

# Legal Requirements for Redistricting in Louisiana

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# WHY Redistrict?

- Reapportionment of Congressional seats
- Louisiana's Constitutional requirements
- Population shifts within the state

# Louisiana Legislature's Responsibility

- Redistricting is undertaken every 10 years following the federal decennial census
- New redistricting plans are based on the latest decennial population counts

# WHO is Redistricted

## [by the Legislature]

- House & Senate districts
- Congressional districts
- P.S.C. districts
- B.E.S.E. districts
- Supreme Court districts
- Election districts of lower courts

# LEGAL ISSUES

- U. S. CONSTITUTION
- VOTING RIGHTS ACT OF 1965
- 2 U.S.C. §2c
- LOUISIANA CONSTITUTION
- LOUISIANA STATUTES

# LEGAL ISSUES

## FEDERAL

- U. S. CONSTITUTION
  - Equal Protection
  - One Person – One Vote
  - Race can be considered in drawing districts

# LEGAL ISSUES

## FEDERAL

- U. S. CONSTITUTIONAL POPULATION STANDARD
  - Congress
    - Article I, Section 2 and 14<sup>th</sup> Amendment
      - Representatives... apportion among the... states... according to their respective numbers
      - One person-one vote
      - Districts must be as nearly equal in population as practicable
      - Deviation and overall range close to zero

# LEGAL ISSUES (cont)

## FEDERAL

- U. S. CONSTITUTIONAL POPULATION STANDARDS (cont)
  - Louisiana legislative and other state jurisdictions
    - 14<sup>TH</sup> Amendment Equal Protection
      - One person – one vote
      - Districts substantially equal in population
      - A maximum overall deviation range of 10%

# LEGAL ISSUES (cont)

## FEDERAL

- CONGRESSIONAL DISTRICTS
  - 2 U.S.C. §2c
    - Congressional districts must be single member districts only
    - Ideal population =

# LEGAL ISSUES

## STATE

- LOUISIANA LEGISLATURE
  - Louisiana Constitution Article III, Section 6:
    - Legislature must be reapportioned (redistricted) by Dec. 31, 2011 or any elector can petition the Supreme Court to do it
    - Must use Census Population Data
    - Each district must be as equal as practicable

# LEGAL ISSUES

## State

- PUBLIC SERVICE COMMISSION
  - Louisiana Constitution Article IV, Section 21(A)
    - 5 Members must be elected from single-member districts
  - La. R.S. 45:1161.1 and 1161.4
    - 5 Members elected from single-member districts
  - Ideal PSC District =

# LEGAL ISSUES

## State

- STATE BOARD OF ELEMENTARY AND SECONDARY EDUCATION
  - Louisiana Constitution Article VIII, Section 3(B):
    - The board shall consist of 11 members, 8 of whom shall be elected from single-member districts
  - La. R.S. 17:2(B) and 2.2
    - 1 member elected from each of the 8 districts
  - Ideal BESE District =

# Discrimination Against Minorities

- Section 5 of the Voting Rights Act
  - In covered jurisdictions, plans must be precleared
    - Louisiana IS a covered jurisdiction
    - As are ALL of its subdivisions
  - Do not allow Retrogression
  - “Any discriminatory purpose”
  - No discriminatory effect
  - No requirement to maximize minority representation

# Discrimination Against Minorities

- Section 2 of the Voting Rights Act
  - National standard
  - No discriminatory effect
  - Gingles preconditions
  - Totality of the circumstances
  - Districts in which a minority has a fair chance to win

# Racial Gerrymandering

- What is racial gerrymandering?
- Equal Protection Clause
- What was the rationale in drawing district lines?

# Racial Gerrymandering (cont.)

- Race-conscious redistricting is not *per se* unconstitutional
- Consideration of race-neutral districting principles

# Racial Gerrymandering (cont.)

- If race is found to be the “predominant overriding factor,” strict scrutiny will apply
- What must a state prove for the plan to survive strict scrutiny?

# GLOSSARY of TERMS

- Redistricting
- Reapportionment
- P.L. 94-171
- POP & VAP
- Ideal population
- Deviation
- TIGER file
- Gerrymander
- Equal Protection Clause
- 14<sup>th</sup> Amendment
- 1 person, 1 vote
- Strict scrutiny
- Traditional Districting Principles
- Community of Interest
- Compact
- Contiguous
- 15<sup>th</sup> Amendment
- Voting Rights Act [VRA]
- Majority-minority district
- Vote dilution
- Gingles pre-conditions
- Section 5
- Submission
- Retrogression
- Preclearance