



REDISTRICTING IN LOUISIANA

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Overview



- Introduction
 - What Is Redistricting?
 - Who Is Redistricted?
 - Why Redistrict?
- Legal Issues
 - State Law
 - Federal Law
- Districts: BESE, PSC, Supreme Court, Courts of Appeal, Senate, House of Representatives, Congress
- Public Comment

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)
 - Enacted by the state legislature as laws

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: 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
 - 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))

Where do we get the word "Gerrymandering?"



- From Elbridge Gerry
 - Signer of the American Declaration of Independence
 - Fifth vice president of the United States (1813–14)
- After four attempts to win election as governor of Massachusetts, Gerry succeeded in 1810 and was reelected in 1811.
- His administration was notable for its use of what became known as gerrymandering.
- The division of electoral districts for partisan political advantage.





- Gerrymandering
- Political Gerrymandering
- Racial Gerrymandering

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
 - ▣ 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
- Jurisdiction has burden of showing that the plan neither has the **purpose** nor the **effect** of denying or abridging the right to vote on account of race, color, or membership in a language minority group
- Retrogression
- “Any discriminatory purpose”

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

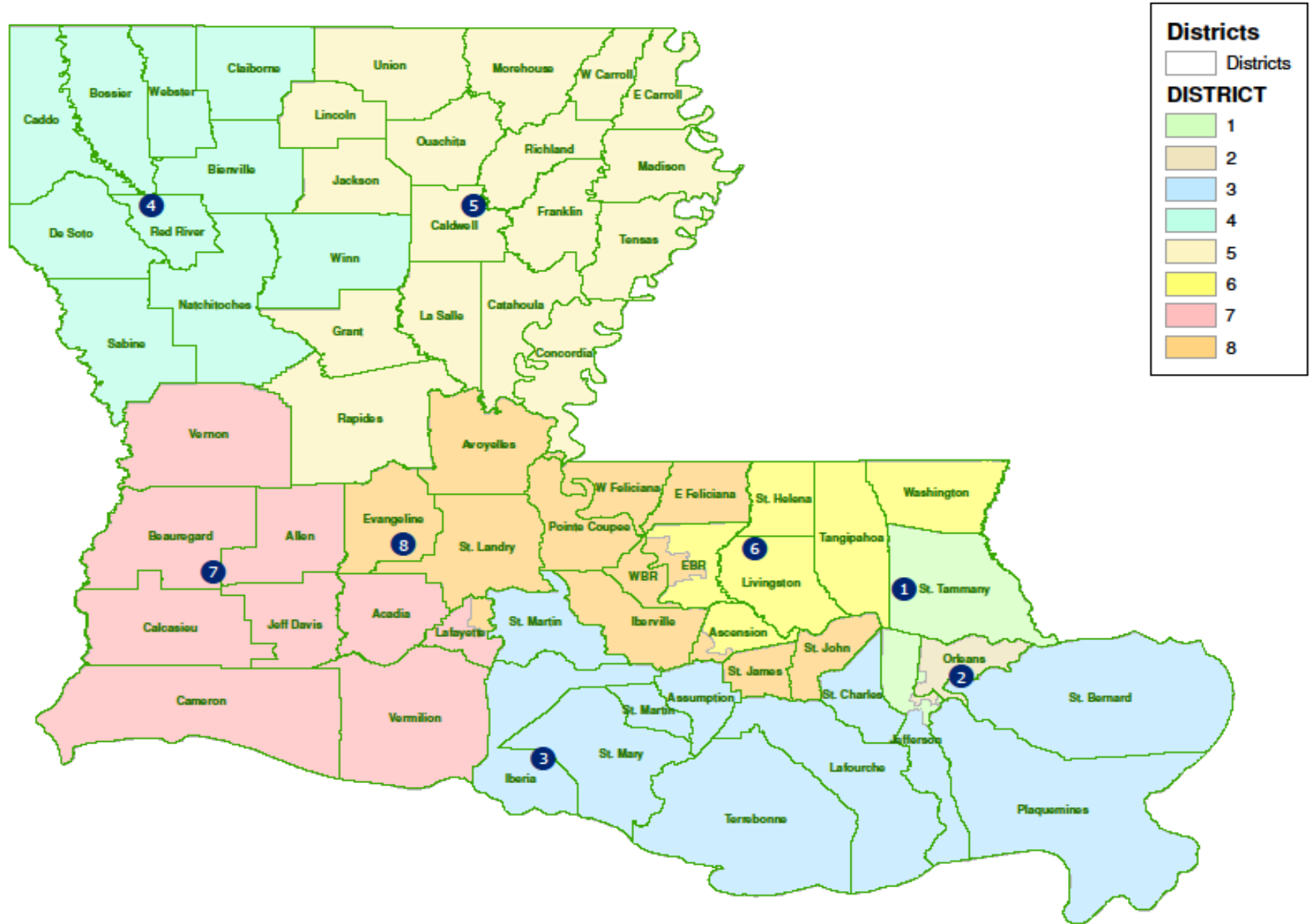
□ Discrimination Against Minorities

□ The Voting Rights Act of 1965

■ Section 2

- *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

BESE Districts 2000s



BESE Ideal District Population

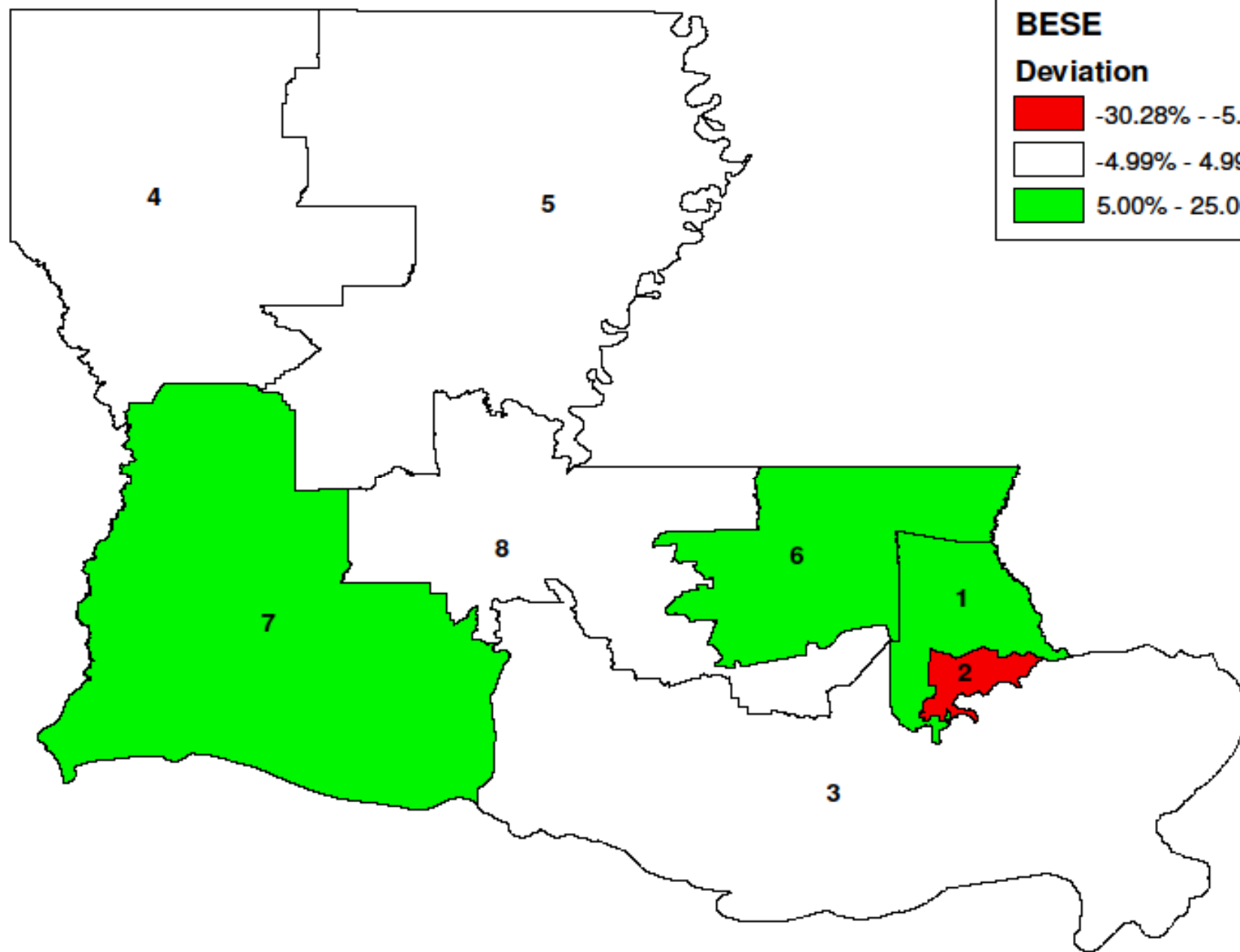


2000 Ideal: 558,622

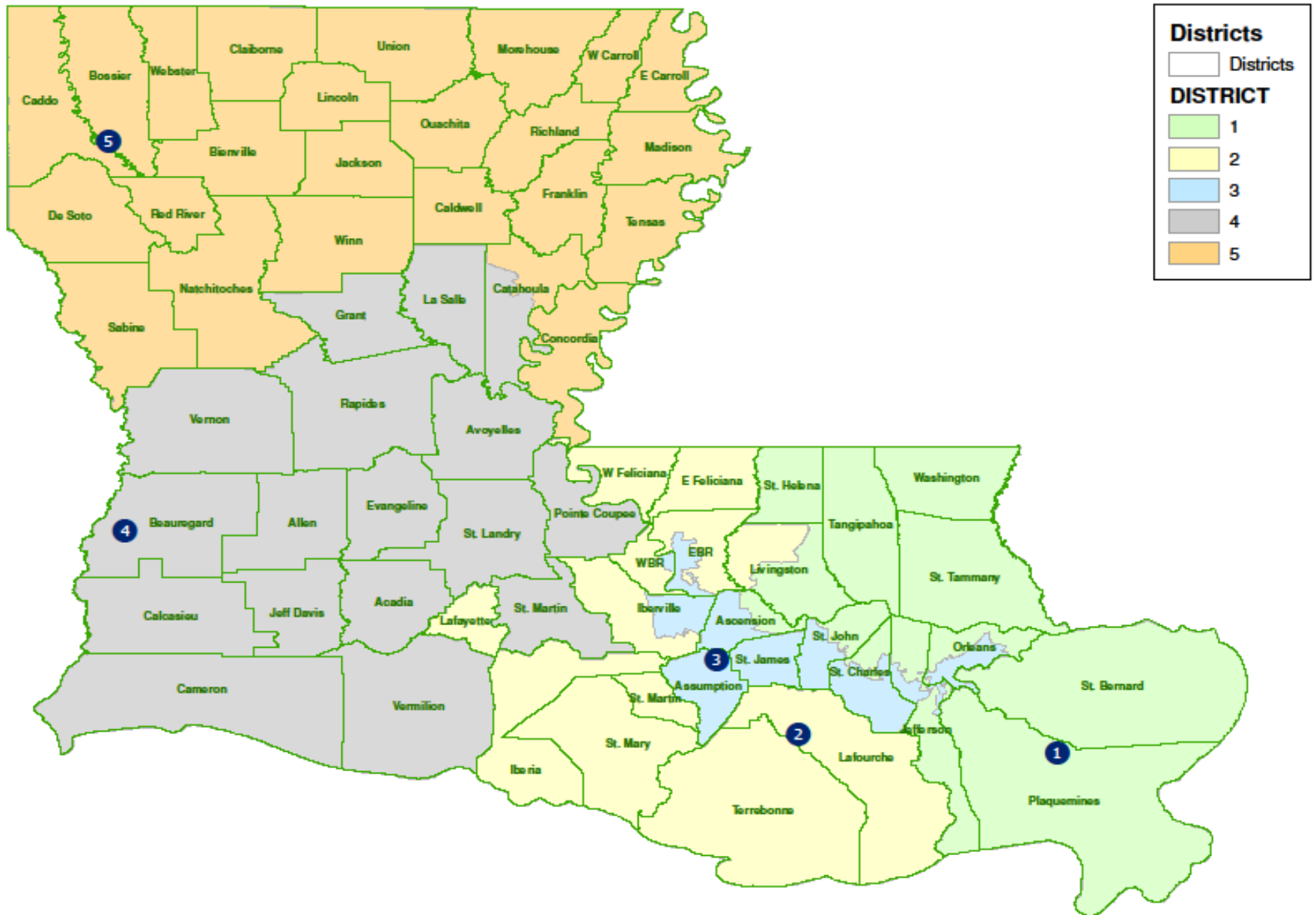
2010 Ideal: 566,671

Deviations of BESE Districts

| District | Member | Actual Pop | Ideal Pop | Difference | Percent |
|------------|---------|------------|-----------|------------|---------|
| District 1 | Garvey | 595,463 | 566,671 | 28,792 | 5.08% |
| District 2 | Givens | 395,097 | 566,671 | -171,574 | -30.28% |
| District 3 | Buquet | 542,929 | 566,671 | -23,742 | -4.19% |
| District 4 | Lee | 559,562 | 566,671 | -7,109 | -1.25% |
| District 5 | Guice | 555,802 | 566,671 | -10,869 | -1.92% |
| District 6 | Roemer | 708,651 | 566,671 | 141,980 | 25.06% |
| District 7 | Bayard | 632,891 | 566,671 | 66,220 | 11.69% |
| District 8 | Johnson | 542,977 | 566,671 | -23,694 | -4.18% |



Public Service Commission Districts 2000s



Public Service Commission

Ideal District Population Through the Decades

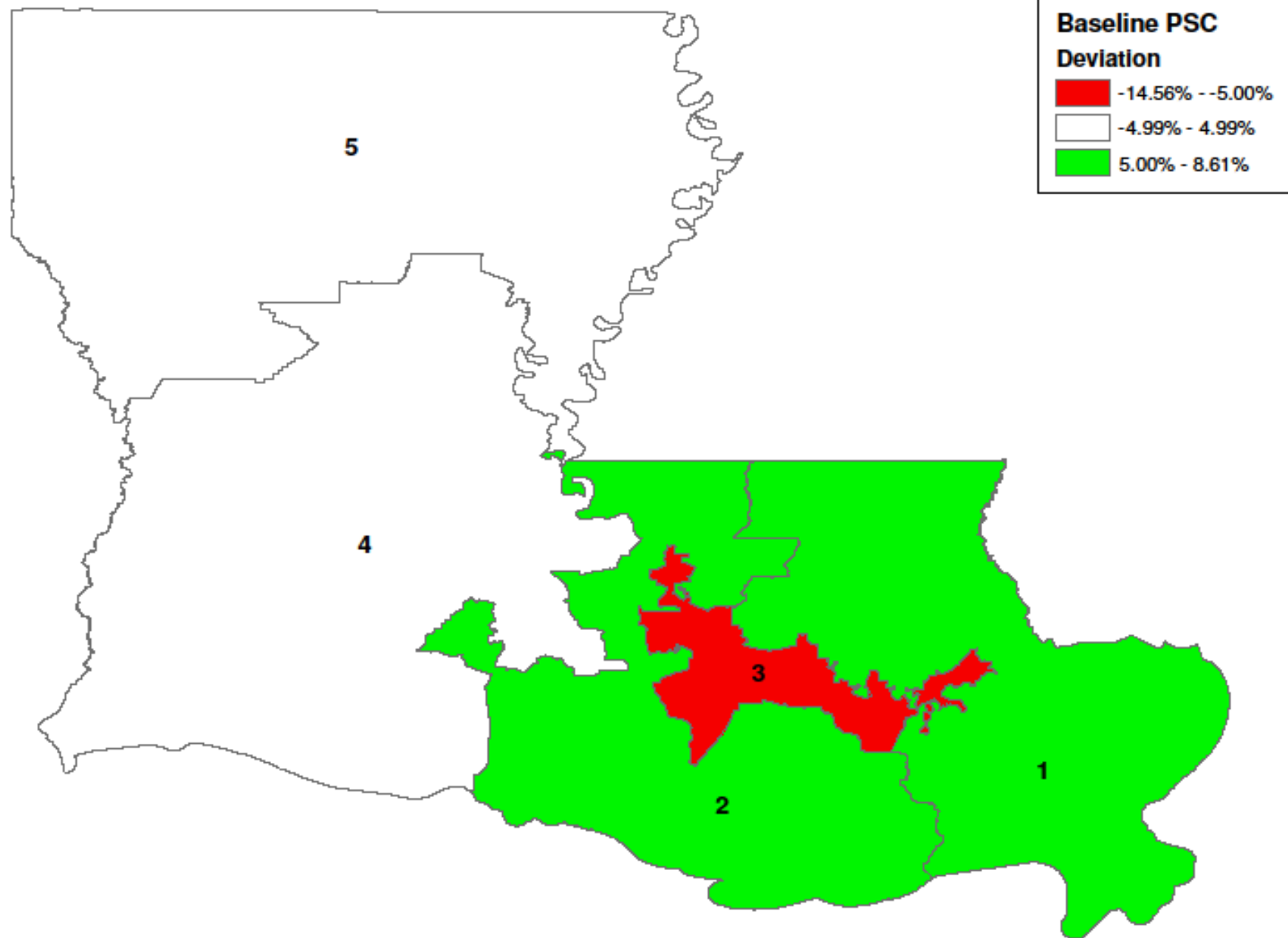
27

2000 Ideal: 893,795

2010 Ideal: 906,674

Deviations of PSC Districts

| District | Member | Actual Pop | Ideal Pop | Difference | Percent |
|------------|-----------|------------|-----------|------------|---------|
| District 1 | Skrmetta | 960,918 | 906,674 | 54,244 | 5.98% |
| District 2 | Field | 984,783 | 906,674 | 78,109 | 8.61% |
| District 3 | Boissiere | 774,622 | 906,674 | -132,052 | -14.56% |
| District 4 | Holloway | 872,823 | 906,674 | -33,851 | -3.73% |
| District 5 | Campbell | 940,226 | 906,674 | 33,552 | 3.70% |



Supreme Court Ideal District Population



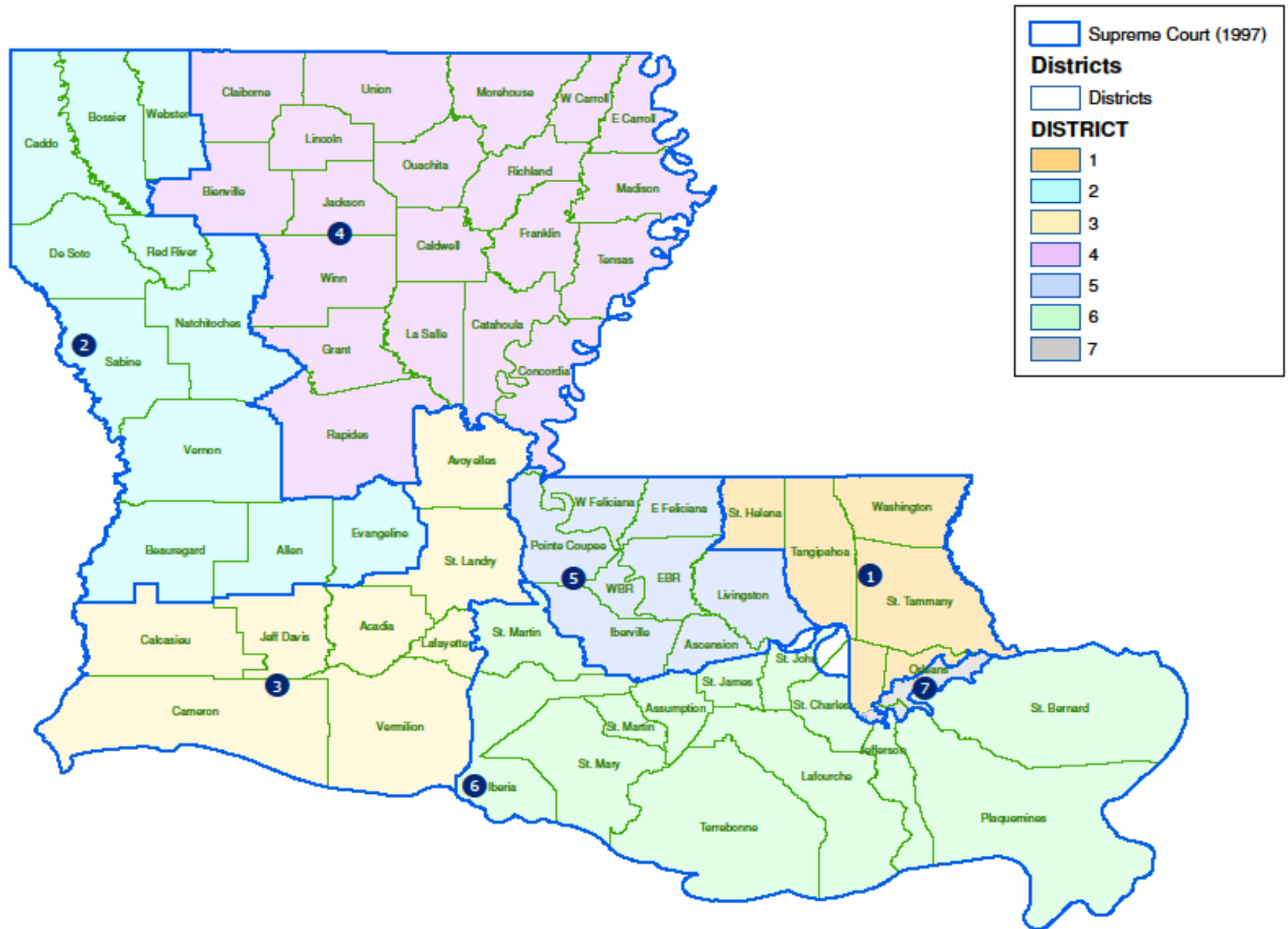
1990 Ideal: 602,853

2000 Ideal: 638,425*

2010 Ideal: 647,624

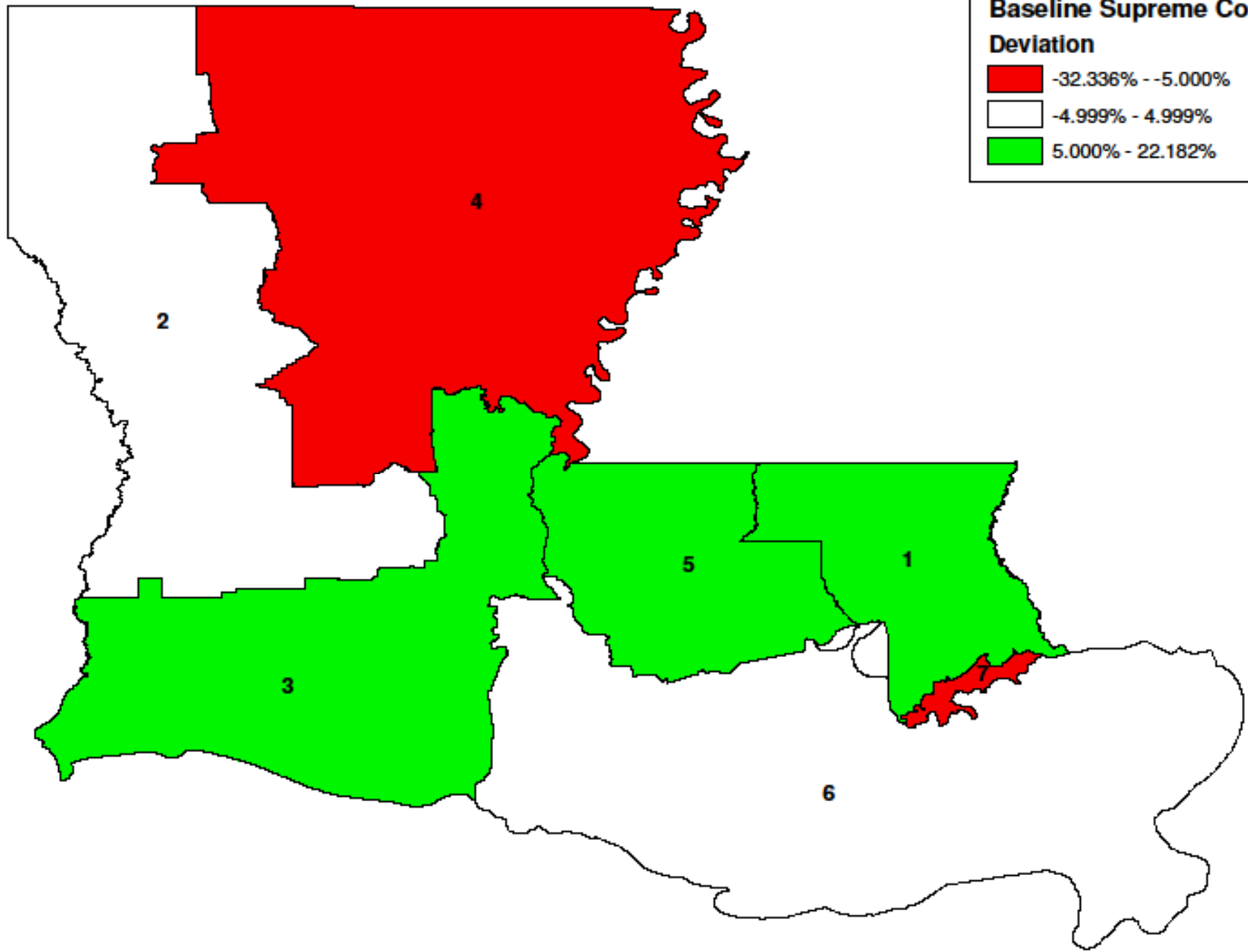
(*Note: Supreme Court Districts were not redrawn following the 2000 Census)

Baseline Supreme Court Districts



Deviations of Baseline Supreme Court Districts

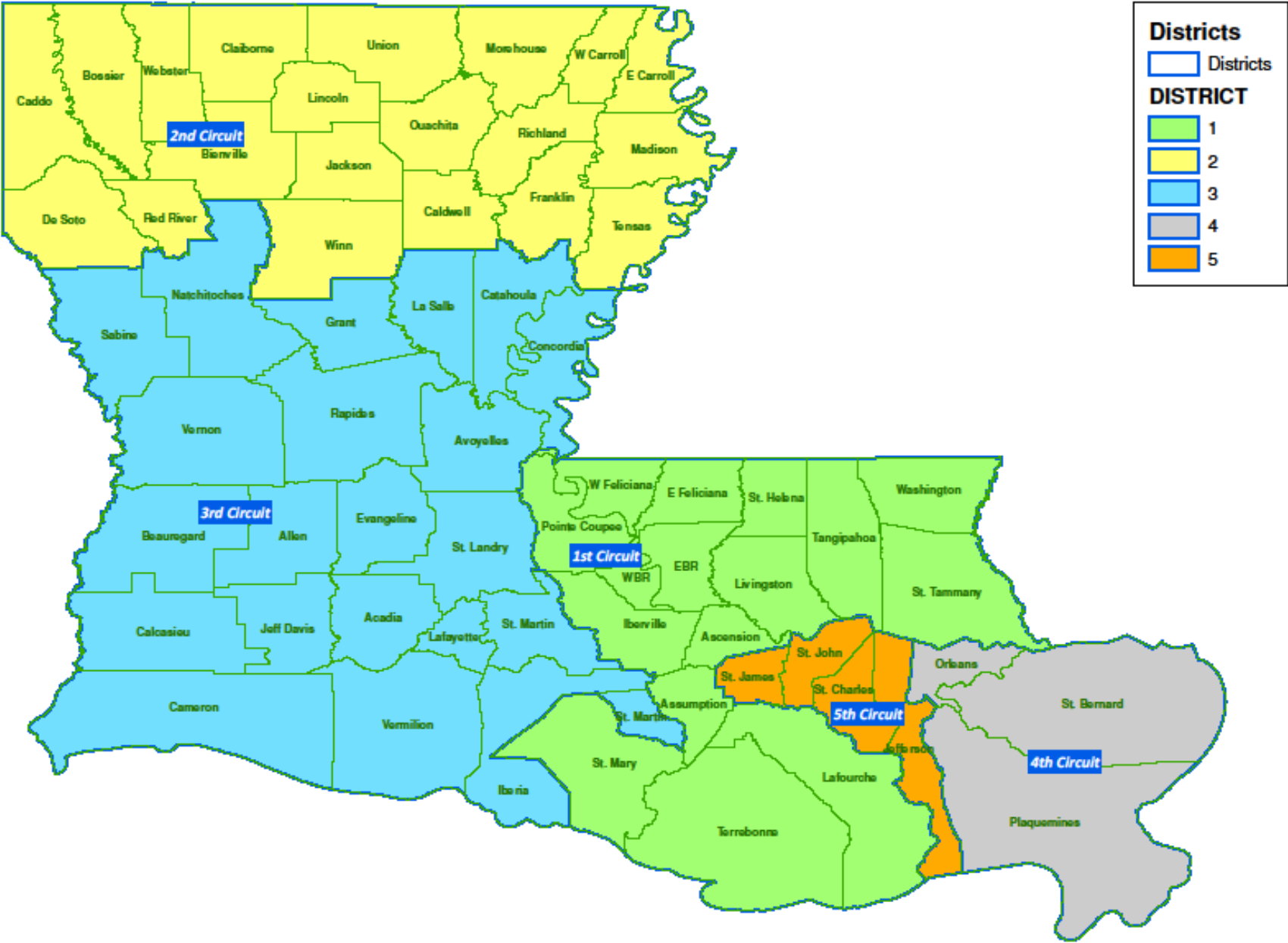
| District | Justice | Actual Pop | Ideal Pop | Difference | Percent |
|------------|---------|------------|-----------|------------|---------|
| District 1 | Guidry | 696,812 | 647,624 | 49,188 | 7.60% |
| District 2 | Victory | 660,437 | 647,624 | 12,813 | 1.98% |
| District 3 | Knoll | 698,008 | 647,624 | 50,384 | 7.78% |
| District 4 | Clark | 602,663 | 647,624 | -44,961 | -6.94% |
| District 5 | Kimball | 791,281 | 647,624 | 143,657 | 22.18% |
| District 6 | Weimer | 645,962 | 647,624 | -1,662 | -0.26% |
| District 7 | Johnson | 438,209 | 647,624 | -209,415 | -32.34% |



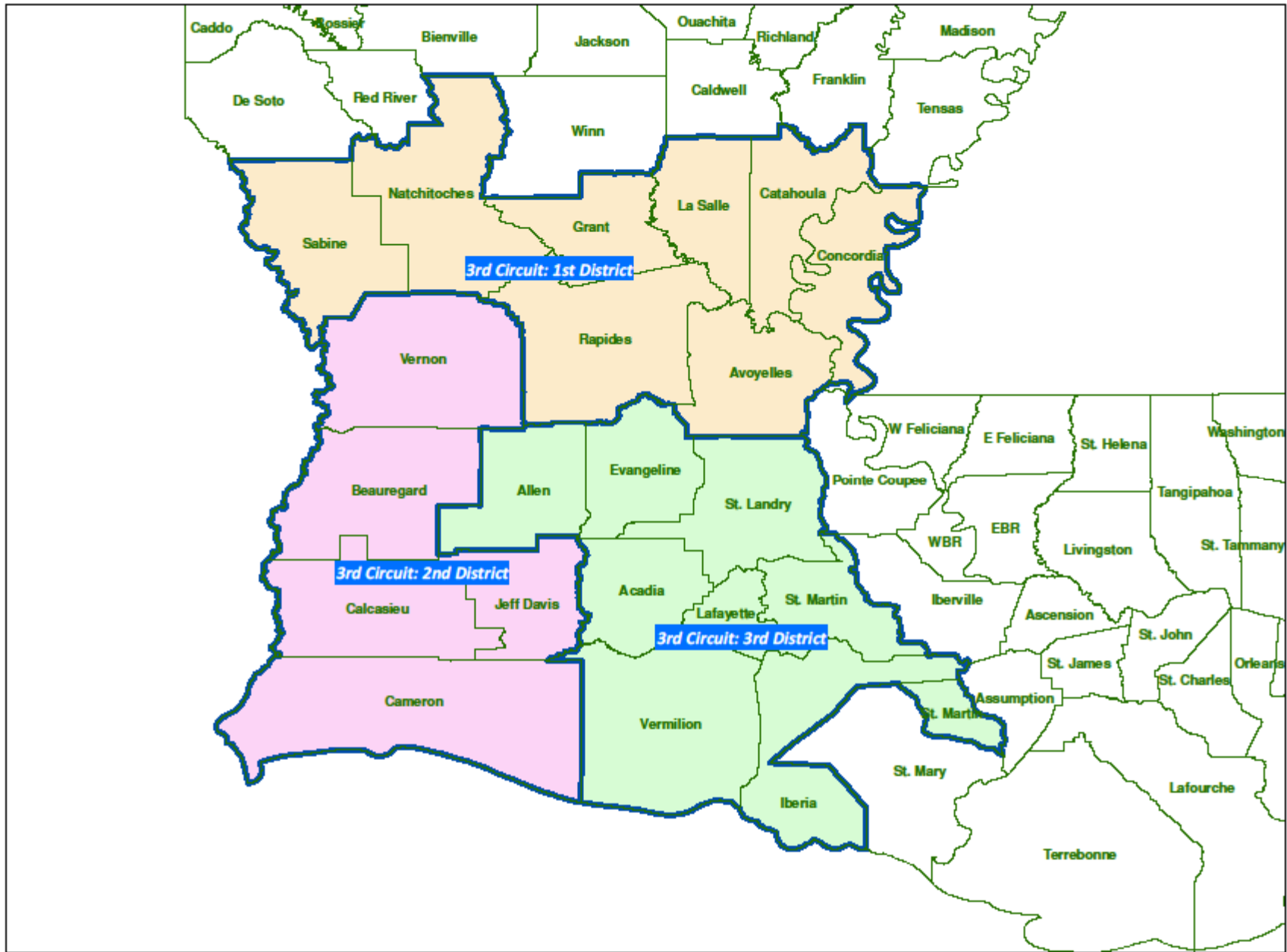
**Baseline Supreme Court
Deviation**

- -32.336% - -5.000%
- -4.999% - 4.999%
- 5.000% - 22.182%

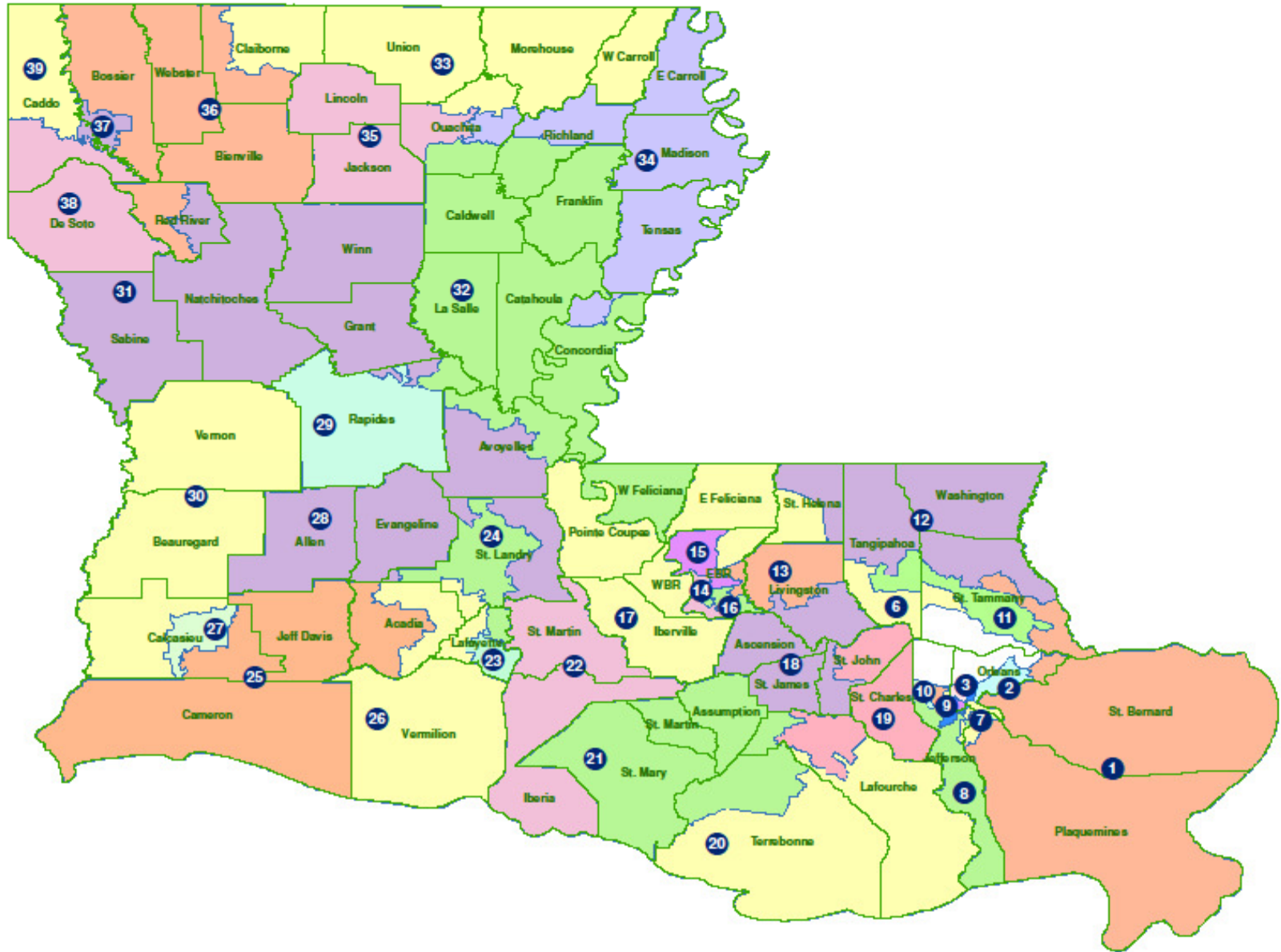
Courts of Appeal



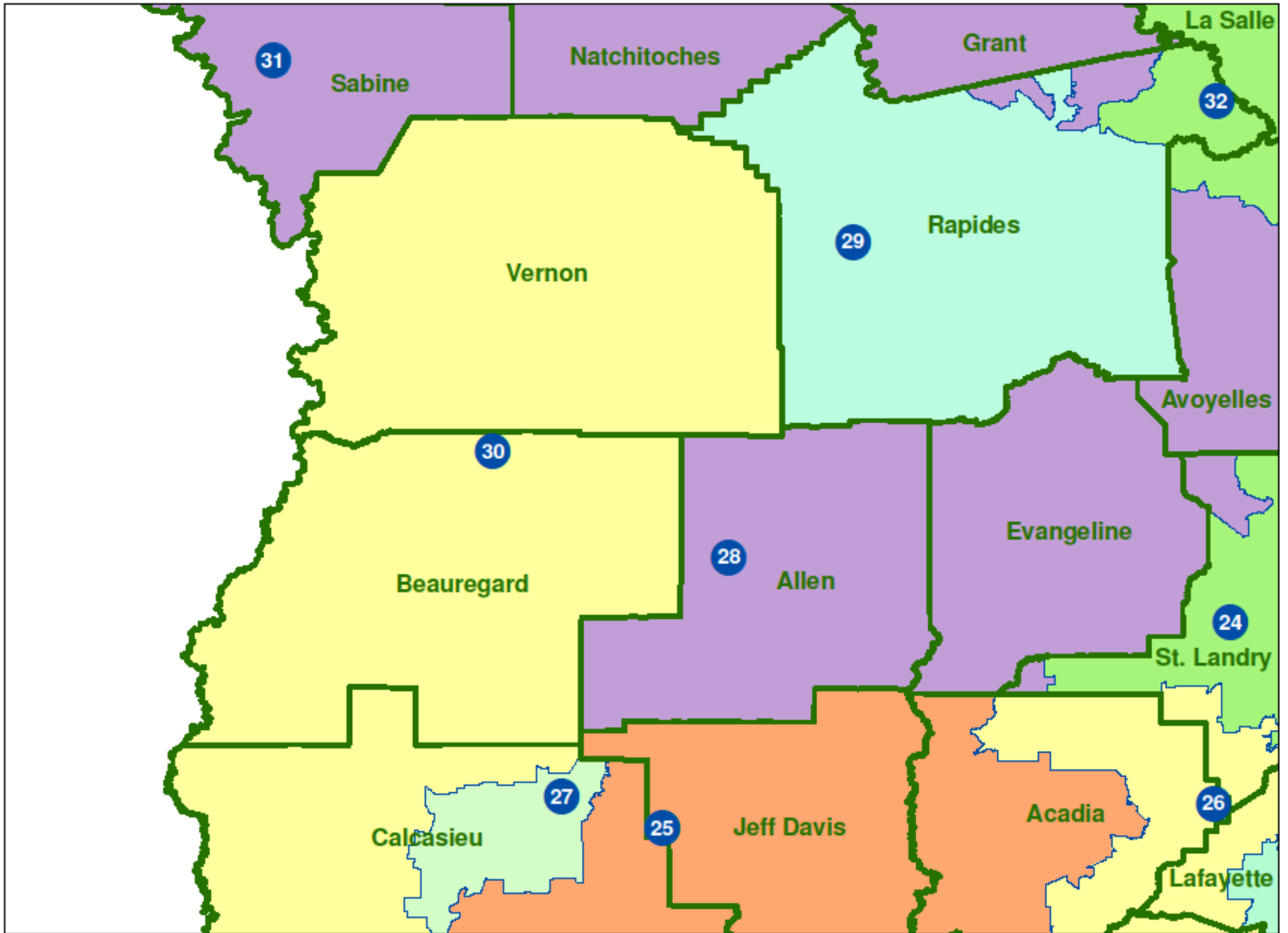
Third Circuit Court of Appeal



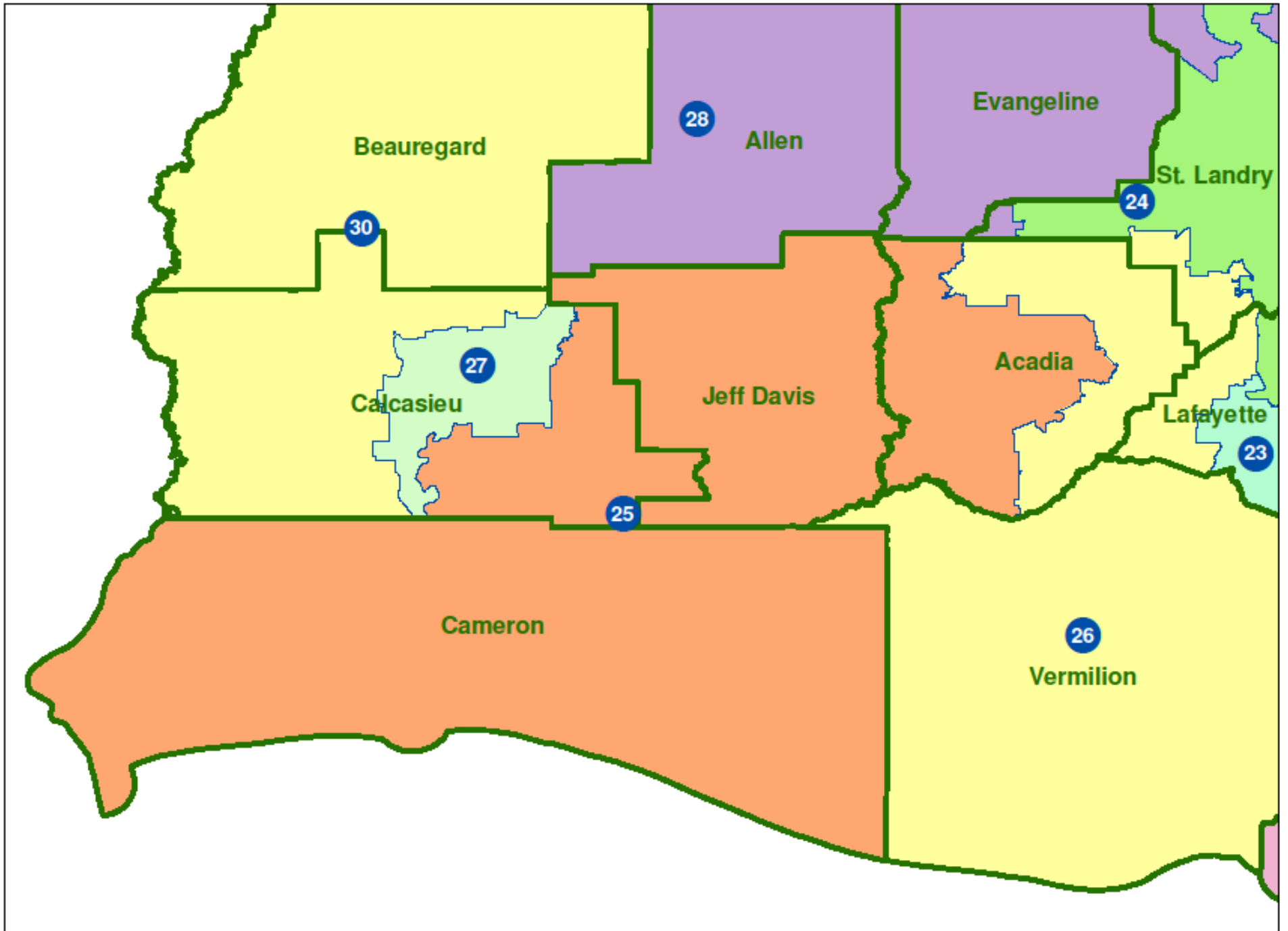
Louisiana Senate Baseline Plan



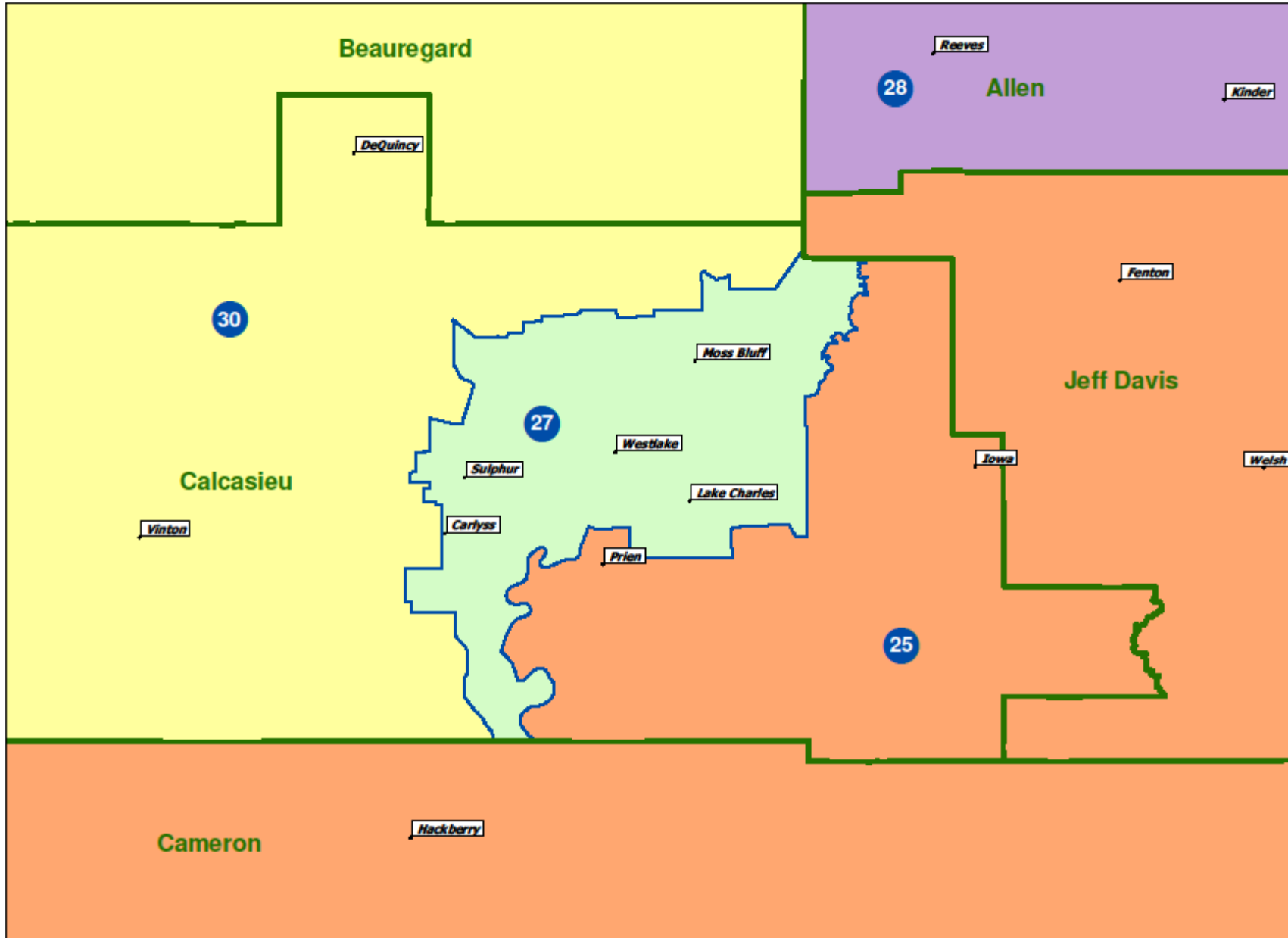
Baseline Senate Districts: Southwest



Baseline Senate Districts: Southwest



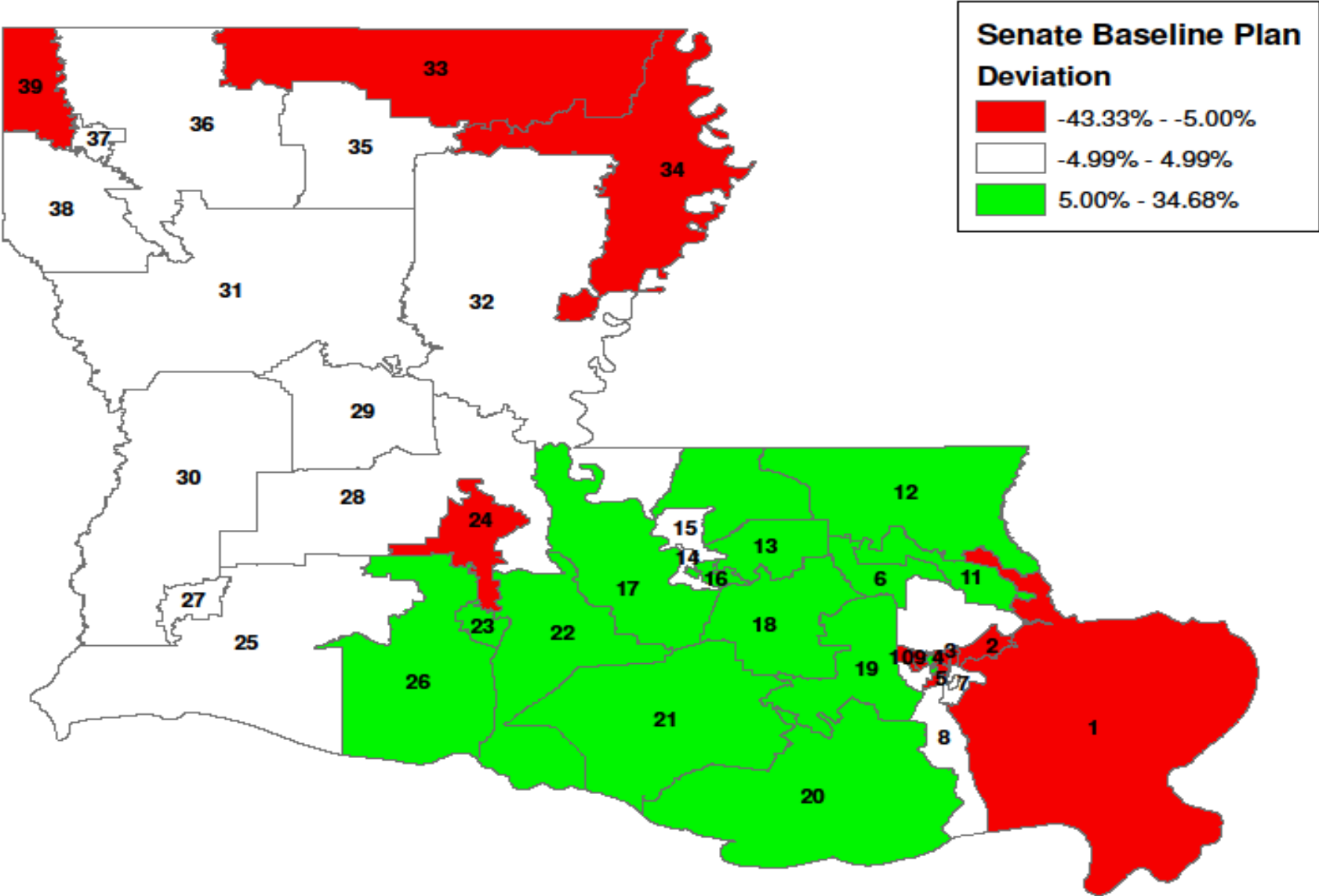
Baseline Senate Districts: Lake Charles



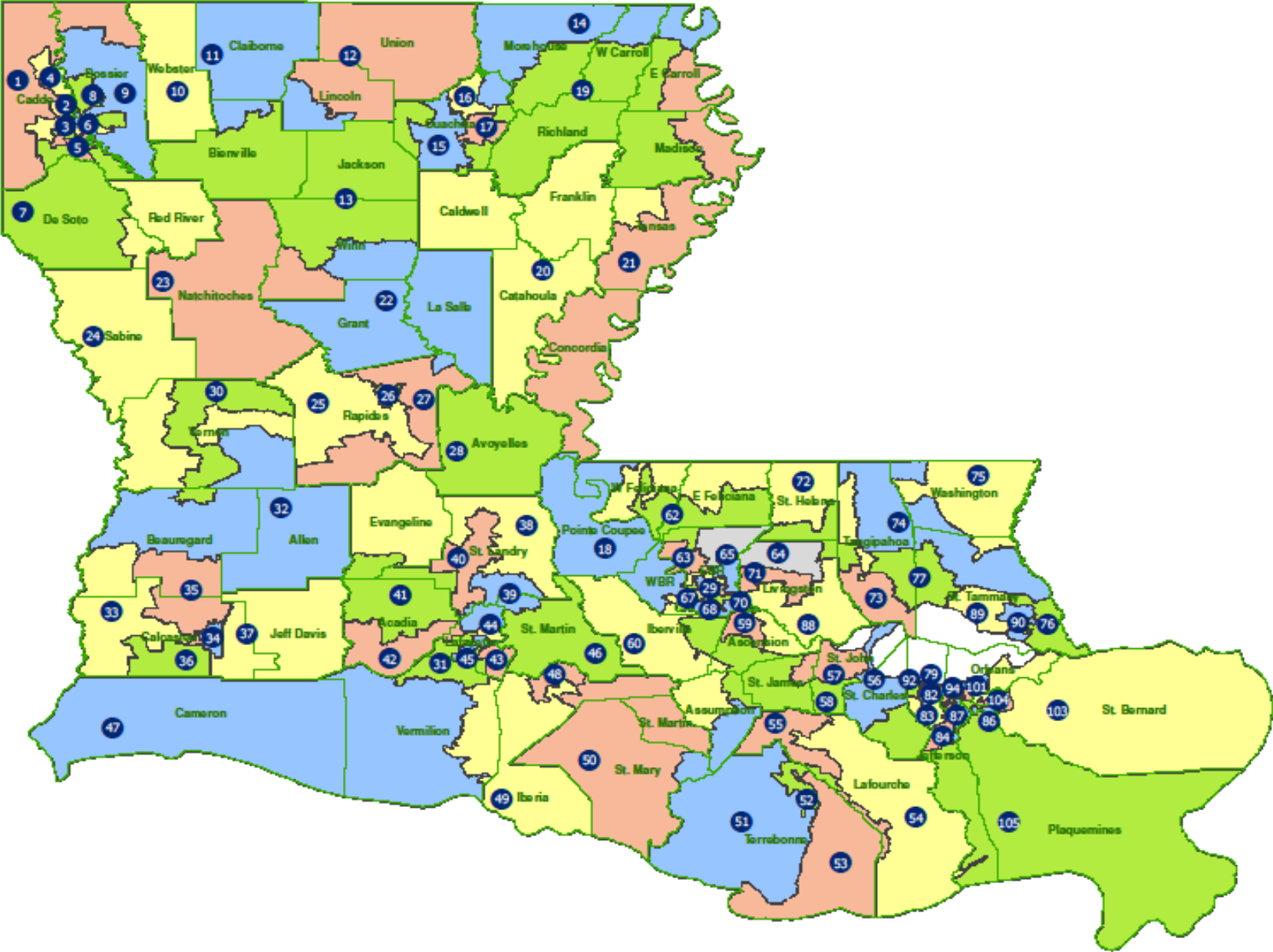
Senate Baseline Plan Ideal District Population

| Decade | Ideal Population |
|---------------|-------------------------|
| 2000 | 114,589 |
| 2010 | 116,240 |

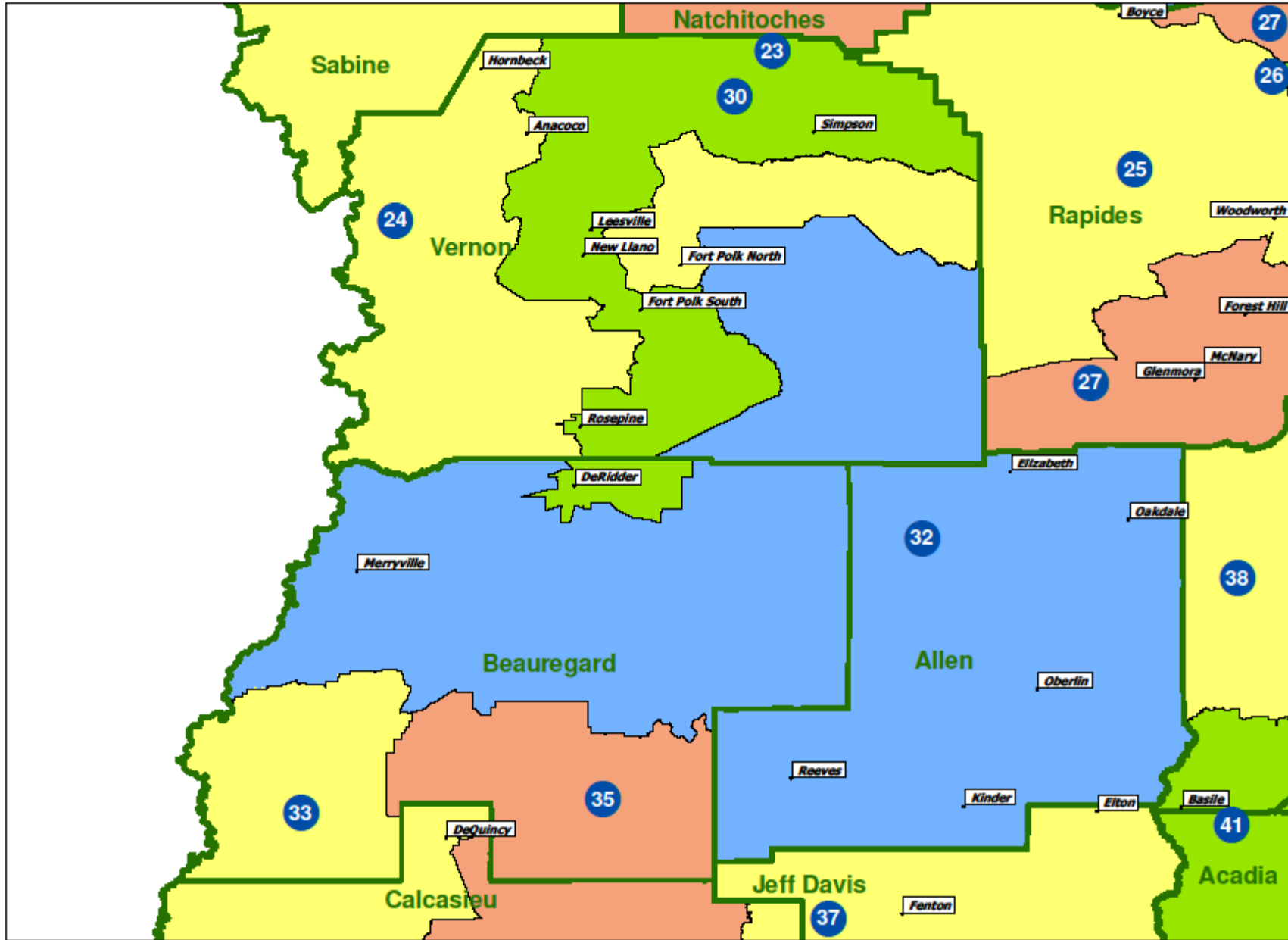
Louisiana Senate Baseline Plan: Deviation from the Ideal



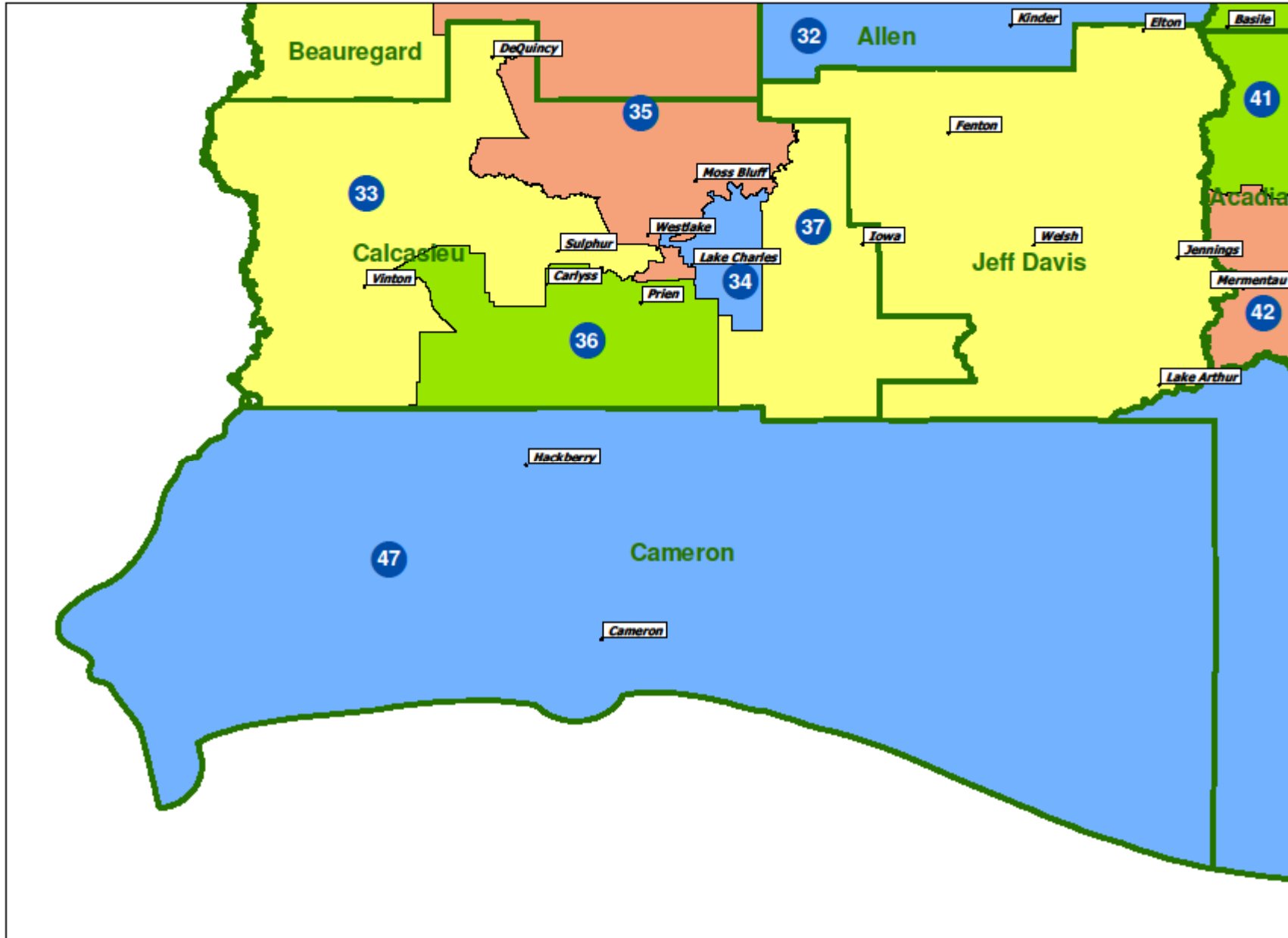
House Districts: 2000s



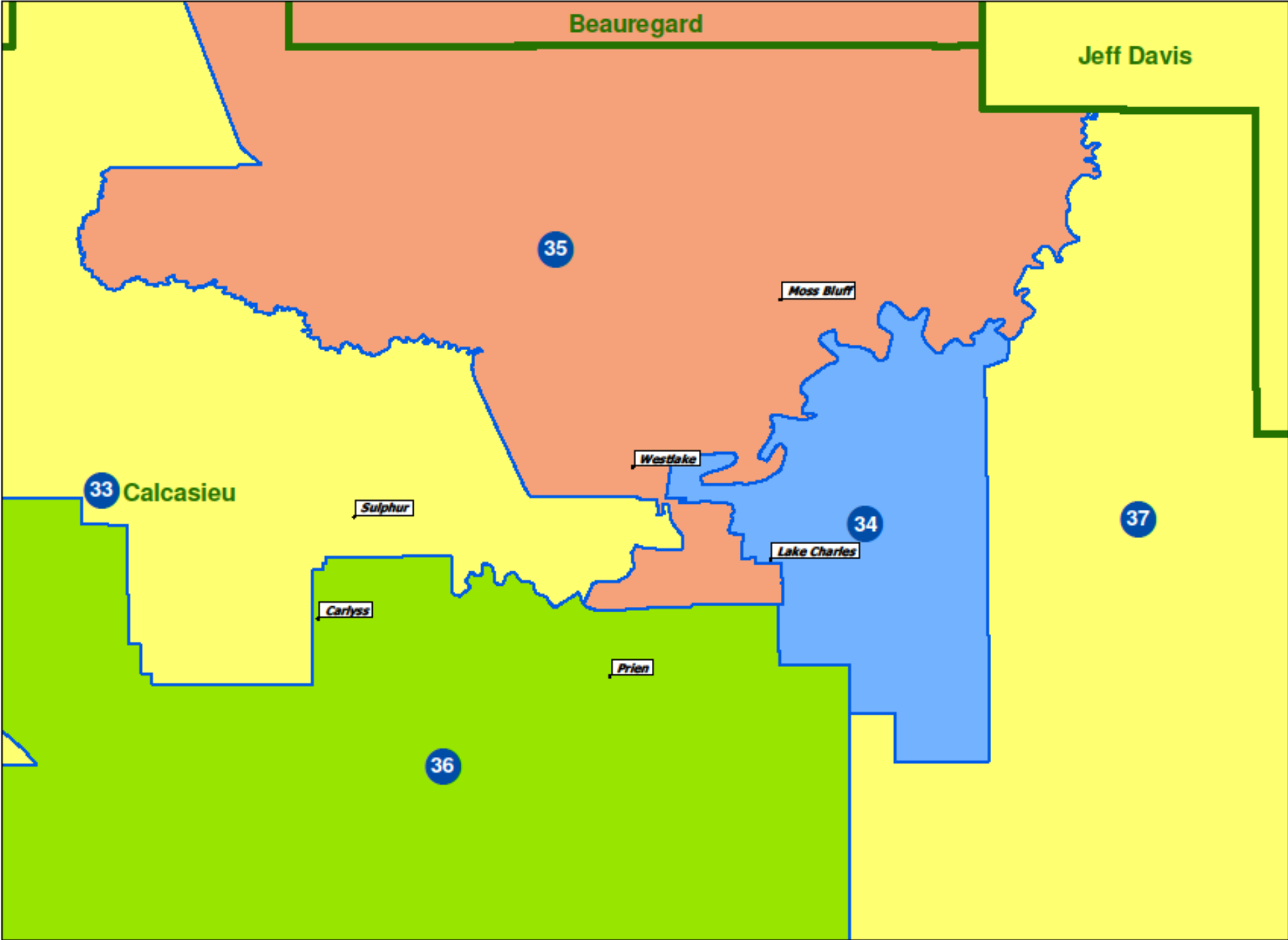
Baseline House Districts: Southwest



Baseline House Districts: Southwest



Baseline House Districts: Lake Charles



House Ideal District Population



| Decade | Ideal Population |
|---------------|-------------------------|
| 2000 | 42,561 |
| 2010 | 43,174 |

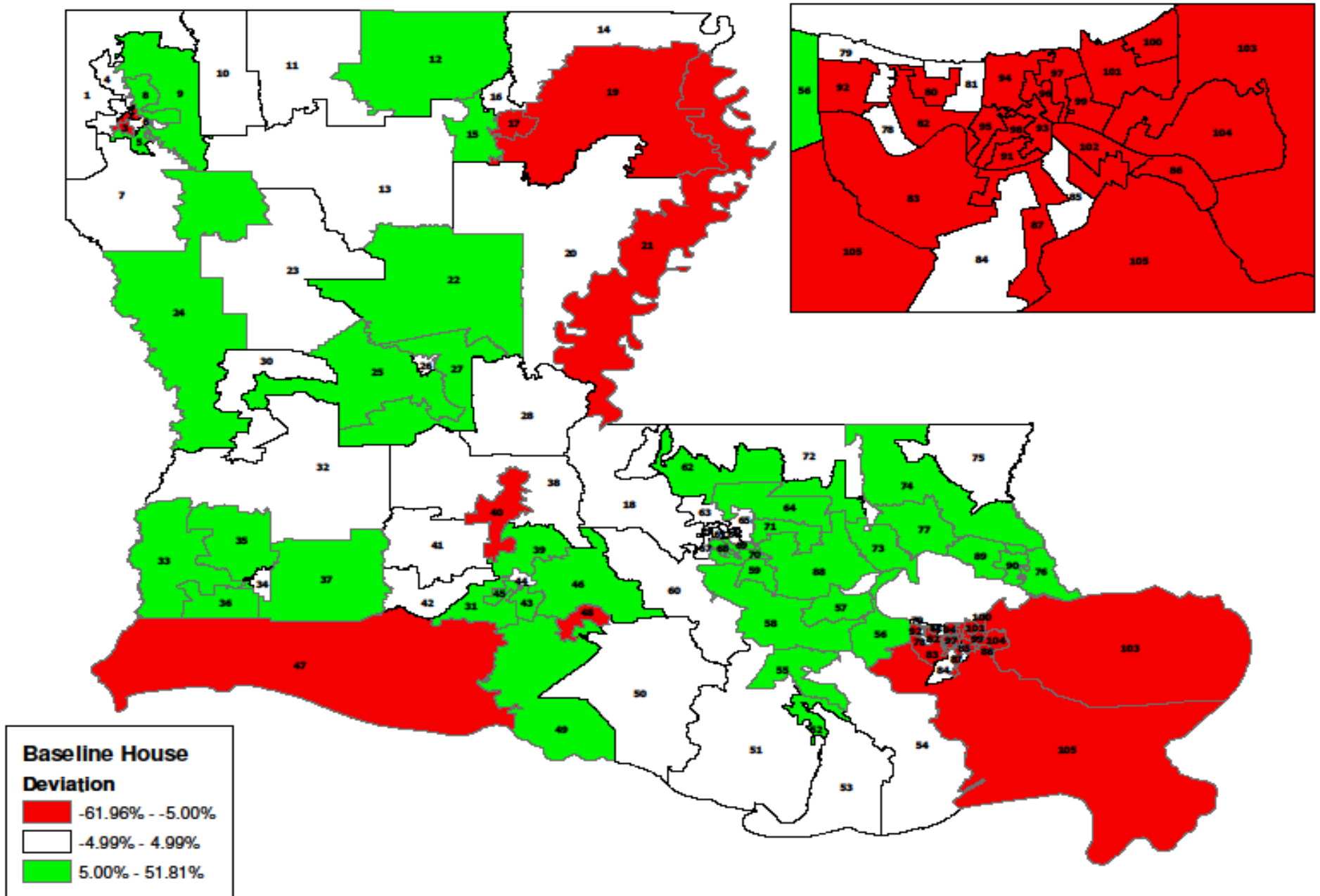
Deviations of Area House Districts

| District | Member | Actual Pop | Ideal Pop | Difference | Percent |
|----------|---------|------------|-----------|------------|---------|
| 24 | Howard | 45,758 | 43,174 | 2,584 | 5.99% |
| 25 | Roy | 46,800 | 43,174 | 3,626 | 8.40% |
| 30 | Armes | 43,969 | 43,174 | 795 | 1.84% |
| 32 | Hill | 44,140 | 43,174 | 966 | 2.24% |
| 33 | Danahay | 45,884 | 43,174 | 2,710 | 6.28% |

Deviations of Area House Districts

| District | Member | Actual Pop | Ideal Pop | Difference | Percent |
|----------|----------|------------|-----------|------------|---------|
| 34 | Franklin | 42,628 | 43,174 | -546 | -1.26% |
| 35 | Geymann | 47,660 | 43,174 | 4,486 | 10.39% |
| 36 | Kleckley | 49,608 | 43,174 | 6,434 | 14.90% |
| 37 | Guinn | 46,375 | 43,174 | 3,201 | 7.41% |
| 47 | Perry | 39,314 | 43,174 | -3,860 | -8.94% |

House Districts: Deviation from the Ideal



Population changes

The Nation v. Louisiana

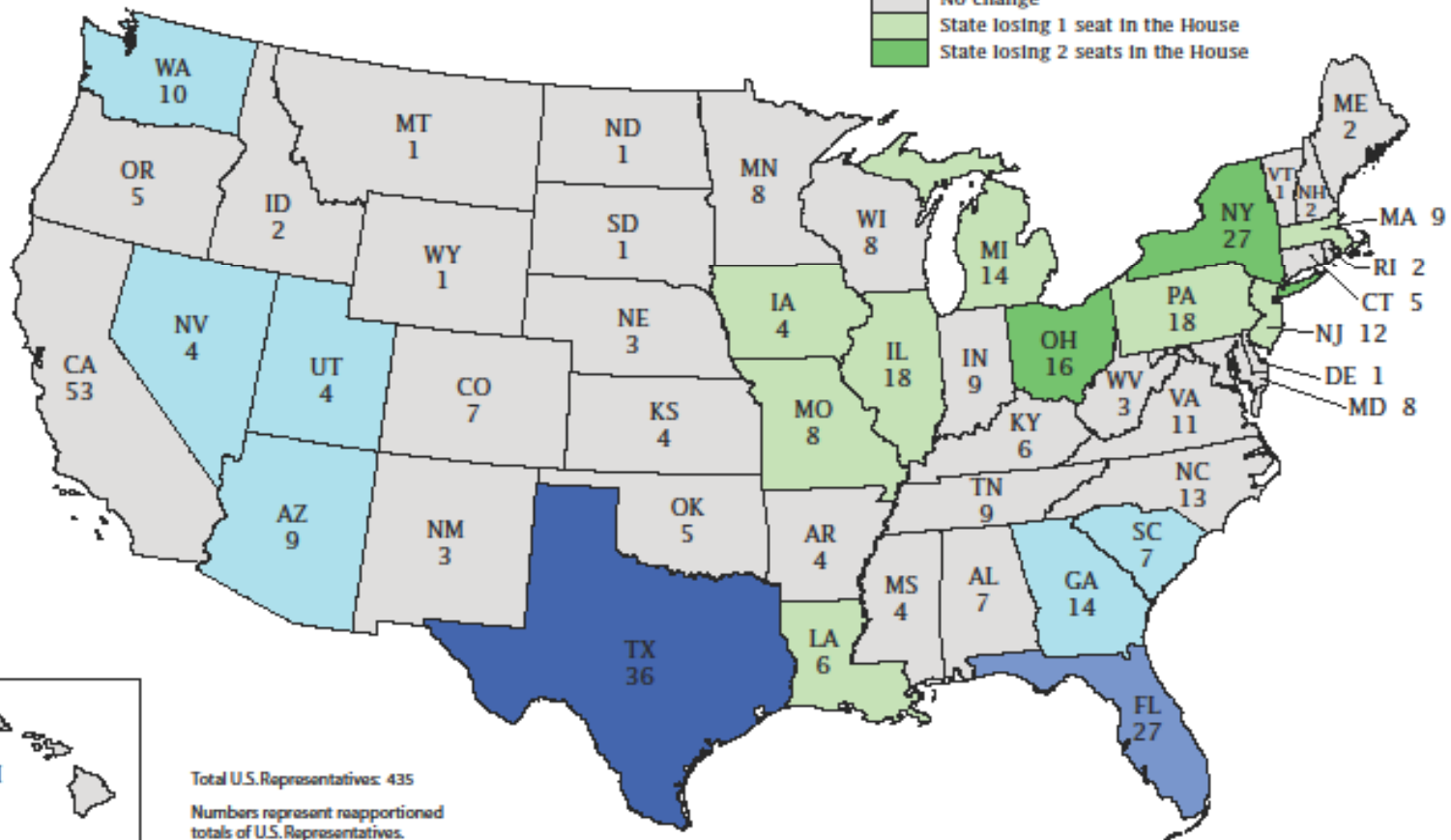
| Decade | U.S. | Louisiana | Difference | South |
|---------------------|---------------|------------------|-------------------|---------------|
| 1970 to 1980 | 11.48% | 15.51% | 4.02% | 20.03% |
| 1980 to 1990 | 9.78% | 0.33% | -9.45% | 13.37% |
| 1990 to 2000 | 13.15% | 5.90% | -7.25% | 17.3% |
| 2000 to 2010 | 9.71% | 1.44% | -8.27% | 14.29% |

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.



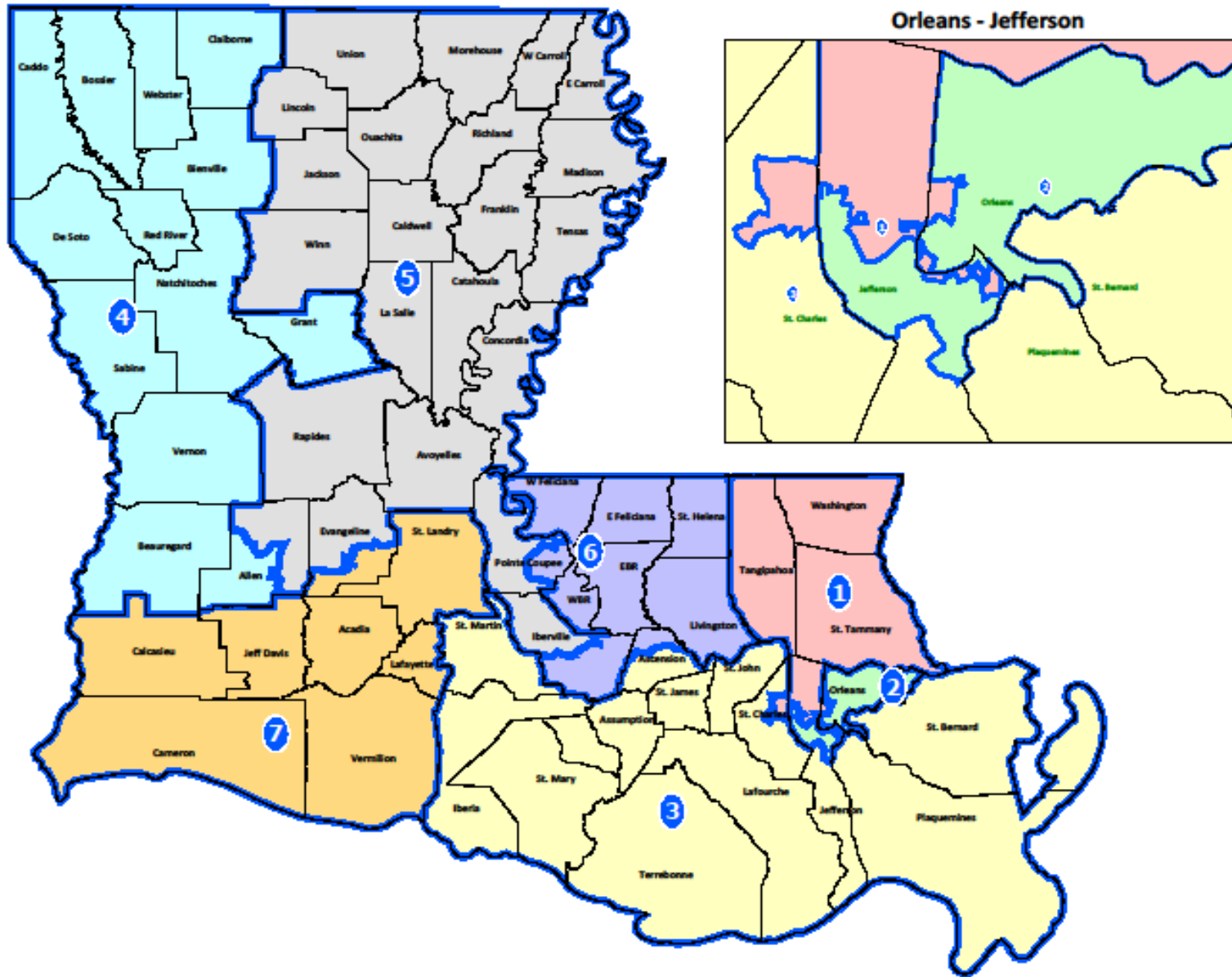
Congress

Ideal District Population



| Decade | Districts | Ideal Population |
|---------------|------------------|-------------------------|
| 2000 | 7 | 638,425 |
| 2010 | 6 | 755,562 |

Congress - 2001



Current Congressional District Statistics

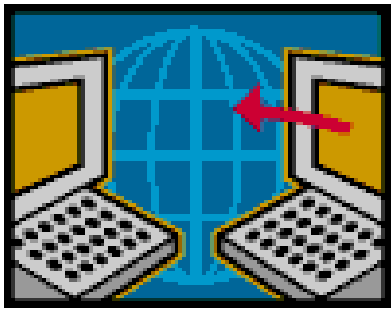
Six District Ideal: 755,562

| District | Member | Actual Pop |
|------------|-----------|------------|
| District 1 | Scalise | 686,961 |
| District 2 | Richmond | 493,352 |
| District 3 | Landry | 637,371 |
| District 4 | Fleming | 667,109 |
| District 5 | Alexander | 644,296 |
| District 6 | Cassidy | 727,498 |
| District 7 | Boustany | 676,785 |



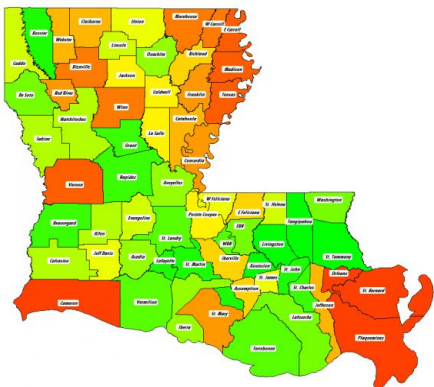
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To get more information regarding the Louisiana House of Representatives redistricting process go to:

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Public Comment

