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 14th 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
    • 14TH 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
• 14th Amendment
• 1 person, 1 vote
• Strict scrutiny

• Traditional Districting Principles
• Community of Interest
• Compact
• Contiguous
• 15th Amendment
• Voting Rights Act [VRA]
• Majority-minority district
• Vote dilution
• Gingles pre-conditions
• Section 5
• Submission
• Retrogression
• Preclearance