

NOV 19, 2013 PH-1

1170 North Federal Highway #1011
Fort Lauderdale, FL 33304
September 17, 2013

PROVIDED BY
STEVE DOLGIN

Mayor John P. "Jack" Seiler
Vice Mayor/Commissioner (District 1) Bruce G. Roberts
Commissioner (District 2) Dean J. Trantalis
Commissioner (District 3) Bobby B. DuBose
Commissioner (District 4) Romney Rogers
City Manager Lee R. Feldman
Fort Lauderdale City Hall
100 North Andrews Avenue
Fort Lauderdale, FL 33301

Gentlemen:

Having recently watched the online video of the August 20, 2013, City Commission Conference Meeting, I see that the reapportionment discussion is being continued to October. Also, I am very pleased that Mayor Seiler, at that meeting, encouraged submissions of alternative maps by the general public. Beyond being an interested and involved citizen of our great City, my other qualifications¹ for submitting alternative reapportionment maps are listed at the end of this memo (along with other endnotes).

As I listened to the guest speakers at the meeting, I heard two of them explain why they disagreed with the Reapportionment Committee's recommendation to place Sailboat Bend in a different district than Riverside Park and Tarpon River. I also heard a guest speaker explain why she believes Colee Hammock should be returned to District 2. To see if their concerns could be met while still keeping the numbers in line (or even improving the balance among the districts), I decided to try to create alternative reapportionment maps. The details of my four proposed alternatives follow (yes, there are four—but, in my defense, I provide my own supporting calculations for your convenience).

Before getting into the details, let me acknowledge the fine work of the Reapportionment Committee in painstakingly evaluating a very large number of proposed maps. Having read through the online minutes of the Committee meetings to familiarize myself with the various issues, it appears that none of my proposals are exact duplicates of any that the Committee already examined (although I can't be certain because I was unable to find online the complete details of any proposed reapportionment other than the one that was ultimately recommended to the Mayor and Commissioners). I can promise, however, that none of my proposals break a neighborhood apart, and all of them produce a closer population balance among the four districts than does the Committee's recommendation. The latter point is important because, rather than applying the "substantial equality of population" standard (generally taken to mean that the deviation between the largest and smallest districts must be less than 10%), the City's municipal code expressly adopts the stricter "as equal as is practicable" standard. Specifically, section 7.12 of our municipal code states: "After the receipt of the published information of each decennial census, the city commission shall reestablish the boundaries of the four (4) commission districts so that the districts shall be as approximately equal in population as is practicable."

My four proposals are presented below, each on a separate page.

Alternative A:

Advantages:

1. Sailboat Bend remains in the same district as Riverside Park and Tarpon River.
2. Colee Hammock is returned to District 2. Beverly Heights goes with it.
3. Flagler Village is reunited into a single district. Progresso Village is also reunited into a single district. (This proposal never breaks a neighborhood apart into more than one district.)
4. Lauderdale Beach HOA, Dolphin Isles HOA, Bal Harbour HOA, and LauderGate Isles Civic Association are moved to District 1. These neighborhoods are comprised primarily of single-family homes and have much in common with Coral Ridge.
5. The neighborhoods abutting the "Gateway intersection" of North Federal Highway and East Sunrise Boulevard (namely, Victoria Park, Lake Ridge, and "Area 18"²) remain together, facilitating their commonality of interests in the "Gateway District" as defined in the *North US 1 Urban Design Plan*. (Also, as mentioned in endnote #2, East Point Towers is applying to join the Lake Ridge neighborhood.)
6. Although Harbour Isles of Fort Lauderdale moves to District 2, the barrier island continues to be represented by three commissioners because the other harbor neighborhoods remain in District 4.
7. The statistical balance among the four commission districts is better than under the plan recommended by the Reapportionment Committee (see the table, later in this memo, which ranks the statistical balance of the various reapportionment maps).

Note that my list of moves below is applied to the district boundaries as *currently defined*, not as defined by the Reapportionment Committee's proposed map.

Alternative A	District 1	District 2	District 3	District 4
Total Population of CURRENT Districts ³	39,852	38,196	43,056	44,437
Move from D2 to D1: LauderGate Isles	+119	-119		
Move from D2 to D1: Bal Harbour	+236	-236		
Move from D4 to D2: Beverly Heights		+505		-505
Move from D4 to D2: Colee Hammock		+969		-969
Move from D4 to D2: The portion of Flagler Village not already in D2 (estimated ⁴)		+271		-271
Move from D3 to D2: The portion of Progresso Village not already in D2 (estimated ^{4,5})		+1,193	-1,193	
Move from D4 to D2: Harbour Isles of Fort Lauderdale		+1,151		-1,151
Move from D2 to D1: Lauderdale Beach HOA	+395	-395		
Move from D2 to D1: Dolphin Isles HOA	+379	-379		
Total Population of PROPOSED Districts	40,981	41,156	41,863	41,541

Alternative B:

Advantages:

1. Sailboat Bend remains in the same district as Riverside Park and Tarpon River.
2. Colee Hammock is returned to District 2. Beverly Heights goes with it. Downtown Fort Lauderdale Civic Association also moves to District 2, thus unifying the entire Las Olas corridor with the downtown.
3. Flagler Village is reunited into a single district. Progresso Village is also reunited into a single district. (This proposal never breaks a neighborhood apart into more than one district.)
4. Progresso Village moves to District 3, thus unifying the Sistrunk corridor.
5. Lauderdale Beach HOA, Dolphin Isles HOA, Bal Harbour HOA, and LauderGate Isles Civic Association are moved to District 1. These neighborhoods are comprised primarily of single-family homes and have much in common with Coral Ridge.
6. The neighborhoods abutting the "Gateway intersection" of North Federal Highway and East Sunrise Boulevard (namely, Victoria Park, Lake Ridge, and "Area 18"²) remain together, facilitating their commonality of interests in the "Gateway District" as defined in the *North US 1 Urban Design Plan*. (Also, as mentioned in endnote #2, East Point Towers is applying to join the Lake Ridge neighborhood.)
7. The statistical balance among the four commission districts is better than under the plan recommended by the Reapportionment Committee (see the table, later in this memo, which ranks the statistical balance of the various reapportionment maps). In fact, Alternative B has the best statistical balance of all the proposals described in this memo.

Note that my list of moves below is applied to the district boundaries as *currently defined*, not as defined by the Reapportionment Committee's proposed map.

Alternative B	District 1	District 2	District 3	District 4
Total Population of CURRENT Districts ³	39,852	38,196	43,056	44,437
Move from D2 to D1: LauderGate Isles	+119	-119		
Move from D2 to D1: Bal Harbour	+236	-236		
Move from D4 to D2: Beverly Heights		+505		-505
Move from D4 to D2: Colee Hammock		+969		-969
Move from D4 to D2: The portion of Flagler Village not already in D2 (estimated ⁴)		+271		-271
Move from D2 to D3: The portion of Progresso Village not already in D3 (estimated ⁴)		-1,057	+1,057	
Move from D2 to D3: City View Townhomes		-199	+199	
Move from D4 to D2: Downtown Fort Lauderdale Civic Association		+4,285		-4,285
Move from D3 to D4: Sunset Civic Association			-3,281	+3,281
Move from D3 to D4: Lauderdale West Association			-1,077	+1,077
Move from D4 to D3: Flamingo Park Civic Association			+1,207	-1,207
Move from D4 to D3: Oak River HOA			+171	-171
Move from D2 to D1: Lauderdale Beach HOA	+395	-395		
Move from D2 to D1: Dolphin Isles HOA	+379	-379		
Total Population of PROPOSED Districts	40,981	41,841	41,332	41,387

Alternative C:

Advantages:

1. Sailboat Bend remains in the same district as Riverside Park and Tarpon River.
2. Colee Hammock is returned to District 2. Beverly Heights goes with it. Downtown Fort Lauderdale Civic Association also moves to District 2, thus unifying the entire Las Olas corridor with the downtown.
3. Flagler Village is reunited into a single district. Progresso Village is also reunited into a single district. (This proposal never breaks a neighborhood apart into more than one district.)
4. Although Progresso Village moves to District 4 (along with "Area 17"), this makes it possible to leave the extreme southwest portion of the City unchanged, unlike in Alternative B.
5. Lauderdale Beach HOA, Dolphin Isles HOA, Bal Harbour HOA, and Laudergate Isles Civic Association are moved to District 1. These neighborhoods are comprised primarily of single-family homes and have much in common with Coral Ridge.
6. The neighborhoods abutting the "Gateway intersection" of North Federal Highway and East Sunrise Boulevard (namely, Victoria Park, Lake Ridge, and "Area 18"²) remain together, facilitating their commonality of interests in the "Gateway District" as defined in the *North US 1 Urban Design Plan*. (Also, as mentioned in endnote #2, East Point Towers is applying to join the Lake Ridge neighborhood.)
7. The statistical balance among the four commission districts is better than under the plan recommended by the Reapportionment Committee (see the table, later in this memo, which ranks the statistical balance of the various reapportionment maps).

Note that my list of moves below is applied to the district boundaries as *currently defined*, not as defined by the Reapportionment Committee's proposed map.

Alternative C	District 1	District 2	District 3	District 4
Total Population of CURRENT Districts ³	39,852	38,196	43,056	44,437
Move from D2 to D1: Laudergate Isles	+119	-119		
Move from D2 to D1: Bal Harbour	+236	-236		
Move from D4 to D2: Beverly Heights		+505		-505
Move from D4 to D2: Colee Hammock		+969		-969
Move from D4 to D2: The portion of Flagler Village not already in D2 (estimated ⁴)		+271		-271
Move from D2 to D4: The portion of Progresso Village currently in D2 (estimated ⁴)		-1,057		+1,057
Move from D3 to D4: The portion of Progresso Village currently in D3 (estimated ^{4,5})			-1,193	+1,193
Move from D3 to D4: "Area 17"			-244	+244
Move from D2 to D4: City View Townhomes		-199		+199
Move from D4 to D2: Downtown Fort Lauderdale Civic Association		+4,285		-4,285
Move from D2 to D1: Lauderdale Beach HOA	+395	-395		
Move from D2 to D1: Dolphin Isles HOA	+379	-379		
Total Population of PROPOSED Districts	40,981	41,841	41,619	41,100

Alternative D:

My final proposal is nearly identical to the Reapportionment Committee's recommended realignment; indeed, it is included for that very reason. Still, it has a few advantages relative to the Committee's recommendation.

Advantages:

1. Dolphin Isles HOA is moved to District 1. Dolphin Isles is comprised primarily of single-family homes and is very similar to Coral Ridge, and right across the Intracoastal from it.
2. The neighborhoods abutting the "Gateway intersection" of North Federal Highway and East Sunrise Boulevard (namely, Victoria Park, Lake Ridge, and "Area 18"²) remain together, facilitating their commonality of interests in the "Gateway District" as defined in the *North US 1 Urban Design Plan*. (Also, as mentioned in endnote #2, East Point Towers is applying to join the Lake Ridge neighborhood.)
3. The statistical balance among the four commission districts is better than under the plan recommended by the Reapportionment Committee (see the table, later in this memo, which ranks the statistical balance of the various reapportionment maps).

Note that, this time, my list of moves below is applied to the district boundaries as defined by the Reapportionment Committee's proposed map.

Alternative D	District 1	District 2	District 3	District 4
Total Population of Districts AS RECOMMENDED BY REAPPORTIONMENT COMMITTEE ⁶	40,508	41,677	41,863	41,493
Move from D1 to D2: "Area 18" ²	-301	+301		
Move from D2 to D1: Dolphin Isles HOA	+379	-379		
Total Population of PROPOSED Districts	40,586	41,599	41,863	41,493

On the next page, I rank the various reapportionment maps in order from the worst to the best statistical balance among the districts.

**Scenarios Ranked from Worst to Best Relative to Population Balance among the Districts
(according to Standard Deviation of Percentage Variances)**

Current Districts	District 1	District 2	District 3	District 4
Total Population ³	39,852	38,196	43,056	44,437
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-3.70%	-7.71%	+4.04%	+7.37%
Standard Deviation of Percentage Variances	6.00%			

Reapportionment Committee	District 1	District 2	District 3	District 4
Total Population ⁶	40,508	41,677	41,863	41,493
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-2.12%	+0.70%	+1.15%	+0.26%
Standard Deviation of Percentage Variances	1.26%			

Alternative D	District 1	District 2	District 3	District 4
Total Population	40,586	41,599	41,863	41,493
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-1.93%	+0.52%	+1.15%	+0.26%
Standard Deviation of Percentage Variances	1.16%			

Alternative C	District 1	District 2	District 3	District 4
Total Population	40,981	41,841	41,619	41,100
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	+1.10%	+0.56%	-0.69%
Standard Deviation of Percentage Variances	0.86%			

Alternative A	District 1	District 2	District 3	District 4
Total Population	40,981	41,156	41,863	41,541
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	-0.55%	+1.15%	+0.38%
Standard Deviation of Percentage Variances	0.83%			

Alternative B	District 1	District 2	District 3	District 4
Total Population	40,981	41,841	41,332	41,387
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	+1.10%	-0.13%	0.00%
Standard Deviation of Percentage Variances	0.74%			

Although I have not provided the changes in minority population percentages for the districts, it is extremely unlikely that any of my proposals would change these percentages significantly. Of course, the GIS staff can easily produce the minority percentages.

I hope that you find one of my proposals worth pursuing, and that you agree that Alternatives A, B, and C fully resolve some of the problems expressed by a few of the guest speakers at the August 20 meeting while, importantly, all of the proposals achieve a better population balance among the districts. If you have any questions about the proposals or suggestions for improving them, I would of course be very happy to meet with you and/or members of the Reapportionment Committee (or to communicate by email if more convenient for you).

Respectfully submitted,

Steve Dolgin
sadolgin@aol.com

cc: Members of Reapportionment Committee
Shannon Harmeling, LRCA
Ian Wint, GIS Manager

Attachments: Endnotes page
Maps: (1) Current Commission Districts
(2) Realignment Recommended by Reapportionment Committee
(3) Alternative A
(4) Alternative B
(5) Alternative C
(6) Alternative D

Endnotes

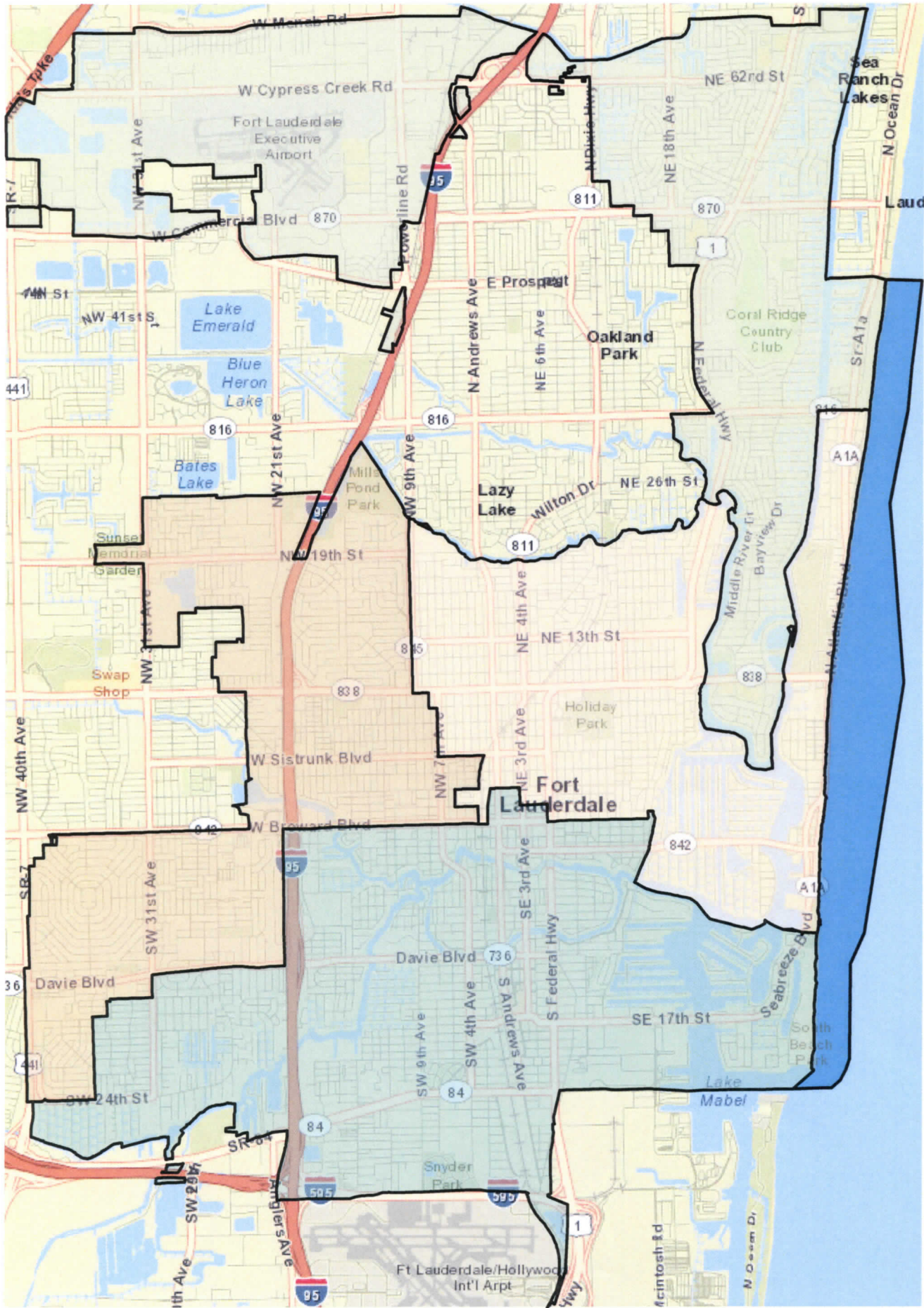
1. Steve Dolgin's qualifications:

Mr. Dolgin traces his involvement with Geographic Information Systems to the early days of PC-based GIS. He founded a consulting firm, Automated Marketing Services, Inc., which offered (among other specialties) geodemographic modeling, implementation of retail location-allocation algorithms and balancing of sales territories, optimization for field sales force deployment, Census applications, EEO studies and determination of minority hiring objectives, and design and implementation of ethnic marketing initiatives.

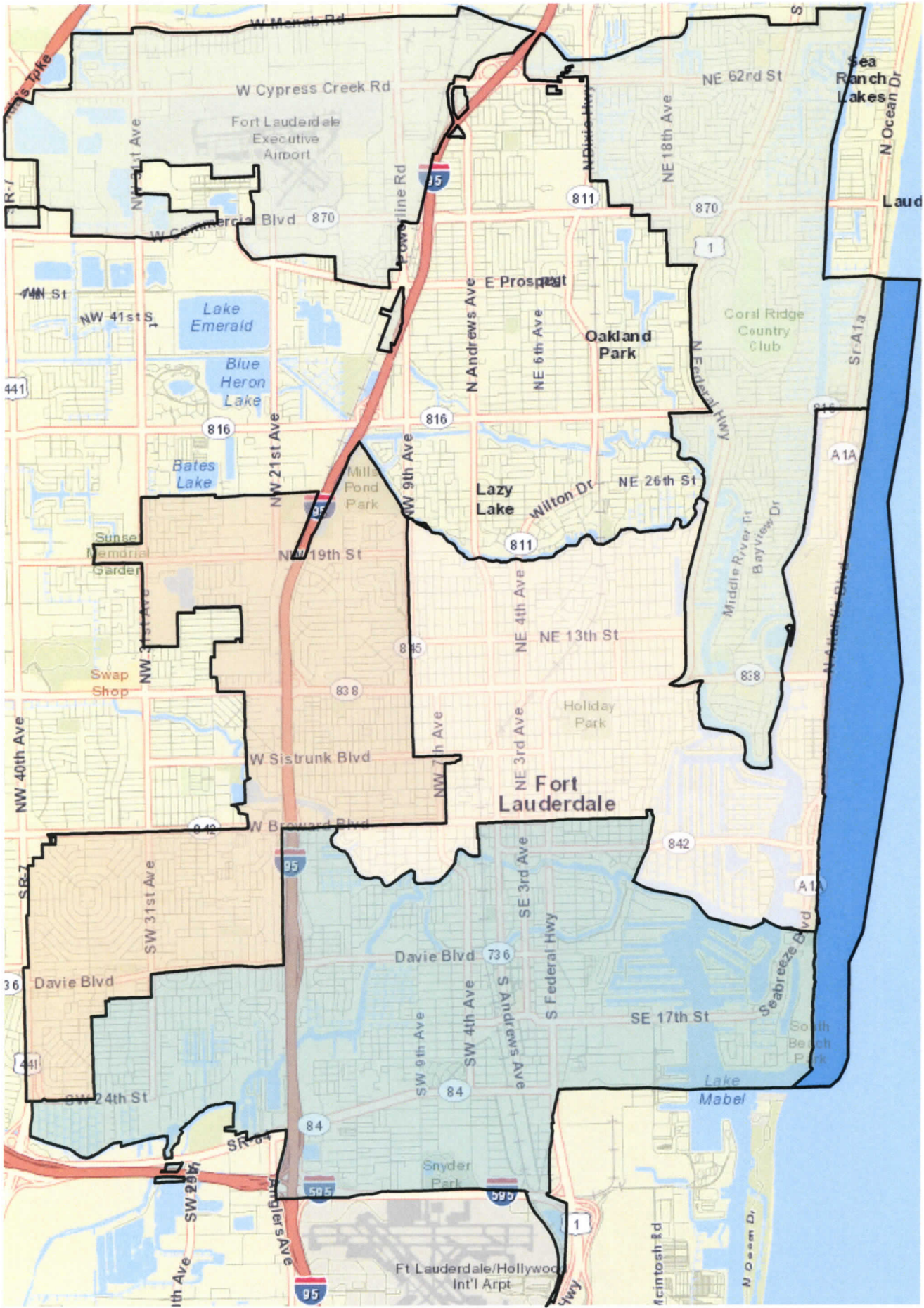
Additionally, Mr. Dolgin has many years of experience in the financial services industry, is a member of the Society of Actuaries and the American Academy of Actuaries, and has taught mathematics at the college level for 10 years. He has two degrees in mathematics (Bachelor's from Massachusetts Institute of Technology and Master's from University of California at Berkeley).

2. "Area 18" appears to be identified with Census Block 1010 of Census Tract 407.02 in the City's *Neighborhoods & Commission Districts* maps. With regard to its population of 301 in the 2010 Census, "Area 18" is for all intents and purposes East Point Towers, a 274-unit condominium that is currently in the process of applying to join the Lake Ridge neighborhood.
3. Total Population of Current Districts is taken from page 1 of the *Neighborhoods & Commission Districts* maps, prepared by the City's GIS staff and available online at: <http://fortlauderdale.legistar.com/gateway.aspx?M=F&ID=74f399f5-e5b9-48d7-8d17-378e281b1482.pdf>
4. The population figures for the moves *not* designated as "estimated" are taken directly from the *Neighborhoods & Commission Districts* maps prepared by the City's GIS staff. However, because the moves designated as "estimated" reflect geographies that are not complete neighborhoods, the populations for such moves must be calculated. For these moves, I downloaded the data for Fort Lauderdale's Census Blocks from the 2010 Census P.L. 94-171 ("Redistricting") Summary File and then manually matched, as closely as possible, the Census Blocks to the relevant portions of the *Neighborhoods & Commission Districts* maps. The Census Bureau defines boundaries for Blocks without reference to (or knowledge of) Fort Lauderdale neighborhoods, and so the correspondence can be inexact; for example, some Census Blocks span neighborhood boundaries.
5. On page 2 of the City's *Neighborhoods & Commission Districts* maps, it is stated that certain unpopulated blocks of Progresso Village were placed in D3 instead of D2 at the February meeting of the Reapportionment Committee. I place all of Progresso Village within a single district; however, if it is considered important that these blocks be in D3, they can certainly be moved there without changing the populations of the districts (because these blocks have zero population in the 2010 Census). It appears to me that the following five Census Blocks are affected: 1039, 1022, 4015, 4001, and 4000, all in Census Tract 416.
6. Total Population of Districts as proposed by the Reapportionment Committee is taken from page 2 of the *Neighborhoods & Commission Districts* maps, prepared by the City's GIS staff and available online at: <http://fortlauderdale.legistar.com/gateway.aspx?M=F&ID=74f399f5-e5b9-48d7-8d17-378e281b1482.pdf>

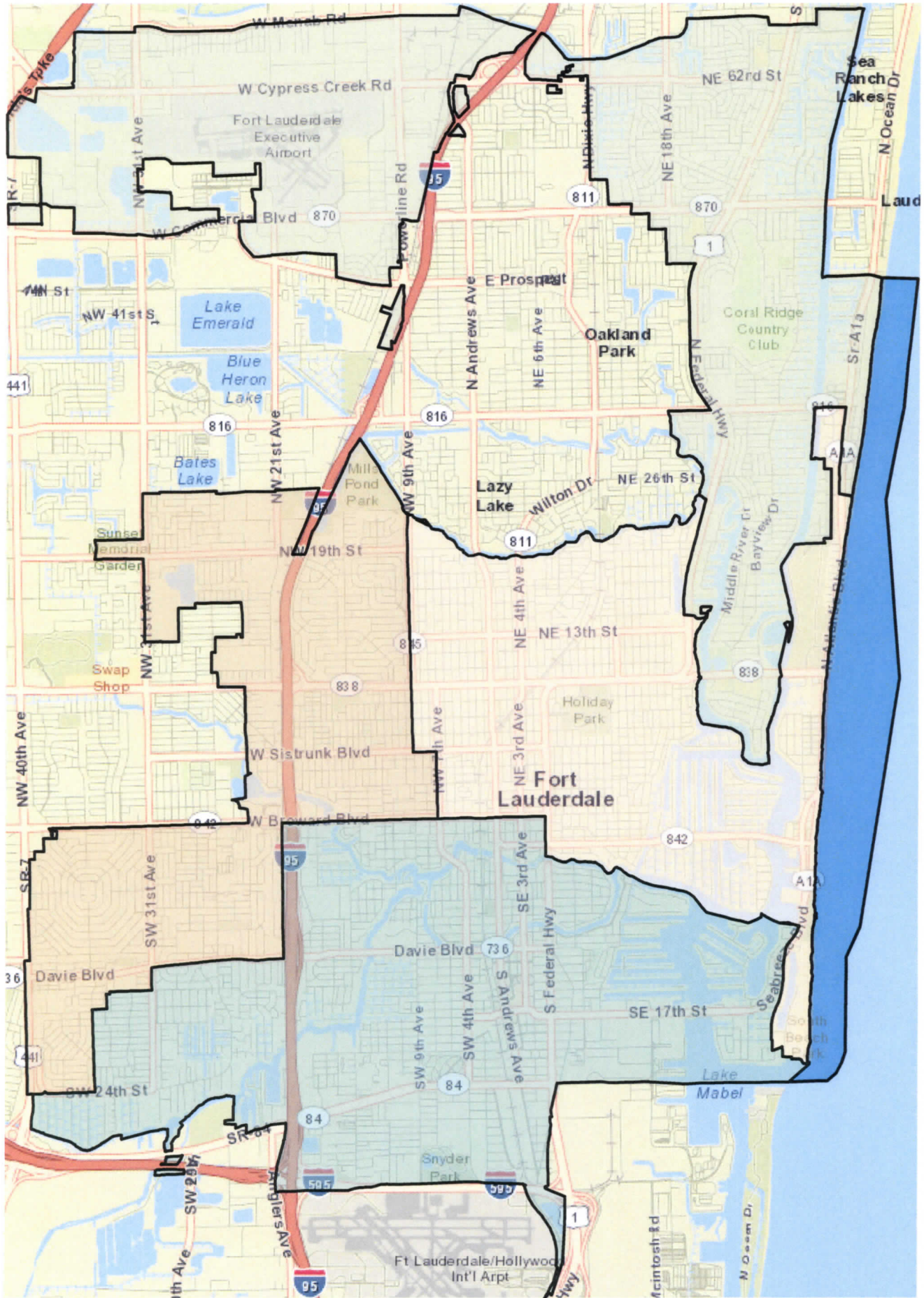
Current Commission Districts



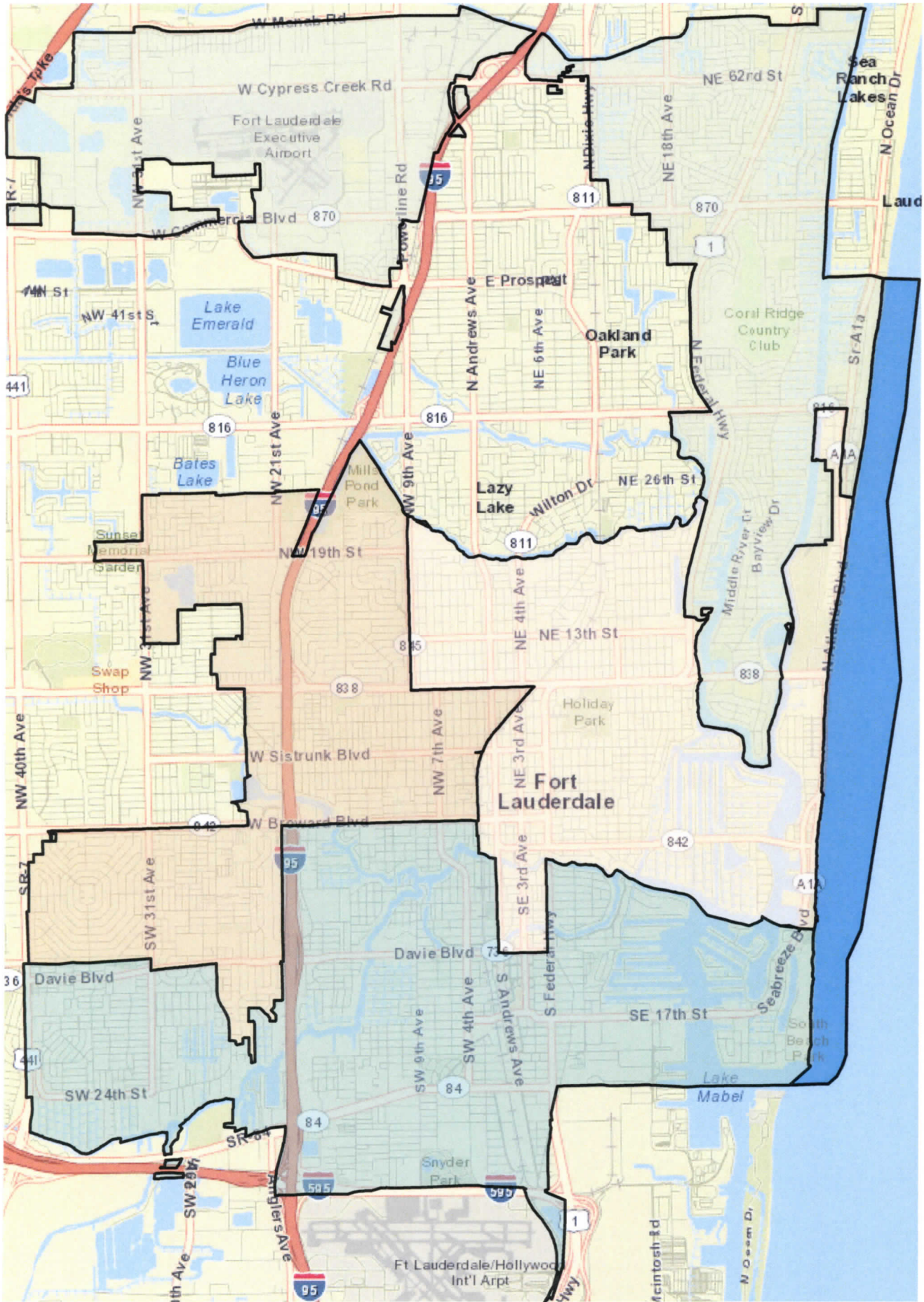
Realignment Recommended by Reapportionment Committee



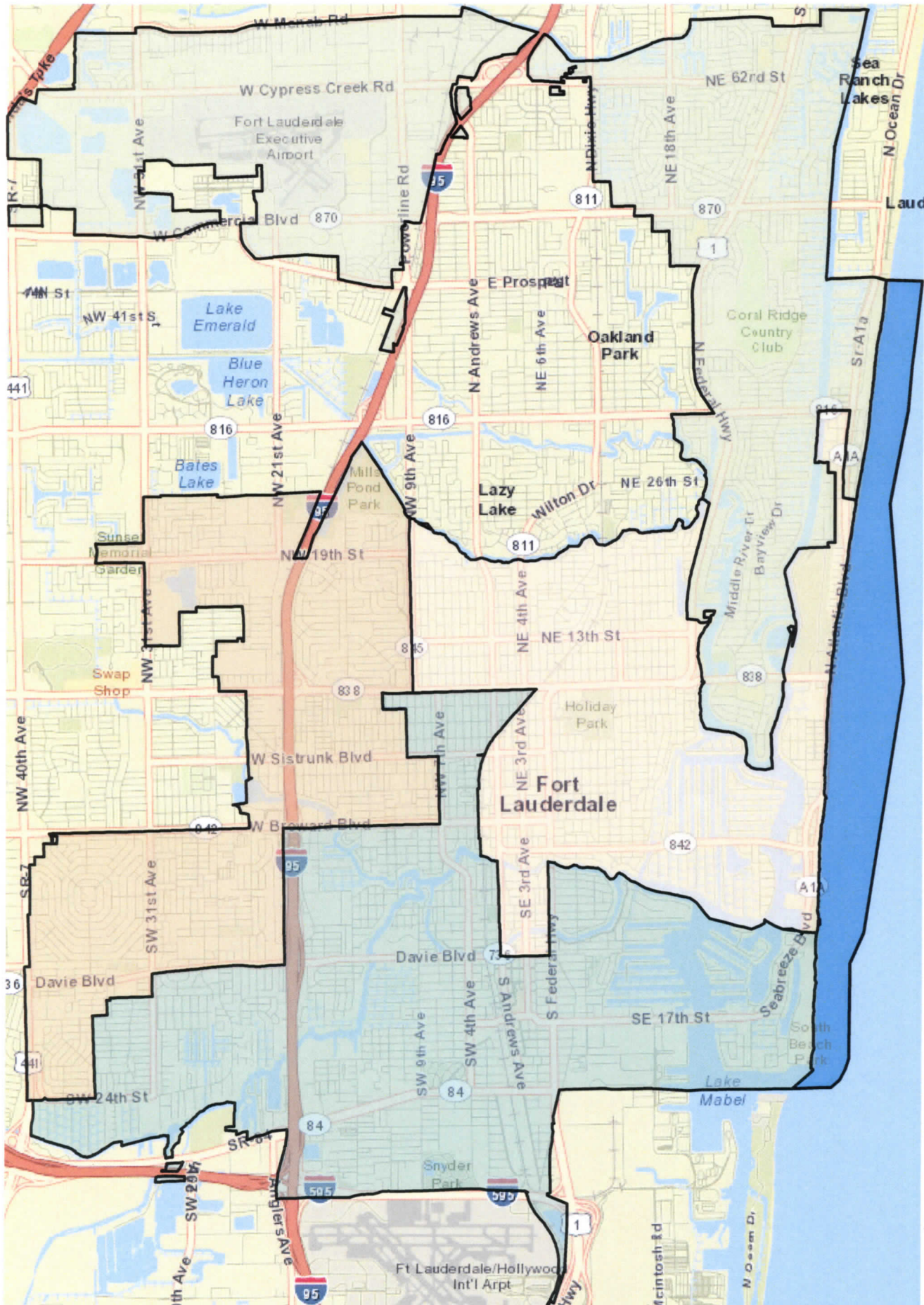
Alternative A



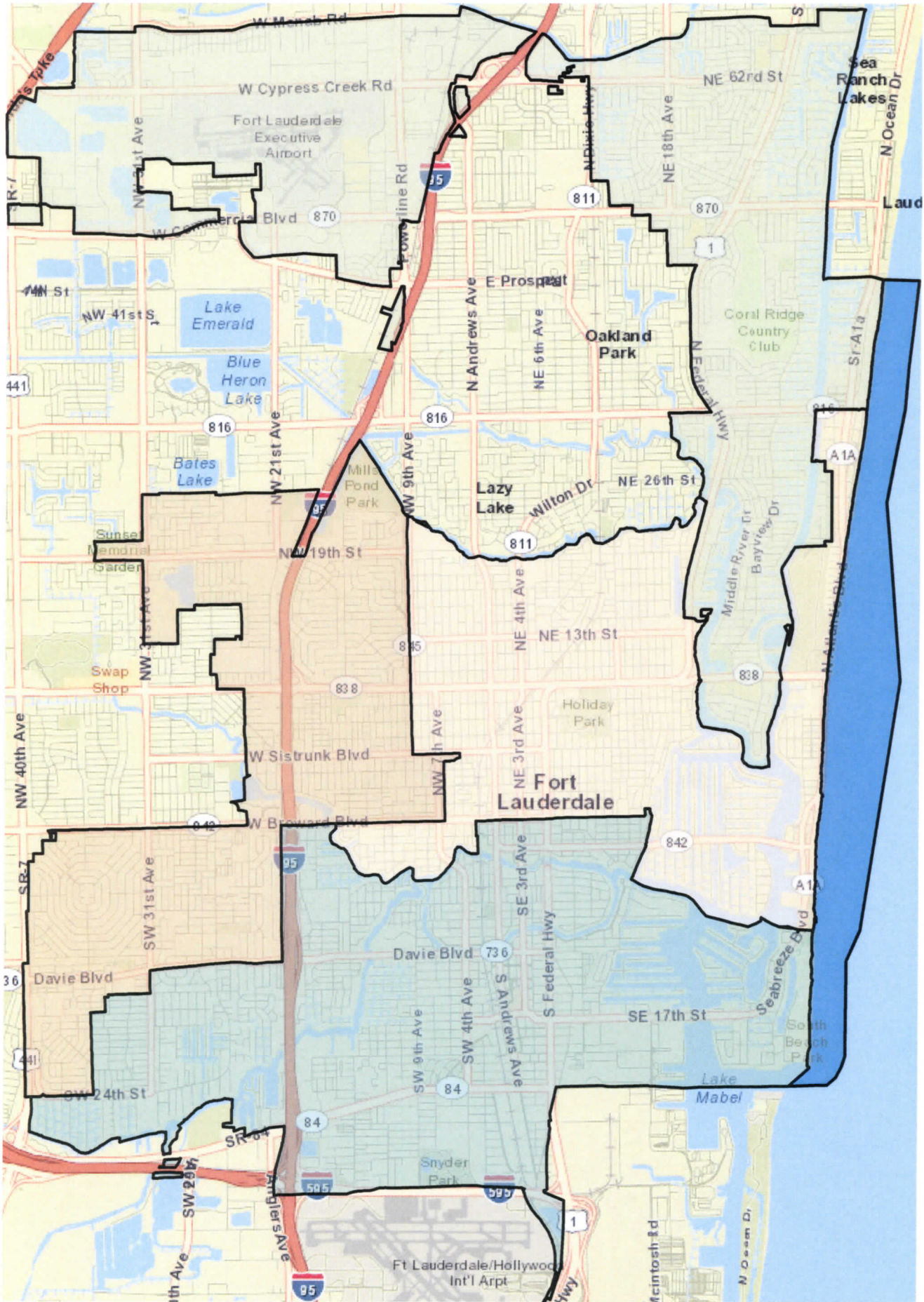
Alternative B



Alternative C



Alternative D



NOV 19, 2013

PH-1

PROVIDED BY

STEVE DOLGIN

Subj: **Legal Requirements for City Commission Redistricting**
Date: 11/14/2013 8:00:28 P.M. Eastern Standard Time
From: SADolgin@aol.com
To: jack.seiler@fortlauderdale.gov, BRoberts@fortlauderdale.gov, DTrantalis@fortlauderdale.gov, BDuBose@fortlauderdale.gov, RRogers@fortlauderdale.gov, ceverett@fortlauderdale.gov, lfeldman@fortlauderdale.gov

TO:
Mayor John P. "Jack" Seiler
Vice Mayor/Commissioner (District 1) Bruce G. Roberts
Commissioner (District 2) Dean J. Trantalis
Commissioner (District 3) Bobby B. DuBose
Commissioner (District 4) Romney Rogers
City Attorney Cynthia A. Everett
City Manager Lee R. Feldman
FROM:
Steve Dolgin

Dear Ms. Everett and Gentlemen:

I intend to speak on redistricting at the November 19 commission meeting, and have begun to flesh out some details that I had previously considered only in more general terms in my September 17 email to you. Specifically, I would like to see if we're all "on the same page" with respect to the legal requirements for redistricting.

Unlike many of you, I am not a lawyer; however, on the very specific topic of redistricting, I have done quite a lot of research over the past 22 years. The attached excerpt from Justin Levitt's *A Citizen's Guide to Redistricting: 2010 Edition*, published by the Brennan Center for Justice at New York University School of Law, may be helpful as a jumping-off point. (Levitt is a renowned expert on redistricting.)

In any case, I wanted to share with you my thoughts on this issue before the November 19 meeting, so that you may have time in advance to consider whether or not we agree on the essential legal points.

There has been a lot of talk about the supposed sufficiency of having a maximum population deviation of less than 10% between the largest and the smallest districts. Indeed, some claim (I am not among them, as explained below) that redistricting would not have been necessary in the first place if we had been within this 10% limit using 2010 Census numbers. This "10% concept" is related to the "substantial equality of population" standard, highlighted in red in the Levitt excerpt, which is the weaker of the two common standards for "equal" district populations. The stronger standard is highlighted in green in the Levitt excerpt.

The strong standard arises from Article 1, Section 2, of the US Constitution, and the weak standard arises from the equal protection clause of the 14th amendment to the US Constitution. The US Supreme Court has decided that US Congressional districting is to be held to the stricter standard whereas, in several decisions, SCOTUS has decided that the weaker standard applies to state and local districting *as far as the US Constitution (only) is concerned and when nothing in the state/local governing documents dictates otherwise.*

The SCOTUS decisions that are normally cited in this regard all deal with jurisdictions whose governing documents contain language that prevents them from coming close to meeting the "one person, one vote" principle. For example, in *Brown v. Thomson*, Wyoming's state constitution dictates that, for its state legislature, each county is its own district, and each district (i.e., county) must have at least one representative. But because some Wyoming counties are very sparsely populated, a county that "should" have, say, 0.05 of a representative based on proportionality of population must instead receive 1 representative—making it impossible to get even close to "one person, one vote." (Here, the vote of a resident of this sparsely populated county would be worth 20 times as much as the vote of an average resident—i.e., 1 divided by 0.05.) SCOTUS held, therefore, in Wyoming's favor.

However, Fort Lauderdale (as well as the State of Florida, after the passage of the 2010 amendments) has no such language in its governing documents. *On the contrary, Fort Lauderdale in its City Charter (and Florida in its Constitution as amended in 2010) expressly adopts the stricter standard ("as approximately equal in population as is practicable")—i.e., the standard shaded in green in the Levitt excerpt.* There are no SCOTUS decisions that I'm aware of that apply in such a case. Nor am I aware of any case law in general that holds that our City Charter's language ("as approximately equal in population as is practicable") means anything other than exactly what it says.

Thus, I believe that, given the choice (for example) between two "practicable" redistricting proposals—i.e., where both proposals satisfy all of the applicable criteria insofar as the districts are contiguous and compact, the Voting Rights Act is not violated, and no neighborhood is split—then the City *must* choose the proposal that results in the more-nearly-equal district populations. In other words, *as approximately equal in population as is practicable.*

To my knowledge, of all the proposals that have been presented so far, the one with the closest-to-equal district populations is "Alternative B" from my September 17 email. Therefore, it appears to me that it is the one that the City must choose. Additional benefits, of course, are that it is the choice which will be seen by the voters as the only *objective* choice (because nearness to equality in district populations is the only *truly objective* metric in redistricting), and it satisfies more of the stated goals of the Reapportionment Committee than do other proposals.

Respectfully submitted,

Steve Dolgin

VI. WHERE SHOULD THE LINES BE DRAWN?

The people who draw district lines cannot simply divide a state up however they wish. To some extent, the federal Constitution and federal statutes limit where the lines can be drawn. In most states, the state constitution also imposes certain limits. And even when there are few legal limits, those with the pen use certain principles to guide where the lines should be drawn, each of which has its own tradeoffs. We next discuss the criteria that states must and may consider when redrawing their districts.

EQUAL POPULATION

For much of the 18th, 19th, and even 20th centuries, most legislative districts were made up of whole towns or counties, or groups of counties.¹¹⁴ As the population shifted, however, some counties grew much larger than others – and accordingly, some legislative districts grew much larger than others. By the 1960s, for example, the biggest district in California (Los Angeles County) had 422 times as many people as the smallest district.¹¹⁵

In some cases, each district – each county – would be assigned a different number of legislative representatives, depending roughly on its population. In other cases, each district elected only one legislator. The population disparities quickly became extreme – and in the bigger districts, each individual vote was worth less. In California's state senate, for example, each district elected one Senator. And as a result, the vote of each citizen in the smallest district was worth 422 times more than the vote of each citizen in Los Angeles County.

In a series of cases starting in 1962 known as the “**one person, one vote**” cases, the Supreme Court decided this sort of disparity violated the Constitution. Now, when districts are drawn, each district's population must be roughly equal.¹¹⁶

There are two different standards for “equal” population in congressional districts and state legislative districts. In 1964, the Supreme Court set the bar for congressional districts very high, requiring equal population “as nearly as is practicable.”¹¹⁷ In practice, this means that states must make a good-faith effort to have absolute mathematical equality for each district within the state, and any differences must be specifically justified.¹¹⁸

For state legislative districts, the Supreme Court has allowed a bit more flexibility. These districts have to show only “substantial equality of population.”¹¹⁹ The Supreme Court has never said exactly how much equality is “substantial” equality. Over a series of cases, however, it has become generally accepted that the population difference between the largest and smallest state legislative districts (the “total deviation”) may not be more than 10% of the average district population.¹²⁰ This is not an absolutely hard line: in some cases, a state

States consider some or all of the following **criteria** when deciding where the lines should be drawn:

- Equal population
- Minority representation
- Contiguity
- Compactness
- Political boundaries
- Communities of interest
- Electoral outcomes

RELATED TOPICS: Measure of Population

Each congressional district's population is based on the total number of residents, including children, noncitizens, and others not eligible to vote.¹²¹

For state legislative districts, however, the law is less settled: most states count the total population, but some have proposed using voting-age population (“VAP”) or citizen voting-age population (“CVAP”).¹²²

These latter measures tend to equalize the voting power of each ballot, but leave many taxpaying residents under-represented.

Except for rare cases, **congressional districts** must have almost exactly the same population. In contrast, the biggest and smallest **state legislative districts** can generally have a population difference of up to 10%.

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Justin Levitt

Associate Professor of Law

BA, magna cum laude, Harvard College
JD/MPA, magna cum laude, Harvard Law School / Harvard Kennedy School

Background

Levitt is a national expert in constitutional law and the law of democracy, with particular focus on election administration and redistricting. He has published in the Harvard Law Review, the Yale Law and Policy Review, the Georgetown Law Journal, the William & Mary Law Review, and the peer-reviewed Election Law Journal, among others. In the spring of 2013, he served as a visiting faculty member at the Yale Law School.

Levitt has been invited to testify before committees of the U.S. Senate, the U.S. Civil Rights Commission, several state legislative bodies, and both federal and state courts. His research has been cited extensively in the media and the courts, including the U.S. Supreme Court. He also maintains the website [All About Redistricting](#), tracking the process of state and federal redistricting around the country, including litigation.

Levitt has served in various capacities for several presidential campaigns, including as the National Voter Protection Counsel in 2008, helping to run an effort ensuring that tens of millions of citizens could vote and have those votes counted. Before joining the faculty of Loyola Law School, he was counsel at the Brennan Center for Justice at NYU School of Law, for five years. He has also worked as in-house counsel to the country's largest independent voter registration and engagement operation, and at several nonprofit civil rights and civil liberties organizations.

Levitt served as a law clerk to the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the Ninth Circuit. He holds a law degree and a masters degree in public administration from Harvard University, and was an articles editor for the Harvard Law Review. He is admitted to the bar in California, New Jersey, New York, and the District of Columbia, and to the U.S. Courts of Appeal for the Ninth Circuit and Eleventh Circuit, and the U.S. District Courts in the Central District of California and Northern District of Florida.

Selected Scholarship

Articles

- *Problems of Public Purpose* (in progress)
- *Constitutional Insincerity* (in progress)
- *The Partisanship Spectrum*, __ Wm. & Mary L. Rev. __ (forthcoming 2013).
- *"Fixing That": Lines at the Polling Place*, __ J. L. Pol. __ (forthcoming 2013).
- *Section 5 As Simulacrum*, 123 Yale L. J. Online 151 (2013).
- *You're Gonna Need a Thicker Veil*, 65 Fla. L. Rev. F. (2013).
- *Democracy on the High Wire: Citizen Commission Implementation of the Voting Rights Act*, 46 U.C. Davis L. Rev. 1041 (2013).
- *The New Wave of Election Regulation: Burden without Benefit*, 6 Advance 39 (2012).
- *Resolving Election Error: The Dynamic Assessment of Materiality*, 54 Wm. & Mary L. Rev. 83 (2012) (also *edited for inclusion in Legal Workshop*, Oct. 30, 2012).
- *Election Deform: The Pursuit of Unwarranted Electoral Regulation*, 11 Election L.J. 97 (2012).
- *Fault and the Murkowski Voter: A Reply to Flanders*, 28 Alaska L. Rev. 41 (2011).
- *Weighing the Potential of Citizen Redistricting*, 44 Loyola L.A. L. Rev. 513 (2011).
- *Confronting the Impact of Citizens United*, 29 Yale L. & Pol'y Rev. 217 (2010).
- *Long Lines at the Courthouse: Pre-Election Litigation of Election Day Burdens*, 9 Election L.J. 19 (2010) (peer-reviewed).

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COURSES TAUGHT

- > Constitutional Law
- > Law of the Political Process
- > Criminal Procedure
- > The Motives of Public Actors

LINKS

- > [CV](#)
- > Blog: [All About Redistricting](#)

- [Seeing Double Voting: An Extension of the Birthday Problem](#), 7 Election L.J. 111 (2008) (co-authored with Michael P. McDonald) (peer-reviewed).

Monographs and Book Chapters

- *Novel (and Not-so-Novel) Alternatives to Legislative Redistricting*, in [America Votes! A Guide to Modern Election Law and Voting Rights](#) (Benjamin E. Griffith ed., 2d ed. 2012).
- *Redistricting and the West: The Legal Context*, in [Redistricting and Reapportionment in the West](#) (Gary F. Moncrief ed., 2011).
- [A Citizen's Guide to Redistricting](#) (2d ed., Brennan Center for Justice 2010).
- *How Data is [sic] Used by Advocates*, in [Data for Democracy](#) (Paul Gronke & Michael Caudell-Feagan eds., 2008).
- [The Truth About Voter Fraud](#) (Brennan Center for Justice 2007).

In the News

Levitt has been invited to testify as an expert on election law before committees of the U.S. Senate ([video](#) [here](#), statements [here](#) and [here](#)); the [U.S. Commission on Civil Rights: federal](#) and state courts; and state legislative bodies in [Illinois](#), [Indiana](#) ([here](#) and [here](#)), [Michigan](#), [Nevada](#), [New York](#), [Oregon](#), [Texas](#) ([here](#) and [here](#)), and [Wisconsin](#).

Levitt has also appeared in [film](#), TV ([domestic](#) and [international](#)), [radio](#), and [podcast](#), and has been quoted as an election law and redistricting expert by numerous newspapers, magazines, and news services, including the Associated Press, Reuters, New York Times, Wall St. Journal, Washington Post, New Yorker, USA Today, The Hill, The Nation, Politico, Los Angeles Times, Sacramento Bee, Miami Herald, Kansas City Star, Houston Chronicle, Pittsburgh Post-Gazette, Palm Beach Post, Milwaukee Journal-Sentinel, Minneapolis Star-Tribune, Atlanta Journal-Constitution, and St. Petersburg Times.

Levitt has also published many shorter opinion pieces, including in the [New York Times](#), [Washington Post](#), [Politico](#), [The Hill](#), [Roll Call](#), [Miller-McCune](#), and the [Huffington Post](#); he has also been a regular contributor to [Summary Judgments](#), the [Election Law Blog](#), and the [Brennan Center for Justice blog](#).

Public Service

Levitt is the faculty advisor for the Loyola chapter of the American Constitution Society and an avid supporter of public interest work. He is a member of the school's Curriculum Committee, and an Advisor for the Course of Study in Law and the Political Process. He regularly provides assistance to legislators and administrators from both major political parties, and has represented officials and former officials from both major political parties in court. He also serves as a member of the Advisory Committee to the Los Angeles County Voting Systems Assessment Project.

PH-1

NOV 19, 2013

PROVIDED BY STEVE DOLGIN

Alternative B:

Advantages:

1. Sailboat Bend remains in the same district as Riverside Park and Tarpon River.
2. Colee Hammock is returned to District 2. Beverly Heights goes with it. Downtown Fort Lauderdale Civic Association also moves to District 2, thus unifying the entire Las Olas corridor with the downtown.
3. Flagler Village is reunited into a single district. Progresso Village is also reunited into a single district. (This proposal never breaks a neighborhood apart into more than one district.)
4. Progresso Village moves to District 3, thus unifying the Sistrunk corridor.
5. Lauderdale Beach HOA, Dolphin Isles HOA, Bal Harbour HOA, and Laudergate Isles Civic Association are moved to District 1. These neighborhoods are comprised primarily of single-family homes and have much in common with Coral Ridge.
6. The neighborhoods abutting the "Gateway intersection" of North Federal Highway and East Sunrise Boulevard (namely, Victoria Park, Lake Ridge, and "Area 18"²) remain together, facilitating their commonality of interests in the "Gateway District" as defined in the *North US 1 Urban Design Plan*. (Also, as mentioned in endnote #2, East Point Towers is applying to join the Lake Ridge neighborhood.)
7. The statistical balance among the four commission districts is better than under the plan recommended by the Reapportionment Committee (see the table, later in this memo, which ranks the statistical balance of the various reapportionment maps). In fact, Alternative B has the best statistical balance of all the proposals described in this memo.

Note that my list of moves below is applied to the district boundaries as *currently* defined, *not* as defined by the Reapportionment Committee's proposed map.

Alternative B	District 1	District 2	District 3	District 4
Total Population of CURRENT Districts ³	39,852	38,196	43,056	44,437
Move from D2 to D1: Laudergate Isles	+119	-119		
Move from D2 to D1: Bal Harbour	+236	-236		
Move from D4 to D2: Beverly Heights		+505		-505
Move from D4 to D2: Colee Hammock		+969		-969
Move from D4 to D2: The portion of Flagler Village not already in D2 (estimated ⁴)		+271		-271
Move from D2 to D3: The portion of Progresso Village not already in D3 (estimated ⁴)		-1,057	+1,057	
Move from D2 to D3: City View Townhomes		-199	+199	
Move from D4 to D2: Downtown Fort Lauderdale Civic Association		+4,285		-4,285
Move from D3 to D4: Sunset Civic Association			-3,281	+3,281
Move from D3 to D4: Lauderdale West Association			-1,077	+1,077
Move from D4 to D3: Flamingo Park Civic Association			+1,207	-1,207
Move from D4 to D3: Oak River HOA			+171	-171
Move from D2 to D1: Lauderdale Beach HOA	+395	-395		
Move from D2 to D1: Dolphin Isles HOA	+379	-379		
Total Population of PROPOSED Districts	40,981	41,841	41,332	41,387

**Scenarios Ranked from Worst to Best Relative to Population Balance among the Districts
(according to Standard Deviation of Percentage Variances)**

Current Districts	District 1	District 2	District 3	District 4
Total Population ³	39,852	38,196	43,056	44,437
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-3.70%	-7.71%	+4.04%	+7.37%
Standard Deviation of Percentage Variances	6.00%			

Reapportionment Committee	District 1	District 2	District 3	District 4
Total Population ⁶	40,508	41,677	41,863	41,493
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-2.12%	+0.70%	+1.15%	+0.26%
Standard Deviation of Percentage Variances	1.26%			

Alternative D	District 1	District 2	District 3	District 4
Total Population	40,586	41,599	41,863	41,493
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-1.93%	+0.52%	+1.15%	+0.26%
Standard Deviation of Percentage Variances	1.16%			

Alternative C	District 1	District 2	District 3	District 4
Total Population	40,981	41,841	41,619	41,100
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	+1.10%	+0.56%	-0.69%
Standard Deviation of Percentage Variances	0.86%			

Alternative A	District 1	District 2	District 3	District 4
Total Population	40,981	41,156	41,863	41,541
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	-0.55%	+1.15%	+0.38%
Standard Deviation of Percentage Variances	0.83%			

Alternative B	District 1	District 2	District 3	District 4
Total Population	40,981	41,841	41,332	41,387
Target	41,385.25	41,385.25	41,385.25	41,385.25
Percentage Variance from Target	-0.98%	+1.10%	-0.13%	0.00%
Standard Deviation of Percentage Variances	0.74%			

Alternative B

