

The Case for NOT Putting the Single-Member Districting Proposal on the Ballot

Submitted by Jim Aikin, Gainesville

1) How does the single-member districting proposal differ from the current system of electing County Commissioners?

Currently Alachua County has 5 County Commissioners. The county is divided into 5 equal-population districts. Each commissioner must reside in the district for which he or she is elected, but each commission seat is voted on county-wide. This is called an at-large system with residential districts.

Under the single-member districting (SMD) proposal, the county would still be divided into 5 equal-population districts and commissioners still must reside in their respective districts, but only the voters within a district would be permitted to vote on the commissioner for that district.

2) Problems cited by the advocates for SMD...

a) "Disenfranchisement" of rural and small-town voters

Perhaps the largest category of advocates for the SMD proposal has been residents of Alachua County's small towns and the unincorporated area outside Gainesville's urban fringe. They claim that they are "disenfranchised" by the current system, in that the large voting population of the Gainesville urban area is able to overwhelm the voting power of the rural areas and small towns, resulting in a County Commission that does not adequately represent them. They believe that, under the SMD proposal, they would have a County Commissioner elected from a district made up of a majority of rural and small town voters.

b) "Disenfranchisement" of conservative voters

Another large category of advocates for the SMD proposal overlaps with the first category, and makes a similar claim. They contend that the voting pattern of the Gainesville urban area results in the election of liberal Democrats to the County Commission, to the exclusion of conservatives and Republicans. They believe that, under the SMD proposal, a district made up of mostly rural and small town voters would consistently elect a conservative commissioner, whether Democratic or Republican.

c) Quality of representation

Another frequently cited advantage of SMD is that it improves the quality of representation individual voters experience. They state that commissioners from single-member districts will necessarily have to be more familiar with their districts' voters and issues, and therefore they are "closer" to the voters.

d) Barriers to campaigns and elections

Finally, several speakers advocating SMD have asserted that it will significantly enhance the electoral process by lowering the cost of campaigning, by encouraging more candidates to run, and by sharpening the focus on each district's particular issues. Conversely, they declare that the cost of running a county-wide campaign benefits special-interest candidates and discourages candidates from running, and that the need to appeal to voters county-wide draws attention away from more localized matters.

3) What is the evidence regarding the problems cited?

Taking up the last problem first, Gainesville's experience since 1988 with a modified form of SMD would appear to support at least the claim regarding the cost of campaigning, as most contemporary campaigns rely heavily on direct mail, and it's obviously cheaper to do a mass mailing to one-fourth of the city's voters than to all the registered voters.

(Keep in mind, though, that one Commission seat has just as much voting power as any other seat, and it's possible for a well-funded special interest candidate to grossly outspend a district candidate who anticipated a campaign based on a few mailings and knocking on doors.)

The other two alleged benefits have not been as apparent. Some City districts typically draw 5 or 6 candidates for an open seat, while other districts may attract only two. Incumbents rarely draw more than one or two opponents. A similar description could be made of County Commission seats under the current system.

Whether there's been a sharper focus on more localized issues is too difficult to quantify to render an opinion. Gainesville's City Commission campaigns tend to elicit detailed discussions of issues anyway, perhaps because the elections are held in the spring, in isolation from other elections.

Would commissioners from single-member districts be "closer" to their constituents than commissioners elected under the current system? This is another question that does not lend itself to being quantified. If you mean, "Would they be closer philosophically?" the answer is "probably," as a district would likely be less diverse than the county as a whole. But if you mean "closer geographically" the answer is "probably not", because under the current system the commissioner must live in the district.

How well, then, do criticisms (c) and (d) square with the evidence? Some support, though hardly dramatic, on two of the specifics. The verdict on the other specifics is in the eye of the beholder.

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I've saved the two "disenfranchisement" claims for last because they deserve the most attention, as they've really been the arguments propelling the whole SMD issue forward.

First, the term "disenfranchisement" is inappropriate to the situation described by the advocates of SMD. No one's right to vote has been taken away; they're just unhappy that the candidates they vote for seldom win, or so it seems to them. The appropriate term is that they're under-represented. In fact, they usually state "I *feel* disenfranchised by the current system" or "I don't *feel* like I have a representative on the current County Commission." (Emphasis added)

Are rural voters and/or conservative voters being systematically denied representation? This is actually an empirical question. While these advocates of SMD state that they "feel" disenfranchised, no one presents any evidence to justify that feeling. And there's a reason for this—the facts show this argument does not hold water.

For the past 40 years there have been numerous conservative commissioners and commissioners from outside the Gainesville urban area at almost all times, as the following table shows:

Decade	Commissioner	
1970s	Sid Martin	From Hawthorne
	Ralph Cellon	Conservative Democrat, resident of Alachua
	Jon Wershow	Resident of Alachua
	Perry McGriff	Conservative Democrat
	Shellie Downs	Conservative Democrat, resident of Archer
1980s	Walter "Sonny" Lee	Conservative Democrat
	John Schroepfer	Conservative Democrat
	Kate Barnes	Resident of Cross Creek
	George Dekle	Conservative Republican
1990s	Kate Barnes	Resident of Cross Creek
	George Dekle	Conservative Republican
	Chuck Clemons	Conservative Democrat
	Dave Newport	Unincorporated Alachua County
2000s	Chuck Clemons	Conservative Democrat, later Republican, resident of Alachua
	Dave Newport	Unincorporated Alachua County near Jonesville
	Mike Byerly	Resident of Micanopy

In addition to these commissioners, there are two current commissioners, Paula DeLaney and Lee Pinkoson, who were life-long Republicans until they switched parties to run for the County Commission. Furthermore, Commissioner DeLaney grew up in Archer, where her family has lived for generations.

So the notion that conservatives and non-urban-Gainesville candidates are precluded from being elected to the County Commission is utterly without foundation.

4) Is SMD an appropriate remedy for the problems cited?

Again, dealing with criticisms (c) and (d) first: SMD can make a difference in the costs of running a campaign, and (depending on how the district lines are drawn) can result in commissioners being more philosophically compatible with their district's constituents.

Are these differences substantial enough, or are they too meager, to justify the adoption of SMD? That question can only be answered by the voters.

Does SMD really address the claims of "disenfranchisement," or denial of representation? The first answer would have to be "it depends."

It's clear from listening to those advocating SMD on behalf of rural and small town voters, that they *assume* a district will be carved out in which they will be a majority. This is by no means guaranteed.

Let's at least consider the two opposite scenarios for how Commission districts might be drawn.

From the standpoint of the advocates for SMD, the best-case scenario would consist of a "doughnut-shaped" district encompassing most of the rural area and small towns. Such a district would very likely consistently elect the type of Commissioner these advocates favor.

However, the other side of the coin is that the remaining 4 Commission districts would necessarily then be carved out of the City of Gainesville and its urban fringe. It's important to remember that districting must be based on population, *not* the number of registered voters.

So, under this "best-case scenario," the ultimate result would be that, while the non-urban-Gainesville residents would have "their own" commissioner, there would be an entrenched 4-member majority that would be even more "Gainesville-oriented" than the current County Commission, and those 4 urban Commissioners would have little or no accountability to the rural and small town voters. Drawing a "safe" rural district also inevitably leads to the drawing of *four* safe urban districts!

This begs the question, "If this is the *best-case* scenario for the rural areas and small towns, how would they be better off?" What would be the likely outcome of a County Commission vote that pits rural interests against urban interests? Probably 4-to-1 in favor of the urban interests! Has any advocate of SMD actually addressed this eventuality? Has anyone explained how a more polarized County Commission would be an improvement?

At the other end of the spectrum, the worst-case scenario for the advocates of SMD would be a set of pie-slice-shaped districts similar to the current residential districts for Commissioners. If the single-member district lines were drawn in that manner, the make-up of the County Commission would be little changed, thus perpetuating the status quo, which the advocates of SMD find unacceptable.

Thus, consideration of the actual districting leads to a paradoxical result: the ultimate outcome of the adoption of SMD is either the continuation of the status quo (the "worst-case" scenario), or a situation that shuts out rural and conservative interests even more than the status quo allegedly does (the "best-case" scenario)!

5) Are there flaws in the SMD proposal that make it unwise to put it on the ballot?

Yes! As just pointed out, everything depends on how future district lines would be drawn, and that is a complete unknown!

Suppose the advocates of SMD prevail, but the rural areas are fragmented among the districts. How satisfied would they be with that result?

Suppose it's not possible to draw a district that will preserve the presence of African-Americans on the County Commission. A costly court battle would result, and it's possible that the courts would force the County to return to at-large elections. Who would be satisfied with that result?

How can anyone make a rational decision on the value of single-member districts if they don't know what those districts will be?

The obvious answer is, they can't. Without a specific map of the initial district lines attached to the SMD proposal, this is the proverbial "pig in a poke."

The proposal is fatally flawed and SHOULD NOT be presented to the voters! As the old saying goes, "If it ain't baked, don't serve it!" It's time to admit that without a map of the eventual districts, this proposal is only half-baked, and it should be withdrawn.

6) Other comments...

"Won't the proposal to restrict the number of districts that can extend to the county line take care of concerns about the drawing of district boundaries?"

Quite simply, no. This proposal is utterly meaningless. Basic geometry teaches us that two lines intersect in a single point. Thus, a district boundary "extends" to the county line if the lines touch at even a single point. Conversely, a district boundary could be any measurable distance (a foot, a single household) from the county line, but not touch it. How wide does a boundary have to be if it does extend to the county line? A single point? Five miles? Thirty miles?

The proposal is silent on *how long* a boundary must be when it extends to the county line, and *how far* from the county line it must be in order to NOT "extend to the county line." Do you want the courts to answer this question?

Realistically, the proposed amendment effectively allows any pattern of boundaries to be drawn. *Any* pattern can be made to conform to the letter of the proposal. It's preposterous to think that this proposal gives any effective guidance to those who will ultimately draw district boundaries. It's a waste of ink to put it on the ballot!

"If single-member districts are good enough for the City of Gainesville, why aren't they good enough for Alachua County?"

The situations are not at all comparable. The Gainesville City Commission has a hybrid system, whereby there are 4 single-member district seats and 3 at-large seats. Thus, every City voter has the opportunity to vote on a majority of the members of the City Commission.

The history of the development of SMD for the City of Gainesville is different, as well. In the mid-1980's, the local NAACP was threatening to challenge Gainesville's system of at-large elections in Federal Court, on the basis of systematic denial of representation to the African-American community. This type of challenge was being successfully carried out all over Florida at the time, and likely would have succeeded in Gainesville. So, rather than stand and fight, the City Commission appointed a Charter Review Committee to draft a proposal, and that proposal eventually was passed by the voters.

It should be pointed out that when the City of Gainesville voted on its charter amendment that created single-member districts, it was very clear what sort of districts would be created.

"If at-large elections are good enough for Alachua County, why don't we use them to elect members of the Florida Legislature?"

The answer is, they *were* used to elect members of the legislature. Until they were thrown out for unconstitutionally discriminating against African-Americans and Hispanics.

"Are rural voters and conservative voters being unconstitutionally denied representation?"

No. The courts have never found either group to be a constitutionally protected class, in the same way that ethnic and religious minorities are. Just because rural and conservative voters make up a *statistical* minority of the County's population, that doesn't make them a *protected* minority. **Ideas are not entitled to their own voting districts!**

"If SMD does not go on the ballot, do its advocates have any recourse?"

Yes, they have the same recourse as everyone else in a democracy: they can organize, they can register voters, they can field candidates, they can try to persuade others to adopt their opinions, and they even have the right to sue the County to try to establish a constitutional claim. What's wrong with that?

"What is the proper role of the Charter Review Commission in placing amendments on the ballot."

Many speakers have implored the CRC to be "fair" and "just." Few, though, have implored the CRC to be wise.

There has been a great deal of thinly disguised bullying to get this proposal on the ballot, along the lines of "A lot of people want this, so it's your job to put it on the ballot." Some of it resembles a schoolyard taunt, as in "Let the people vote on this—what are you afraid of?" You sort of expect their next line to be, "Whatsamatter? You chicken?"

It's certainly within the role of the CRC to keep a seriously flawed proposal off the ballot, regardless of the vocal pressure to put it on.

This proposal has two serious flaws: If passed in its present form, its advocates could easily end up with less responsive representation than they believe they now have. And without a map of the resulting districts, reasonable people cannot form a reasonable opinion as to the impact and merits of the proposal.

Is there a way to salvage the idea of single-member districts? Yes. Suggest that the County Commission put a straw measure on the ballot in 2018, asking if the people want a *concrete* proposal for single-member districts put before them in 2020. If a majority vote yes, then the Commission should draw up a set of binding districts that can be presented along with a charter amendment in 2020. This is one way, and maybe the only way, that the people can make an informed decision on this issue.

"It's interesting that the people who oppose SMD don't want the public to be able to vote on it..."

And the flip side to this charge is, "It's interesting that the people who want SMD for their own benefit are willing to roll the dice and take a chance on getting a system that nobody wants."