



# REDISTRICTING IN LOUISIANA

**Educational Presentation**

January 2011



# Overview

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- Introduction
  - What Is Redistricting?
  - Who Is Redistricted?
  - Why Redistrict?
- Legal Issues
  - State Law
  - Federal Law
- Timeline
- Census Data
- Districts

# Introduction

- What is redistricting?
  - ▣ Apportionment: process of allocating seats in a legislature
  - ▣ Districting: process of drawing the lines of each district
- Districts - Geographical territories from which officials are elected

# Introduction

- Who is redistricted?
  - By the state legislature:
    - House and Senate (R.S. 24:35.5 and 35.1)
    - Congress (R.S. 18:1276)
    - Public Service Commission (R.S. 45:1161.4)
    - State Board of Elementary and Secondary Education (R.S. 17:2.2)
    - Courts (R.S. 13:101, 312, and 477)
    - Justices of the Peace (R.S. 13:2601-20)
  - Enacted by the state legislature as laws

# Introduction

- Who is redistricted?
  - ▣ Local districts are drawn by local legislative bodies
    - School Boards (R.S. 17:71.5)
    - Local Governing Authorities (R.S. 18:1922)
    - Municipalities (R.S. 33:1371)
    - Parish Governing Authorities (R.S. 33:1411)

# Introduction

- Why redistrict?
  - ▣ Apportionment of Congress: change in the number of districts
  - ▣ Specific Legal Requirements Involving Redistricting
    - Article III, Section 6 of the Constitution of Louisiana includes a duties and deadlines for legislative redistricting
    - Various statutes involving local districting bodies contain redistricting duties and deadlines
  - ▣ General Legal Requirements
    - Equal Protection
    - Voting Rights Act of 1965

# Legal Issues: State Law

- Louisiana Legislature (La. Constitutional Provisions)
  - Article III, §1
    - Requires single member districts
  - Article III, §3
    - Provides a maximum number of members: 39 senators and 105 representatives
  - Article III, §6
    - Legislature must be redistricted by Dec. 31, 2011 or any elector can petition the Supreme Court to do it
    - Must use census population data

# Legal Issues: State Law

## □ Local Governmental Bodies

### □ Governing Authorities (R.S. 18:1922)

- The governing authority of each local governing body shall reapportion its voting districts by the end of the year following the year in which the population of the state is reported to the president for each decennial census

### □ Municipalities (R.S. 33:1371)

- Within 1 year of release of census data, must examine the apportionment plan to determine if there exists any substantial variation in the representation of the districts; thereafter, the governing authority must either declare the apportionment to be equitable and continue its existing apportionment plan or provide for a new apportionment plan (6 mo. for Lawrason Act municipalities); must use whole precincts



# Legal Issues: State Law

- Local Governmental Bodies
  - ▣ Parish Governing Authorities (R.S. 33:1411)
    - Within 6 months, examine apportionment plan and continue old plan or draw new plan; must use whole precincts
  - ▣ School Boards (R.S. 17:71.5)
    - Must redistrict based on each census; must adopt resolution by Dec. 31 of the second year following the census unless that year is an election year, in which case the resolution must be adopted by March 1

# Legal Issues: Federal Law

- **Supremacy Clause** (Art. VI, Cl. 2. of the U.S. Const.)
  - ▣ This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

# Legal Issues: Federal Law

- Equal Population
  - ▣ One Person, One Vote
  - ▣ Population Equality—how is it measured?
    - Ideal Population—total state population divided by the no. of districts (U.S. House 2000: 638,425; State House 2000: 42,561)
    - Deviation—amount by which a single district's population differs from the ideal

# Legal Issues: Federal Law

## □ Equal Population

### ▣ Standards—Different standards for congress and state legislative districts

- Based on different legal provisions

- **Congress:** as nearly equal in population as practicable (*Wesberry v. Sanders*, 376 U.S. 1 (1964))

  - Based on Article I, Section 2 and 14th Amendment

    - “Representatives ... shall be apportioned among the ... states ... according to their respective numbers”

  - Deviation and overall range: as close to zero as possible

# Legal Issues: Federal Law

## □ Equal Population

### ▣ Standards—Different standards for congress and state legislative districts

#### ■ **State Legislatures:** "substantial equality of population among the various districts" (*Reynolds v. Sims*, 377 U.S. 533, 579 (1964))

- Based on the Equal Protection Clause of the 14th Amendment
- 10-Percent Standard: Generally, a legislative plan with an overall range of less than 10% is not enough to make a prima facie case of invidious discrimination under the 14th Amendment (*Brown v. Thompson*, 462 U.S. 835 (1983))
  - Not a safe-harbor (*Larios v. Cox*, 300 F.Supp.2d 1320 (N.D. Ga.), *aff'd* 542 U.S. 947 (2004))

# Legal Issues: Federal Law

## □ Equal Population

- Equality of population must be the "overriding objective" of districting, and deviations from this principle are permissible only if incident to the effectuation of a rational state policy (*Reynolds v. Sims*, 377 U.S. 533, 579 (1964))
- State policies that have been referenced:
  - Allowing representation to political subdivisions
  - Compactness
  - Preserving cores of prior districts
  - Avoiding contests between incumbents

# Legal Issues: Federal Law

## □ Racial Gerrymandering

### ▣ What is "racial gerrymandering"?

- The "deliberate and arbitrary distortion of district boundaries . . . for [racial] purposes" ((*Shaw v. Reno*, 509 U.S. 630, 640 (1993))

### ▣ Initially, used to circumvent application of the 15th Amendment

### ▣ More recently, challenges made to districts drawn following the 1990 Census in an effort to maximize the number of minority districts

- *Shaw v. Reno* (Shaw I), 509 U.S. 630 (1993) (North Carolina); *U.S. v. Hays*, 515 U.S. 737 (1995) (Louisiana); *Miller v. Johnson*, 515 U.S. 900 (1995) (Georgia); *Bush v. Vera*, 517 U.S. 952 (1996) (Texas); *Shaw v. Hunt* (Shaw II), 517 U.S. 899 (1996) (North Carolina); *Lawyer v. Dept. of Justice*, 521 U.S. 567 (1997) (Florida)

# Legal Issues: Federal Law

- Racial Gerrymandering
  - ▣ Equal Protection Clause of the 14th Amendment
  - ▣ Courts attempt to balance constitutional interests:
    - no state shall purposefully discriminate against a person on the basis of race and
    - members of a minority group shall be free from discrimination in the electoral process



# Legal Issues: Federal Law

## □ Racial Gerrymandering

### ▣ What was the rationale in drawing district lines?

#### ■ Race-conscious redistricting is not *per se* unconstitutional

- "[T]he legislature is always aware of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors." (*Shaw v. Reno (Shaw I)*, 509 U.S. at 646)

#### ■ Consideration of race-neutral districting principles

- Compactness, contiguity, communities of interest, respect for political subdivisions, protection of core districts

# Legal Issues: Federal Law

- Racial Gerrymandering
  - ▣ If race is found to be the “predominant overriding factor,” strict scrutiny will apply
    - Where the legislature subordinates traditional race-neutral districting principles to racial considerations

# Legal Issues: Federal Law

- Racial Gerrymandering
  - What must a state prove for the plan to survive strict scrutiny?
    - A law narrowly tailored to serve a compelling state interest

# Legal Issues: Federal Law

## □ Discrimination Against Minorities

### ▣ The Voting Rights Act of 1965

#### ■ Section 5

- Prohibits the enforcement in a covered jurisdiction of any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect on the date used to determine coverage, until either:
  - A declaratory judgment is obtained from the U.S. District Court for the District of Columbia that such qualification, prerequisite, standard, practice, or procedure 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, or
  - It has been submitted to the Attorney General and the Attorney General has interposed no objection within a 60-day period following submission

# Legal Issues: Federal Law

## □ Discrimination Against Minorities

### ▣ The Voting Rights Act of 1965

#### ■ Section 5

- Louisiana is a covered jurisdiction, as are all of its political subdivisions
- Do not allow Retrogression
- “Any discriminatory purpose”
- No discriminatory effect
- No requirement to maximize minority representation

# Legal Issues: Federal Law

## □ Discrimination Against Minorities

### ▣ The Voting Rights Act of 1965

#### ■ Section 2

- Prohibits any state or political subdivision from imposing a voting qualification, standard, practice, or procedure that results in the denial or abridgment of any U.S. citizen's right to vote on account of race, color, or status as a member of a language minority group

# Legal Issues: Federal Law

## □ Discrimination Against Minorities

### ▣ The Voting Rights Act of 1965

#### ■ Section 2

- National standard
- No discriminatory effect
- *Gingles* preconditions (*Thornburg v. Gingles*, 478 U.S. 30 (1986))
  - Size and geographical compactness
  - Political cohesion
  - Majority votes as a bloc to defeat minority's preferred candidate
- Totality of the circumstances
- Districts in which a minority has a fair chance to win

# Timeline For Redistricting

\*indicates tentative date

! Indicates deadline

24

- **December 21, 2010:** President of the U.S. notified of the population of each state
- **January 2011:** State officially notified of the allocation of seats in the U.S. House of Representatives
- **January 19, 2011:** House Committee Hearing on Redistricting Rules & Census data
- **February 2, 2011\*:** Redistricting Data is delivered to the Legislature
- **February 15, 2011\*:** House Committee hearing on redistricting data



# Timeline For Redistricting (Cont.)

25

- **February 17-March 1, 2011:** Joint House & Senate Public Hearings

- February

- Thursday, 17th      10:00 a.m.      Northshore
- Thursday, 17th      6:00 p.m.      New Orleans
- Monday, 21st      10:00 a.m.      Houma
- Monday, 21st      6:00 p.m.      Baton Rouge
- Tuesday, 22nd      10:00 a.m.      Lake Charles
- Tuesday, 22nd      6:00 p.m.      Lafayette
- Monday, 28th      6:00 p.m.      Shreveport

- March

- Tuesday, 1st      10:00 a.m.      Monroe
- Tuesday, 1st      6:00 p.m.      Alexandria

# Timeline For Redistricting (Cont.)

26

- **March 17-18, 2011\***: House Committee Hearings on draft plans
- **March 20–April 13, 2011**: Proposed Extraordinary Session to establish new Legislative, Congressional, Supreme Court, Courts of Appeal, Public Service Commission, and Board of Elementary and Secondary Education (BESE) districts
- **April 25-June 23, 2011**: Regular Session
- **December 31, 2011!**: Article III, §6 deadline for the Legislature to redistrict itself
- **March 12-June 4, 2012**: Regular Session
- Dates related to the 2012 fall election cycle (except the Nov. 6, 2012, election date) are dependent upon the preclearance of Act No. 570 of the 2010 R.S. and are not included in this timeline

# Public Law 94-171

## Census Redistricting Data Program

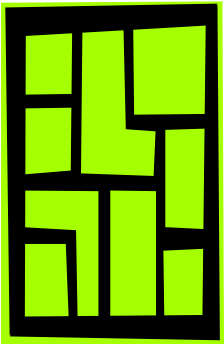
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### **Two primary components:**

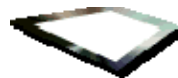
- Geography
- Population by Geographic Area

# Census Population is reported by Geographic Area

28



- Parishes
- Legislative districts
- Municipalities & Census Designated Places
  - Census Tracts
  - Voting Districts (Precincts)
  - Census Block Groups
    - Census Blocks



# Building Blocks For Legislatively Drawn Plans

29

- The Legislature uses precincts as the building blocks for redistricting plans
- Parish Governing Authorities are required to use census block boundaries as the boundaries for precincts



# P.L. 94-171 Data Includes the Following Tabulations By Precinct

30

- **Total Population**
- **Voting Age Population (over 18)**
- **Racial Data**

# Census Population Data

31

- 263 Potential Categories of population for each census block. These categories are as follows:
  - Those Age 18 and Over (Voting Age Population/VAP)
  - Those under 18
  - Those of Hispanic or Latino origin
- 63 Potential Racial Categories: 5 single race categories: White, Black, American Indian, Asian, Native Hawaiian and Other Pacific Islander, and Some other Race. People may report being any combination of races up to all six.

# Population changes

## The Nation v. Louisiana

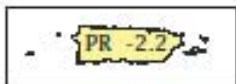
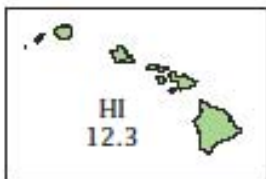
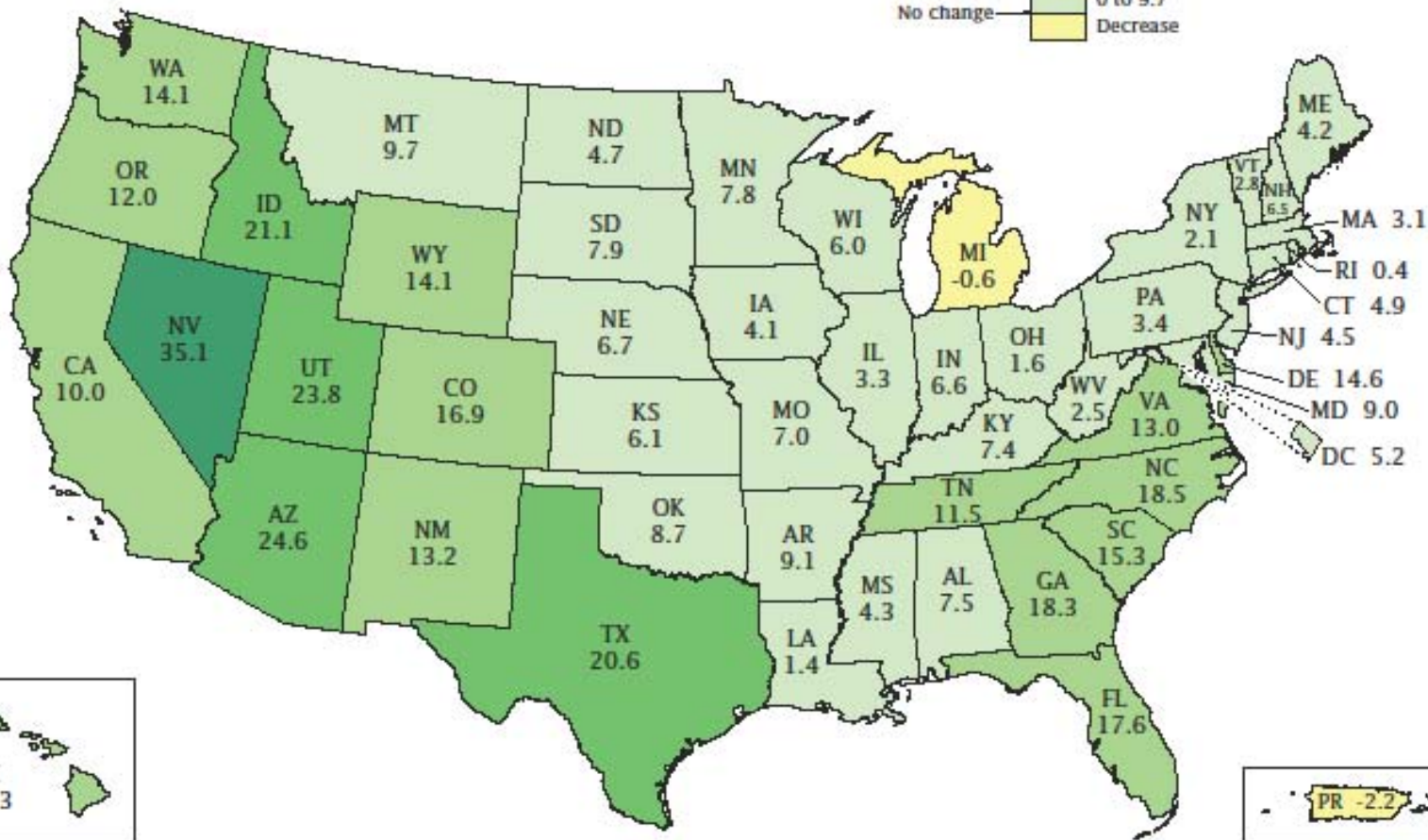
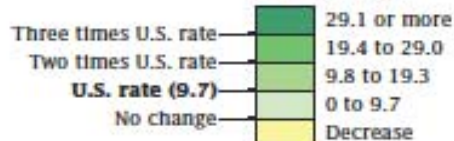
<b>Decade</b>	<b>U.S.</b>	<b>Louisiana</b>	<b>Difference</b>
<b>1970 to 1980</b>	<b>11.48%</b>	<b>15.51%</b>	<b>4.02%</b>
<b>1980 to 1990</b>	<b>9.78%</b>	<b>0.33%</b>	<b>-9.45%</b>
<b>1990 to 2000</b>	<b>13.15%</b>	<b>5.90%</b>	<b>-7.25%</b>
<b>2000 to 2010</b>	<b>9.71%</b>	<b>1.44%</b>	<b>-8.27%</b>



# Percent Change in Resident Population for the 50 States, the District of Columbia, and Puerto Rico: 2000 to 2010



### Percent Change



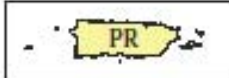
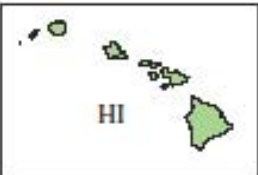
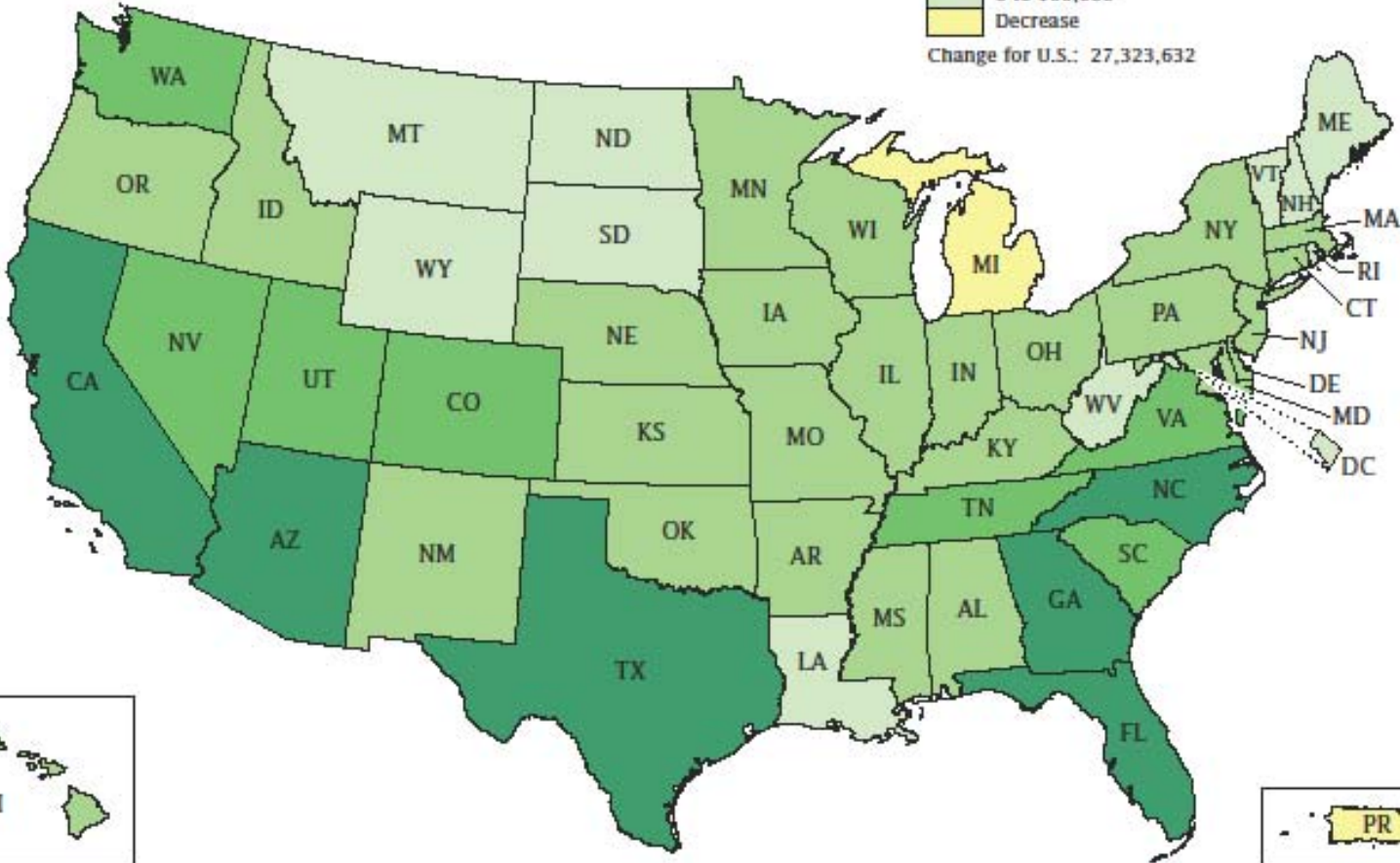
# Numeric Change in Resident Population for the 50 States, the District of Columbia, and Puerto Rico: 2000 to 2010



Change In Number of People

- Greater than 1 million
- 500,001 to 1 million
- 100,001 to 500,000
- 0 to 100,000
- Decrease

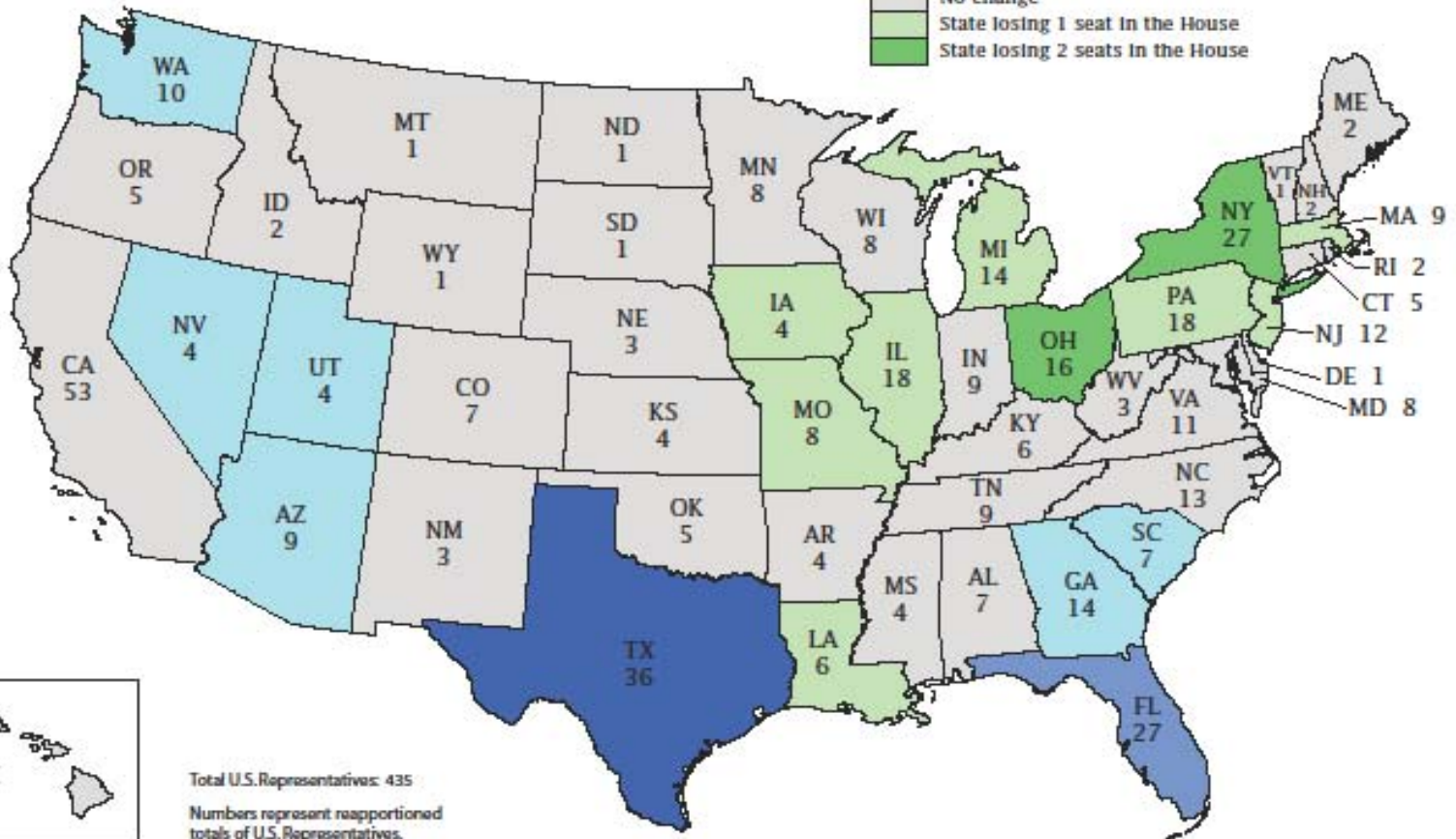
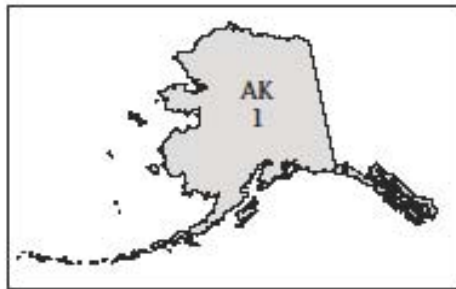
Change for U.S.: 27,323,632



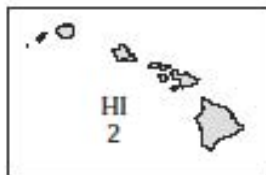
## Apportionment of the U.S. House of Representatives Based on the 2010 Census

Change from 2000 to 2010

- State gaining 4 seats in the House
- State gaining 2 seats in the House
- State gaining 1 seat in the House
- No change
- State losing 1 seat in the House
- State losing 2 seats in the House



Total U.S. Representatives: 435  
Numbers represent reapportioned totals of U.S. Representatives.



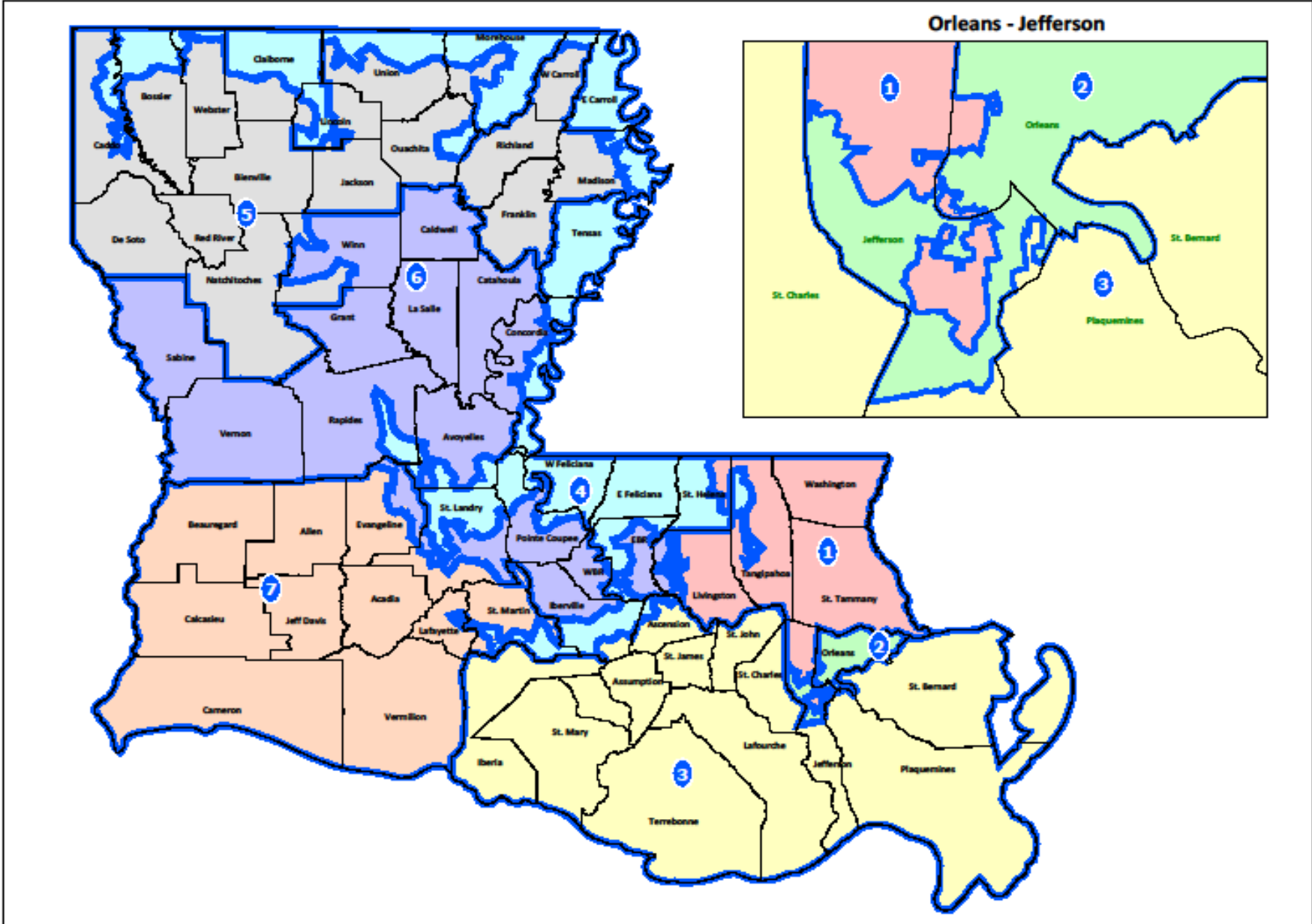
# Congress

## Ideal District Population Thru the Decades

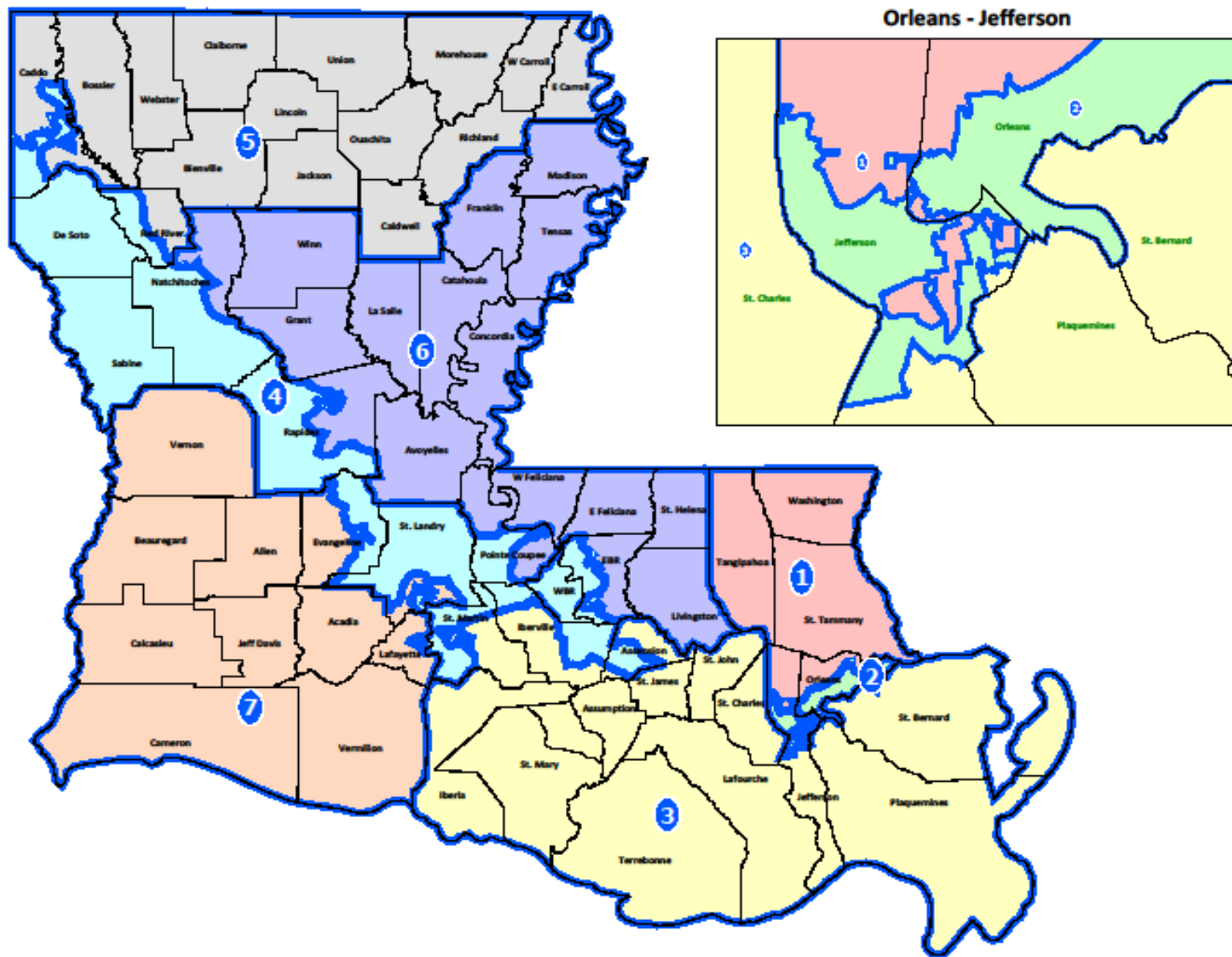
<b>Decade</b>	<b>Districts</b>	<b>Ideal Population</b>
<b>1980</b>	<b>8</b>	<b>525,738</b>
<b>1990</b>	<b>7</b>	<b>602,853</b>
<b>2000</b>	<b>7</b>	<b>638,425</b>
<b>2010</b>	<b>6</b>	<b>755,562</b>



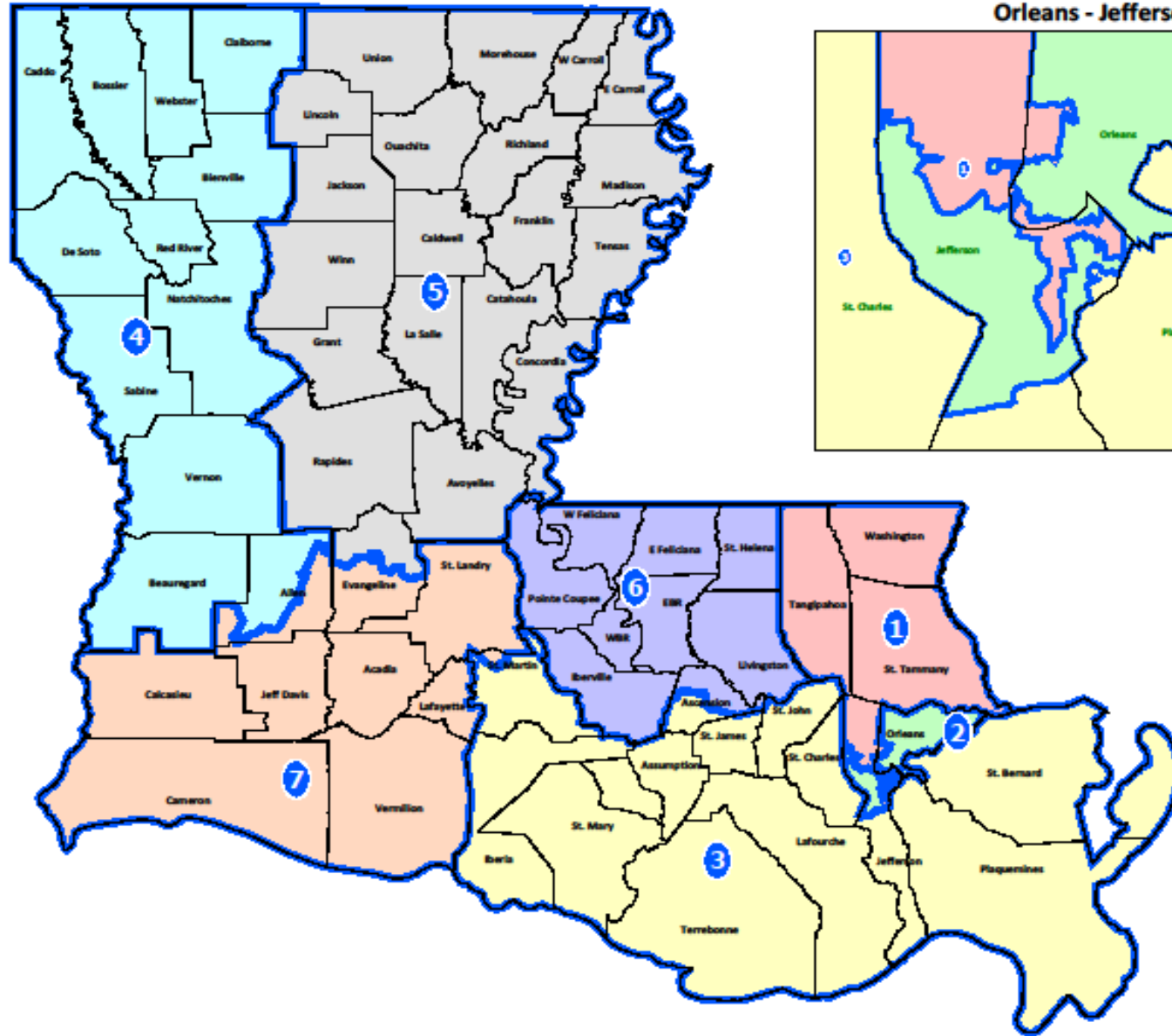
# Congress - 1992



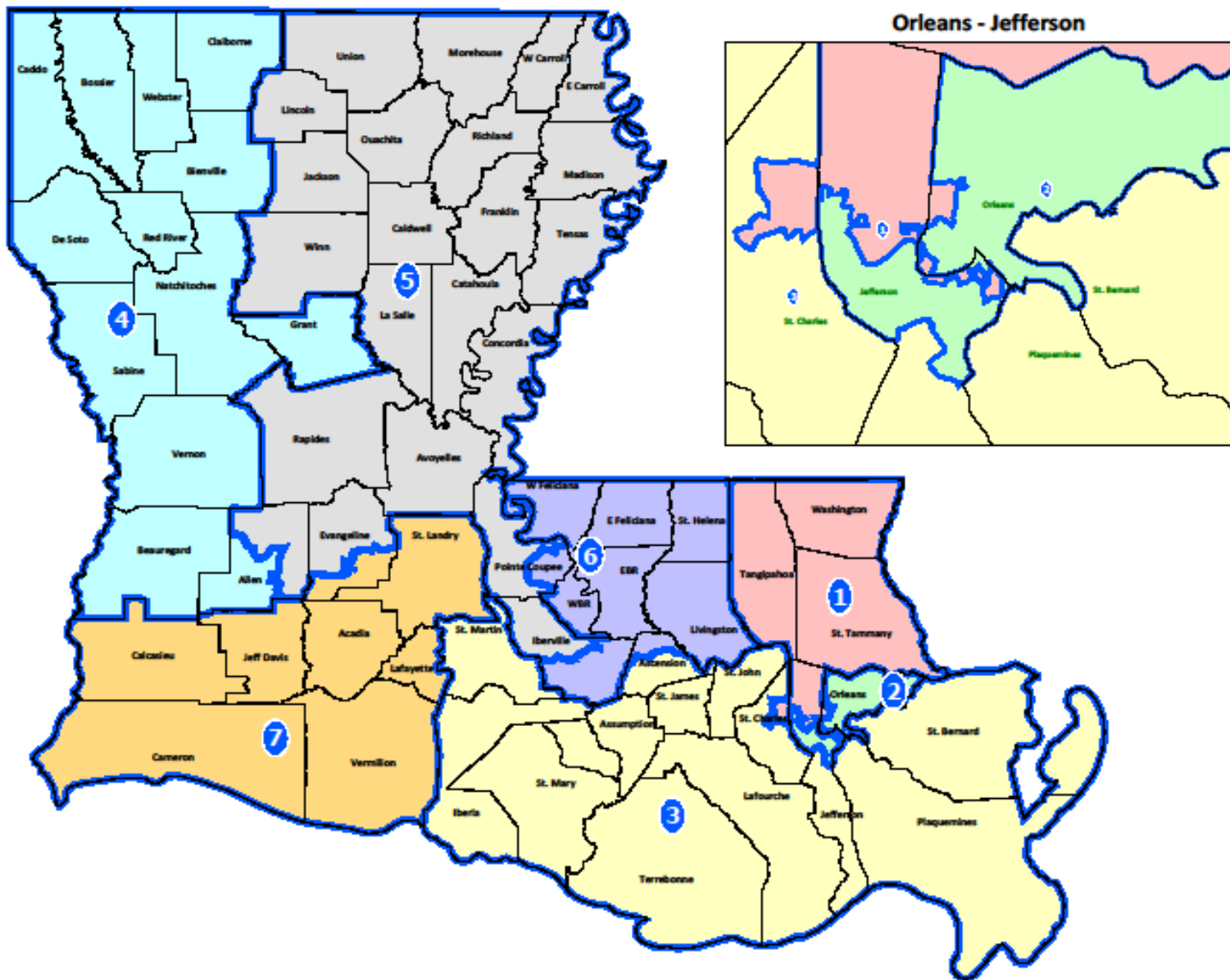
# Congress - 1994



# Congress - 1996



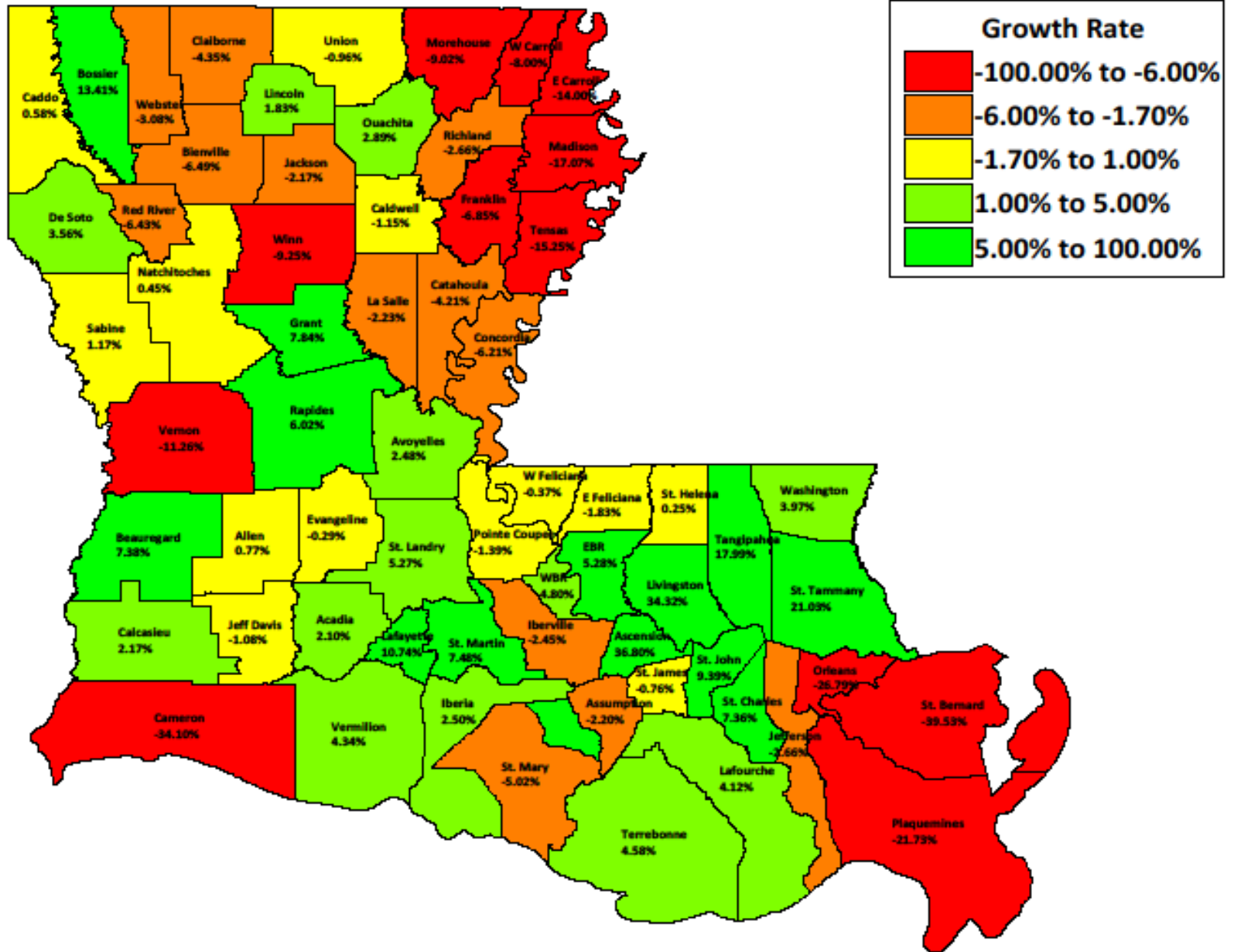
# Congress - 2001







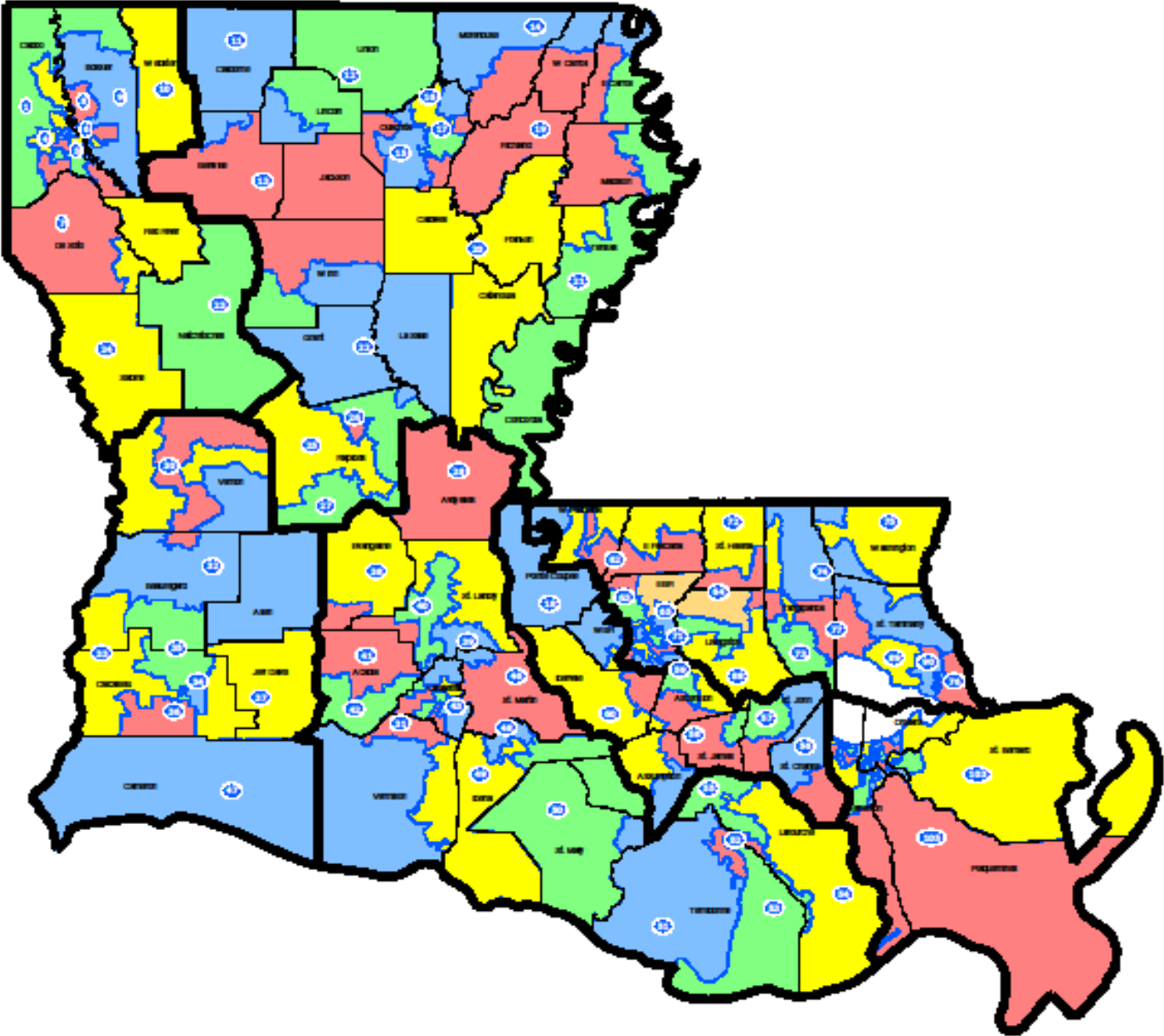
# Parish - 2000 Census To 2009 Census Estimate Population Change



# House Ideal District Population Through the Decades

<b>Decade</b>	<b>Ideal Population</b>
<b>1970</b>	<b>34,697</b>
<b>1980</b>	<b>40,037</b>
<b>1990</b>	<b>40,190</b>
<b>2000</b>	<b>42,561</b>
<b>2010</b>	<b>43,174</b>

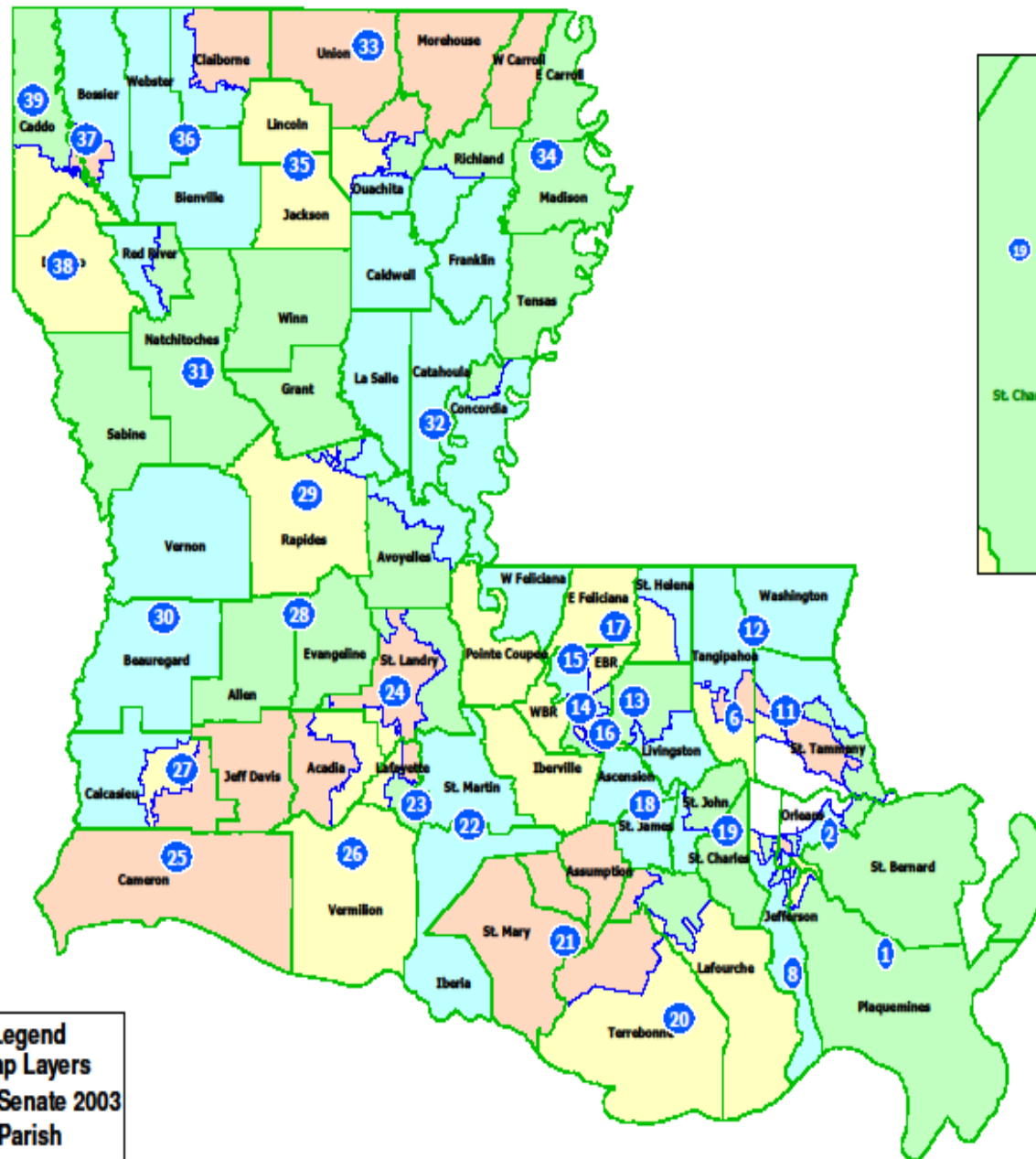
# House 2000



# Senate Ideal District Population Through the Decades

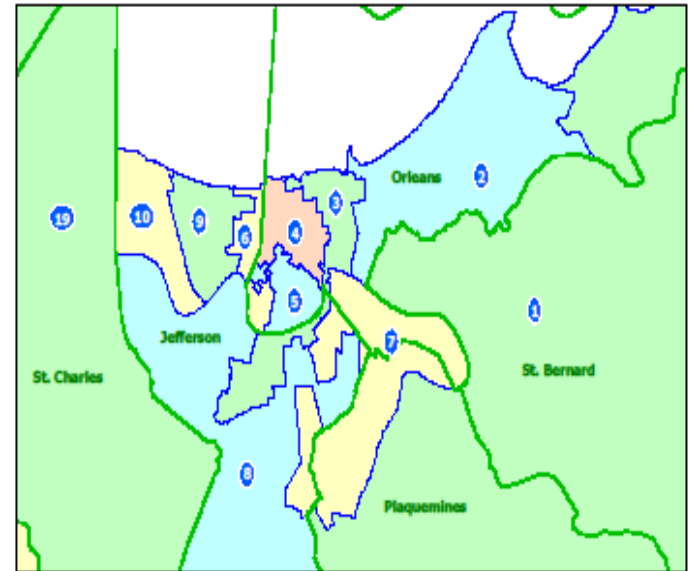
<b>Decade</b>	<b>Ideal Population</b>
<b>1970</b>	<b>93,367</b>
<b>1980</b>	<b>107,844</b>
<b>1990</b>	<b>108,204</b>
<b>2000</b>	<b>114,589</b>
<b>2010</b>	<b>116,240</b>

# Senate 2003

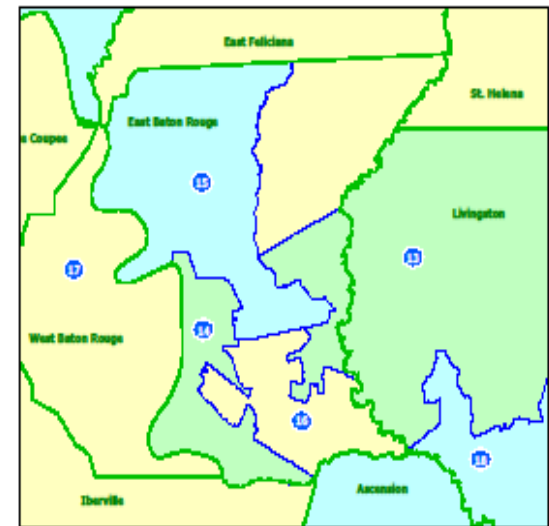


**Legend**  
**Map Layers**  
Senate 2003  
Parish

### New Orleans - Jefferson



### Baton Rouge



# BESE Ideal District Population Through the Decades

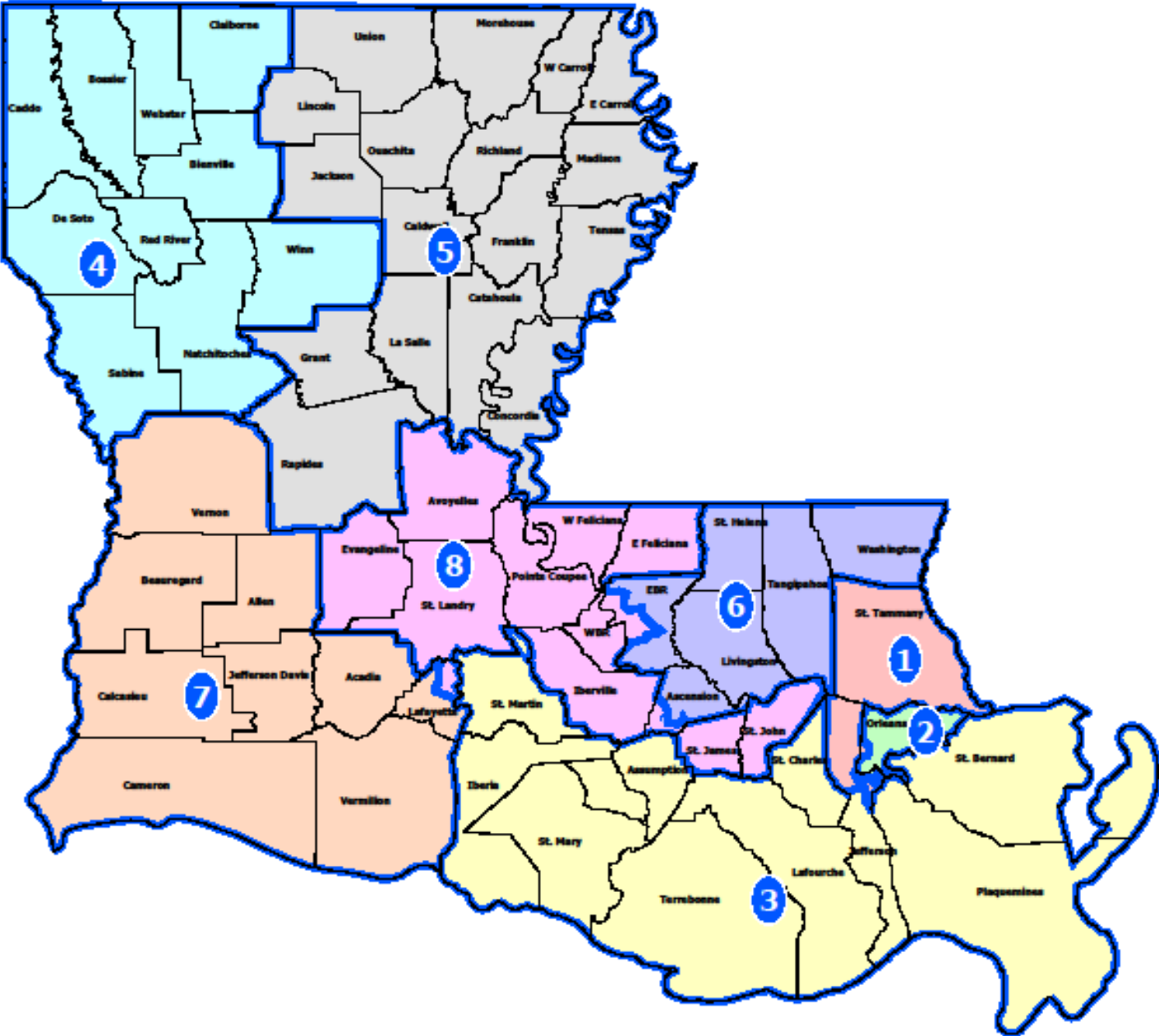


1990 Ideal: 527,496

2000 Ideal: 558,622

2010 Ideal: 566,671

# BESE Districts





# Supreme Court Ideal District Population Through the Decades



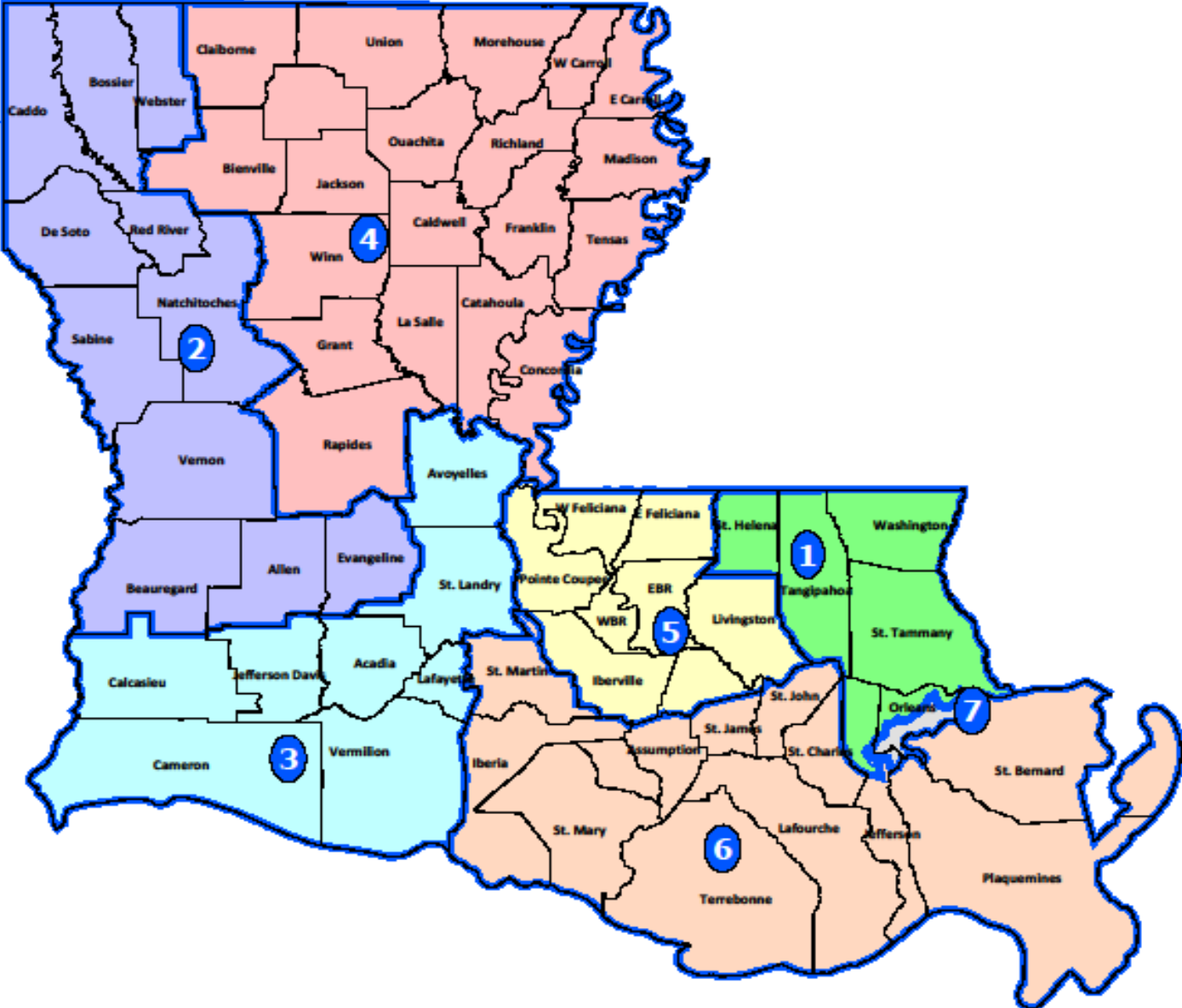
1990 Ideal: 602,853

2000 Ideal: 638,425\*\*

2010 Ideal: 647,624

(\*\*Note: Supreme Court Districts were not redrawn following the 2000 Census)

# LA Supreme Court



# Public Service Commission

## Ideal District Population Through the Decades

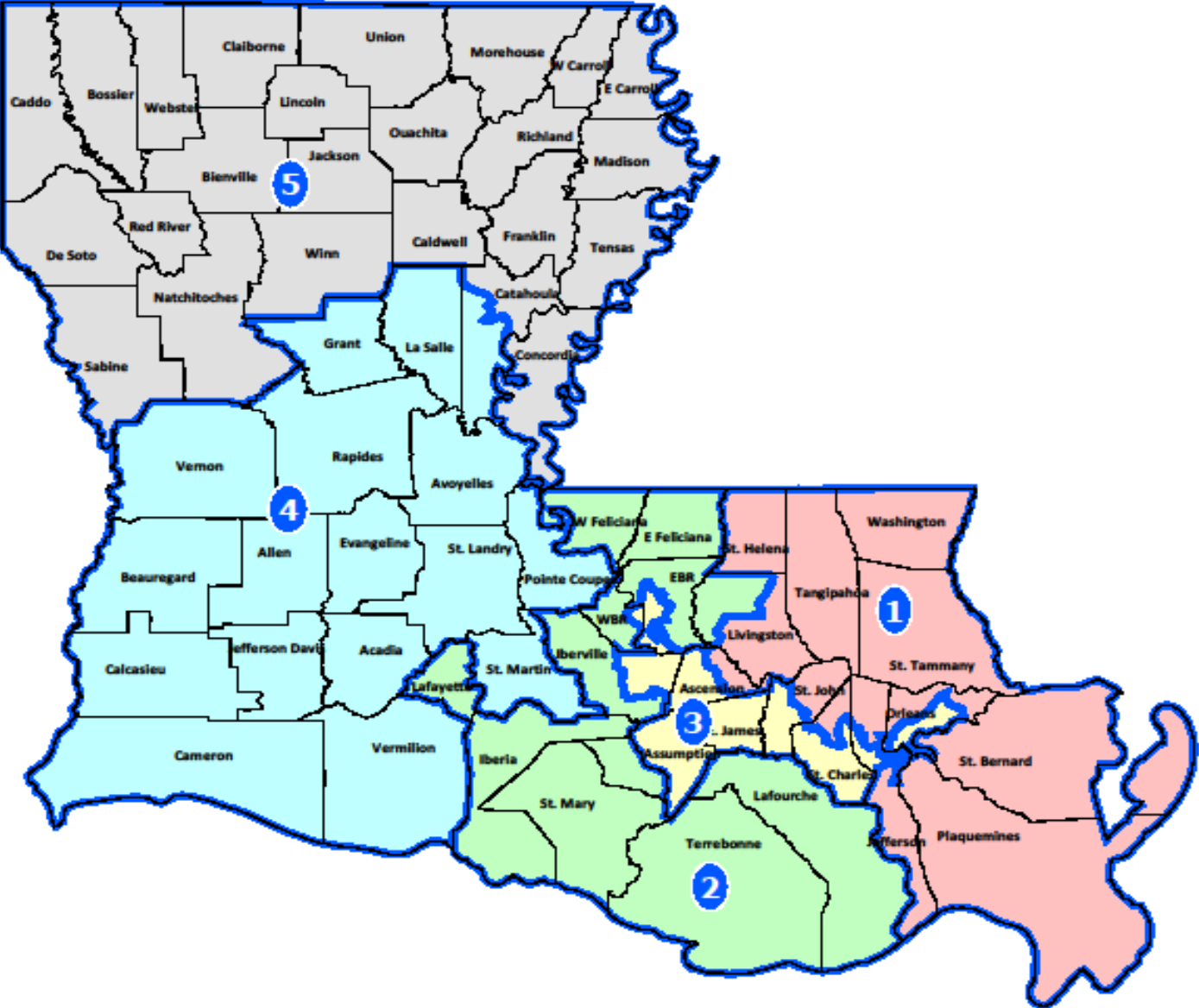
51

1990 Ideal: 843,994

2000 Ideal: 893,795

2010 Ideal: 906,674

# PSC Districts





To get more information regarding the Louisiana House of Representatives redistricting process go to:

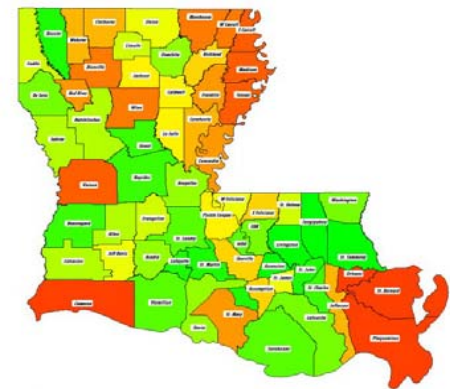
[http://house.louisiana.gov/H\\_Redistricting2011](http://house.louisiana.gov/H_Redistricting2011)



To get more information regarding the Louisiana Senate redistricting process go to:

<http://senate.legis.state.la.us/redist2011/>

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# Key Contacts for the House of Representatives

54

## House & Governmental Affairs Committee

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- ▣ Alfred Speer Clerk of the House  
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- ▣ Stephanie Little Attorney  
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# Key Contacts for the Senate

55

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- ▣ Sue Morain Executive Assistant to the Secretary  
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