

The Voting Rights Act and Plaintiffs' Unity Map for Jacksonville City Council

A federal court recently granted a preliminary injunction preventing the 2022 Jacksonville City Council redistricting map from being used in future elections. The court explained that the map includes racially gerrymandered districts that violate the federal constitution.

As the City Council discusses how to create an interim remedial map, there has been public discussion about how to ensure a new map complies with the Voting Rights Act (VRA). This document gives an overview of what Section 2 of the VRA requires and how the Jacksonville Plaintiffs' Unity Map for City Council complies with it.

What does Section 2 of the Voting Rights Act require?

Section 2 of the VRA protects the rights of voters of color. In the redistricting context, Section 2 ensures that, under certain circumstances (including those in Jacksonville), there must be districts that allow minority communities to usually elect their preferred candidates. In Jacksonville, that means the City Council *cannot* adopt a map that dilutes the voting power of Black voters by failing to draw districts in which they can elect their preferred candidates.

It is important to note that the federal constitution *allows* the Council to consider and take account of race to draw districts that comply with the VRA. The problem with the old map was that the Council packed Black voters into four districts in North and West Jacksonville, using race more than was necessary or allowed by law. So, for example, District 8 was drawn to have a 70% Black population—a much higher share than is necessary to ensure Black voters can elect their preferred candidates.

Does a district need a Black population over 50% to comply with the VRA?

It does not violate Section 2 to have a district with a Black population under 50% if that does not prevent Black voters from electing candidates of their choice. The key to Section 2 compliance is **ensuring Black voters are usually able to elect their preferred candidates**. Depending on the circumstances, Black voters may be able to elect their preferred candidates in a district that combines Black voters with other voters who prefer the same candidates, even if Black voters don't comprise the majority of the district.

Take, for example, the State Senate district in Jacksonville, represented by Audrey Gibson, who has been the candidate preferred by Black voters in her races for Senate. That district has had between 41 and 43% Black voting-age population for the past decade and consistently elects the Black-preferred candidate.

How does the Unity Map compare with the Council's Unconstitutional 2021 Map?

In crafting their Unity Map, plaintiffs have analyzed past election results to confirm that Black voters will continue to have the opportunity to elect their preferred candidates under the Unity Map. To analyze whether the Unity Map complies with the VRA, we considered the results of 25 relevant elections to see how districts in the unconstitutional map and districts in the Unity Map performed for Black-preferred candidates.¹

The table below shows the number of elections (out of the 25 studied) where the Black-preferred candidate won:

District	Unconstitutional Map	Plaintiffs' Unity Map
7	25/25	25/25
8	25/25	25/25
9	25/25	25/25
10	25/25	24/25
12	1/25	19/25

The table below compares the average vote share of the Black-preferred candidates in the 25 elections studied, in both the unconstitutional map and the Unity Map:

District	Unconstitutional Map	Plaintiffs' Unity Map
7	75%	75%
8	73%	67%
9	70%	68%
10	71%	57%
12	40%	52%

This analysis indicates that Black voters will continue to have a strong ability to elect preferred candidates in Districts 7, 8, 9 and 10 under the Unity Map. Additionally, as a result of unpacking the existing racially gerrymandered districts, Black voters would have a new opportunity to elect preferred candidates in District 12.

Because the Unity Plan still allows Black voters to elect their preferred candidates in Districts 7, 8, 9 and 10, while also allowing more opportunities to elect preferred candidates in an additional district, the plan does not violate Section 2.

For more information about the Plaintiffs' Unity Map, visit www.aclufl.org/jaxmap.

¹ *These elections include twenty-five elections since 2014 in which at least one Democrat and one Republican ran, and the election resulted in a single winner. These elections are listed on the following page.*

Elections Studied in Section 2 Analysis				
Year	Election	Office	Black-Preferred Candidate	Citywide Vote (%)
2014	General	Governor	Charlie Crist	41.4
2015	First	Supervisor of Elections	Tracie Davis	45.3
		Council At-Large, Grp. 2	John Crescimbeni	52.8
		Council At-Large, Grp. 4	Juanita Powell-Williams	42.7
	General	Mayor	Alvin Brown	48.7
		Sheriff	Ken Jefferson	48.5
		Council At-Large, Grp. 1	Kimberly Daniels	44.8
		Council At-Large, Grp. 3	Tommy Hazouri	55.3
		Council At-Large, Grp. 5	Ju'Coby Pittman	48.8
2016	General	President	Hillary Clinton	47.1
		U.S. Senator	Patrick Murphy	40.0
		Clerk of Court	Paula Bartlett	46.6
2018	General	U.S. Senator	Bill Nelson	50.7
		Governor	Andrew Gillum	51.7
		Attorney General	Sean Shaw	48.0
		Chief Financial Officer	Jeremy Ring	49.1
		Comm'r of Agriculture	Nikki Fried	50.4
		Tax Collector	Mia Jones	49.3
2019	First	Council At-Large, Grp. 2	Darren Mason	43.2
		Council At-Large, Grp. 5	Chad Evan McIntyre	38.8
	General	Council At-Large, Grp. 1	Lisa King	46.2
		Council At-Large, Grp. 3	Tommy Hazouri	58.1
2020	General	President	Joe Biden	51.1
		Clerk of Court	Jimmy Midyette	48.6
2022	Spec. General	Council At-Large, Grp. 3	Tracye Polson	48.3