

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

JACKSONVILLE BRANCH
OF THE NAACP, *et al.*,

Plaintiffs,

Case No. 3:22-cv-493-MMH-LLL

v.

CITY OF JACKSONVILLE, *et al.*,

Defendants.

_____ /

**PLAINTIFFS' RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION FOR STAY PENDING APPEAL**

Defendants ask this Court to stay pending appeal its thorough and well-reasoned Order enjoining elections under racially gerrymandered district lines. *See* Mot. for Stay, ECF 57 (“Mot.”). In making that request, Defendants never once suggest that they are likely to succeed in their appeal. They don’t contend that the Court misunderstood any facts. Nor do they argue that the Court misapplied the law. These omissions are dispositive and fatal to Defendants’ motion. So is the absence of any argument that they will be irreparably harmed without a stay.

Defendants’ motion instead mostly retreads issues this Court has already considered and settled. They provide no new information or argument that undermines the Court’s previous conclusions that Plaintiffs will suffer irreparable harm absent an injunction and that *Purcell* does not apply to this case. Defendants’ one new argument—that the decision in *Merrill v. Milligan* may affect this case—is meritless because *Merrill* is a Voting Rights Act Section 2 case and Defendants have repeatedly

conceded that Section 2 does not justify their use of race.

BACKGROUND

On October 12, 2022, this Court granted Plaintiffs' Motion for a Preliminary Injunction (ECF 36), enjoining Defendants from holding elections for Jacksonville City Council or School Board under the lines enacted in Ordinance 2022-01-E. Order, ECF 53 ("Order"). In its thorough 139-page Order, the Court assessed the overwhelming circumstantial evidence that race predominated in the drawing of City Council Districts 2, 7, 8, 9, 10, 12, and 14 (together, the "Unconstitutional Districts"). It also examined the substantial direct evidence that councilmembers drew these districts to maintain their racial makeups, choosing to preserve the pre-existing district cores *because* they were race-based. As the Court noted, "the circumstantial evidence considered in combination with the historical evidence presents a virtually un rebutted case that the Challenged Districts exist as they do in the Enacted Plan as a result of racial gerrymandering." Order at 103. And, because Defendants made no attempt to show that the use of race in drawing the Unconstitutional Districts satisfied strict scrutiny, *id.* at 5, the Court concluded that these districts likely violated the Fourteenth Amendment as racial gerrymanders.

The Court declined to apply the *Purcell* principle for three independent reasons. First, the Court noted that it had set its schedule based on Defendants' representation "without caveat" that an interim remedy in place by December 16 would allow the Supervisor of Elections to run the March 2023 elections. *Id.* at 9. The Court explained that any attempted about-face was precluded by *Rose v. Raffensperger*, No. 22A136,

2022 WL 3568483 (U.S. Aug. 19, 2022). Order at 9–10. Second, the Court explained that even without these representations, Defendants had not justified what they sought: an unprecedented expansion of *Purcell*. Specifically, the Court noted that *Purcell* had never been applied so long before an election. *Id.* at 10–11. Third, the Court explained that Defendants had made no showing of significant harms to the concerns *Purcell* implicates. *Id.* at 10–11, 127–34.

The Court noted the irreparable and “grievous” harm Plaintiffs would face if elections were allowed to proceed using the Unconstitutional Districts. *Id.* at 134; *see also id.* at 123–25. It explained that the balance of the equities clearly weighed in favor of enjoining elections and ordering an interim remedy. *Id.* at 134.

The Court’s Order included a schedule for establishing an interim remedial map by December 16—the date provided by Defendants.¹ *Id.* at 137–39. The schedule gave the City Council nearly a month to enact an interim remedy and submit it to the Court for approval. *Id.* Defendants noticed their appeal six days after the Court’s Order, ECF 54, and the following day moved to stay the Order pending appeal, ECF 57.

Meanwhile, City Council President Terrance Freeman has established a Special Committee on Redistricting, chaired by him, to develop an interim remedy. Ex. 1. The Committee met for the first time on October 20, 2022, and has scheduled meetings for

¹ To avoid doubt: While Defendants assert that “[a]ll parties agree that, to avoid electoral disruption, a new map needs to be in place by December 16, 2022,” Mot. at 2, Plaintiffs agree only that if a map is in place by December 16, there would be no electoral disruption. Plaintiffs do not concede that a remedy put in place after that date would necessarily cause disruption. As Plaintiffs explained at the preliminary injunction hearing, recent practice suggests the Supervisor’s Office could run the elections with minimal disruption even if a remedy is put in place in the weeks after December 16. *See* ECF 50 at 9:11–13:4.

November 1, 2, and 3. Exs. 1–2. According to its public statements, the Committee plans to approve an interim remedy by November 3, for a full Council vote on the morning of November 4. *See, e.g.*, Ex. 3 at 2:1–7.

STANDARD OF REVIEW

The “burden of meeting the [Federal Rule of Civil Procedure 62(c)] standard” for a stay pending appeal “is a heavy one.” Wright & Miller, 11 Fed. Prac. & Proc. Civ. 2d § 2904. Rule 62 is governed by the same standards as Federal Rule of Appellate Procedure 8(a) and “is an ‘extraordinary remedy.’” *Fla. v. Dep’t of Health & Hum. Servs.* (“HHS”), 19 F.4th 1271, 1279 (11th Cir. 2021) (quoting *Touchston v. McDermott*, 234 F.3d 1130, 1132 (11th Cir. 2000) (en banc)).

A stay-pending-appeal request requires a court to “evaluate four factors: ‘(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies.’” *Trump v. United States*, No. 22-13005, 2022 WL 4366684, at *7 (11th Cir. Sept. 21, 2022) (quoting *Nken v. Holder*, 556 U.S. 418, 426 (2009)).

The first two factors are “the most critical.” *Nken*, 556 U.S. at 434. And while courts sometimes accept “a lesser showing of a substantial case on the merits when the balance of the [other factors] weighs heavily in favor of granting the stay,” *Garcia-Mir v. Meese*, 781 F.2d 1450, 1453 (11th Cir. 1986) (internal quotations omitted), “[i]t is not enough that the chance of success on the merits be better than negligible,” *HHS*, 19

F.4th at 1279 (quoting *Nken*, 556 U.S. at 434). The applicant must still “present a substantial case on the merits” in such circumstances. *Ruiz v. Estelle*, 650 F.2d 555, 565 (5th Cir. 1981). “Similarly, as to the second prong, it is not enough simply to ‘show[] some possibility of irreparable injury.’” *HHS*, 19 F.4th at 1279 (quoting *Nken*, 556 U.S. at 434). The third and fourth factors—the harm to the non-movant and where the public interest lies—merge where the government is a party. *Id.* at 1293.

Because a stay pending appeal is an “‘extraordinary and drastic remedy,’ [a court] may not enter one ‘unless the movant clearly establishe[s] the burden of persuasion as to each of the four prerequisites.’” *HHS*, 19 F.4th at 1279 (quoting *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc)).

ARGUMENT

I. Defendants Are Not Entitled to a Stay

Defendants cannot meet the heavy burden required for a stay pending appeal. The first two factors—the movants’ likelihood of success on appeal and any irreparable harm they face absent a stay—are “the most critical.” *Nken*, 556 U.S. at 434. Defendants make no showing on either. The third and fourth factors, meanwhile, also cut sharply against granting Defendants’ motion.

A. Defendants are not likely to succeed on the merits of their appeal

Defendants make *no argument* that they are likely to succeed on the merits of their appeal. At no point do they suggest that this Court misconstrued the facts or erred in applying the law when it concluded “the evidence that the Challenged Districts are

the product of intentional race-based decision-making is largely unrebutted and compelling.” Order at 134.

This Court’s Order makes plain why Defendants are not likely to succeed in their appeal. By Defendants’ own telling of the facts, preserving the 2011 districts was a key criterion in the 2021–22 redistricting. And, as the Court explained, “[t]he evidence . . . of what occurred in 2011, which the City has not disputed, unabashedly points to racial gerrymandering.” *Id.* at 102. Courts have repeatedly found that the unjustified perpetuation of race-based districts violates the Constitution. *See e.g., North Carolina v. Covington*, 138 S. Ct. 2548, 2553 (2018) (per curiam); *Chen v. City of Houston*, 206 F.3d 502, 518 (5th Cir. 2000); *Bethune-Hill v. Va. State Bd. of Elections*, 141 F. Supp. 3d 505, 544–45 (E.D. Va. 2015) (subsequent history omitted); *Polish Am. Cong. v. City of Chicago*, 226 F. Supp. 2d 930, 937 (N.D. Ill. 2002). This is so even when previous district cores were re-enacted without *any* reference to race. *Covington*, 138 S. Ct. at 2553. Here, the Court went further and concluded that the Council *intentionally* chose to preserve 2011 cores *because of* and not despite their racial makeup. Order at 105, 121.

The Unconstitutional Districts themselves are “bizarrely shaped,” “elongated,” “sprawling,” “odd and illogical[ly]” shaped, visually “non-compact,” and mathematically less compact than districts elsewhere in the City. *Id.* at 94–95. These shapes reflect borders between Packed and Stripped Districts that “reveal[] a pattern where every single precinct on the District 7–10 side of the line has a higher BVAP percentage than the corresponding precinct on the District 2, 12, or 14 side of the line.

Not *some* precincts along the line, not *many* precincts along the line, but *every single one*.” *Id.* at 96. All this circumstantial evidence is probative of race-based decision-making. *See, e.g., Cooper v. Harris*, 581 U.S. 285, 300–01 (2017). And, as this Court noted in its Order, “the City makes no attempt to explain the overall peculiar shapes of these Districts on the basis of compactness, contiguity, natural geography, communities of actual shared interests, or any other traditional redistricting factor.” Order at 95–96. Defendants’ latest motion, like their merits briefing, includes no attempt to explain away this evidence.

As the Court is well aware, the preceding details reflect a small fraction of the overwhelming direct and circumstantial evidence of racial predominance. As the Court explained:

Plaintiffs present powerful and, at least at this stage of the proceeding, largely un rebutted circumstantial evidence that the shape of the Challenged Districts was dictated by race. The historical record confirms that impression, and the contemporary statements of key legislators in the 2021 redistricting cycle convey an unequivocal intention to maintain the shape of these Challenged Districts not despite their racial demographics, but expressly to preserve them.

Id. at 121.

And, of course, the City has disclaimed any justification for its enactment of race-based districts in Ordinance 2022-01-E. *Id.* at 5. As a result, the only question in this case is whether race predominated in the drawing of the Unconstitutional Districts. Defendants’ motion makes no attempt to show the Court erred in concluding that it did. That failure is dispositive of their present motion.

B. Defendants will not suffer irreparable harm absent a stay

Defendants' arguments on "the second 'most critical' factor," *HHS*, 19 F.4th at 1291 (quoting *Nken*, 556 U.S. at 434)—that they will face irreparable harm absent a stay—are equally absent. At no point do Defendants affirmatively argue they will be irreparably harmed without a stay.

Had Defendants made arguments about irreparable harm, they wouldn't have gotten far because this Court correctly concluded the districts they drew are likely unconstitutional. While both the Supreme Court and the Eleventh Circuit have indicated that an injunction barring enforcement of election laws can constitute irreparable harm to the government, both courts have carved out an exception where the law is unconstitutional. In *Abbott v. Perez*, the Supreme Court explained: "*Unless that statute is unconstitutional,*" an "injunction[] barring the State from conducting . . . elections pursuant to a statute enacted by the Legislature . . . would seriously and irreparably harm the State." 138 S. Ct. 2305, 2324 (2018) (emphasis added); *see also New Ga. Project v. Raffensperger*, 976 F.3d 1278, 1283 (11th Cir. 2020) (noting irreparable harm in such a scenario "unless the statute is unconstitutional"). Put simply, where, as here, the City is enjoined from enforcing an *unconstitutional* election statute, it can claim no irreparable harm from the injunction. That makes sense: because "the city has no legitimate interest in enforcing an unconstitutional ordinance," it *cannot* be harmed by being barred from doing so. *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006); *see also Scott v. Roberts*, 612 F.3d 1279, 1297 (11th Cir. 2010).

C. A stay will harm Plaintiffs and the public interest

Defendants’ stay request isn’t supported by the third or fourth stay-pending-appeal factors either. These two factors—whether a stay will substantially injure the stay opponent and where the public interest lies—merge where the government seeks to stay an injunction against its legislative enactment. *HHS*, 19 F.4th at 1293.

These factors weigh against a stay. Defendants have conceded that elections held under unconstitutional lines cause irreparable harm. *See* Order at 123. Granting a stay now will cause that harm, not just to Plaintiffs, but to all the residents of the Unconstitutional Districts. They would be forced to live in districts unnecessarily based on racial “[c]lassifications . . . [that] ‘are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.’” *Shaw v. Reno*, 509 U.S. 630, 643 (1993) (quoting *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)); *see also Wis. Legislature v. Wis. Elections Comm’n*, 142 S. Ct. 1245, 1248 (2022) (per curiam). Their “elected representatives,” meanwhile, will receive a “pernicious” message that will make them “more likely to believe that their primary obligation is to represent only the members of [one racial] group.” *Shaw*, 509 U.S. at 648. These serious harms are “altogether antithetical to our system of representative democracy.” *Id.* Additionally, “the public . . . has no interest in enforcing an unconstitutional law,” *Scott*, 612 F.3d at 1297, and it is always in the public interest to ensure the Constitution is followed, *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1327 (11th Cir. 2019).

The harm of granting a stay now cannot be overstated: this Court issued a thorough Order detailing how Plaintiffs met their high bar of showing that the

Unconstitutional Districts violated the Fourteenth Amendment; the Court noted repeatedly that Defendants did little to rebut or otherwise challenge the evidence of constitutional violations. That decision understandably garnered significant attention among the public and in the media. To now stay that decision would have deleterious effects: it “would be harmful to the public’s perception of the election’s legitimacy” to permit the election of seven councilmembers to four-year terms under unconstitutional lines. *Id.* It would also mar the legitimacy of the Council once the victors take office: over a third of the Council would be elected from illegally drawn districts. *See Ala. Legis. Black Caucus v. Alabama* (“ALBC”), 575 U.S. 254, 283 (2015) (Scalia, J., dissenting) (“Racial gerrymandering strikes at the heart of our democratic process, undermining the electorate’s confidence in its government as representative of a cohesive body politic in which all citizens are equal before the law.”).

II. Defendants’ Other Arguments for a Stay are Meritless

Instead of showing they are entitled to a stay pending appeal using the established legal framework, Defendants advance three broad arguments. Two of the three retread arguments the Court has already considered and rejected. Each is meritless.

A. *Merrill v. Milligan* will not salvage the Unconstitutional Districts

First, Defendants suggest the Supreme Court’s forthcoming decision in *Merrill v. Milligan* might change the legal landscape governing this case. As an initial matter, this argument would have been better suited to a request for a stay of proceedings *before*

the Court rendered its Order. *See* Mot. at 6 (citing cases involving prejudgment stay requests). It has no place in the *Nken* framework that governs Defendants' motion.

More importantly, the argument is unavailing, because *Merrill* will do nothing to alter the relevant law. *Merrill* is simply not a Fourteenth Amendment racial gerrymandering case; instead, it involves a claim under Section 2 of the Voting Rights Act. 142 S. Ct. 1105 (Mem.) (2022) (“The question presented in this case is: Whether the District Courts in this case correctly found a violation of section 2 of the Voting Rights Act.”).²

Any change in Section 2 doctrine will not disturb this Court's preliminary injunction ruling, because “[t]he City does not contend that the VRA justifies the shape of the Challenged Districts or that it considered any evidence pertinent to that issue.” Order at 14 n.10. In other words, Section 2 can play *no role* in the Court's determination of whether Defendants violated the law, because Defendants have explicitly foregone any argument that their use of race was justified by Section 2. *Merrill* will have no bearing on what Defendants have explicitly asserted is their sole defense on the merits: that race did not predominate in the district-drawing. ECF 50 at 36:19–37:2. The Court, considering all “direct evidence of legislative intent” and “circumstantial evidence” of the Unconstitutional Districts' “shape[s] and demographics,” concluded that race predominated. *Cooper*, 581 U.S. at 291 (punctuation omitted). Nothing in

² The plaintiffs in *Merrill v. Caster*, consolidated with *Milligan*, pled a racial gerrymandering claim in addition to their Section 2 claim. The district court did not address that claim, *Singleton v. Merrill*, 582 F. Supp. 3d 924, 1035 (N.D. Ala. 2022) (subsequent history omitted), and it is not at issue before the Supreme Court.

Merrill can disturb that finding, because nothing in *Merrill* implicates how to assess racial predominance. At most, *Merrill* may make it *harder* to justify race-based decision making, *see, e.g.*, Br. for Appellants, *Merrill v. Milligan*, Nos. 21-1086, 21-1087 (Apr. 25, 2022), at 47–48—which would have made Defendants *less likely* to prevail had they attempted to justify their use of race at all. And, of course, the use of race must be narrowly tailored through a “*pre-enactment analysis.*” *Abbott*, 138 S. Ct. at 2335 (emphasis added). No *Merrill* outcome can turn back time in a way that justifies the Council’s line-drawing.³

In fact, the Supreme Court had no issue striking down a racial gerrymander in *Wisconsin Legislature v. Wisconsin Elections Commission*, 142 S. Ct. 1245 (2022) (per curiam), shortly after it granted *certiorari* in *Merrill*. The Court thus declined to follow exactly the procedure that Defendants now advocate. The Court did hold in abeyance *Ardoin v. Robinson*, a ruling on which Defendants rely in seeking a stay. *See* Mot. at 5–6. Critically, however, *Ardoin* is a *Section 2* case presenting nearly identical issues to *Merrill*. Unlike *Wisconsin Legislature*—and unlike this litigation—*Ardoin* is *not* a racial gerrymandering case. Lower courts, too, have had no qualms allowing racial gerrymandering claims to proceed. *See, e.g.*, Docket, *S.C. State Conf. of NAACP v.*

³ Sporadic references to core retention don’t change *Merrill*’s irrelevance to this case. Those references pertain exclusively to plaintiffs’ obligations under the first *Gingles* prong. They are wholly unrelated to the assessment of racial predominance. Moreover, nothing in *Merrill* suggests that core retention can insulate race-based districts from the need to satisfy strict scrutiny. And, in any event, this Court concluded that cores were retained *because* of race, meaning that core retention was simply a stalking horse for race-based line-drawing in the Unconstitutional Districts. *See, e.g.*, Order at 105 (“[I]t is the historical evidence together with Plaintiffs’ other direct and circumstantial evidence that makes a strong showing that the City Council in 2022 reenacted the 2011 lines not despite their racial components but specifically to maintain them.”).

Alexander, No. 3:21-cv-03302 (D.S.C.) (racial gerrymandering claim with recently concluded trial); Docket, *Finn v. Cobb Cnty. Bd. of Elections & Registration*, No. 1:22-cv-02300 (N.D. Ga.) (racial gerrymandering claim entering discovery).

B. Past constitutional violations do not justify new constitutional violations

Second, Defendants focus on a question this Court already answered: whether the City's *past* constitutional violations preclude the Court from enjoining the *new* irreparable constitutional violations enacted in Ordinance 2022-01-E. This Court explained in great detail why barring relief now would be inappropriate, Order at 129–30, and Defendants make no new arguments to call that analysis into question. Instead, although they concede that elections held under racially gerrymandered lines irreparably harm Plaintiffs, Defendants ask the Court to make Plaintiffs suffer that harm yet again. Their support for that request is to point out that the City has racially gerrymandered in the past and gotten away with it. Mot. at 7. That's an astonishing position for a government to take and does not support a stay.

C. *Purcell* does not support a stay

Finally, Defendants' invocation of *Purcell* fares no better than their other arguments. In its Order, the Court discussed three independent reasons why *Purcell* does not apply to this case. First, Defendants repeatedly informed the Court that an interim remedy in place by December 16 would allow the elections to proceed without significant disruption. As the Court recounted, the Court set its schedule based on this representation, and the Defendants agreed to it "without caveat." Order at 9. Second, there is no precedent for *Purcell* precluding relief so far before an election. *Id.* at 10

(“The City has not identified a single case where the Eleventh Circuit or the Supreme Court has applied *Purcell* under similar timeframes.”). Finally, Defendants made no showing that relief now would be so disruptive as to warrant expanding *Purcell*.⁴ *Id.* at 11 (“[T]he risk of voter confusion or harm to the election process from changes to the district maps at this time is slight.”).

Rather than attempt to refute these findings, Defendants try to expand *Purcell* in a *different* way: to encompass the Council’s preferred timeline for remedying its own constitutional violations. But *Purcell* is about election administration and avoiding voter confusion. *See, e.g., League of Women Voters of Fla., Inc. v. Fla. Sec’y of State*, 32 F.4th 1363, 1371 (11th Cir. 2022). Defendants do not point to a single case in which a court understood *Purcell* to bar relief because a legislature wanted more time to comply with its order.⁵ To the contrary: the Supreme Court has been clear that if a legislature

⁴ With Defendants again confirming that the Supervisor’s Office will be able to run elections with a remedy in place by December 16, Mot. at 2, and after the Court’s conclusion that Florida law does not require candidates to submit district-specific petition signatures in a “year of apportionment,” Order at 127 n.69, Defendants’ motion establishes that their sole election-administration *Purcell* concern is the City Charter’s durational residency requirement for candidates, Mot. at 9.

Previously, Defendants complained that this anti-carpetbagging provision would preclude would-be candidates from running in certain districts because they could not know where to move by July 2022 in order to establish residency in a not-yet-drawn district. ECF 41 at 31. They now appear to argue the exact opposite: that new maps present a problem because they would for some reason “effectively negate this requirement,” thus somehow harming voters. Mot. at 9. In any event, as Plaintiffs noted in oral argument, many states have such requirements. ECF 50 at 73:11–21. If Defendants’ invocation of this provision were enough to preclude relief, *Purcell* would prevent the federal courts from curing constitutional violations across the country. And it amounts to an argument in this case that the City is entitled to a free pass to hold an election (to four-year terms) under unconstitutional lines: the July 14th date is 114 days from when the Council enacted the Unconstitutional Districts. There is virtually no set of circumstances in which a preliminary injunction motion and interim remedial process could be completed in that timeframe—certainly not with the multi-months-long remedial process that Defendants insist is necessary.

⁵ Such a rule would lead to absurd results. It would allow a legislature to avoid remedying constitutional violations by doing exactly what Defendants attempt to do here—manufacture a *Purcell*

is unable or unwilling to pass an interim remedy, a court should step in and do so. *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978).

Defendants try to evade this principle and shoehorn legislative convenience into the *Purcell* doctrine by suggesting, without explanation, that a Court-approved interim remedy may “threaten to undermine voter confidence.” Mot. at 9. First, it’s dubious *Purcell* reaches so far: *Purcell* and its progeny discuss voter confidence in the specific context of avoiding voter *confusion* (because voter confusion and election administration chaos can undermine confidence in the election). See, e.g., *Democratic Nat’l Comm. v. Wis. State Legislature*, 141 S. Ct. 28, 30 (2020) (Gorsuch, J., concurring) (discussing impact on voter confidence of voter *confusion* from changes to election administration mechanics); *id.* at 31 (Kavanaugh, J. concurring) (same); *New Ga. Project*, 976 F.3d at 1284 (voter confusion from late change in absentee balloting rules might undermine confidence). This Court has already held that Defendants haven’t shown any substantial risk of voter confusion. Order at 11.

But to the extent that voter confidence in the legitimacy of a legislative mapmaking process is indeed a *Purcell* issue, that weighs *against* a stay.⁶ This Court

problem by insisting that the time it needs to pass an interim remedy is just long enough to eclipse an election deadline, such that election administration would be thrown into disarray. To the extent there exists any scenario in which such a gambit might be appropriate, the legislature would presumably need to do more than simply assert, without evidence, that it needs several months to comply with a court order.

⁶ It is especially galling that Defendants now complain that about a “compressed schedule that will limit [the Council’s] ability to receive and respond to public input.” Mot. at 9. The Council had every opportunity to meaningfully engage the public in its ordinary process, but instead treated public comment as a box-checking exercise. If non-responsiveness to public input should doom a map, the Enacted Plan would be the first to go. In this Court’s words: “[D]espite . . . public outcry, neither the

methodically explained how the Unconstitutional Districts illegally prioritized race above other considerations, with the effect of “confin[ing] the voice of Black voters.” Order at 122. To grant a stay would be to allow the election to proceed under unconstitutionally “racially segregated” districts, *id.* at 98, permitting a “grievous constitutional harm to the voters of Jacksonville” in the form of “representation premised on impermissible racial classifications for four more years,” *id.* at 134. It is hard to imagine anything more damaging to voter confidence than *granting* Defendants’ request despite those findings and allowing this segregation to continue for another four years. *Cf. ALBC*, 575 U.S. at 283 (Scalia, J., dissenting) (“Racial gerrymandering . . . undermin[es] the electorate’s confidence”); *Shaw*, 509 U.S. at 647–48 (noting harm from unnecessary race-based districting includes message sent to voters and elected officials); *Democratic Exec. Comm. of Fla.*, 915 F.3d at 1327 (public knowledge of unfair voting practice “would be harmful to the public’s perception of the election’s legitimacy.”).

III. The Court gave Defendants ample time to enact an interim remedy

The Court gave the Council twenty-eight days to fix its error. Contrary to

Rules Committee nor the City Council made *any* attempt to address or alleviate their concerns. On the record before the Court, it appears that as to the Challenged Districts, no adjustments, great or small, were even proposed, much less adopted, to unify communities, reduce BVAP percentages, or increase compactness.” Order at 111; *see also id.* at 109 n.63 (noting similar concerns raised in 2011).

In any event, the redistricting process laid out by Council President Freeman affords opportunities for in-person public input at four Redistricting Committee meetings, two City Council meetings, and one special town hall “map chat,” plus written input that can be sent to a dedicated email address, which will be collected and shared with councilmembers before each redistricting meeting. Arguably, President Freeman’s plan already rivals the opportunities for public input in the monthslong 2021–22 process.

Defendants’ intimations, that is a more than “reasonable opportunity” to enact an interim remedy. *Wise*, 437 U.S. at 540. The time allotted is generous relative to the timeframes other courts have given legislatures to remedy violations, including in statewide plans.⁷

Moreover, to the extent the Council sincerely⁸ believes twenty-eight days is insufficient time, that is a problem of the Council’s own making. First and most importantly, the Council would not be in this position if it had not violated the Constitution—something Plaintiffs and others warned about during the redistricting process. Councilmembers could have avoided an interim remedial process altogether if they had complied with the Constitution during their seven-month ordinary process.

⁷ See, e.g., *Harris v. McCrory*, 159 F. Supp. 3d 600, 627 (M.D.N.C. 2016) (internal punctuation and citations omitted), *aff’d sub nom. Cooper v. Harris*, 137 S. Ct. 1455 (2017) (fourteen days); *Singleton*, 582 F. Supp. 3d at 937 (fourteen days), *probable jurisdiction noted and stay granted on other grounds sub nom. Merrill v. Milligan*, 142 S. Ct. 879 (2022); *Larios v. Cox*, 300 F. Supp. 2d 1320, 1356 (N.D. Ga.), *aff’d*, 542 U.S. 947 (2004) (twenty days); *Calvin v. Jefferson Cnty. Bd. of Comm’rs*, 172 F. Supp. 3d 1292, 1326 (N.D. Fla. 2016) (sixteen days); *Vieth v. Pennsylvania*, 195 F. Supp. 2d 672, 679 (M.D. Pa. 2002) (twenty-one days); *Johnson v. Mortham*, 926 F. Supp. 1460, 1494 (N.D. Fla. 1996) (thirty-five days, but legislature passed plan in fifteen); *United States v. Osceola Cnty.*, 474 F. Supp. 2d 1254, 1254 (M.D. Fla. 2006) (thirty-five days, but legislature passed plan in twenty-six).

⁸ It appears councilmembers themselves are not worried the Council has too little time to comply with the Court’s order; their public statements do not reflect the City’s litigation posture on that point. Council President Freeman has unequivocally stated that a map will be passed by November 4th. See, e.g., Ex. 3 at 2:1–7 (“This Committee will meet the Court’s established timeline, pass a new map on November 3rd, and then go to the council on November 4th for a full vote. . . . This Committee is prepared to accomplish the task.”); *id.* at 21:23–22:1 (Vice Chair Diamond: “[W]e’re gonna follow the law and when we are done I am so confident that we are going to come up with a map that will pass constitutional muster. And one that represents this City.”); Ex. 2 at 1 (“Mr. Freeman described the committee charge and committed to developing a new redistricting plan by November 3rd for consideration by the City Council on November 4th.”); *id.* at 3 (“Council Member Diamond said the Council is bound to follow the law and produce new districts in a very short time frame and he is very confident that a good map will be created and presented to the court in a timely manner.”). Notably, the redistricting consultant assisting the Council has been retained since July. See Andrew Pantazi, Twitter (Oct. 21, 2022), <https://twitter.com/apantazi/status/1583492174913544193>.

Second, the Council has been on notice of the potential need to craft an interim remedy since May (if not sooner). And since early February, Plaintiffs have repeatedly offered to provide functional analyses to inform the constitutionally appropriate use of race in an interim remedy. Nothing prevented the Council from preparing for the eventuality of a time-sensitive remedial process. Third, the Council's schedule hardly reflects Defendants' litigation posture that passing an interim remedy is near impossible: the Council's new Redistricting Committee first convened more than a week after the Court's Order, won't convene again for almost two weeks after that, and has scheduled a total of five-and-a-half hours of meetings. Ex. 1. Against this backdrop—ignoring clear and accurate warnings that Ordinance 2022-01-E was unconstitutional, failing to prepare for the Court's eventual Order, and dawdling in complying with that Order—the Council now insists that the timeframe in the Court's Order is unreasonable, that drawing an interim remedy is too hard, and that it must be allowed to enforce its unconstitutional districting plan. The Court should reject those claims. If the Council faces difficulty in remedying the constitutional violation, that difficulty is manufactured and self-inflicted.

CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Defendants' Motion for a Stay Pending Appeal.

Respectfully submitted this 25th day of October, 2022,

/s/ Daniel J. Hessel

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NOTICE

TO: **Redistricting Special Committee Members**
Honorable Council Member Aaron Bowman, Co-Vice Chair
Honorable Council Member Rory Diamond, Co-Vice Chair
Honorable Council Member Nick Howland
Honorable Council Member Sam Newby
Honorable Council Member Ju’Coby Pittman
Honorable Council Member Randy White

FROM: Honorable Council President Terrance Freeman, Chair

RE: Notice Special Committee on Redistricting Meetings

Notice is hereby given that the **Special Committee on Redistricting** will meet on **the dates and times noted below in the Council Chamber**, located on the 1st floor, City Hall - St. James Building, 117 W. Duval Street, Jacksonville, FL 32202. The purpose of these meetings will be to address redistricting as noted in the Charge Memo dated October 18, 2022.

Date:	Time:
Thursday, October 20, 2022	11:00 a.m. – 12:00 p.m.
Tuesday, November 1, 2022	12:00 p.m. – 1:30 p.m.
Wednesday, November 2, 2022	12:00 p.m. – 1:30 p.m.
Thursday, November 3, 2022	12:00 p.m. – 1:30 p.m.

All interested parties are invited to attend. For general meeting information or questions please contact the Legislative Services Division at (904) 255-5122.

ADA Accommodation Notice:

Pursuant to the American with Disabilities Act, accommodations for persons with disabilities are available upon request. Please allow 1-2 business days' notification to process; last-minute requests will be accepted but may not be possible to fulfill. Please contact Disabled Services Division at: V (904) 255-5466, TTY (904) 255-5476, or email your request to KaraT@coj.net.

Noticed on: October 18, 2022, at 4:55 p.m. pursuant to 15.103 (c), *Ordinance Code*.

TF/mgl

cc: Council Members and Staff
Margaret “Peggy” Sidman, Director/Council Secretary
Merriane Lahmeur, Chief, Legislative Services Division
Yvonne Mitchell, Chief, Administrative Services Division
Jeff Clements, Chief, Research Division
CITYC@COJ.NET
Electronic Notice Kiosk – 1st Floor City Hall
Public Notice System – City Council Web Page
Media Box
File Copy



**OFFICE OF THE CITY COUNCIL
RESEARCH DIVISION**

117 WEST DUVAL STREET, SUITE 425
4TH FLOOR, CITY HALL
JACKSONVILLE, FLORIDA 32202
904-255-5137

SPECIAL COMMITTEE ON REDISTRICTING

Meeting minutes

**October 20, 2022
11:00 a.m.**

Location: City Council Chamber

In attendance: Council Members Terrance Freeman (Chair), Aaron Bowman, Rory Diamond, Nick Howland, Sam Newby, Ju’Coby Pittman, Randy White

Also: Council Members Reggie Gaffney, Matt Carlucci, Ron Salem, Michael Boylan; Mary Margaret Giannini, Helen Roberson, Paige Johnston – Office of General Counsel; Merriane Lahmeur, Sharonda Davis - Legislative Services Division; Jeff Clements – Council Research Division; Steve Cassada – Public Information Division; Kim Taylor – Council Auditor’s Office; Bill Killingsworth – Planning and Development Department

Meeting Convened: 11:03 a.m.

President Freeman convened the meeting and the attendees introduced themselves for the record. Mr. Freeman described the committee charge and committed to developing a new redistricting plan by November 3rd for consideration by the City Council on November 4th. He said that openness and transparency in the process are paramount. There will be an email box for public input, and public comment will be accepted at every meeting. On November 3rd there will be a “map chat” event at City Hall for public review and discussion of the proposed redistricting plan.

Mary Margaret Giannini of the Office of General Counsel described the federal court order mandating the creation of new districts and the role that race may play in that process. The OGC has obtained an outside demographics expert in redistricting and voting rights (Douglas Johnson, President of National Demographics Corporation in Glendale, California) who has worked with many states, municipalities, school boards, and other districting entities. He will help the Planning and Development Department develop map proposals and will be in Jacksonville for future meetings to answer questions from the special committee. Ms. Giannini said that legal considerations for the special committee include: 1) complying with the requirements of the City Charter and Ordinance Code, and state and federal law

regarding nearly equal population, contiguous and compact districts, and adequately representing the varied interests of the community. The redistricting process may not simply start from the 2011 districts.

On October 25th placeholder legislation to adopt a new redistricting plan will be introduced into the City Council so that it can be properly passed by the court's November 8th deadline. It won't contain any maps but will be the vehicle to get the legislative process started, with a specific map being added later in the process. Public comment on redistricting will be allowed at all meetings. The special committee will then meet on November 1, 2 and 3. Draft maps will be submitted by staff at the November 1st meeting for committee consideration on the 2nd and 3rd and a recommendation to full Council for action at a special council meeting on November 4th. The public comment email box is available at 2022redistricting@coj.net. Those emails will be compiled by Office of General Counsel staff and provided to the subcommittee and the full City Council for their information before voting. The full council will receive and vote on the subcommittee report on November 4th at a Special Council meeting and the General Counsel's office will transmit the resulting adopted plan to the federal court by the November 8th deadline.

Council Member Bowman asked about how the creation of new districts and the City's appeal of the federal court ruling interact. Ms. Giannini said the appeals process, which is being handled for the City by outside legal counsel, will very likely extend beyond the November 8th deadline so the Council needs to comply with the judge's order by creating new districts. A request to stay the judge's order has been filed with the federal district court and, if not granted, would be appealed to the 11th Circuit Court. Mr. Bowman said that the multiple moving pieces could be very problematic if the stay request and a subsequent appeal are not settled by December when the Supervisor of Elections has to start preparing for the spring elections coming up in March and May, 2023.

Council Member Diamond asked Ms. Giannini to confirm his brief summary of the current state of affairs. Currently only one map exists, the one passed by Council in the spring, which has been ruled unconstitutional by a federal district court judge who ordered the City Council to craft and submit a new redistricting plan. A stay of that order has been requested by the City and if that stay is granted then it's possible the Council could use the existing map for the 2023 elections. If Council wins its appeal of the judge's initial ruling that the plan is unconstitutional, then a full-blown trial over the plan's constitutionality could occur. The City and the plaintiffs who filed suit against the plan could agree to a new map and ask the court to approve it. The Council could approve a new map and ask the federal judge to approve its constitutionality. Any map that is approved will very likely look different from what we have now. Ms. Giannini agreed with that summation of the various possibilities for how the proceedings could play out.

Council Member White asked if the expert consultant would be getting his information to craft a new plan from the Planning and Development Department. Ms. Giannini said he would, along with voter registration and election information from the Supervisor of Elections.

Council Member Gaffney asked if the consultant would be meeting individually with council members to talk to them about their districts. Ms. Giannini said Mr. Johnson will be in Jacksonville beginning October 31st and the Council President will decide what interaction between the consultant and individual council members is appropriate. Mr. Gaffney said that council members can provide valuable background information and context on the districts.

Council Member Pittman asked for information on Mr. Johnson's qualifications and previous experience with redistricting plans and court challenges, including the results of the legal proceedings in which he has been involved. Ms. Giannini said she will provide the committee members with his background information.

Council Member Salem asked about the placeholder legislation to be introduced next week and whether it will need to be acted on as an emergency. Paige Johnston of the Office of General Counsel said the ordinance will contain boilerplate adoption language, to be amended later. It will be introduced on October 25th, advertised for a public hearing at the November 4th special council meeting, and will be acted on as a one-cycle emergency. The public may address the redistricting effort during the Public Comment period at the October 25th meeting on which the bill will be introduced.

Council Member Boylan asked about impact on School Board districts and the School Board's role in crafting any new districts. Ms. Giannini deferred to Council President Freeman as to how they may have input. Mr. Freeman said he's been in contact with the School Board in an advisory capacity to let them know what's happening with regard to the court order. School Board members are welcome to attend the special committee meetings and have input into the process.

Council Member Carlucci said he doesn't support appealing the federal court ruling. There are 9 safely partisan districts now and 5 competitive districts. He understands the complexity of the redistricting process having once chaired the Redistricting Committee in a previous term and believes that the current districts were drawn for partisan purposes. He hopes that future districts will be drawn on a more competitive basis to better reflect the full diversity of the community. He recommends more compactness, better reflection of diverse communities, and less partisanship. The community is trending in that direction and the district-making process should follow the community's example.

Council Member Bowman said the redistricting maps belong to the City Council and not the attorneys, so who council members talk to during the process is up to the Council President, not the attorneys. Ms. Giannini said that she her earlier comment was not meant to imply that council members could not talk to the consultant.

Council Member Diamond said the Council is bound to follow the law and produce new districts in a very short time frame and he is very confident that a good map will be created and presented to the court in a timely manner.

President Freeman reiterated that the public will have multiple opportunities to comment and provide input to the deliberations either in person or via email throughout the process.

Public Comment

Carnell Oliver said the City Council doesn't control the process because the seats belong to the public. The public should be in charge. Council members shouldn't be trying to manipulate and control the system for partisan purposes.

Mike Ludwick of the Northside Coalition said the most important tool in democracy is the citizens' right to vote which gives them the power to choose their representatives and make government work for them. Please listen to the voice of the people and stop trying to control the system.

Mr. Freeman thanked the members of the special committee for being willing to take on this challenge. He noted that the Council currently has a record 7 Black members and has elected Black presidents in back-to-back terms.

Meeting adjourned: 11:49 a.m.

Minutes: Jeff Clements, Research Division
jeffc@coj.net 904-255-5137

10.20.22 Posted 5:00 p.m.

1 Councilman Freeman: All right, good morning and welcome to
2 our Special Committee on Redistricting. Today's Thursday, October 20th. Let the time reflect
3 that it is 11:00 a.m. and we will begin this with just introductions from our left.

4 Jeff Clements: Jeff Clements, Council Research.

5 Paige Johnston: Paige Johnston, Office of General Counsel.

6 Kim Taylor: Kim Taylor, Council Auditor.

7 Councilman Howland: Nick Howland, City Council at Large,
8 Group 3.

9 Councilman Newby: Good morning, Sam Newby, Jacksonville
10 City Council, Group 5, at Large.

11 Councilman Bowman: Hello, Aaron Bowman, City Council,
12 District 3.

13 Councilman Freeman: Good morning, Terrance Freeman, at
14 Large, Group 1.

15 Councilman Diamond: Good morning, Rory Diamond, District 13.

16 Councilwoman Pittman: Good morning, Ju' Coby Pittman, District
17 8.

18 Councilman White: Randy White, District 12.

19 Councilman Gaffney: Good morning, Reggie Gaffney, District 7,
20 visiting.

21 Councilman Freeman: Thank you all for coming. I wanted to
22 open up with a few remarks just for those in the audience and those watching so that you'll get
23 an understanding of just the direction we're gonna go in. The charge of this Committee is to

1 complete new maps and we will do so. This Committee will meet the Court's established
2 timeline and pass a new map on November 3rd, and then go to the council on November 4th for
3 a full vote.

4 My first duty in this process as Council President was to structure and name a
5 Committee that could meet the short deadline provided by the District Court and I chose to lead
6 this Committee in getting the map drawn in this period. This Committee is prepared to
7 accomplish the task. It is diverse, bipartisan, and experienced. It has three Council presidents, a
8 former chair of the Redistricting Committee, an attorney, district Council Members
9 representing, and at large Council Members representing, and a variety of perspectives to get
10 this job done. That I am confident of.

11 We will meet today, set the charge as established by the judge's timeline and
12 look forward to seeing a new draft map at our next meeting for potential edit and review. I am
13 also committed to this process being as transparent and as open as possible. We will have a
14 dedicated email address and a website so that the public can submit their comments and ideas
15 throughout this process. While there is no legal requirement to do so, every Committee meeting
16 will have a designated time for public comment.

17 After this Committee has completed its work, we will host a Map Chat Town
18 Hall in City Hall the evening of November 3rd and that will be before our Special Council
19 meeting's final vote on November 4th. So, including the council meeting on November 4th,
20 this will give the community six times to speak publicly in addition to the technology methods
21 that were provided by the City. And now I will ask for our legal team to come forward and give
22 us criteria and consideration. Introductions also.

23 Mary Margaret Giannini:

Thank you.

1 Councilman Freeman: You're recognized.

2 Mary Margaret Giannini: Thank you, Council President. I'm Mary
3 Margaret Giannini from the Office of General Counsel for the City of Jacksonville. Thank you
4 for giving us the opportunity to meet with the Special Redistricting Committee. The reason
5 we're here, as the Council President has shared with you all, is to respond to the federal court
6 order of October 12th, 2022 that has commanded in part that the City Council enact and file
7 with the Court an interim remedial plan for use in all City Council and School Board elections
8 to be held final judgment in the legal matter of NAACP et al v. City of Jacksonville.

9 The Court further ordered that any interim remedial plan the City enacts must
10 not use race as a predominant factor in the design of any district unless that use of race is
11 narrowly tailored to comply with a constitutionally permissible compelling government
12 interest.

13 We're also here because as Council President Freeman has indicated, he has
14 created you all as a Special Redistricting Committee and has given you a charge as he has
15 already articulated this morning and also detailed in his October 18th, 2022 memo, that this
16 Committee deliberate and then select a map to present to the full Council for then filing with
17 the federal district court. So as you proceed in your work, what are the legal considerations that
18 you need to put into how you look at these new lines? The Court's primary concern, as
19 articulated in its October 12th order, was that the maps that were passed in March of 2022
20 violated the 14th Amendment of the United States Constitution by using race as the
21 predominant purpose for the lines contained therein without a showing that a compelling
22 government purpose supported that use of race and that race was used in a narrowly tailored
23 manner.

1 So how would you now proceed in the work that you've been charged to do to
2 address the Court's concerns? The first thing I want to share with you is that the Office of
3 General Counsel has retained, as a litigation expert, an individual who is expert in
4 demographics and redistricting who will assist you all in crafting the interim remedial plans to
5 be submitted to the Court. His name is Douglas Johnson. He is the president of National
6 Demographics Corporation, which is based out of Glendale, California.

7 Doug's role will be, by using all relevant and legally appropriate sets of data, to
8 work with the staff of the City Planning and Development Department to craft a variety of
9 maps for your review and consideration. He will also be physically present here in Jacksonville
10 for your deliberations, for your special Committee meetings, so that he can respond to your
11 questions and incorporate your feedback into the map-drafting process. So what are the legal
12 requirements that you need to consider as you are drafting these new maps? In some regards,
13 there is a great deal of similarity to what you did in the previous process. You need to do your
14 best to comply with the Charter's guidance in Section 502, as well as that detailed in Section
15 18.101 of the Ordinance Code, as well as complying with state and federal law.

16 At its most fundamental pieces, that requires that you ensure that every district
17 contains nearly equal population, that those districts are arranged in a logical and compact
18 geographic pattern, that—and it's a little redundant at this point, but it's important to say
19 again—that the lines comply with all federal and state constitutions as well as laws; and that
20 you all seek to ensure that the residents of Jacksonville and their varied economic, social and
21 ethnic interests and objectives are adequately represented in the Council.

22 What you can't do in this process is start with the premise that the 2011 lines are
23 okay and merely tinker around the edges. Rather, you need to be engaged in a wholesale review

1 of the City districts and particularly those that were challenged in the underlying litigation and
2 deemed constitutionally infirm by the Court. So Council President Freeman has laid out the
3 timeline and I want to flesh out just a few things that he has shared with you all.

4 First, next Tuesday, October 25th, at the full Council meeting, a placeholder
5 legislation will be submitted so that when you get to the November 4th Special Council
6 Meeting, the timing requirements of legislation are satisfied so placeholder legislation will be
7 introduced next Tuesday. I want to be very clear that that placeholder legislation is not going to
8 contain any maps in it so it is going to have gaps, but it is there so that you can proceed in due
9 course to get eventually to the Court's November 8th deadline.

10 Also at that City Council meeting, there will be an opportunity for the public to
11 be heard about the process thus far and the process moving forward. You all will then engage in
12 your work, meeting as Council President Freeman has already indicated, on November 1st, 2nd
13 and 3rd. On November 1st, Douglas Johnson will be here. He will present to you a variety of
14 maps for your consideration and will provide explanation as to the configuration of those maps
15 and the different goals those maps are seeking to achieve. You will continue your deliberations
16 on the 2nd and the 3rd where again, with assistance from the expert you will review, evaluate
17 and deliberate regarding those draft maps, with the ultimate goal of submitting a map to the full
18 Council for review on November 4th, 2022.

19 Throughout this process, including the October 25th meeting, the public will
20 have an opportunity, as appropriate and time permitting, to provide feedback. As Council
21 President Freeman has also indicated, an email account has been created to provide
22 Jacksonville's citizens an alternative method to provide feedback as to their concerns regarding
23 the March 2022 map as well as their hopes, desires regarding this ongoing process. That email

1 account's address is as follows: 2022redistricting at C-O-J dot net, so the number 2022,
2 followed by the word redistricting at C-O-J dot net.

3 If that address is not yet operative, it should be operative by the end of the day
4 but I'm pretty sure it is already operative. The emails received from the citizenry will be
5 compiled by staff from the Office of General Counsel and, at the October 25th meeting and at
6 the beginning of each meeting of the Special Subcommittee, that feedback will be provided to
7 the subcommittee in a compiled manner so that as you engage in your deliberations, you are
8 informed as to the public's interest, especially those who are not able to make those meetings,
9 the public meetings.

10 Again, at the City Council special meeting scheduled for November 4th, any
11 final comments that have been received to that email address will also be shared to you all and
12 to the Council as a whole. Likewise, as Council President Freeman has indicated, there will be
13 a Map Chat Town Hall scheduled for the evening of Thursday, November 4th, again providing
14 the public an opportunity to provide you and the rest of your colleagues on the Council
15 feedback as to their desires for representation and the allegation of lines in the new district
16 map.

17 Councilman Freeman: And that's November 3rd. Thursday,
18 November 3rd.

19 Mary Margaret Giannini: Thursday, November 3rd, yes.

20 Mary Margaret Giannini: So on November 4th, the full Council will
21 be represented with your work; and then based on the Council's result, staff in the Office of
22 General Counsel as well as other staff members throughout the City will take the appropriate
23 action to ensure that a passed map is submitted to the Court by the November 8th deadline. So

1 I've briefly outlined for you why we're here, what the Court's legal concerns were, what legal
2 considerations you need to take into account as you engage in this process, the timeline
3 associated with it, and the role of the public input. I'm now absolutely open to questions
4 through the Council President.

5 Councilman Freeman: And thank you for that and so we will open
6 this up for any questions from those. Let the record reflect that Councilmember Carlucci has
7 joined us as well as Council Vice President Salem has joined us as well. For those attending,
8 we will open up and allow for public comment at the completion of this as well. So I have a
9 queue up. We'll start with Councilman Bowman. You're recognized.

10 Councilman Bowman: Thank you, Mr. President. Thank you for
11 putting this together in such a timely manner. I do have a process question for counsel.
12 Obviously, it's no secret that we've given you guidance to appeal this court decision and so
13 what I'm trying to understand is process-wise—and we also agree that it's prudent to create
14 new maps just in case that appeal doesn't work—so help me understand the process of us doing
15 these new maps and then voting on them but not giving up the work that we did previously,
16 should that appeal come back in our favor.

17 Mary Margaret Giannini: Through the chair to Councilman
18 Bowman, thank you for that question. There is nothing inconsistent about preserving our
19 appellate rights and proceeding on appeal while also making every effort to comply with the
20 Court's order. And so, the appeals process is such that there's a good chance that the timing
21 associated with appeals process may extend beyond the Court's November 8th deadline. Which
22 means that we need to do our best—not just do our best, comply with the Court's deadline—
23 while we continue to preserve our rights and advocate our rights on appeal.

1 The appellate process, which is being handled by outside counsel and that is
2 predominantly Mohammad Jazil, J-A-Z-I-L, who is an attorney at Holtzman Vogel in their
3 Tallahassee office. They are proceeding with all due speed. The notices of appeal have been
4 filed in both the district court and in appellate court. The motion to stay the district court's
5 order has been filed, which in essence asks the district court: please hold off, please don't make
6 us meet the November 8th deadline. And the district court yesterday commanded that the
7 plaintiffs respond to the City's request for a stay by October 25th, and so the federal court may
8 very well have a response to that stay request by the 28th. If that stay request is rejected, then
9 the appeals counsel will appeal directly to the 11th Circuit.

10 Because of timing, we can't project how everything is going to roll out so
11 having these dual tracks is important. If a stay is not granted then we will need to continue to
12 work on this process. If the district court or the 11th Circuit grants a stay, then it would be
13 appropriate for us to reconvene and discuss the next appropriate legal action.

14 Councilman Bowman: Okay, thank you and I think I followed you
15 in your legal explanation and I don't want to discuss hypotheticals but my fear is that we get to
16 a point that our supervisor elections have given us a hard date. We've got candidates that have
17 filed, trying to get signatures, et cetera, that there's potential that we get put in position that our
18 appeal, we don't have a decision on it, yet we've got a court order and we've got a deadline
19 coming up.

20 We don't need to discuss how that plays out now but I can tell you that's heavy
21 in my mind right now that we've got a potential explosion heading our way in December.
22 Everything we're doing. You kind of addressed my question is that kinda understanding the
23 status of the appeal, the quicker we get that in I think is best for all of us. So it sounds like

1 they're burning the midnight oil to accommodate that. Thank you.

2 Councilman Freeman: Councilman Carlucci, you're recognized.

3 Councilman Carlucci: I'm now looking at the agenda real quick,

4 Mr. Chairman. Just a quick question. There's a general comment I'd like to make at some
5 point. What would be my best time to make that comment? Is there a time towards the end of
6 the meeting that I might be better prepared to make that comment? Since I'm not on the
7 Committee, I just wanna know when I could give my take.

8 Unfortunately, the other meetings that you have put together—and I know
9 exactly why you had to put them together like that because we're under a short timeframe—but
10 I'm out-of-town on every one of those meetings so I won't be able to come. I just wanted to
11 have a time to share. Is there a time towards the end of the meeting that I'd have a chance?

12 Councilman Freeman: I'm sorry so Mr. Carlucci, Councilman
13 Carlucci, you're asking that throughout this process, at what point Council Members who are
14 not a part of the Redistricting Committee add value to the conversation?

15 Councilman Carlucci: Well, today at least because this will be my
16 only opportunity.

17 Councilman Freeman: You will not be on the 4th at that meeting
18 with us.

19 Councilman Carlucci: I sure hope I can but I don't think so.

20 We're going to be out of town from the 1st through the 7th.

21 Councilman Freeman: I got it. My goal is to try to not get ahead
22 of the process with our map drawer first rendering it and us seeing what was produced and then
23 us going from that point.

1 Councilman Carlucci: Well, I would like to talk about it prior to
2 the map drawing.

3 Councilman Freeman: Right.

4 Councilman Carlucci: Anyway, I just was wondering if I'd have a
5 chance to talk in general today before the meeting was out.

6 Councilman Freeman: Let me get back with you on that. Let me
7 reflect on that just a little bit. I don't necessarily know if that's an issue or not but I definitely
8 want to make sure that everything we do is following the process and the planning. We put a lot
9 of hours into ensuring that we are going to meet this tight deadline that the judge has ordered of
10 us and it's within a process that is open and transparent so those who are watching can
11 participate in it.

12 Councilman Carlucci: Yeah, sure, of course.

13 Councilman Freeman: So I do want to avoid any situation where
14 we're getting into some rabbit trails and we're opening up some other things.

15 Councilman Carlucci: Well, I don't intend to take us on a rabbit
16 trail, sir. I just have some thoughts that I'd like to share.

17 Councilman Freeman: Yes, sir, yes, sir, and usually thoughts will
18 bring comments and moving forward, I would like to make sure that we have the map in place
19 that when we bring those thoughts forward—and they will be heard and listened to but I'm not
20 denying that, but I definitely want to go to some of these other speakers as well and then I'm
21 going to circle back to you.

22 Councilman Carlucci: Well, if there's time for me, I would
23 appreciate it.

1 Councilman Freeman: Yes, sir. Yes, Councilman Diamond?

2 Councilman Diamond: Thank you, Council President, through the
3 president to Ms. Giannini, I like to think I'm a smart lawyer but this is some complicated stuff.
4 And there's a lot of people in Jacksonville who are probably looking at this and are confused
5 and don't really understand what's happening. So let me walk this through and tell me if I'm
6 off because I tend to use language that I can understand and I hope my neighbors can
7 understand. So right now, only one map actually exists and that's the one this Council passed,
8 right? There is no other map out there right now, right?

9 Mary Margaret Giannini: Through the chair to Councilman
10 Diamond.

11 Councilman Diamond: I don't want to overcomplicate things.

12 Mary Margaret Giannini: It's almost an existential question. I am
13 sure other maps are floating out there but in terms of where you are legally starting, the Court
14 has said the map that the Council passed in March of 2022 is unconstitutional, you must now
15 draw a new map. And thus far, this deliberative body has yet to draw anything new.

16 Councilman Diamond: I know that. Right, okay, perfect, so there's
17 this map. Judge Howard said no on that map, not constitutional, and we appealed. And now
18 that's going to the 11th Circuit in Atlanta. A couple of things could happen up there. That court
19 could say we're going to issue a stay and that stay could be long enough that the map that we
20 passed a couple of months ago is the one that we use for this next election. That's possible.

21 Mary Margaret Giannini: That is a possible scenario, yes.

22 Councilman Diamond: It's also possible that they agree with us,
23 the 11th Circuit, and that they're gonna disagree with Judge Howard's order and it'll come

1 back to Judge Howard, at which point we'd be back there, correct?

2 Mary Margaret Giannini: If the 11th Circuit were to agree with the
3 City's appeal as to the Court's injunctive order then we would be back and then would be
4 litigating this matter at the trial level.

5 Councilman Diamond: Right, so we would be having a trial,
6 essentially, and be going into a longer process where we're trying to decide if that original map
7 is constitutional in a full-blown trial with evidence and witnesses and all that stuff?

8 Mary Margaret Giannini: That is correct.

9 Councilman Diamond: I don't think a lot of people know that that
10 is what would happen if we win—out in public. I know the Council knows that. Those are
11 those two paths. Another path is at some point here, the plaintiffs who brought this lawsuit and
12 the City could come to an agreement on a map, take that map to Judge Howard and say, "Does
13 this pass constitutional muster?" And if she agrees then that would be our map, correct?

14 Mary Margaret Giannini: That could be a potential scenario as well.

15 Councilman Diamond: That's another path. And another path is
16 that we could agree with the plaintiffs and then go to Judge Howard and she says no to that one,
17 too, correct? And we'd have to write another map after that?

18 Mary Margaret Giannini: You are highlighting the many
19 contingencies that exist and complexities that exist in this process.

20 Councilman Diamond: Okay and then the final, and I'll be honest
21 what I think the most likely result, is that this Committee is going to come up with a new map
22 and eventually the City Council as a whole is going to look at that new map and then we're
23 going to pass it, the Mayor will sign it, and then it'll go to Judge Howard for her to decide

1 whether or not that map is constitutional, correct?

2 Mary Margaret Giannini: That is another most present scenario that
3 we're here to talk about today, yes.

4 Councilman Diamond: Okay and given what you said about that
5 map, and what I've already said without prejudicing our legal position at all, the most likely
6 scenario that the new map is going to be different than what we've seen here in Jacksonville
7 since around 1991. It'll look different.

8 Mary Margaret Giannini: That is a likely possibility, yes.

9 Councilman Diamond: I think people need to realize that that map
10 will be just, I don't know what when it goes into the box of all the different people who've got
11 to look at it and the math and making sure it's constitutional, we're keeping communities
12 together and doing all the right things for all the right reasons. We don't know what that map's
13 gonna look like, but it'll be a little different.

14 Mary Margaret Giannini: You are probably quite correct.

15 Councilman Diamond: And I just go through that exercise so that
16 folks listening who don't understand this process know there are so many different paths we
17 might go down. There's so many things that could happen, but eventually there will be a map.
18 There will be plenty of time for this Committee and the public to look at it and to get due
19 process right, and then there will be a vote.

20 Mary Margaret Giannini: That is the articulated plan.

21 Councilman Diamond: Perfect. Thank you.

22 Mary Margaret Giannini: Thank you.

23 Councilman Freeman: Thank you Councilman Diamond. Let the

1 record reflect that Councilmember Boylan has joined us as well. I have three in the queue.
2 Councilman White you are recognized.

3 Councilman White: Yes, sir. Through the Chair, I know you've
4 got Mr. Johnson coming into town next week. Will he get his information through Mr.
5 Killingsworth who we had before providing the information to him. Is that who we are still
6 using to do the same thing?

7 Mary Margaret Giannini: So through the Chair to Councilman
8 White, yes, working both with Mr. Killingsworth and Planning and Development as well as
9 with data that the Supervisor of Elections may have. That data is being provided to Doug
10 Johnson so he can work on the maps.

11 Councilman Freeman: Thank you. Next, for the first time
12 Councilman Gaffney.

13 Councilman Gaffney: Yes, through the Chair. I guess my
14 question –also would he reach out to the Councilmen for input? Each Council person as he
15 discusses potentially what changes he may make, meet with each Councilman for input. If
16 that's part of this equation or not?

17 Mary Margaret Giannini: Through the Chair to Councilman Gaffney,
18 let me just ask for clarification because I didn't hear all of your question. Are you asking if the
19 expert will be meeting individually with Councilmembers?

20 Councilman Gaffney: Yes.

21 Mary Margaret Giannini: We certainly can discuss with the expert
22 his ability to do that. He will not be in Jacksonville October 25th through 29th. He will be
23 arriving in Jacksonville probably on October 31st, but we can certainly discuss with him the

1 possibility of providing feedback as deemed appropriate by the Chair of this Committee,
2 Council President Freeman.

3 Councilman Gaffney: And I'll close with that I believe, 'cause
4 each Councilperson may have some institutional knowledge that can leverage their opinion to
5 him making these decisions, that I think is very important that he reach out to each district
6 person. That's why it's—those who choose to meet with him can and those who choose not to
7 don't have to. But I think that's very important through this process.

8 Mary Margaret Giannini: All right, thank you for that feedback we'll
9 definitely take it into consideration.

10 Councilman Freeman: Thank you. Councilmember Pittman,
11 you're recognized.

12 Councilwoman Pittman: To the Chair, one of my questions is just a
13 follow up to Councilman White. In terms of Mr. Johnson's experience, I know this is the first
14 time in Jacksonville that we are going through this. I'd like to know a little bit more about Mr.
15 Johnson and one, if there are other Cities that he's done this process with and what was the
16 outcome.

17 Mary Margaret Giannini: Through the Chair to Councilwoman
18 Pittman. I certainly can provide you, after this meeting, with his resume and information about
19 his website. In short order, Mr. Johnson's firm has been involved in districting and
20 redistricting, addressing Voting Rights Act and demographic analysis, community network
21 analysis, and has been serving local governments, school districts, special districts—for
22 example the Carpentier Sanitary Districts, Citrus Heights Water Districts—Community College
23 Districts, counties, and any number of municipal entities. I certainly, separate from this

1 meeting, can provide you with more detail about Mr. Johnson and his team's qualification.

2 Councilwoman Pittman: This is the first time that we're going
3 through that process, that all of us will probably need that information as well, thank you.

4 Councilman Freeman: Thank you. Finally, for that first time,
5 Council Vice President Salem, you're recognized.

6 Councilman Salem: Thank you Mr. President. Through the
7 President. I'm interested in the legislation that you talked about that's gonna be introduced
8 Tuesday night. Is that on an emergency basis? A one cycle emergency?

9 Mary Margaret Giannini: Through the Chair to Vice President
10 Salem, I would refer this question to Paige Johnston, of Office of General Counsel.

11 Councilman Salem: And while she's answering that, is the
12 status of this legislation will require a public hearing, I think I heard. Is that correct?

13 Councilman Freeman: So I believe the question to Mrs. Mary
14 Margaret was the process of this bill and legislation and you are deferring to the Office of
15 General Counsel on the City Council side, which is Mrs. Johnston and so Mrs. Johnston you
16 are recognized to answer the Council Vice President's question regarding how this plays out
17 through the Council.

18 Paige Johnston: Thank you Council President. Through the
19 Council President to Councilmember Salem, yes, as Mary Margaret had indicated there will be
20 a bill that is a placeholder bill. It will set forth adoption of the map. As Mary Margaret stated
21 the map will not be attached. However, the bill will be introduced as any bill will be introduced
22 as any other bill is introduced on October 25th. We have already prepared the title that has gone
23 to the Daily Record for advertising so that it will be properly advertised for Public Hearing at

1 the Special Council Committee on November 4th. So there will be a regular Public Hearing on
2 November 4th. Emergency action is requested. It is written as a one cycle emergency,
3 obviously, the Council has to act. Following the October 25th meeting, the next Council
4 meeting is not until November 9th. The court order directs the Council to take action by
5 November 8th.

6 Therefore, we had to create the Special Council meeting on November 4th. But
7 it will be properly noticed in the paper. There is a public hearing scheduled for the opportunity
8 for the public and, as Mary Margaret indicated, on introduction at the October 25th meeting,
9 anyone who is interested in making comments during the public comment period of the
10 meeting can also make public comments. So there will be public participation.

11 Councilman Salem: Okay, I'm now confused. Let me, you
12 mentioned there'd be a public hearing on the bill at the November 4th meeting. Tuesday night
13 October 25th, when it is introduced, public comment, anyone can talk. Is there a public hearing
14 on that bill, Tuesday night October 25th? Yes or no?

15 Paige Johnston: No.

16 Councilman Salem: Okay, thank you.

17 Councilman Freeman: Councilman Boylan, you're recognized.

18 Councilman Boylan: Thank you, Mr. President. I apologize at
19 this comment—I had an earlier meeting I couldn't be here at 11 o'clock. The impact of the
20 school board situation, obviously, there was a coat tail situation with respect to the school
21 board assignments in this process. What roll do they play in this decision making process? As
22 they were part of the Redistricting Committee's work in the past. Do they play a part in this
23 process as well?

1 Mary Margaret Giannini: Through the Chair to Councilman
2 Boylan. I will defer to the Chair of the Special Districting Committee Council President
3 Freeman in terms of how he is incorporating and including the comments, concerns, and
4 interests of school board members because you are correct, the challenged districts also include
5 school board districts.

6 Councilman Boylan: So I guess I defer that question to you, Mr.
7 President. Do you have some consideration as to how we're going to engage the school board
8 in this process?

9 Councilman Freeman: Yes, I do and currently reaching out to the
10 Chair, more so in an advisory role just to keep them abreast of the process as it's moving
11 forward. But given such tight timelines that we're dealing with, the first priority was to set in
12 motion a process that was transparent, that gave the community a schedule and a time. And I
13 knew that would be one more layer to the process had I tried to get another governing body
14 involved and engaged into it. So I'm waiting to hear back from them, but they are more than
15 welcome to attend these meetings as well.

16 Thank you, now for a second time we'll start off, Councilman Carlucci. And
17 we'll count this as a quasi-first and second for you. You're recognized.

18 Councilman Carlucci: Thank you Mr. Chair. Mr. President slash
19 Chair. I appreciate the opportunity. For the record, I just want to say this that I don't really
20 support the appeal, and it's just no offense to anybody. That's just my opinion, okay. We talk
21 about institutional knowledge. I have quite a bit on this issue and I have read quite a bit on this
22 issue over the years. Particularly the last two, three years.

23 As I see it now we have nine safe partisan districts and five have some balance

1 in terms of partisanship. I'd like to read into the record what I said in my declaration, if you
2 don't mind, just for the Committee's sake and then a few more comments and then I'll be done.
3 I voted in favor of the redistricting bill that we had. Having previously chaired a Redistricting
4 Committee, I understood the complexities of the process. I understand that. Over time, though,
5 however, I have come to believe that lines drawn in that manner were driven by partisanship. I
6 would have preferred district lines to more accurately reflect the population of Jacksonville as a
7 whole. To me, this is even more true in light of recent political division as it pertains to various
8 issues. Just my opinion.

9 Going forward, I believe future Councils should aspire to draw district lines
10 more politically adverse, less partisan, which would enhance the total representation of the
11 consolidated City of Jacksonville and hold all of us Councilmembers to greater accountability
12 to the community as a whole. In the meantime, it is my hope that we begin to change our
13 culture of representation to reflect a more nonpartisan approach and blaze a trail of more racial
14 unity. That's just what I think, that's what I believe, and what I want to contribute as 1/19th of
15 a member of this Council.

16 I'll say—I'll finish up with this. Regardless of the courts. Regardless of the
17 appeals. Regardless of what a judge might think or might not think. Different judges, different
18 opinions. Different judges are appointed by different Presidents or whoever the appointing
19 authority is. Sometimes they reflect different—forgetting all that. Just, to me, doing the right
20 thing regardless of court ruling, I believe and in my opinion, we should strive to make these
21 districts more compact, taking care of communities within those districts. But I believe we
22 absolutely must reflect a better diversity of party, thus opening up more opportunities for
23 people of all color, races, ethnicities to have a shot at winning a race. And the more people that

1 are in the safer districts, might have a more diverse district, which might help their view on
2 particular issues of the day.

3 That's what is so important to me. I believe that is the future and I think that's
4 the way that redistricting is starting to trend. And I think if we don't do that, we're letting—
5 forgetting the courts, forgetting the appeals—I think we're letting our community down. As the
6 maps begin to be drawn, again, I really would suggest that we look more highly look at these
7 districts that are safe and diversify them out. That will have an impact on other districts, but I
8 believe it can have a more positive impact on other districts.

9 And if we don't do that, I think we might be making a mistake. And so I'm just
10 trying to express my view based on my experience and I hope this Committee will take that
11 into consideration as y'all move forward. I commend you for putting the Committee together so
12 quickly and only wish I could be here for more of the meetings. But I felt I would be remiss if I
13 didn't come here this morning at the one meeting I can make. I can watch them I suppose from
14 out of town, but I can't participate unless I'm allowed to by Zoom. But I believe I'm giving you
15 the hard truth and the truth that will stand the test of time. And I encourage this Committee
16 along with those who are drawing the lines to follow my suggestions and my beliefs because I
17 believe they will stand the test of time. And anything done differently from that, I believe, we
18 will be letting not the courts down, I believe we will be letting our people down. Thank you.

19 Councilman Freeman: Thank you so much and I do want to make
20 sure I leave some time for those who came today to speak, but I definitely wanted to hear from
21 our attorney if there are any comments in regards to some of the comments that were just
22 recently made just to make sure.

23 Mary Margaret Giannini: Council President I have nothing to add to

1 what has already been provided in the discussion.

2 Councilman Freeman: Okay, all right. I just didn't know if there
3 was anything that needed to be clarified based off of the case and any comments that we might
4 have made.

5 All right, we have for a second time, Councilman Bowman.

6 Councilman Bowman: Thank you Mr. President. I'll try to bring
7 us back to the agenda. Ms. Giannini made a comment a few minutes ago to Mr. Gaffney that
8 concerned me. I just want clarification. I mean she said we'll take that into consideration and I
9 just want to understand, Mr. Chair, Mr. President that the public knows the maps are ours.
10 Maps belong to the City Council. They do not belong to the attorneys. And I know our next
11 process is talking about how we're going to draw these maps, but these maps are not being
12 drawn up by General Counsel and so I would say, and it will be up to you Mr. Chair, to Mr.
13 Gaffney's question, is that's something we've got to talk about. But it's not going to be talked
14 in the attorney's office. It's going to be talked here. Thank you.

15 Councilman Freeman: Thank you. Councilman Diamond, you are
16 recognized.

17 Councilman Diamond: I just want to—last, comment for me
18 because I know this is a short meeting, we've got public comment, but the time for flowery
19 rhetoric and all that is gone. We had an entire year of a process to make statements that we just
20 heard. The time now is to follow a court order and to follow the law. That's what we have to do
21 in a month. This is the tightest schedule I've ever seen in my entire life for redistricting. We
22 can do it because we are smart and because we work hard and I know this Committee. But
23 we're gonna follow the law and when we are done I am so confident that we are going to come

1 up with a map that will pass constitutional muster. And one that represents this City. And I am
2 unbelievably passionate that we get that done.

3 Councilman Freeman: Thank you Mr. Diamond and my
4 sentiments as well and was a reasoning for creating the timeline I did and the process that we
5 put forward. I appreciate all of my colleagues' comments. Definitely well-spoken and well
6 taken. Please trust that when you look at the process of November 1st, 2nd, and 3rd the map
7 will be presented to us and that is when we get to do our body of work and contributions to it.
8 But more importantly to the people and the citizens of Jacksonville, I just want to reiterate the
9 number of times that we will provide opportunities for public comment and for your voices to
10 be heard. And for those unable to make it in person, the measures that we have gone through
11 and to with the email address, which she said was 2022redistricting@coj.net. Where all of your
12 comments and emails and concerns will be placed in the hands of us Committee members so
13 that we can go through it thoroughly and consider it as well.

14 With that being said, Mr. Carlucci, I do want to leave 15 minutes for public
15 comment and if we get through it, there are only two cards I will circle back, but Ms. Mary
16 Margaret—

17 Mary Margaret Giannini: Council President?

18 Councilman Freeman: Yes.

19 Mary Margaret Giannini: If you will, I wanted to have an
20 opportunity to respond to Council Bowman's statement to clarify. Through the Chair to
21 Councilman Bowman. I hope that I did not suggest that the maps did not belong to the Council.
22 They absolutely do belong to the Council. I want to be sure that as your Committee engages in
23 your deliberative process we're able to talk to you about what you want to do and how you

1 want to do it. I was very concerned. I don't wanna make promises here in this room that then
2 you as a deliberative body have the final decision to make. So to the extent that it was
3 interpreted that the Office of General Counsel would be making decisions about your process,
4 that was not my intent. Of course, we will work very closely with you and your colleagues to
5 get maps to your liking.

6 Councilman Freeman: Thank you. At this time, we have two
7 public comment cards and I would like to go ahead and take those up. The first is Carnell
8 Oliver.

9 And please hold the clock until he finishes giving his name and address, so I
10 don't want you to have to rush and get it in.

11 Carnell Oliver: Yes, my name is Carnell Oliver. Address is
12 on file. I want to start off with the comments by former Chairman of the Redistricting
13 Committee Aaron Bowman. You're wrong. You have no control over the redistricting process.
14 These seats belong to the people. You were given the opportunity to address this critical issue.
15 It went to the federal courts, and this injunction came into place. You lost your seat.
16 Underlining, I can see the manipulation of certain Council Members who want to give their
17 input. You need to get out of the way, because you're going to create more flaws than anything
18 else.

19 The integrity of elections, people's right to participate in the census process, and
20 them to go out and cast their ballot for the kind of representation they want and they deserve, is
21 their responsibility. Not yours. This is not a political stunt that you need to be taking up upon
22 yourselves. These seats always and will belong to the people. I want y'all completely excused
23 from this political process and allow the people who have the intelligence and this corporation

1 that's coming in to hash this thing out. Because I know what's going to end up happening, the
2 fox is going to be guarding the hen house again.

3 And then we're end up probably going back to court. And I understand that
4 there's an appeals process right now. But it's not going to move as fast as you may want it
5 because the 11th Circuit Courts of Appeal is slammed right now. Not unless you have enough
6 capital to put up and have this case heard fast enough. But there's not enough Federal Courts of
7 Appeal judges. But right now, what I'm saying in full honesty is that y'all need to excuse
8 yourself, your input, your thoughts and everything that just transpired over there in our federal
9 courts. You've shown your true colors. You want to manipulate the system. You want to
10 control everything by political affiliation. And it should not be that way. Fair representation is
11 something that we are all given in this country and that's the problem. This good ole boy
12 system has gone completely out of hand and you're trying to keep a strong tight fist around it
13 because you see the layers of that control is breaking. I yield my time.

14 Councilman Freeman: Thank you. Next is Mr. Mike Ludwick.

15

16 Mike Ludwick: Hello everyone my name is Mike
17 Ludwick. Address is on file, and I'm a proud member of the Northside Coalition of
18 Jacksonville. Mr. Ben Frazier, our esteemed founder and president, is in hospital and asked me
19 to deliver this message to you. As you, all know the Northside Coalition of Jacksonville is a
20 civil rights organization fighting for social justice. The most important tool we have to achieve
21 that goal is participation in the electoral process. The ballot, The vote is the crown jewel of this
22 democracy. With our judicious exercise of the precious right to vote we can re-frame
23 narratives, define issues, and choose political leaders who represent our best interests. We will

1 continue to fight back against a political effort which has sought to limit the influence, clout,
2 and power of Black voters in Jacksonville.

3 Please listen to the voice of the people. Thank you.

4 Councilman Freeman: Thank you so much. I don't see any other
5 cards here and we definitely welcome those who are watching, as we move forward in our
6 meetings, in the future to please come out and express yourselves and share your concerns.

7 That will bring us to the closing remarks and I don't have much to say, other
8 than thank you to the Redistricting Committee for accepting this daunting task. We are up for
9 the challenge. I want to thank the guest Council Members who have come. And again, I love
10 Jacksonville and I love our City. It's a City that, right now, has seven African Americans sitting
11 on this Council and representing this City as a reflection of it. That speaks to it. It is a City that
12 has recently had two back-to-back Presidents that were African American. That speaks to the
13 progress that this City is making. And I believe that we're going to continue to do it. We will
14 follow this process as ordered and instructed and we will have a map by the time that is
15 requested of this body. After saying that, thank you all this meeting is adjourned. [No audio
16 00:49:27-00:49:55]

17 [49:55]



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