

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LOUISIANA HOUSE )  
OF REPRESENTATIVES )  
by Speaker Jim Tucker )  
Box 94062 (900 North Third Street) )  
Baton Rouge, Louisiana 70804 )  
)  
)  
)  
)  
Plaintiff )  
)  
v. )  
)  
UNITED STATES and ERIC HOLDER )  
as Attorney General of the United States )  
United States Department of Justice )  
Washington, DC 20530 )

Federal Defendants.

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**COMPLAINT FOR DECLARATORY JUDGMENT PURSUANT TO THE  
PROVISIONS OF SECTION 5 OF THE VOTING RIGHTS ACT OF 1965, AS  
AMENDED, 42 U.S.C. 1973C.**

1. The LOUISIANA HOUSE OF REPRESENTATIVES through Jim Tucker, Speaker of the Louisiana House of Representatives, brings this action for a declaratory judgment pursuant to the provisions of Section 5 of the Voting Rights Act of 1965, as

amended, 42 U.S.C. § 1973c.

2. The Court has jurisdiction of this proceeding pursuant to Section 14(b) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 19731.
3. The State of Louisiana is subject to the prohibitions of Section 4 (a) of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973b(a), based upon determinations made under the third sentence of Section 4(b) of the Voting Rights Act of 1965, as amended, 42 U.S.C. 1973b(b).
4. As a consequence of the determinations described above, whenever the State of Louisiana enacts or seeks to administer any voting qualification or prerequisite to voting, or standard practice or procedure with respect to voting different from that in force or effect on August 7, 1965 [hereinafter referred to as “voting change”], the State must first obtain a declaratory judgment from this Court that the voting change does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group. As an alternative to the declaratory judgment a covered jurisdiction can seek administrative Section 5 preclearance from the Attorney General of the United States.
5. The United States Supreme Court has held that “[a] State or political subdivision [covered by Section 5] wishing to make use of a recent amendment to its voting laws therefore has a concrete and immediate ‘controversy’ with the Federal Government.” *South Carolina v. Katzenbach*, 383 U.S. 301, 335 (1966). Thus, the United States is a

proper defendant in this action. Defendant Eric Holder is the Attorney General of the United States and is charged with the responsibility of enforcement of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973 *et seq.*

6. Although administrative Section 5 preclearance had been requested for the voting changes at issue herein, the Attorney General of the United States has not yet issued a decision on the submission.
7. The Speaker of the House is the head of the Louisiana House of Representatives and requests this Court to resolve the State's "concrete and immediate 'controversy' with the Federal Government." *Katzenbach, supra.*
8. The 2010 Census revealed that Louisiana's population has increased to a total of 4,533,372 persons, which represents a 1.4% increase over the 2000 Census.
9. Reapportionment or redistricting is the process of dividing of the state into different electoral seats or districts of equal population. Every ten (10) years, after the Census the Louisiana Legislature is required to redraw or reapportion the State's House of Representatives districts. The reapportionment of the House of Representatives districts occasions voting changes within the meaning of Section 5.
10. The 2011 First Extraordinary Session of the Legislature included reapportionment of the House of Representatives as a primary issue. On April 11, 2011, the Legislature adopted House Bill ("HB") 1, creating 105 separate single-member House of Representatives districts that cover the entire state. HB 1 was signed into law by

Governor Jindal on April 14, 2011, as Act No. 1 of the First Extraordinary Session, 2011 (“House of Representatives reapportionment plan”). A copy of the House of Representatives reapportionment plan is appended as Exhibit 1.

11. The State desires to implement the House of Representatives reapportionment plan described above throughout the state for the House elections to be held this year
12. The proposed House of Representatives reapportionment plan does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race, color, or membership in a language minority group.
13. Substantial factual information regarding the voting changes at issue has been presented to the defendants in connection with the administrative Section 5 submission.
14. As time is of the essence in obtaining final reapportionment plans, Speaker James Tucker is simultaneously moving to expedite the judicial proceedings.
15. Additionally, pursuant to United States District Court, District of Columbia Local Rule 9.1 Attorney General Butterworth is also filing an application for the appointment of the statutory three judge court.

WHEREFORE, the LOUISIANA HOUSE OF REPRESENTATIVES asks that the Court:

1. Appoint a three judge district court pursuant to 28 U.S.C. §2284(a); and
2. Declare that the House of Representatives reapportionment plan satisfies the substantive standard of Section 5 of the Voting Rights Act of 1965, as

amended, 42 U.S.C. 1973c.

Respectfully submitted,  
For Plaintiff Louisiana House of Representatives,

/s/ Jason Torchinsky  
*Special Assistant Attorney General  
State of Louisiana*

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