

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

JAMES H. GLENN, <i>et al.</i> ,	:	
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	Case No. 5:84-CV-2110-RV
	:	
JACKSON COUNTY, <i>et al.</i> ,	:	
	:	
<i>Defendants.</i>	:	
	:	

JOINT MOTION TO MODIFY JUDGMENT

Defendants JACKSON COUNTY, FLORIDA, and the INDIVIDUALLY NAMED MEMBERS OF THE JACKSON COUNTY BOARD OF COUNTY COMMISSIONERS, Plaintiffs,¹ and Proposed Plaintiff-Intervenor² the JACKSON COUNTY BRANCH OF THE NAACP (“Jackson County NAACP” or “Branch”), move to modify the Final Judgment and Amended Final Judgment in this case, dated March 24, 1986 and April 11, 1986 respectively, pursuant to Federal Rule of Civil Procedure 60(b)(6). In support of their Motion, the Parties state:

¹ The five class representatives have passed away. (*Glenn v. Jackson Cnty. Sch. Bd.*, Case No. 5:84-cv-2109-RV, Bryant Decl. ¶ 8, ECF 48-1.) A Motion to Substitute Class Representatives (ECF 67) is pending. Class counsel joins the instant Motion.

² The Branch’s Motion to Intervene (ECF 68) is pending.

BACKGROUND OF THE CASE

1. On July 27, 1984, five Black citizens of Jackson County, Florida filed this suit against the County and its five commissioners. (Compl., ECF 2.) Plaintiffs alleged that the at-large election system for the Commission then in place illegally excluded Black representation and participation, canceling out Black voting strength in violation of their rights protected by the Voting Rights Act. (*Id.* ¶ 1.)

2. On January 7, 1985, with all Parties' consent, this Court certified a class "consisting of all black residents of Jackson County who are either registered voters or eligible to register." (Order, ECF 15 at 2.)

3. On March 24, 1986, the Court entered a consent decree, enjoining the County from conducting elections on an at-large basis and ordering the County to implement the specific districting plan agreed to by the parties, including one district (District 1) with a majority of Black voters and residents. (Final J. ¶¶ 3–5, ECF 50.) The consent decree "set[] forth the mechanism and plan schedule for [County Commission] to conduct future elections for the members of the County Commission [] in accordance with the Voting Rights Act." (*Id.* ¶ 5.)

4. On the Parties' joint motion, the Court entered an Amended Final Judgment two weeks later, correcting two of the districts, because the initial consent decree the Parties submitted had inadvertently reflected a preliminary incorrect draft rather than the Parties' agreed map. (Joint Mot. to Clarify ¶ 1, Doc. 51; Am. Final

J., Doc. 52.)

5. With one minor exception, Jackson County has not altered its commission districts since the consent decree.³

THE 2021–22 REDISTRICTING

6. Article VIII, Section 1(e) of the Florida Constitution; Section 124.01, Florida Statutes; and the Fourteenth Amendment to the U.S. Constitution require Jackson County to adjust its commission district boundaries from time to time when population changes necessitate. *See, e.g., Avery v. Midland Cnty.*, 390 U.S. 474 (1968); *Brown v. Thomson*, 462 U.S. 835 (1983).

7. The 2020 U.S. Census data indicated that Jackson County has experienced significant population shifts in the past decades, resulting in substantial inequality of population between the existing five districts.

8. Census and voter registration data also indicated that the Black population and registration figures in District 1 have declined since the map was drawn in 1986, to the point where Black residents and voters are no longer a majority in District 1.

9. In 2021, the County Commission worked with the Jackson County Supervisor of Elections, Jackson County NAACP, ACLU of Florida, and other

³ At some point, a small sliver of land in Marianna with a current population of 50 was moved from District 3 and is now part of District 2.

stakeholders to adjust the district map, bringing the five districts into equal population while respecting the consent decree and the requirements of the Voting Rights Act. After multiple public workshops and meetings, and after hearing input from the Branch, the ACLU of Florida, and members of the public, the County Commission agreed to a new map for its districts.

10. This effort culminated in the County Commission's passage of a redistricting resolution on March 8, 2022, fulfilling its duty under Art. VIII, Sec. 1(e) of the Florida Constitution to "divide the county into districts of contiguous territory as nearly equal in population as practicable." A copy of Resolution 2022-14 is attached as Exhibit 1.

11. The Parties seek this Court's approval of the single-member district boundary plan as reflected in Resolution 2022-14, and seek the Court to order implementation of the new plan for the 2022 and future elections.⁴

12. The Parties are entitled to relief from this Court's Final Judgment and Amended Final Judgment pursuant to Federal Rule of Civil Procedure 60(b)(6). Rule 60(b)(6) provides that "[o]n motion and just terms, the court may relieve a party or

⁴ The first elections held under the new plan would be the 2022 primary election on August 23 and the general election on November 8. Fla. Stat. §§ 100.031, .061. The candidate qualifying period for the 2022 elections runs from June 13 to June 17. *Id.* § 99.061(2).

May 16 is the deadline to submit petitions, for candidates qualifying via the petition process rather than by paying the filing fee. *Id.* § 99.095(3).

its legal representative from a final judgment, order, or proceeding for . . . any other reason that justifies relief.”

13. Without a modification of the Final Judgment and Amended Final Judgment in this case, Jackson County will not be able to comply with its mandatory duty to maintain single-member districts of relatively equal population, as the U.S. Constitution and Florida law require.

14. In addition to bringing the Commission into compliance with the “One Person, One Vote” requirements of federal and state law, the newly adopted redistricting plan also fully complies with the Voting Rights Act and the other requirements of this Court’s Final Judgment and Amended Final Judgment. Namely, the new plan affords Black voters in Jackson County an equal opportunity to participate in the political process and elect representatives of their choice. The new plan includes a district (District 1) in which a majority of voters and residents are Black.

15. The relief the Parties request is similar to the relief granted by this Court in similar cases, including the parallel Jackson County School Board case. *See, e.g., Glenn v. Jackson Cnty. Sch. Bd.*, Case No. 5:84-CV-2109-RV (N.D. Fla. Feb. 16, 2022) (ECF 54); *Tallahassee Branch of the NAACP v. Leon Cnty.*, Case No. 4:83-CV-7480-WS (N.D. Fla. June 13, 1986) (Doc. No. 137; ECF Nos. 147, 150, 152) (orders granting motions to modify judgment).

WHEREFORE, the Parties respectfully request that the Court grant their Joint Motion to Modify Judgment and enter an order approving the single-member district boundary adjustments as reflected in Resolution 2022-14, and ordering the County Commission to implement them for the 2022 and future elections.

Respectfully submitted this 14th day of March, 2022,

/s/ Nicholas Warren

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