of Public Sector Pensions*
Committee: Nolan McCarty, Brandice Canes-Wrone, and Charles Cameron
M.A., Politics, Princeton University, 2013
Fields: American Politics, Formal and Quantitative Methods,
Inequality and Public Policy
B.A. Economics and Political Science, with High Honors, Swarthmore College, 2008

Research and teaching interests

American politics, representation and accountability, state and local politics, public budgeting and finance, interest groups and political parties, federalism, inequality, macro political economy.

Publications

Abott, Carolyn and Akheil Singla. (2021). Helping or Hurting? The Financial Costs and Benefits of Municipal Bankruptcy, *Public Administration Review*, 81(3), pp. 428-445.
Abott, Carolyn and Akheil Singla. (2021). Service Solvency and Quality of Life After Municipal Bankruptcy, *Journal of Political Institutions and Political Economy*, 2(2), pp. 249-280.
Abott, Carolyn and Asya Magazinnik. (2020). At-Large Elections and Minority Representation in Local Government, *American Journal of Political Science*, 64(3), pp. 717-733.

Abbott, Carolyn, Vladimir Kogan, Stéphane Lavertu, and Zachary Peskowitz. (2020). School district operational spending and student outcomes: Evidence from tax elections in seven states. *Journal of Public Economics*, 183, 104142.

Abbott, Carolyn. (2018). Book review of Michael A. McCarthy, *Dismantling Solidarity: Capitalist Politics and American Pensions since the New Deal* (Ithaca: Cornell University Press, 2017). *Political Science Quarterly*, 133(2), pp. 371-372.

Abbott, Carolyn. (2010). Federal Reserve System. *Encyclopedia of United States Political History, Vol. 7: 1976-present*. Ed. Rick Valelly. Washington, DC: CQ Press.

Under Review

Book project: *The Politics of Public Pensions: How Strong Parties and Cooperative Politics Can Save State Government* **Revisions submitted.**

Available working papers

“Voter Responsiveness to Measures of Local Fiscal Performance” (with Matthew Incantalupo and Akheil Singla)

“A Distaste for Deficits: Voter Opinion and Balanced Budget Laws in the U.S. States”

Research in progress

“Local Electoral Institutions and Fiscal Outcomes in the United States” (with Pengju Zhang)

“The Fiscal Federalism Dimension of the SALT Cap and Its Potential Repeal” (with Rahul Pathak)

“Special District Bankruptcies” (with Pengju Zhang)

Invited talks, presentations, and workshops

“A Distaste for Deficits: Voter Opinion and Balanced Budget Laws in the U.S. States”

Research in Progress Faculty Seminar, Marxe School of Public and International Affairs, Baruch College - CUNY, 2021.

Roundtable on Capital Assets Reporting Standards

Governmental Accounting Standards Board (GASB), 2021.

“Service Solvency and Quality of Life After Municipal Bankruptcy”

Local Political Economy Symposium, Bedrosian Center at Sol Price School of Public Policy, University of Southern California, 2021.

“Municipal Bankruptcy as Policy: Local Fiscal Stress and the Decision to File”[‡]

Public Financial Management Northeastern Workshop, School of Public Affairs and Administration, Rutgers, The State University of New Jersey-Newark, 2020.

"Municipal Bankruptcy as Policy: Local Fiscal Stress and the Decision to File"

Fiscal Policy Series, Federal Reserve Bank of New York, 2019.

"At-Large Elections and Minority Representation in Local Government"

Department of Government and Politics Fall Graduate Colloquium, St. John's University, 2018.

"The Differential Impact of Single-Member and At-Large Voting Districts on Local Democracy: New Tests and Evidence"

Yale Center for the Study of American Politics Annual Conference, Yale University, 2017.

‡Canceled due to COVID-19 pandemic.

Conference presentations

Annual Meeting of the American Political Science Association: 2016, 2017, 2022.

Annual Conference of the Association for Budgeting and Financial Management: 2016, 2018,† 2022.†

Annual Public Finance Consortium: 2021.

Annual Meeting of the Southern Political Science Association: 2015, 2016, 2019, 2020,* 2021.

Brookings Municipal Finance Conference: 2020.

Annual State Politics and Policy Conference: 2015, 2020.‡

Urban Affairs Association Conference: 2019.†

Annual Conference of the Association for Education Finance and Policy: 2019.†

Annual Conference of the Association for Public Policy Analysis & Management: 2018, 2019.†

Annual Meeting of the Midwest Political Science Association: 2015, 2017.

Public Management Research Conference: 2017.†

‡Canceled due to COVID-19 pandemic;*Canceled due to earthquake;†Paper presented by coauthor.

Grants, awards, & fellowships

Faculty Innovation Seed Grant (with Rahul Pathak), Provost's Office, Baruch College, 2022 (\$12,000)

Cycle 53 PSC-CUNY Traditional B Research Award, City University of New York, 2022 (\$6,000)

Travel Grant, APSA Annual Meeting, 2017

Prestage-Cook Travel Award, SPSA Annual Meeting, 2016

Grant, Graduate Student Travel, Center for the Study of Democratic Politics, Princeton, 2015

Grant, Dean's Fund for Scholarly Travel, Princeton, 2015

Grant (with Nolan McCarty), The Social and Economic Effects of the Great Recession, Russell Sage Foundation, 2012 (\$114,921)

Graduate School Centennial Fellowship in the Humanities and Social Sciences, Department of Politics, Princeton, 2010 - 2015

Honorable Mention, National Science Foundation Graduate Research Fellowships Program, 2010

Teaching experience

Graduate level

Research Methodology and Quantitative Analysis

State and Local Government and Administration

Public Budgeting and Finance

Undergraduate level

Introduction to Public Policy

The Politics of Inequality in the U.S.

Introduction to Public Administration

Research Methods for Political Science and Public Administration

Introduction to American Government

Professional service

Member, Committee to Design the Baruch Public Service Capstone Seminar - 2023-present

Co-chair, Baruch Political Science Department Research Seminar - 2022-present

Member, Baruch Political Science Student Awards Committee - 2022

Member, Baruch Political Science Search Committee in Comparative Politics - 2021

Co-chair, SJU Government & Politics Committee to Redesign the Public Administration Major - 2019-2021

Member, SJU Government & Politics Graduate Education Policy Committee - 2018-2021

Member, SJU Government & Politics Undergraduate Education Policy Committee - 2018-2021

Carolyn B. Abott

5

Referee, American Journal of Political Science, American Political Science Review, Economics & Politics, Economics Letters, Journal of Public Administration Research and Theory, National Tax Journal, Political Analysis, Public Budgeting & Finance, Public Finance & Management

Professional memberships

Association for Public Policy Analysis & Management, American Political Science Association, Midwest Political Science Association, Southern Political Science Association, American Society for Public Administration, Association for Budgeting and Financial Management

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Last updated: January 31, 2023

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April	Jianto	690 SW 1st Ct Apt 1221	Miami	FL	33130	2913	2
Chelsea	Clark	255 SW 11th St	Miami	FL	33130	4091	3
Daniela	Tabbara	870 SW 3rd St Apt 3	Miami	FL	33130	2241	3
Daniel	Betancourt	58 NE 14th St Apt 2812	Miami	FL	33132	1473	2
Jenneva	Clauss	3558 SW 26th St	Miami	FL	33133	2009	4
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Dominique	Rivers	1000 NW 1st Ave	Miami	FL	33136	3629	5
Anjuli	Castano	800 NW 7th Ave	Miami	FL	33136	3108	1
Ines	Mato	423 NE 23rd St	Miami	FL	33137	5063	2
Julietta	Rivadeo	162 NE 25th St	Miami	FL	33137	4845	5
Rebecca	Sell	531 NE 71st St # 2	Miami	FL	33138	5074	5
Hannah	Gatof	1790 SW 29th Ave	Miami	FL	33145	1940	4
Omar	Guerrero	1790 SW 29th Ave	Miami	FL	33145	1940	4
Ana	Corrales	1627 SW 37th Ave Apt 4	Miami	FL	33145	1774	4
Augusta	Jerez	1627 SW 37th Ave Apt 4	Miami	FL	33145	1774	4
Jessica	Saint-fleur	155 NW 64th St	Miami	FL	33150	4574	5

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**PLAINTIFF MIAMI-DADE BRANCH OF THE NAACP'S RESPONSES TO
DEFENDANT'S FIRST REQUEST FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and the Local Rules of the U.S. District Court for the Southern District of Florida (“Local Rules”), Plaintiff Miami-Dade Branch of the NAACP (“Plaintiff” or “Miami-Dade NAACP”), by and through its undersigned counsel, hereby responds and objects to Defendant City of Miami’s (“Defendant” or “City”) First Request for Production of Documents (“RFPs”), dated September 19, 2023. These responses and objections are made to the best of Plaintiff’s present knowledge, information, and belief, and are provided without prejudice to Plaintiff’s right to amend, clarify, and/or supplement these responses and objections at a later time for any reason. This reservation, however, is not to be construed as an undertaking by Plaintiff of an affirmative duty to change or supplement these responses, except as otherwise required by the Federal Rules of Civil Procedure or Local Rules.

GENERAL OBJECTIONS

Plaintiff states the following General Objections to the RFPs, which are hereby incorporated and made part of each of the following specific responses.

1. Plaintiff objects to each RFP to the extent that it seeks to impose obligations greater than or inconsistent with the scope or requirements of the Federal Rules of Civil Procedure, the

Local Rules, or applicable court orders.

2. Plaintiff objects to each RFP to the extent that it calls for disclosure of information or documents that are not relevant to any party's claim or defense, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff will only produce documents relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

3. Plaintiff objects to each RFP to the extent that (a) it is unreasonably cumulative or duplicative of information provided by Plaintiff; (b) it seeks information that is obtainable from some other source that is more convenient, less burdensome, or less expensive; or (c) the burden or expense of the proposed discovery is not proportional to the needs of this case.

4. Plaintiff objects to each RFP to the extent that it calls for the improper disclosure of Plaintiff's or any individual's confidential information. To the extent that Plaintiff provides any such information, Plaintiff will do so only subject to a protective order.

5. Plaintiff objects to each RFP to the extent that it purports to require Plaintiff to provide information that would violate any individual's privacy or associational rights protected by the U.S. Constitution or by law, contract, or public policy, or would otherwise require the disclosure of information in violation of any applicable law.

6. Plaintiff objects to each RFP to the extent that it seeks information protected from discovery by the attorney-client privilege; the work-product doctrine; the common-interest or joint-defense privileges; and/or any other applicable privilege, immunity, or protection. The inadvertent disclosure of any information subject to such privilege or protection is not intended to relinquish any privilege or protection, and shall not be deemed to be a waiver of any applicable privilege or protection. Upon Plaintiff's request, Defendant shall immediately return or destroy

any such information inadvertently disclosed.

7. Plaintiff objects to each RFP to the extent that it contains characterizations, definitions, or assumptions. Nothing contained in or absent from Plaintiff's responses or objections shall constitute, or be deemed as, an admission, concession, or agreement that Defendant's characterizations, definitions, or assumptions are correct or accurate.

8. Plaintiff objects to each RFP to the extent that it seeks information that is as readily available to Defendant as to Plaintiff, or that is otherwise in the possession of Defendant.

9. Plaintiff objects to each RFP to the extent that it is vague, ambiguous, and/or incapable of reasonable ascertainment. Without waiver of its objections, Plaintiff has made reasonable interpretations of the meanings of such terms and will respond according to such interpretations.

10. Plaintiff objects to each RFP to the extent that it assumes facts not in evidence or misstates facts. Plaintiff's responses are not intended to and shall not constitute admissions that any of the predicate facts stated in these RFPs are true or accurate.

11. Plaintiff objects to each RFP to the extent that it is not reasonably limited in time or otherwise not limited to a time frame relevant to this litigation. To the extent that Plaintiff provides a response to requests that call for information outside the relevant time frame, Plaintiff does not waive this objection.

12. Plaintiff objects to Defendant's definition of "You" and "Your" as inclusive of information outside of Plaintiff's possession, custody, or control.

13. Plaintiff's objections are made without waiving:

- a. The right to object to the competence, relevance, materiality, or admissibility as evidence of any answer, disclosure, document, file, record,

object or information, or the subject matter thereof, in any aspect of this or any other action;

- b. The right to object at any time and upon any grounds to any other discovery requests;
- c. The right at any time and for any reason to revise, supplement, correct, add to, or clarify these responses; and,
- d. Any applicable privilege, including but not limited to the attorney-client privilege and the work-product privilege.

14. Plaintiff's investigation and discovery are ongoing and may uncover additional facts, witnesses, documents, or things that support Plaintiff's claims. Plaintiff reserves all rights to supplement its responses and to offer such additional facts, witnesses, documents, or things at hearing, in future filings, or at trial.

15. Plaintiff's responses are provided without prejudice to Plaintiff's right to produce and rely on expert testimony that addresses any of the issues addressed by these requests, including, without limitation, any expert testimony that varies from, supplements, expands on, further develops, or otherwise relates in any way to any response stated here.

SPECIFIC RESPONSES AND OBJECTIONS

A specific response may repeat a General Objection for emphasis or for some other reason. However, the omission of any General Objection is neither intended to, nor should it be construed as, a waiver of any General Objection.

REQUEST NO. 1: Documents relating to Your organization's advocacy for the voting rights of African Americans and other voters of color in Miami as alleged in Paragraph 9 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request as overbroad and not reasonably limited in time. Subject to and without waiving the foregoing and its General Objections, Plaintiff will produce documents sufficient to show that it has engaged in advocacy for the voting rights of African Americans and other voters of color in Miami during the last three years.

REQUEST NO. 2: Documents relating to Your organization's mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination as alleged in Paragraph 9 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request as overbroad and not reasonably limited in time. Subject to and without waiving the foregoing and its General Objections, Plaintiff will produce documents sufficient to demonstrate that its mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination.

REQUEST NO. 3: Documents demonstrating that Your members reside in all five districts of the Enjoined Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent that it calls for specific information about Plaintiff's members, which is protected from disclosure by the First Amendment absent a compelling need for the information. *NAACP v. Alabama*, 357 U.S. 449, 460 (1958). Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will submit a declaration and/or provide testimony at the appropriate stage of this litigation verifying that it has members who reside in all five districts of the Enjoined Plan.

REQUEST NO. 4: Documents demonstrating that Your members reside in all five districts of the Enacted Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent that it calls for specific information about Plaintiff's members, which is protected from disclosure by the First Amendment absent a compelling need for the information. *NAACP v. Alabama*, 357 U.S. 449, 460 (1958). Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will submit a declaration and/or provide testimony at the appropriate stage of this litigation verifying that it has members who reside in all five districts of the Enacted Plan.

REQUEST NO. 5: Documents relating to the proposed remedial plans P1, P2, P3, and P4 submitted in this case on behalf of Plaintiffs, including:

- a. any communications and memoranda related to the proposed remedial plans P1, P2, P3, and P4;
- b. any communications and memoranda related to the methodology used in drawing the proposed remedial plans P1, P2, P3, and P4;
- c. any communications and memoranda related to the criteria used in drawing the proposed remedial plans P1, P2, P3, and P4;
- d. any communications and memoranda regarding the use of race in drawing the proposed remedial plans P1, P2, P3, and P4; and
- e. any reports, data, databases, analyses, feedback, instructions, or GIS files related to in drawing the proposed remedial plans P1, P2, P3, and P4.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the

Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 6: Documents relating to the Enjoined Plan, including:

- a. any communications and memoranda related to the Enjoined Plan;
- b. any communications and memoranda related to any analysis of the Enjoined Plan;
- c. any reports, data, databases, analyses, feedback, instructions, or GIS files related to the Enjoined Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 7: Documents relating to the Enacted Plan, including:

- a. any communications and memoranda related to the Enacted Plan;
- b. any communications and memoranda related to any analysis of the Enacted Plan;
- c. any reports, data, databases, analyses, feedback, instructions, or GIS files related to the Enacted Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 8: Documents related to Your allegations of harm, as alleged in Paragraph 10 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Subject to and without waiving its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 9: Documents related to any analysis of District 5 in the proposed remedial plans P1, P2, P3, and P4, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 10: Documents related to any analysis of District 5 in the Enjoined Plan, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks

information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 11: Documents related to any analysis of District 5 in the Enacted Plan, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 12: With respect to each expert that you have retained to provide expert testimony in this cause, any documents provided by you or your counsel to each such expert; any documents received by you or your counsel from such expert; any correspondence, reports, or written statements relating to the Complaint drafted by such expert, including all drafts and final versions; a current resume or CV of each such expert; any retainer agreements with each such expert; and any documents relating to compensation for each such expert's services.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by Federal Rule of Civil Procedure 26(b)(4), which expressly protects drafts of expert reports and disclosures and certain communications between Plaintiffs' counsel and Plaintiffs' experts. Specifically, Rule 26(b)(4)(C) protects communications between Plaintiffs'

counsel and each of Plaintiffs' expert witnesses except to the extent that the communications (i) relate to the expert's compensation; (ii) identify facts or data that the attorney provided and that the expert considered in forming the opinions to be expressed; or (iii) identify assumptions that the attorney provided and that the expert relied on in forming the opinions to be expressed. Plaintiff further objects to the extent this Request seeks documents outside of her possession, custody, or control. Subject to and without waiving the foregoing objections and her General Objections, Plaintiff's counsel will produce all non-privileged documents within their possession, custody, or control that are responsive to this Request.

Dated: October 19, 2023

/s/ Nicholas L.V. Warren

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** Admitted pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on October 19, 2023, the above Plaintiff's Responses to Defendant's First Set of Requests for Production was served by email on counsel for the City of Miami.

/s/ Nicholas L.V. Warren

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**PLAINTIFF SOUTH DADE BRANCH OF THE NAACP’S RESPONSES TO
DEFENDANT’S FIRST REQUEST FOR PRODUCTION**

Pursuant to Rules 26 and 34 of the Federal Rules of Civil Procedure, and the Local Rules of the U.S. District Court for the Southern District of Florida (“Local Rules”), Plaintiff South Dade Branch of the NAACP (“Plaintiff” or “South Dade NAACP”), by and through its undersigned counsel, hereby responds and objects to Defendant City of Miami’s (“Defendant” or “City”) First Request for Production of Documents (“RFPs”), dated September 19, 2023. These responses and objections are made to the best of Plaintiff’s present knowledge, information, and belief, and are provided without prejudice to Plaintiff’s right to amend, clarify, and/or supplement these responses and objections at a later time for any reason. This reservation, however, is not to be construed as an undertaking by Plaintiff of an affirmative duty to change or supplement these responses, except as otherwise required by the Federal Rules of Civil Procedure or Local Rules.

GENERAL OBJECTIONS

Plaintiff states the following General Objections to the RFPs, which are hereby incorporated and made part of each of the following specific responses.

1. Plaintiff objects to each RFP to the extent that it seeks to impose obligations greater than or inconsistent with the scope or requirements of the Federal Rules of Civil Procedure, the

Local Rules, or applicable court orders.

2. Plaintiff objects to each RFP to the extent that it calls for disclosure of information or documents that are not relevant to any party's claim or defense, not relevant to the subject matter of this action, and not reasonably calculated to lead to the discovery of admissible evidence. Plaintiff will only produce documents relevant to the subject matter of this action or reasonably calculated to lead to the discovery of admissible evidence.

3. Plaintiff objects to each RFP to the extent that (a) it is unreasonably cumulative or duplicative of information provided by Plaintiff; (b) it seeks information that is obtainable from some other source that is more convenient, less burdensome, or less expensive; or (c) the burden or expense of the proposed discovery is not proportional to the needs of this case.

4. Plaintiff objects to each RFP to the extent that it calls for the improper disclosure of Plaintiff's or any individual's confidential information. To the extent that Plaintiff provides any such information, Plaintiff will do so only subject to a protective order.

5. Plaintiff objects to each RFP to the extent that it purports to require Plaintiff to provide information that would violate any individual's privacy or associational rights protected by the U.S. Constitution or by law, contract, or public policy, or would otherwise require the disclosure of information in violation of any applicable law.

6. Plaintiff objects to each RFP to the extent that it seeks information protected from discovery by the attorney-client privilege; the work-product doctrine; the common-interest or joint-defense privileges; and/or any other applicable privilege, immunity, or protection. The inadvertent disclosure of any information subject to such privilege or protection is not intended to relinquish any privilege or protection, and shall not be deemed to be a waiver of any applicable privilege or protection. Upon Plaintiff's request, Defendant shall immediately return or destroy

any such information inadvertently disclosed.

7. Plaintiff objects to each RFP to the extent that it contains characterizations, definitions, or assumptions. Nothing contained in or absent from Plaintiff's responses or objections shall constitute, or be deemed as, an admission, concession, or agreement that Defendant's characterizations, definitions, or assumptions are correct or accurate.

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10. Plaintiff objects to each RFP to the extent that it assumes facts not in evidence or misstates facts. Plaintiff's responses are not intended to and shall not constitute admissions that any of the predicate facts stated in these RFPs are true or accurate.

11. Plaintiff objects to each RFP to the extent that it is not reasonably limited in time or otherwise not limited to a time frame relevant to this litigation. To the extent that Plaintiff provides a response to requests that call for information outside the relevant time frame, Plaintiff does not waive this objection.

12. Plaintiff objects to Defendant's definition of "You" and "Your" as inclusive of information outside of Plaintiff's possession, custody, or control.

13. Plaintiff's objections are made without waiving:

- a. The right to object to the competence, relevance, materiality, or admissibility as evidence of any answer, disclosure, document, file, record,

object or information, or the subject matter thereof, in any aspect of this or any other action;

- b. The right to object at any time and upon any grounds to any other discovery requests;
- c. The right at any time and for any reason to revise, supplement, correct, add to, or clarify these responses; and,
- d. Any applicable privilege, including but not limited to the attorney-client privilege and the work-product privilege.

14. Plaintiff's investigation and discovery are ongoing and may uncover additional facts, witnesses, documents, or things that support Plaintiff's claims. Plaintiff reserves all rights to supplement its responses and to offer such additional facts, witnesses, documents, or things at hearing, in future filings, or at trial.

15. Plaintiff's responses are provided without prejudice to Plaintiff's right to produce and rely on expert testimony that addresses any of the issues addressed by these requests, including, without limitation, any expert testimony that varies from, supplements, expands on, further develops, or otherwise relates in any way to any response stated here.

SPECIFIC RESPONSES AND OBJECTIONS

A specific response may repeat a General Objection for emphasis or for some other reason. However, the omission of any General Objection is neither intended to, nor should it be construed as, a waiver of any General Objection.

REQUEST NO. 1: Documents relating to Your organization's advocacy for the voting rights of African Americans and other voters of color in Miami as alleged in Paragraph 9 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request as overbroad and not reasonably limited in time. Subject to and without waiving the foregoing and its General Objections, Plaintiff will produce documents sufficient to show that it has engaged in advocacy for the voting rights of African Americans and other voters of color in Miami during the last three years.

REQUEST NO. 2: Documents relating to Your organization's mission to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination as alleged in Paragraph 9 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request as overbroad and not reasonably limited in time. Subject to and without waiving the foregoing and its General Objections, Plaintiff will produce documents sufficient to demonstrate that its mission is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate race-based discrimination.

REQUEST NO. 3: Documents demonstrating that Your members reside in Districts 2, 3, and 4 of the Enjoined Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent that it calls for specific information about Plaintiff's members, which is protected from disclosure by the First Amendment absent a compelling need for the information. *NAACP v. Alabama*, 357 U.S. 449, 460 (1958). Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will submit a declaration and/or provide testimony at the appropriate stage of this litigation verifying that it has members who reside in Districts 2, 3, and 4 of the Enjoined Plan.

REQUEST NO. 4: Documents demonstrating that Your members reside in Districts 2, 3, and 4 of the Enacted Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent that it calls for specific information about Plaintiff's members, which is protected from disclosure by the First Amendment absent a compelling need for the information. *NAACP v. Alabama*, 357 U.S. 449, 460 (1958). Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will submit a declaration and/or provide testimony at the appropriate stage of this litigation verifying that it has members who reside in Districts 2, 3, and 4 of the Enacted Plan.

REQUEST NO. 5: Documents relating to the proposed remedial plans P1, P2, P3, and P4 submitted in this case on behalf of Plaintiffs, including:

- a. any communications and memoranda related to the proposed remedial plans P1, P2, P3, and P4;
- b. any communications and memoranda related to the methodology used in drawing the proposed remedial plans P1, P2, P3, and P4;
- c. any communications and memoranda related to the criteria used in drawing the proposed remedial plans P1, P2, P3, and P4;
- d. any communications and memoranda regarding the use of race in drawing the proposed remedial plans P1, P2, P3, and P4; and
- e. any reports, data, databases, analyses, feedback, instructions, or GIS files related to in drawing the proposed remedial plans P1, P2, P3, and P4.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the

Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 6: Documents relating to the Enjoined Plan, including:

- a. any communications and memoranda related to the Enjoined Plan;
- b. any communications and memoranda related to any analysis of the Enjoined Plan;
- c. any reports, data, databases, analyses, feedback, instructions, or GIS files related to the Enjoined Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 7: Documents relating to the Enacted Plan, including:

- a. any communications and memoranda related to the Enacted Plan;
- b. any communications and memoranda related to any analysis of the Enacted Plan;
- c. any reports, data, databases, analyses, feedback, instructions, or GIS files related to the Enacted Plan.

OBJECTIONS AND RESPONSE: Plaintiff objects to this Request to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 8: Documents related to Your allegations of harm, as alleged in Paragraph 10 of the Supplemental Complaint.

OBJECTIONS AND RESPONSE: Subject to and without waiving its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 9: Documents related to any analysis of District 5 in the proposed remedial plans P1, P2, P3, and P4, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 10: Documents related to any analysis of District 5 in the Enjoined Plan, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks

information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 11: Documents related to any analysis of District 5 in the Enacted Plan, and compliance with Section 2 of the Voting Rights Act.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by the attorney-client privilege or attorney work product doctrine. Subject to and without waiving the foregoing objections and its General Objections, Plaintiff will produce all non-privileged documents within its possession, custody, or control that are responsive to this Request.

REQUEST NO. 12: With respect to each expert that you have retained to provide expert testimony in this cause, any documents provided by you or your counsel to each such expert; any documents received by you or your counsel from such expert; any correspondence, reports, or written statements relating to the Complaint drafted by such expert, including all drafts and final versions; a current resume or CV of each such expert; any retainer agreements with each such expert; and any documents relating to compensation for each such expert's services.

OBJECTIONS AND RESPONSE: Plaintiff objects to the extent the Request seeks information protected by Federal Rule of Civil Procedure 26(b)(4), which expressly protects drafts of expert reports and disclosures and certain communications between Plaintiffs' counsel and Plaintiffs' experts. Specifically, Rule 26(b)(4)(C) protects communications between Plaintiffs'

counsel and each of Plaintiffs' expert witnesses except to the extent that the communications (i) relate to the expert's compensation; (ii) identify facts or data that the attorney provided and that the expert considered in forming the opinions to be expressed; or (iii) identify assumptions that the attorney provided and that the expert relied on in forming the opinions to be expressed. Plaintiff further objects to the extent this Request seeks documents outside of her possession, custody, or control. Subject to and without waiving the foregoing objections and her General Objections, Plaintiff's counsel will produce all non-privileged documents within their possession, custody, or control that are responsive to this Request.

Dated: October 19, 2023

/s/ Nicholas L.V. Warren

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** Admitted pro hac vice*

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I certify that, on October 19, 2023, the above Plaintiff's Responses to Defendant's First Set of Requests for Production was served by email on counsel for the City of Miami.

/s/ Nicholas L.V. Warren