FLORIDA HOUSE OF REPRESENTATIVES
FINAL BILL ANALYSIS

This bill analysis was prepared by nonpartisan committee staff and does not constitute an official statement of legislative intent.

BILL #: HB 1D	**COMPANION BILL:** SB 8-D (Gaetz)
TITLE: Establishing the Congressional Districts of the State	**LINKED BILLS:** None
SPONSOR(S): Persons-Mulicka	**RELATED BILLS:** None

FINAL HOUSE FLOOR ACTION: 83 **Y's** 28 **N's** **GOVERNOR'S ACTION:** Approved

SUMMARY

Effect of the Bill:
The bill apportions the state into 28 single-member Congressional districts.

Fiscal or Economic Impact:
The bill will have an indeterminate fiscal impact on Florida's 67 Supervisor of Elections offices. Local supervisors will incur the cost of data-processing and labor to change voter records to reflect new districts if they are impacted by this proposed map. As precincts are aligned to new districts, postage and printing will be required to provide each active voter whose precinct has changed with mail notification. Temporary staffing may be hired to assist with mapping, data verification, and voter inquiries.

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ANALYSIS

EFFECT OF THE BILL:

The bill apportions the state into 28 single-member Congressional districts.

Section 1 amends s. 8.0002, F.S., to describe the state's 28 Congressional districts using Census geography.

Section 2 reenacts s. 8.031, F.S., to establish the districts described in s. 8.0002 as the official congressional districts of the state.

Section 3 reenacts s. 8.051, F.S., to designate electronic maps as the authoritative representation of the state's Congressional districts. Additionally, it establishes the Office of Economic and Demographic Research as the official custodian of electronic maps representing the Congressional districts described in s. 8.0002, F.S.

Section 4 reenacts s. 8.0611, F.S., to provide severability if any provision of this chapter is invalidated.

Section 5 amends s. 8.07, F.S., to change the applicable starting date for the qualification, nomination, and election in the new congressional districts from 2022 to 2026.

Section 6 provides an effective date.

RELEVANT INFORMATION

SUBJECT OVERVIEW:

The 2020 Census

According to Article I, Section 2 of the U.S. Constitution, the U.S. Census Bureau is required to do an "actual enumeration" of all people living in the United States every 10 years.[1] While the census results in many work

[1] U.S. Const. art. 1, §2.

products and data sets, the two most relevant to redistricting include the Apportionment Counts and Public Law 94-171 redistricting data (commonly referred to as the "P.L. Data") for each state. The redistricting dataset contains summary statistics on population, demographics and housing per census block. The included population data is categorized by total population and total population for individuals 18 years and older.

Results of the 2020 Census

According to the 2020 Census, 21,538,187 people resided in Florida on April 1, 2020, which represented a population growth of 2,736,877 in Florida residents between the 2010 to 2020 censuses. This increase in population also resulted in Florida gaining a congressional district, bringing the total to 28 districts.

After the 2010 Census, the ideal population for each district in Florida was:

- Congressional: 696,345, based on 27 districts
- State Senate: 470,033, based on 40 districts
- State House: 156,678, based on 120 districts

After the 2020 Census, the ideal population for each district in Florida was:

- Congressional: 769,221, based on 28 districts
- State Senate: 538,455, based on 40 districts
- State House: 179,485, based on 120 districts

As in previous decades, the 2020 Census revealed an unequal increase and shift in population growth amongst the state's legislative and congressional districts. Therefore, districts had to be adjusted to comply with "one-person, one vote," such that each district must be nearly as equal in population as practicable.

U.S. Constitution

Article I, Section 4 of the U.S. Constitution provides that "[t]he Time, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by law make or alter such regulations, except as to the places of choosing Senators." The U.S. Constitution thus delegates to each state legislature's authority, subject to congressional regulation, to create congressional districts.

Florida Statutes – Chapters 8 and 10

Under Florida law, chapters 8 and 10 provide the structure for apportionment of Congressional and State Senate and House districts, respectively. These sections provide the basis for how Florida will use official census data and census blocks to draw districts. Census Blocks are the smallest geographical unit or area for the collection and tabulation of population data.[2]

Federal law does not prohibit states from redistricting in the middle of a census cycle.[3]

Florida Constitution

In 2010, voters amended the Florida Constitution to create additional standards for establishing Congressional district boundaries.[4] The standards are set forth in two tiers.

Tier–One Standards

Article III, s. 20(a) of the Florida Constitution prohibits drawing a district or plan with the intent to favor or disfavor a political party or an incumbent. The Florida Supreme Court has held that Florida's constitutional provision "prohibits intent, not effect" because "any redrawing of lines, regardless of intent, will inevitably have an

[2] U.S. Census Bureau, (2011, July 11). What are census blocks?, https://www.census.gov/newsroom/blogs/random-samplings/2011/07/what-are-census-blocks.html. (last visited Apr.27, 2026).
[3] *LULAC v. Perry*, 548 U.S. 399, 415 (2006) (plurality opinion); *LULAC v. Perry*, 548 U.S. 399, 455 (2006) (Stevens, J., concurring in part)
[4] Art. III, s. 20, Fla. Const.

effect on the political composition of a district and likely whether a political party or incumbent is advantaged or disadvantaged."[5] Nonetheless, there is no acceptable level of improper intent.[6]

Article III, s. 20(a) of the Florida Constitution also prohibits drawing districts with the intent or result of denying or abridging the equal opportunity of racial or language minorities to participate in the political process; or to diminish their ability to elect representatives of their choice.

In litigation following the 2010 redistricting cycle, the Court interpreted the "Non-Diminishment Clause" to mean that "the Legislature cannot eliminate majority-minority districts or weaken other historically performing minority districts where doing so would actually diminish a minority group's ability to elect its preferred candidates…"[7] In 2025, however, the Court expressly addressed the relationship between Florida's Non-Diminishment Clause and the federal Equal Protection Clause in *Black Voters Matter Capacity Building Institute v. Byrd*. In that case, the Court determined that "The obligation to comply with the Non-Diminishment Clause would not of its own force give the Legislature a compelling interest in drawing a race-predominant district. Were it to choose to draw a race-predominant district—whether to comply with the Non-Diminishment Clause or for any other reason—the Legislature itself would have to specify and justify the compelling interest, with a fresh evidentiary record…The Legislature could not establish a compelling interest for race-based districting simply by pointing to the existence of [Article III, s. 20(a)]."[8]

Finally, Article III, s. 20(a) requires that districts consist of contiguous territory. The Florida Supreme Court has previously defined contiguous as "being in actual contact: touching along a boundary or at a point.[9] A district is not contiguous if it consists of isolated parts or meets at a corner or right angle.[10] The Florida Supreme Court has also held that the presence in a district of a body of water without a connecting bridge, even if it requires land travel outside the district in order to reach other parts of the district, does not violate contiguity.[11]

The order in which the tier-one standards are set out in the Constitution does not establish any priority among those standards within the tier.[12]

Tier–Two Standards

The tier-two standards of the Florida Constitution encompass what are often called "traditional redistricting criteria," but make it clear these standards are subordinated to the tier-one standards. Article III, s. 20(b) states that unless compliance with these standards conflicts with tier-one standards or with federal law, districts shall be as nearly equal in population as practicable, districts shall be compact, and districts shall, where feasible, utilize existing political and geographical boundaries.[13] As with tier-one, the order in which the tier-two standards are set out in the Constitution does not establish any priority among those standards within the tier.[14]

The first tier-two standard set forth by the Florida Constitution states that districts shall be as nearly equal in population as is practicable. As interpreted by the United States Supreme Court, the Equal Protection Clause of the Fourteenth Amendment mandates that "state legislatures be apportioned in such a way that each person's vote carries the same weight—that is, each legislator represents the same number of voters."[15] Congressional districts

[5] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597 (Fla. 2012).
[6] *Id.*
[7] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 625 (Fla. 2012).
[8] *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Florida Dept of State*, 415 So. 3d 180 (Fla. 2025)
[9] *In re Apportionment Law Appearing as Senate Joint Resolution 1 E, 1982 Special Apportionment Session; Constitutionality Vel Non*, 414 So. 2d 1040 (Fla. 1982).
[10] *In re Senate Joint Resolution 2G, Special Apportionment Session 1992*, 597 So. 2d 276 (Fla. 1992), *amended sub nom. In re Constitutionality of Senate Joint Resolution 2G, Special Apportionment Session 1992*, 601 So. 2d 543 (Fla. 1992).
[11] *Id.*
[12] Art. III, s. 20(c), Fla. Const.
[13] Art. III, s. 20(b), Fla. Const.
[14] Art. III, s. 20(c), Fla. Const.
[15] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597 (2012).

fall under a stricter standard of variance under the United States Constitution, where Congressional districts must achieve precise mathematical equality of population of +/- one person from the ideal population.[16]

The second tier-two requirement established by Section 20 of the Florida Constitution is compactness. The constitutional amendments adopted in Florida in 2010 state that districts "shall be compact."[17]

The Florida Supreme Court has held that "compactness is a standard that refers to the shape of the district. The goal is to ensure that districts are logically drawn and that bizarrely shaped districts are avoided. Compactness can be evaluated both visually and by employing standard mathematical measurements."[18] However, "limiting the definition of compactness to an assessment of a district's shape does not eliminate the inherent vagueness of the term; however measured, compactness is a matter of degree. And a district's compactness can be affected by factors over which the line-drawer has no control, like our state's unique geographical contours and the distribution of population within the state."[19]

Florida has historically used three scores to gauge compactness mathematically, all of which fall within a range of 0-1, where a score closer to one indicates a more compact district.[20] The first score used is the Convex Hull score, which tests for concavities or indentations in district boundaries by calculating the ratio of the area of the district to the area of the minimum convex polygon that can enclose the district's geometry.[21] The second score used is the Polsby-Popper score, which tests for jagged or squiggly district boundaries by calculating the ratio of the area of the district to the area of a circle whose circumference is equal to the perimeter of the district. The third score used is the Reock score, which indicates a district's similarity to a circle by calculating the ratio of the area of the district to the area of the smallest circle that can be drawn around the district. [22]

In the Court's interpretation of the tier-one and tier-two standards as applied to state legislative districts, they held that "since compactness is set forth in Section 21(b), the criteria of Section 21(a) must predominate to the extent that they conflict with drawing a district that is compact. However, if a district can be drawn more compactly while utilizing political and geographical boundaries and without intentionally favoring a political party or incumbent, compactness must be a yardstick by which to evaluate those other factors."[23] The same standard applies to Congressional districts, given that Sections 20 and 21 within Article III of the Florida Constitution are identical.[24]

The final tier-two standard established by the Florida Constitution is that districts shall, "where feasible, utilize existing political and geographical boundaries."[25] The Florida Supreme Court has defined geographic boundaries as features that are "easily ascertainable and commonly understood" such as "rivers, railways, interstates, and state roads."[26] Moreover, political boundaries primarily consist of county and municipal boundaries.[27]

The boundaries of Florida's municipalities are not static, and while Florida Statutes[28] permit municipalities to annex contiguous and compact unincorporated territory, many of Florida's cities are not contiguous, neither

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[16] *See Kirkpatrick v. Preisler*, 394 U.S. 526, 531 (1969).
[17] Art. III, s. 20(b), Fla. Const.
[18] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597 (2012).
[19] *In re Senate Joint Resolution of Legislative Apportionment 100*, SC22-131 (2022).
[20] See Florida Senate Committee on Reapportionment, *Compactness* (October 2021), *available* at: https://www.flsenate.gov/Committees/DownloadMeetingDocument/4936.
[21] *Id.*
[22] *Id.*
[23] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597 (2012); *See League of Women Voters of Florida v. Detzner*, 179 So. 3d 258 (Fla. 2015).
[24] Art. III, s. 20, Fla. Const.; Art. III, § 21, Fla. Const.
[25] Art. III, s. 20(b), Fla. Const.
[26] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597 (2012).
[27] *Id.*
[28] Section 171.0413(1), F.S. (2025).

visually nor mathematically compact, and contain holes or enclaves.[29] Of Florida's 412 cities, 136 are discontiguous, and 170 have holes or enclaves.[30]

Unlike other objective tier-two standards in the Florida Constitution, there is no widely accepted measurement for compliance with the requirement to, where feasible, utilize existing political and geographic boundaries.[31]

Simply counting the cities or counties kept whole, meaning they have either all geographic territory or all population in a single district[32], fails to account for the degree of usage of existing county or municipal boundaries.

Professional staff of the Florida House of Representatives and the Florida Senate worked to develop a set of quantitative metrics that measure the coincidence of a district's border with easily ascertainable and commonly understood political and geographic features and make it publicly available to all users in the redistricting application. This Boundary Analysis independently measures the extent to which district boundaries overlap city boundaries, county boundaries, primary and secondary roads (interstates, U.S. highways, and State highways), railroads, and significant water bodies (contiguous area hydrography features greater than 10 acres) as defined by the U.S. Census Bureau's TIGER/Line files. Districts' coincidence with these existing political and geographic boundaries is independently calculated and presented along with the extent to which district boundaries do not follow any specified features.

In this way, users are presented with a Boundary Analysis that shows the degree of utilization for each type of existing political or geographic boundary as specified by the Florida Constitution and interpreted by the Florida Supreme Court. To facilitate the utilization of existing political and geographic boundaries, each of the feature layers used in the computation of the Boundary Analysis is provided in the map-drawing application.

Florida Constitution – Article III, Section 16

Article III, Section 16 of the Florida Constitution requires the Legislature, by joint resolution at its regular session in the second year after the Census is conducted, to apportion the State into senatorial districts and representative districts.

The Florida Constitution requires the legislature, by joint resolution, to reapportion the state into not less than 30 nor more than 40 consecutively numbered senate districts and into not less than 80 and no more than 120 consecutively numbered representative districts.[33] Redistricting must occur in the second year after each decennial census.[34] Florida is currently apportioned into 40 single-member senate districts[35] and 120 single-member representative districts.[36]

The Florida Constitution is silent with respect to process for congressional redistricting. Article I, Section 4 of the U.S. Constitution grants to each state legislature the authority to apportion seats designated to that state by providing the legislative bodies with the authority to determine the times, place and manner of holding elections for senators and representatives. Consistent there with, Florida has adopted its congressional apportionment plans by legislation subject to gubernatorial approval.[37] Congressional apportionment plans are not subject to automatic review by the Florida Supreme Court.

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[29] Compactness scores, parts, and holes based on 2020 U.S. Census TIGER geometry for the places layer available at: https://www.census.gov/geographies/mapping-files/time-series/geo/tiger-line-file.2020.html.
[30] See Florida Senate Committee on Reapportionment, *Municipal Boundaries* (October 2021), *available* at: https://www.flsenate.gov/Committees/DownloadMeetingDocument/4936.
[31] *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So.3d 597 (2012).
[32] In *Apportionment VIII*, the Court held that unpopulated county splits are "not considered to include part of the county for the purpose of counting splits. *See League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258 (Fla. 2015).
[33] Art. III, s. 16(a), Fla. Const.
[34] *Id.*
[35] Fla. HJR 1987 (2002).
[36] Fla. HJR 25-E (2003).
[37] *See generally §*8.0001, et seq., F. S. (2007).

The requirement that each district be equal in population applies differently to congressional districts than to state legislative districts. The populations of congressional districts must achieve absolute mathematical equality, with no *de minimis* exception.[38] Limited population variances are permitted if they are "unavoidable despite a good faith effort" or if a valid "justification is shown."[39]

In addition to state specific requirements, states are obligated to redistrict based on the principle interpreted by the Court as "one-person, one-vote."[40] In *Reynolds v. Sims*, the U.S. Supreme Court held that the 14th Amendment required that seats in state legislature be reapportioned on a population basis. The Supreme Court concluded:

> …"the basic principle of representative government remains, and must remain, unchanged – the weight of a citizen's vote cannot be made to depend on where he lives. Population is, of necessity, the starting point for consideration and the controlling criterion for judgment in legislative apportionment controversies…The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races. We hold that, as a basic constitutional standard, the Equal Protection Clause requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis."[41]

The Court went on to conclude that decennial reapportionment was a rational approach to readjust legislative representation to take into consideration population shifts and growth.[42]

In practice, congressional redistricting has strictly adhered to the requirement of exact mathematical equality. In *Kirkpatrick v. Preisler* the Court rejected several justifications for violating this principle, including "a desire to avoid fragmenting either political subdivisions or areas with distinct economic and social interests, considerations of practical politics, and even an asserted preference for geographically compact districts."[43]

For state legislative districts, the courts have permitted a greater population deviation amongst districts. The populations of state legislative districts must be "substantially equal."[44] Substantial equality of population has come to generally mean that a legislative plan will not be held to violate the Equal Protection Clause if the difference between the least populous and most populous district is less than 10 percent.[45] Nevertheless, any significant deviation (even within the 10 percent overall deviation margin) must be "based on legitimate considerations incident to the effectuation of a rational state policy," [46] including "the integrity of political subdivisions, the maintenance of compactness and contiguity in legislative districts, or the recognition of natural or historical boundary lines."[47]

However, states should not interpret this 10 percent standard to be a safe haven.[48] Additionally, nothing in the U.S. Constitution or case law prevents states from imposing stricter standards for population equality.

The Voting Rights Act

Congress passed the Voting Rights Act (VRA) in 1965. The VRA protects the right to vote as guaranteed by the 15th Amendment to the U.S. Constitution.

Recent Litigation

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[38] *Kirkpatrick v. Preisler,* 394 U.S. 526, 531 (1969).
[39] *Id.*
[40] *Baker v. Carr*, 369 U.S. 186 (1962).
[41] *Reynolds v. Sims,* 377 U.S. 533, 568 (1964).
[42] *Reynolds v. Sims,* 377 U.S. at 584.
[43] *Kirkpatrick v. Preisler,* 394 U.S. at 531.
[44] *Reynolds v. Sims,* 377 U.S. at 568.
[45] *Chapman v. Meier,* 420 U.S. 1 (1975); *Connor v. Finch,* 431 U.S. 407, 418 (1977).
[46] *Reynolds,* 377 U.S. at 579.
[47] *Swann v. Adams,* 385 U.S. 440, 444 (1967).
[48] *Marylanders for Fair Representation Inc. vs. Schafer*, 849 F. Supp. 1022, 1032 (D. Md. 1994).

Voters and organizations sued Florida's Secretary of State and the Florida Legislature seeking a declaration that the congressional districting plan enacted in 2022 (P000C0109) violated the Non-Diminishment Clause of the Florida Constitution by failing to retain a congressional district which encompassed several communities of black voters across North Florida. In July of 2025, the Florida Supreme Court held that the Legislature's obligation to comply with Non-Diminishment Clause was not a compelling governmental interest justifying the drawing of a race-predominant district under the Equal Protection Clause; and that the plaintiffs' preferred remedial district was drawn for predominantly racial considerations.[49]

Significant Litigation in Other States

The Supreme Court decided *Louisiana v. Callais* (Nos. 24-109, 24-110), on April 29, 2026. *Callais* concerned Louisiana's congressional districts. In an earlier lawsuit, a federal district court concluded at the preliminary-injunction stage, the plaintiffs were likely to prevail on their claim when it created only one majority-minority district, Louisiana diluted minority votes and violated Section 2 of the federal Voting Rights Act. In response, the Louisiana Legislature established a second majority-minority district. A different set of plaintiffs then sued Louisiana. They alleged the newly created district was an unconstitutional racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment. A federal district court agreed and declared the district invalid. Louisiana appealed to the Supreme Court.

The Supreme Court first heard the appeal during its October 2024 term, but the Court restored the appeal to the calendar for re-argument and ordered the parties to file supplemental briefs to address the question whether Louisiana's intentional creation of a second majority-minority district violates the Fourteenth and Fifteenth Amendments to the United States Constitution.

In its decision, the Court concluded a State's efforts to comply with section 2 of the Voting Rights Act, as properly construed, can serve as a compelling interest which justifies the State's consideration of race. However, because a proper construction of section 2 did not require Louisiana to create a second majority-minority district, no compelling interest justified Louisiana's use of race to create a second majority-minority district. The Court explained section 2 imposes liability only when the evidence supports a strong inference in which a State intentionally drew its districts to afford minority voters less opportunity because of their race. Because the plaintiffs in the first lawsuit failed to show an objective likelihood of intentional discrimination, but instead relied on historical evidence and failed to disentangle racial from political motivations, the plaintiffs in the first lawsuit did not prove Louisiana violated section 2. The Supreme Court retained the section 2 framework announced in *Thornburg v. Gingles*, 478 U. S. 30 (1986), but realigned that framework with the text of section 2 and constitutional principles.

The Voting Rights Act – Section 2

Common challenges to congressional and state legislative districts generally arise under Section 2 of the Voting Rights Act. Section 2 provides: "No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any State…in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the "guarantees" provided to language minorities.[50] The purpose of Section 2 is to ensure that minority voters have an equal opportunity along with other members of the electorate to participate in the political process and elect representatives of their choice.[51] This provision prohibits "vote dilution," which was further defined in the Thornburg v *Gingles* case.

The Supreme Court set forth the criteria of a vote-dilution claim in *Thornburg v. Gingles*.[52] A plaintiff must show that:

[49] *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Florida Dept of State*, 415 So. 3d 180 (Fla. 2025)
[50] 52 U.S.C. § 10301(a).
[51] 52 U.S.C. § 10301(b); *Voinovich v. Quilter*, 507 U.S. 146, 155 (1993).
[52] *Thornburg vs. Gingles,* 478 U.S. 30 (1986).

1. A minority group is sufficiently large and geographically compact to constitute a majority in a single member district;
2. The minority group is politically cohesive, and
3. White voters vote sufficiently as a bloc to enable them usually to defeat the candidate preferred by the minority group.

The three "*Gingles* factors" are necessary, but not sufficient, to show a violation of Section 2.[53] To determine whether minority voters have been denied an equal opportunity to participate in the political process and elect representatives of their choice, a court must examine the totality of the circumstances.[54]

This analysis requires consideration of the so-called "Senate factors," which assess historical patterns of discrimination and the success, or lack thereof, of minorities in participating in campaigns and being elected to office.[55] Generally, these "Senate factors" were born in an attempt to distance Section 2 claims from standards that would otherwise require plaintiffs to prove "intent," which Congress viewed as an additional and largely excessive burden of proof, because "it diverts the judicial injury from the crucial question of whether minorities have equal access to the electoral process to a historical question of individual motives."[56]

In *Bartlett v. Strickland*, the Supreme Court provided a "bright line" distinction between majority-minority districts and other minority districts. The Court "concluded that Section 2 does not require states to "draw election-district lines to allow a racial minority to join with other voters to elect the minority's candidate of choice, even where the minority is less than 50 percent of the voting-age population in in the district to be drawn."[57] However, the Court made clear that, where no other prohibition exists, states retain flexibility to implement crossover districts—districts in which minority voters are not a majority of the voting-age population, but, at least potentially, are large enough to elect the candidates of their choice with help from voters who are members of the majority, and who cross over to support the minority's preferred candidate. In the opinion of the Court, Justice Kennedy stated as follows:

> "Much like § 5, § 2 allows States to choose their own method of complying with the Voting Rights Act, and we have said that may include drawing crossover districts…When we address the mandate of § 2, however, we must note it is not concerned with maximizing minority voting strength…and, as a statutory matter, §2 does not mandate creating or preserving crossover districts. Our holding also should not be interpreted to entrench majority-minority districts by statutory command, for that, too, could pose constitutional concerns…States that wish to draw crossover districts are free to do so where no other prohibition exists. Majority-minority districts are only required if all three *Gingles* factors are met and if § 2 applies based on a totality of the circumstances. In areas with substantial crossover voting, it is unlikely that the plaintiffs would be able to establish the third *Gingles* precondition—bloc voting by majority voters."[58]

[53] *Johnson v. De Grandy*, 512 U.S. 997, 1011-12 (1994).
[54] 52 U.S.C. § 10301(b); *Thornburg vs. Gingles*, 478 U.S. at 46.
[55] Senate Report Number 417, 97th Congress, Session 2 (1982).
[56] *Id.*
[57] *Bartlett v. Strickland,* 556 U.S. 1, 6 (2009).
[58] *Id.*