



# REDISTRICTING IN LOUISIANA

Committee on House & Governmental Affairs

Committee on Senate & Governmental Affairs

New Orleans

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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

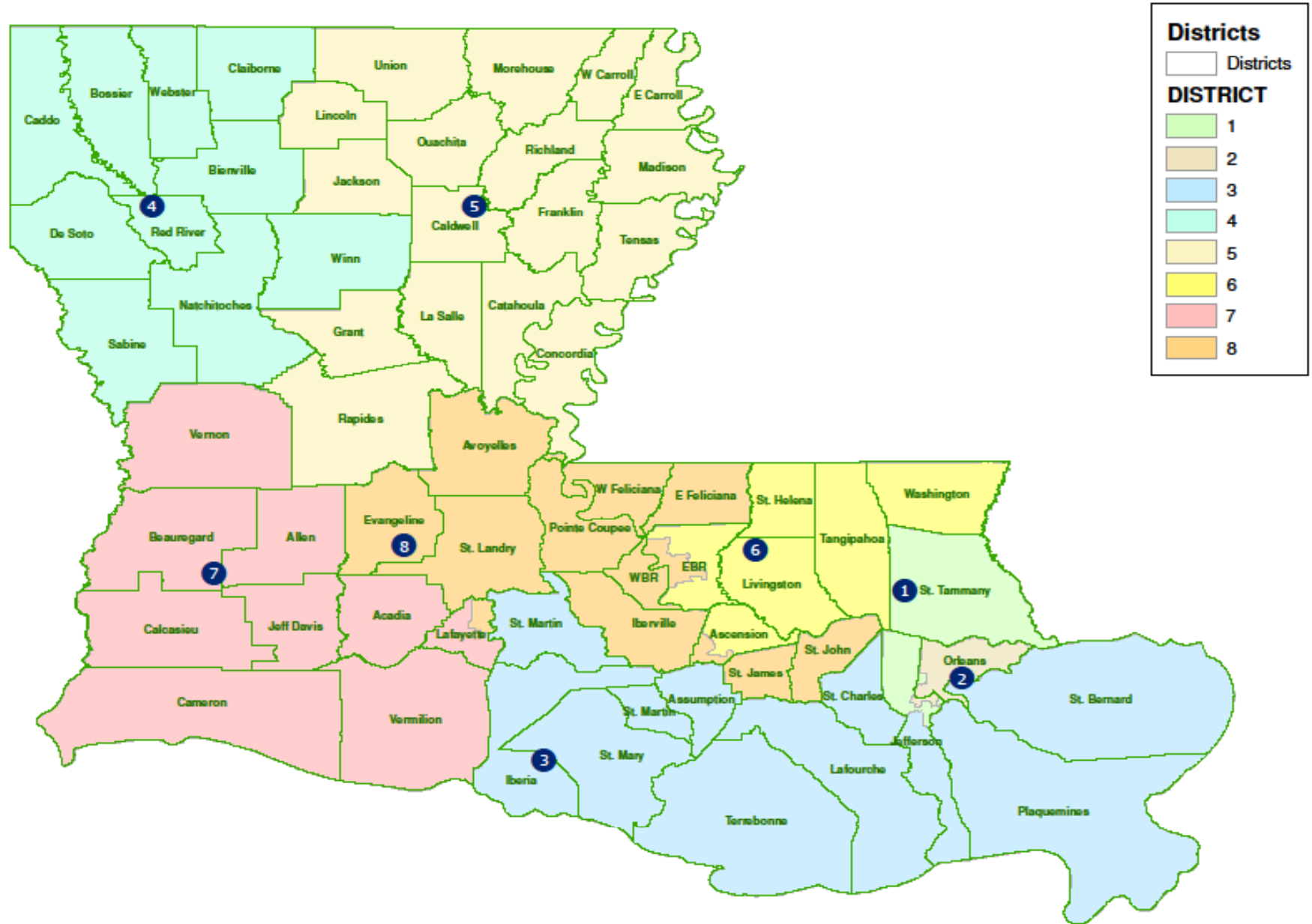
## □ Discrimination Against Minorities

### ▣ 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



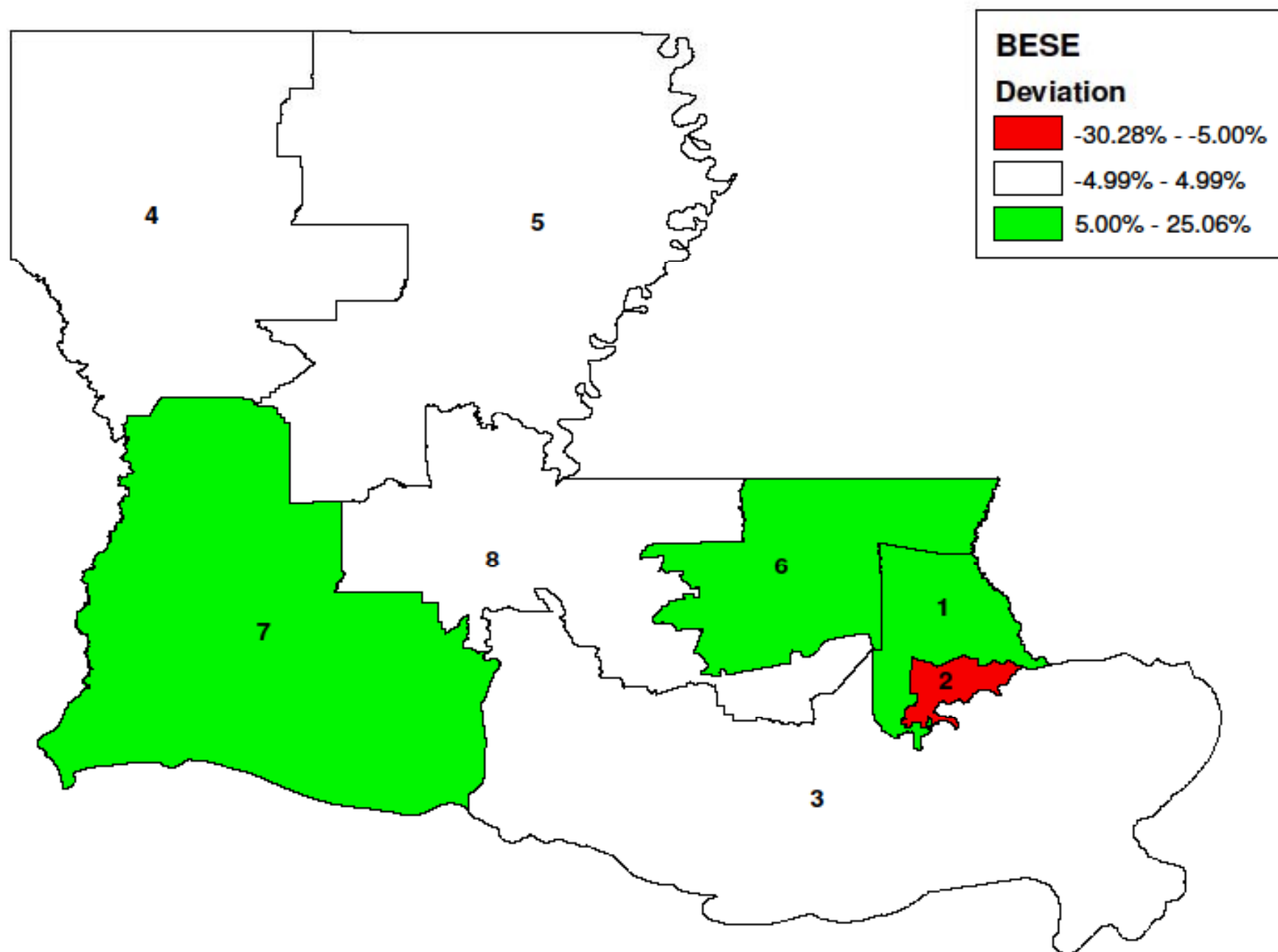
2000 Ideal: 558,622

2010 Ideal: 566,671

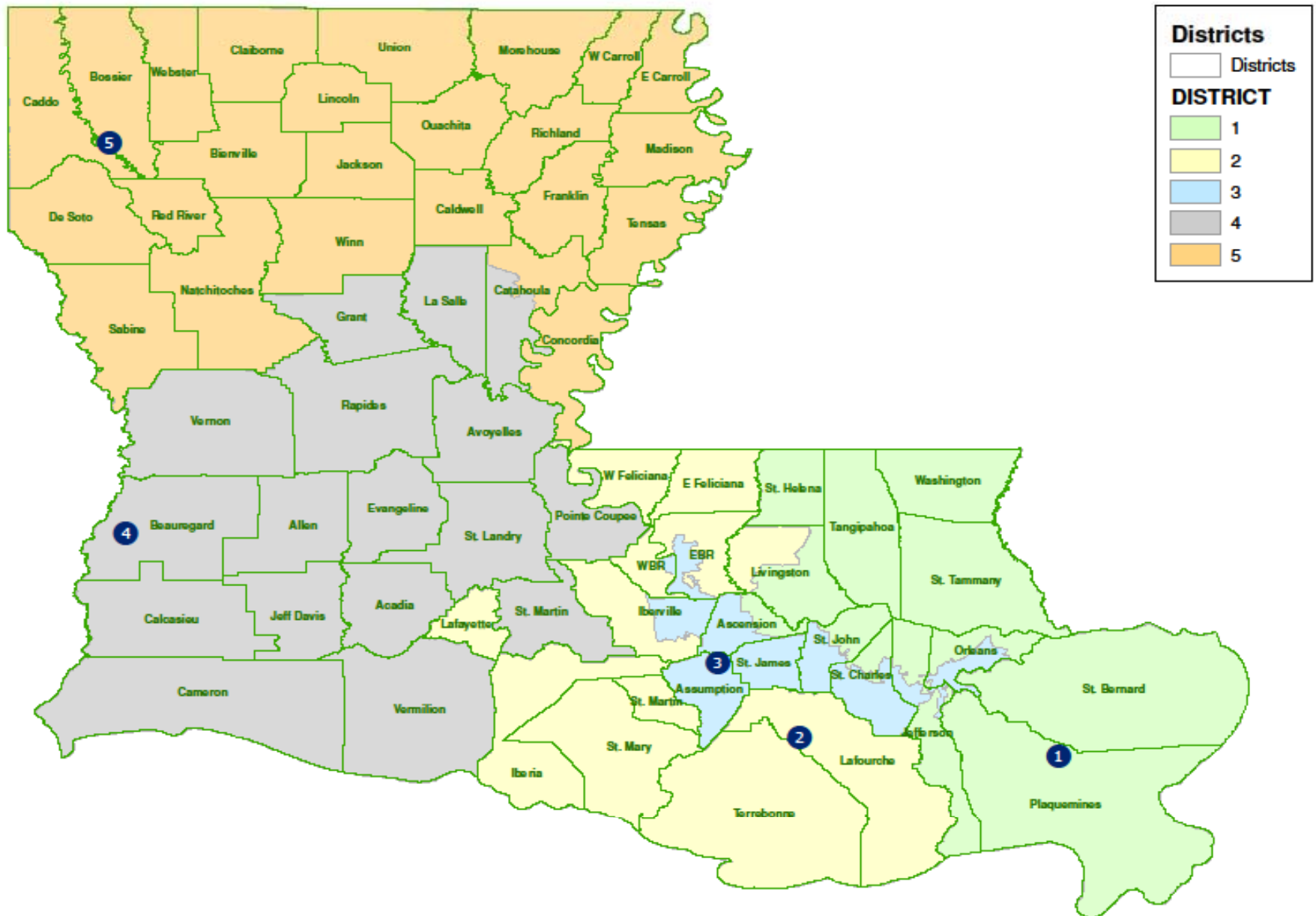
# Deviations of BESE Districts

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

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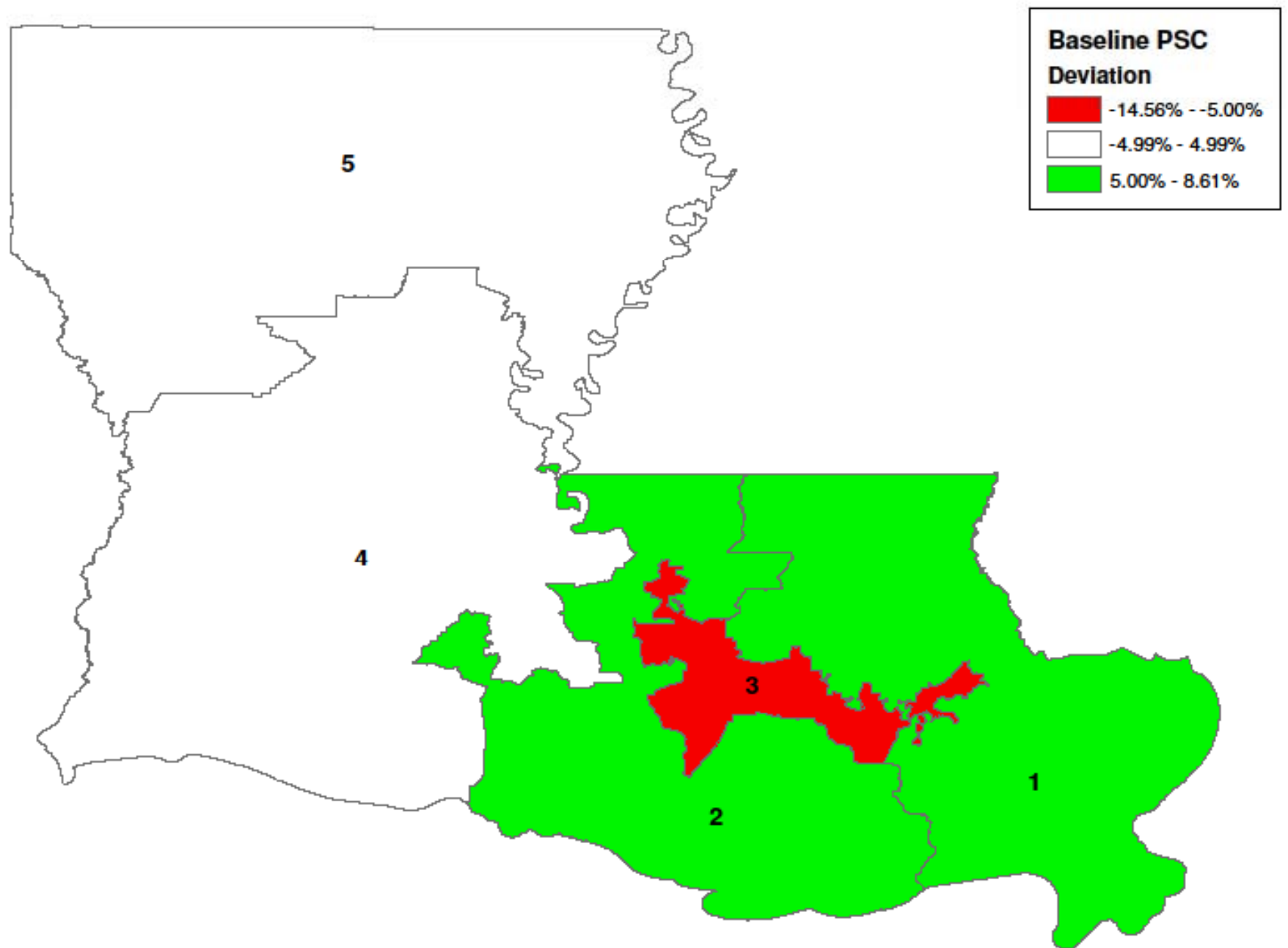
2000 Ideal: 893,795

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



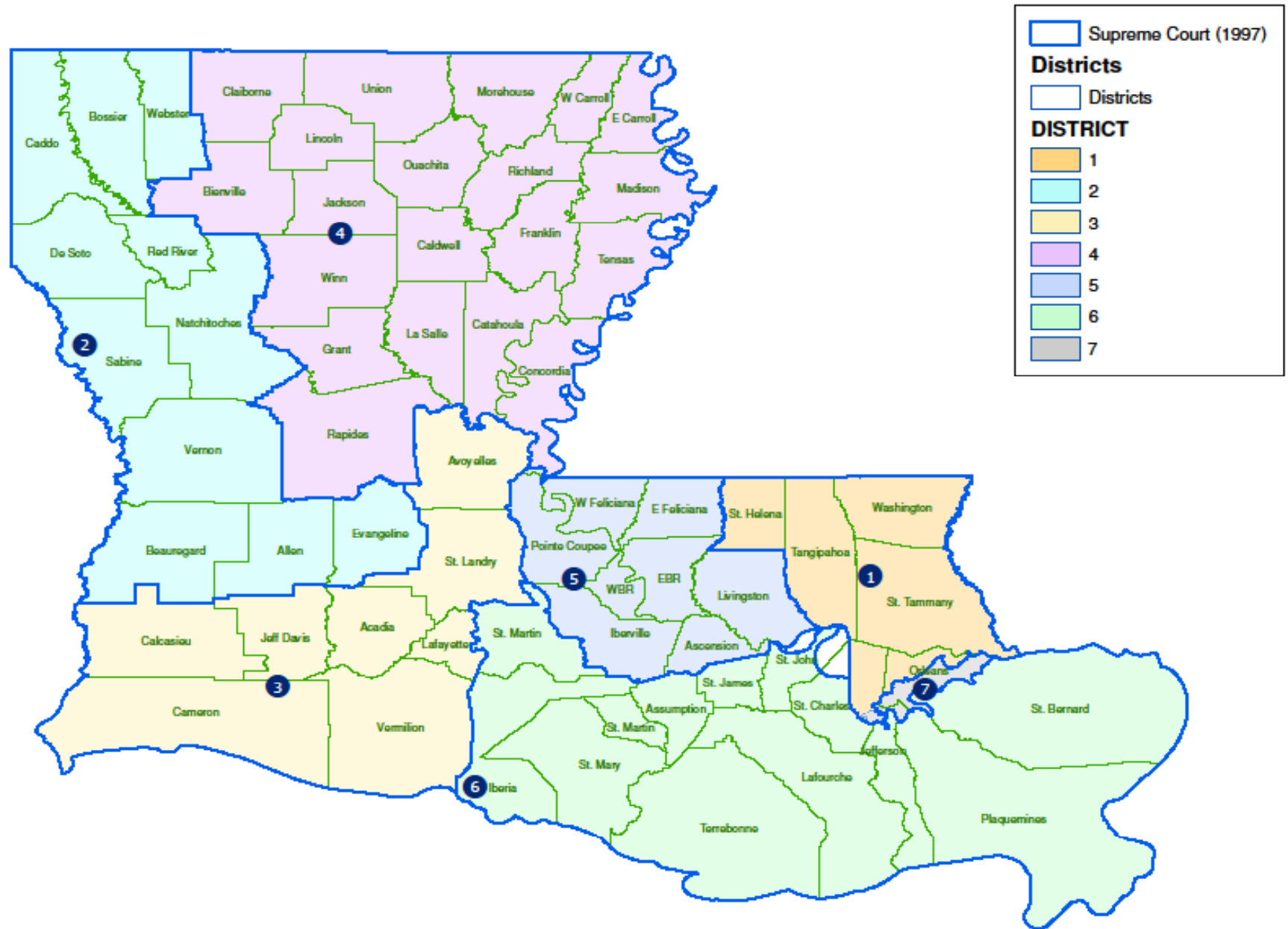
1990 Ideal: 602,853

2000 Ideal: 638,425\*

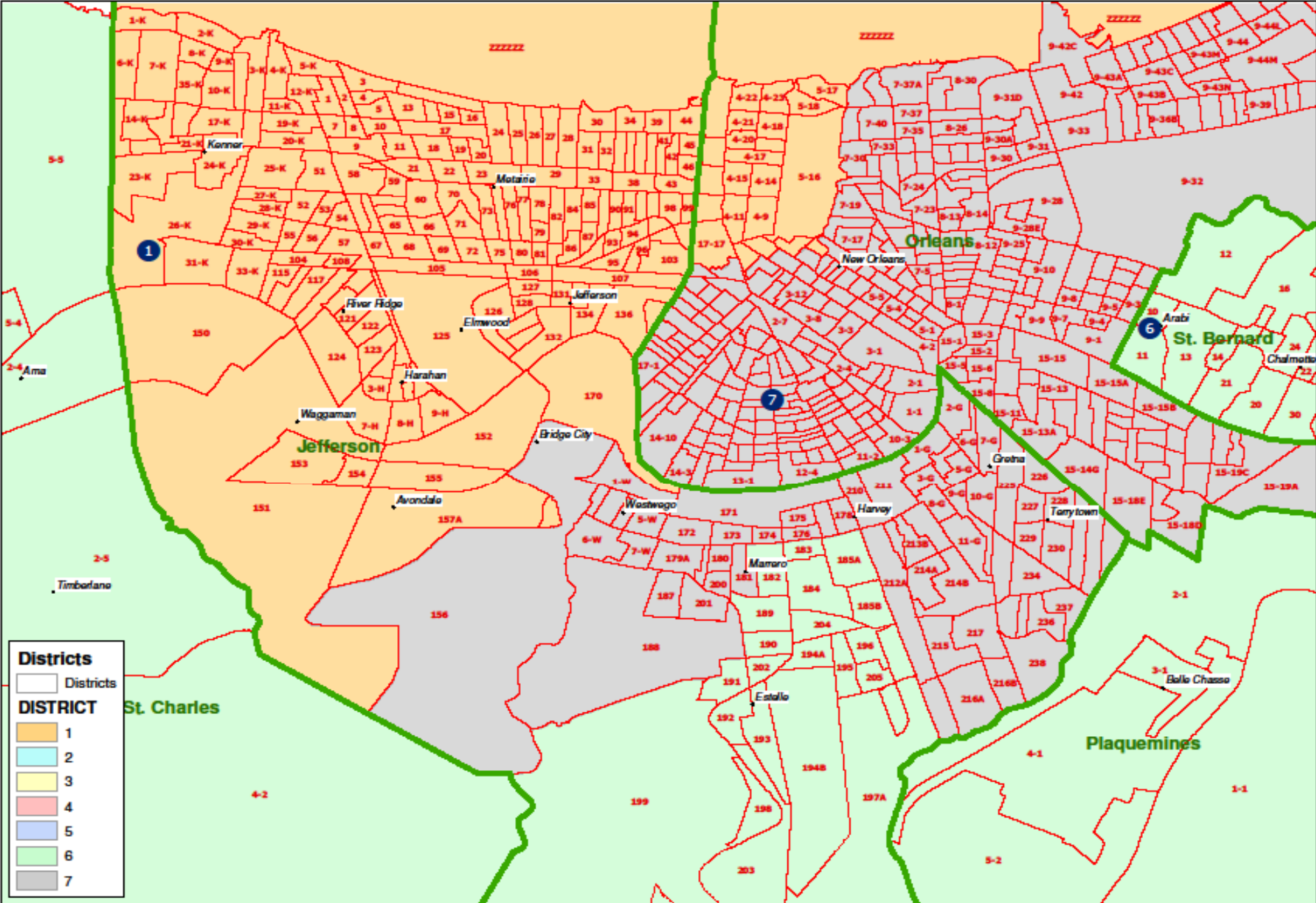
2010 Ideal: 647,624

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

# Baseline Supreme Court Districts



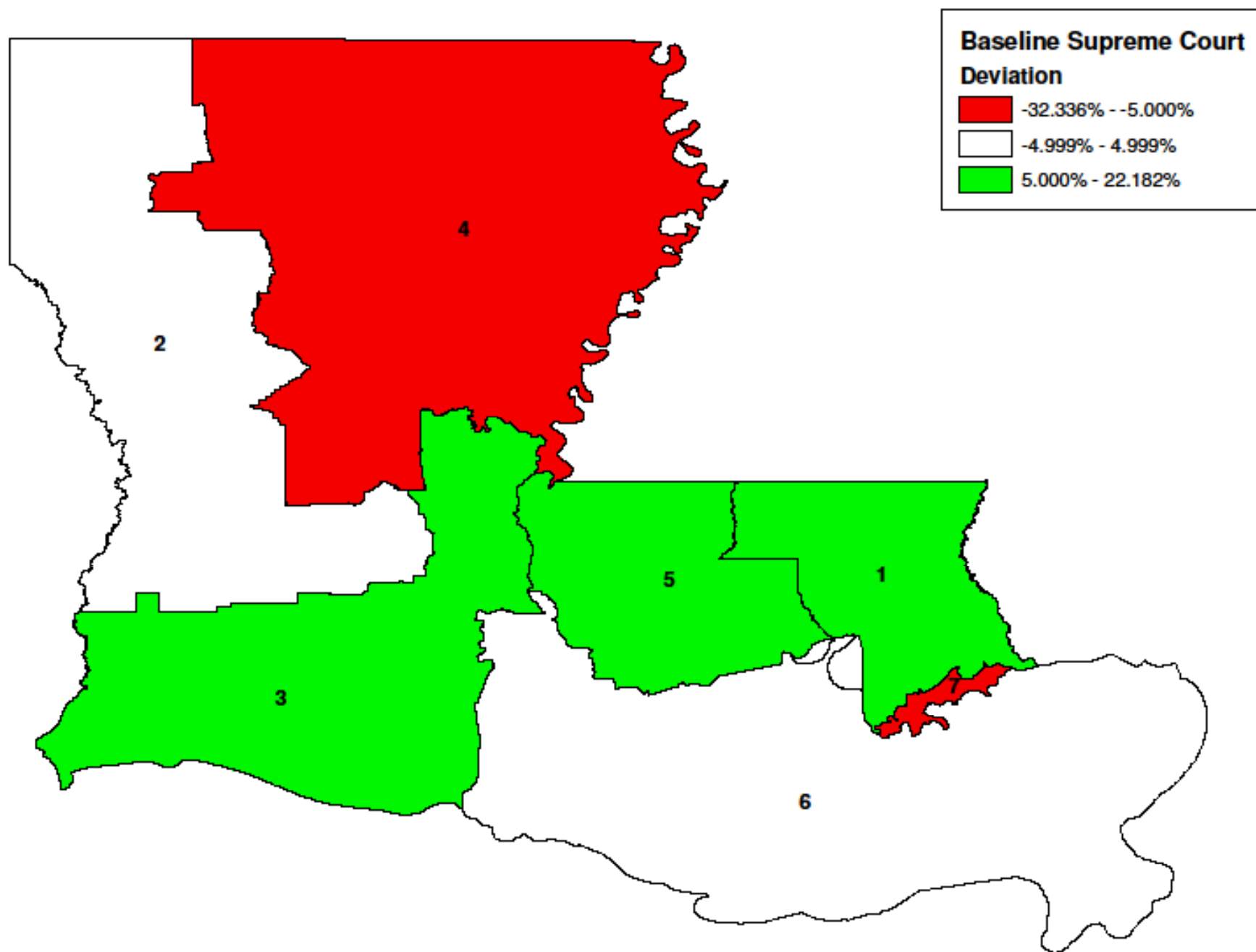
## Baseline Supreme Court Districts: Jefferson/Orleans



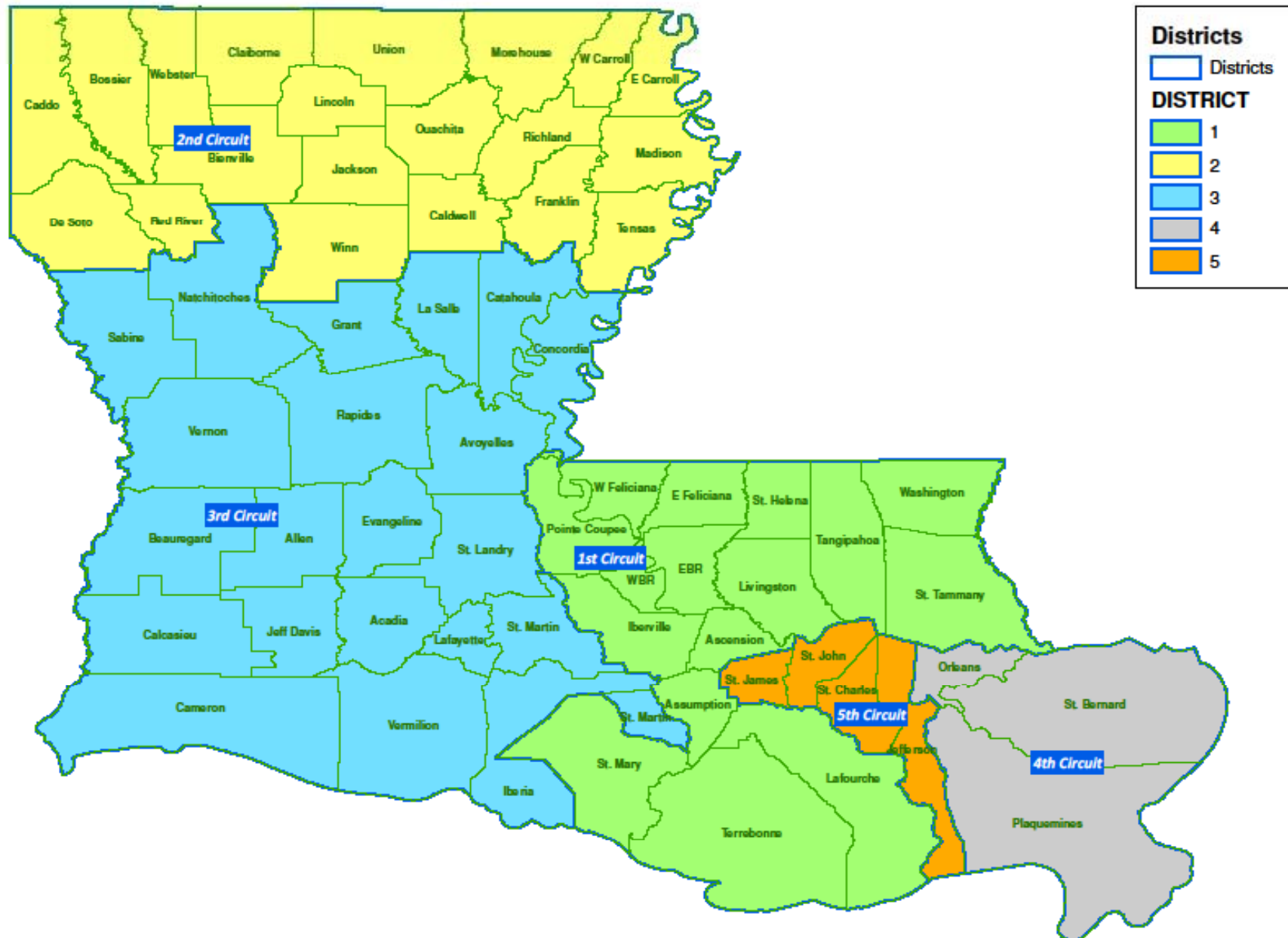


# Deviations of Baseline Supreme Court Districts

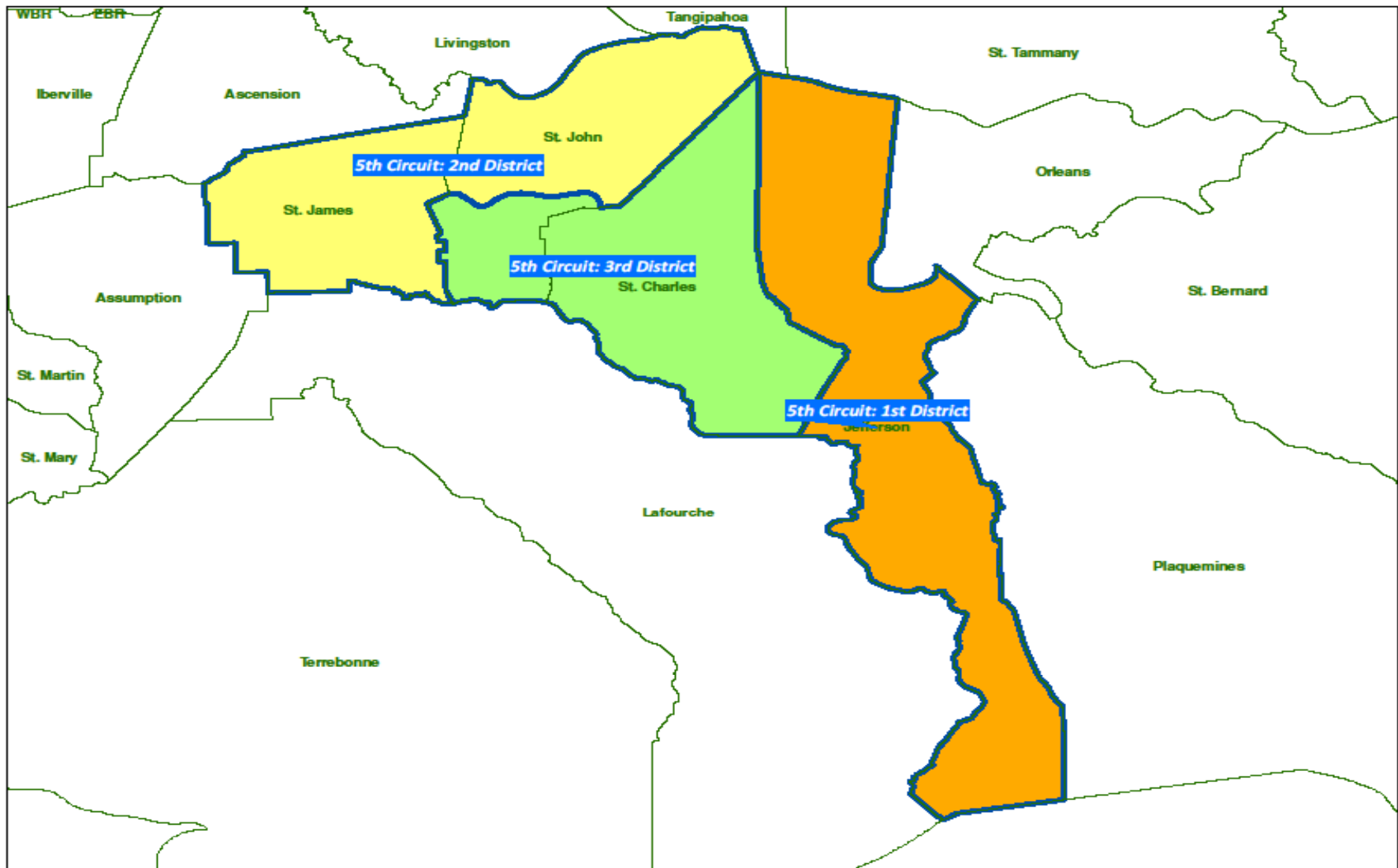
District	Justice	Actual Pop	Ideal Pop	Difference	Percent
District 1	Guidry	696,812	647,624	49,188	7.60%
District 2	Victory	660,437	647,624	12,813	1.98%
District 3	Knoll	698,008	647,624	50,384	7.78%
District 4	Clark	602,663	647,624	-44,961	-6.94%
District 5	Kimball	791,281	647,624	143,657	22.18%
District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



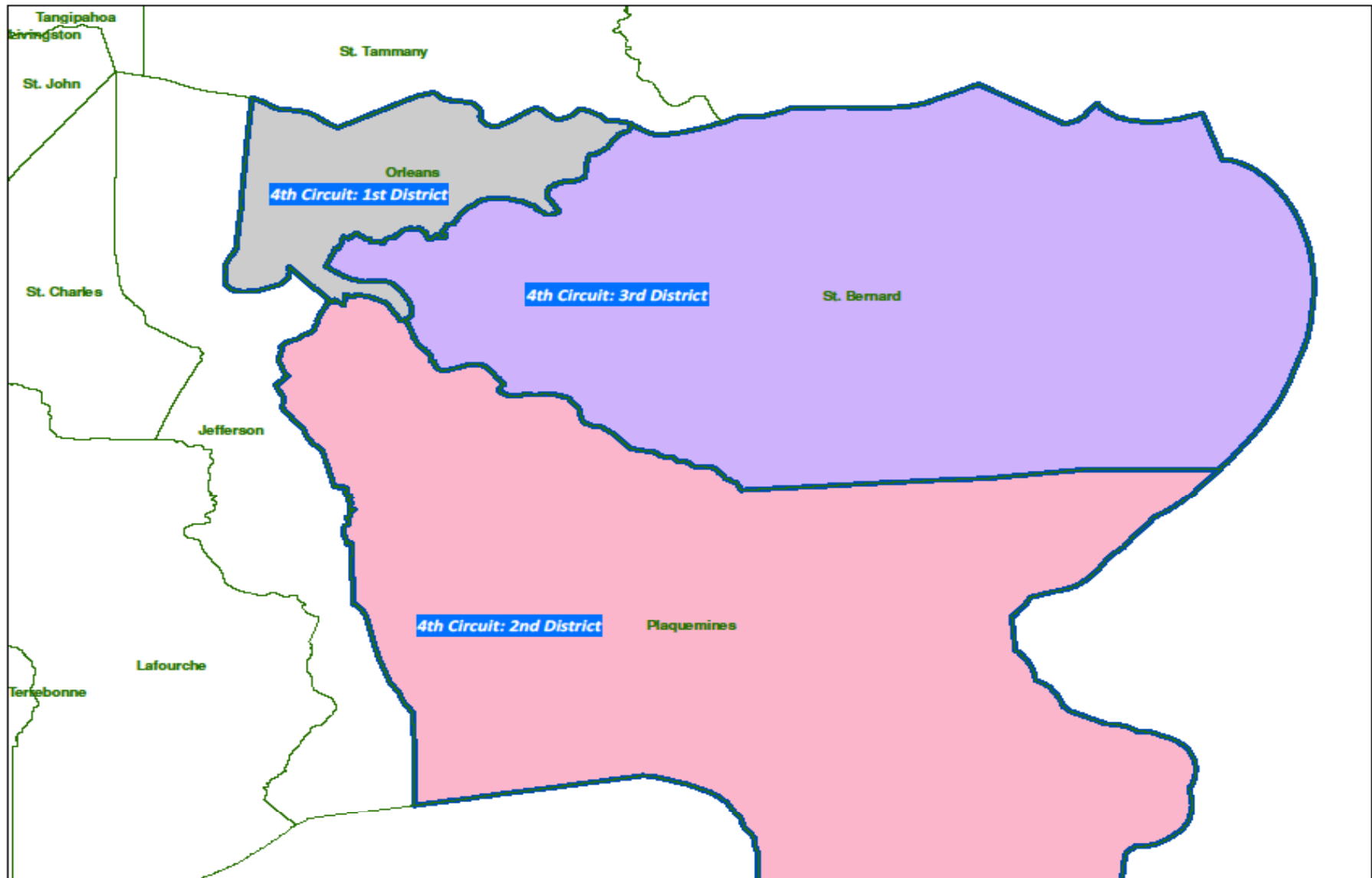
# Courts of Appeal



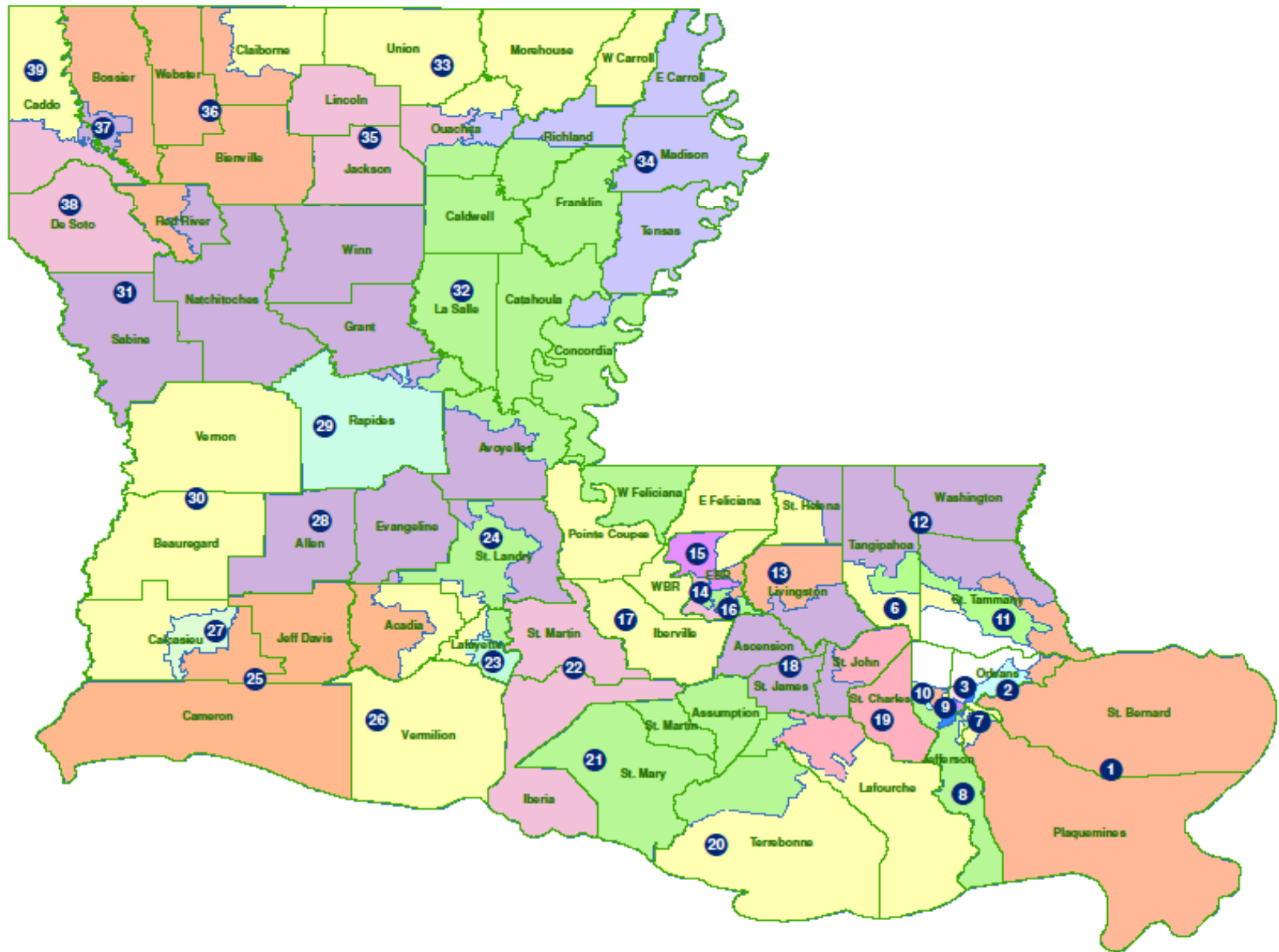
## Fifth Circuit Court of Appeal



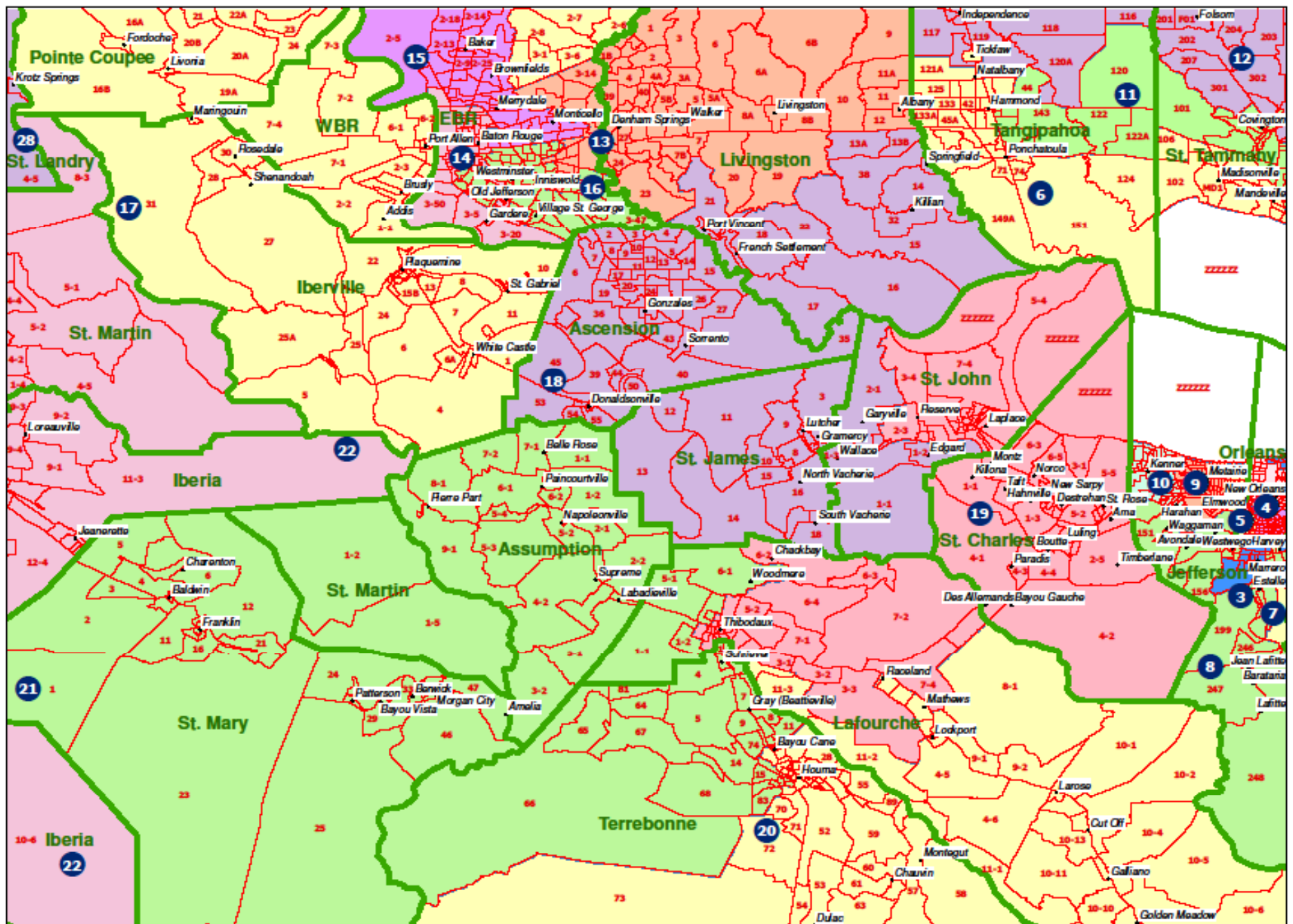
## Fourth Circuit Court of Appeal



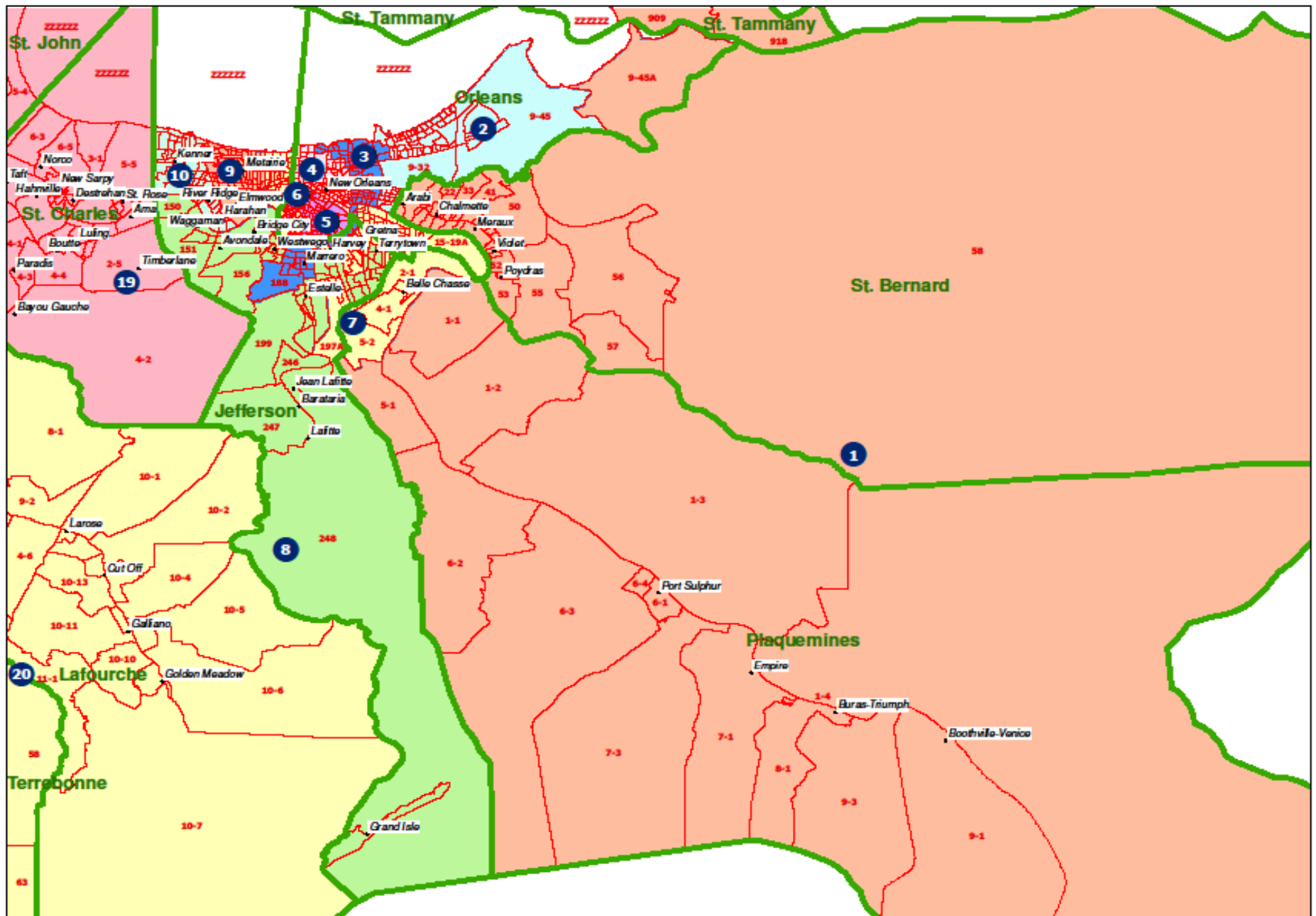
## Louisiana Senate Baseline Plan



## Senate Districts: River Parishes

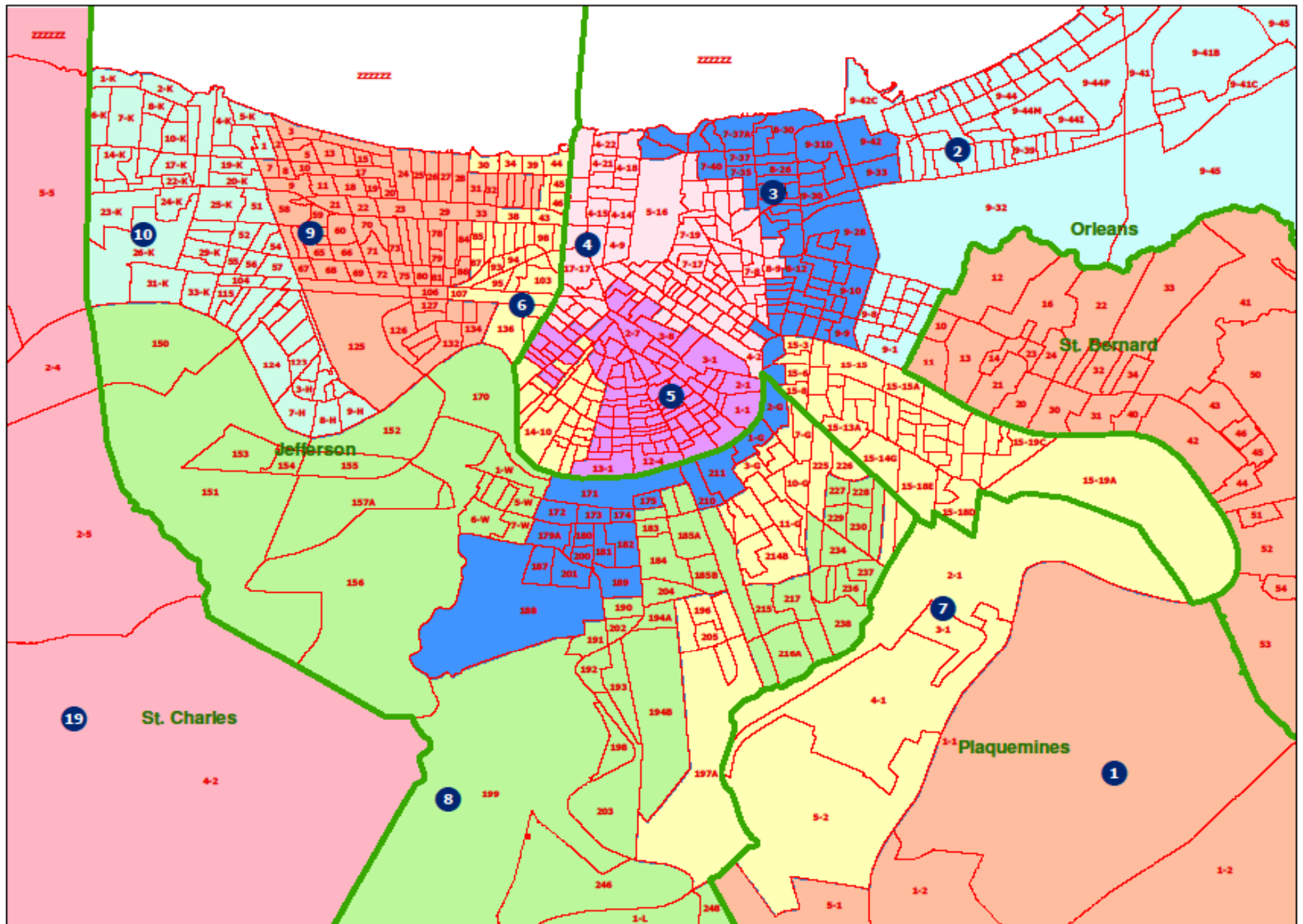


## Senate Districts: Orleans Metro





## Senate Districts: Jefferson & Orleans



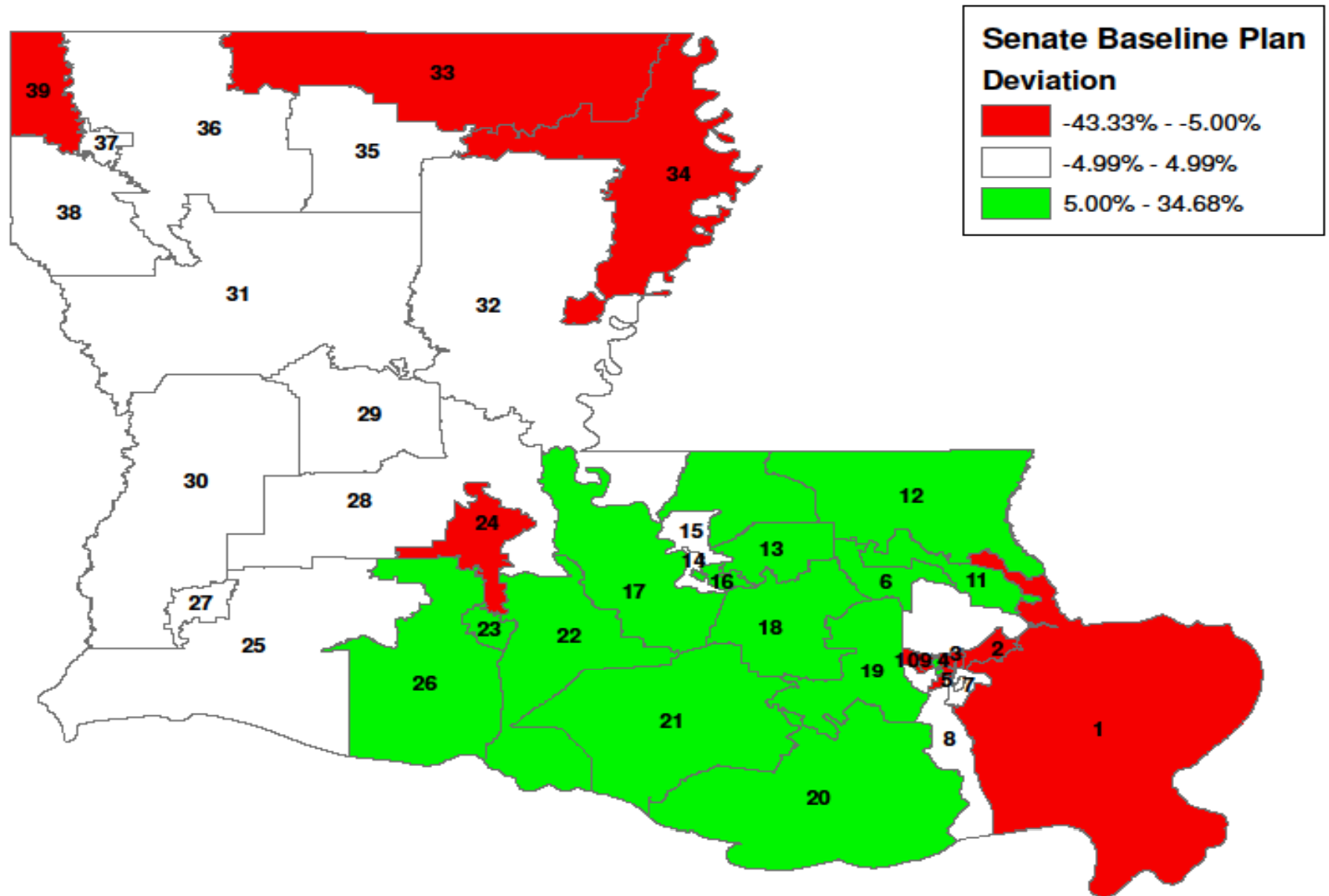
# Senate Baseline Plan Ideal District Population

Decade	Ideal Population
2000	114,589
2010	116,240

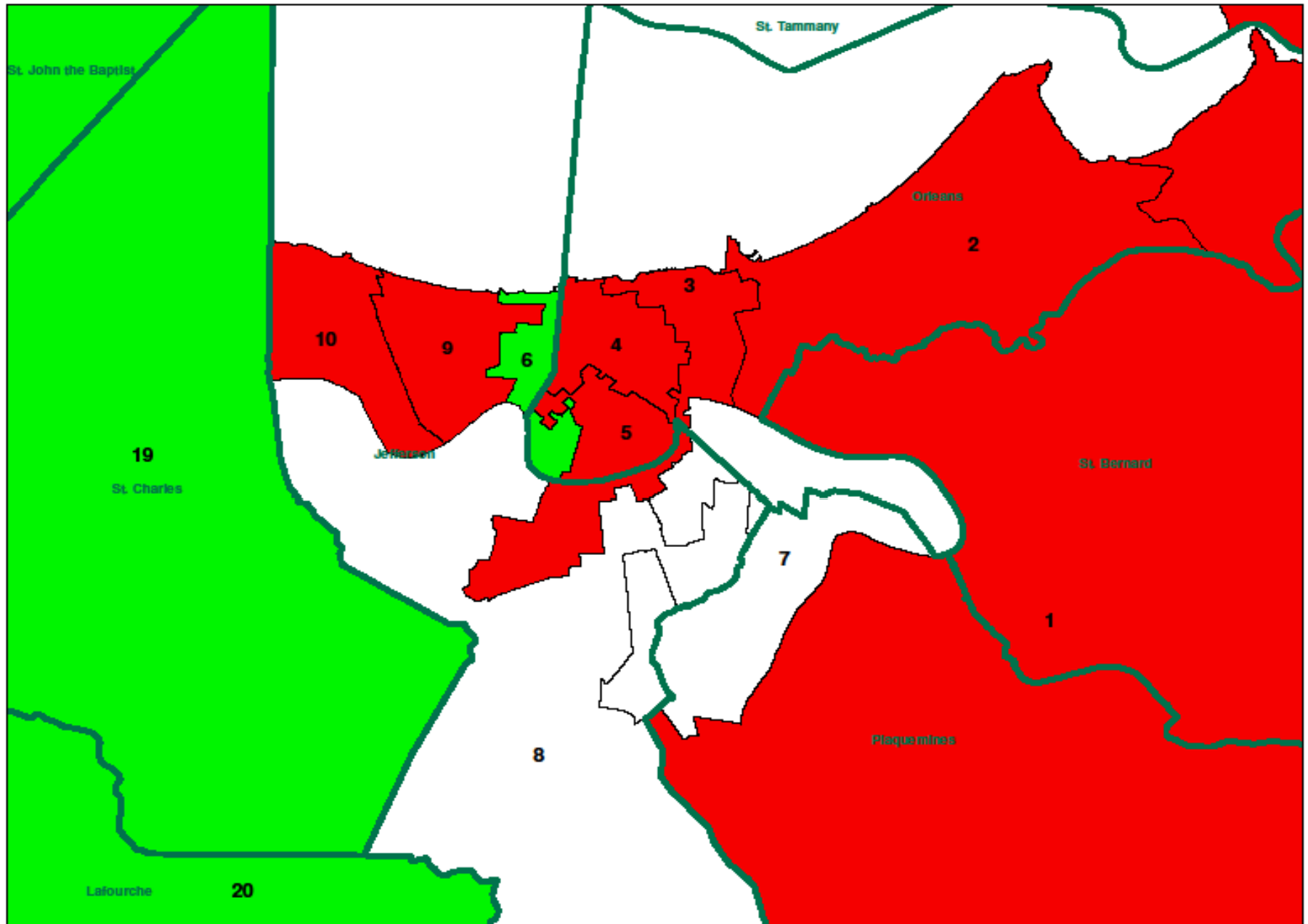
# Deviations of Area Districts

District	Member	Actual Pop	Ideal Pop	Difference	Percent
1	Crowe	89,479	116,240	-26,761	-23.02%
2	Willard-Lewis	65,868	116,240	-50,372	-43.33%
3	Morrell	79,418	116,240	-36,822	-31.68%
4	Murray	71,484	116,240	-44,756	-38.50%
5	Carter Peterson	82,088	116,240	-34,152	-29.38%
6	Quinn	137,302	116,240	21,062	18.12%
7	Heitmeier	110,828	116,240	-5,412	-4.66%
8	Alario, Jr.	113,097	116,240	-3,143	-2.70%
9	Appel	108,304	116,240	-7,936	-6.83%
10	Martiny	105,968	116,240	-10,272	-8.84%
19	Chaisson	127,628	116,240	11,388	9.80%

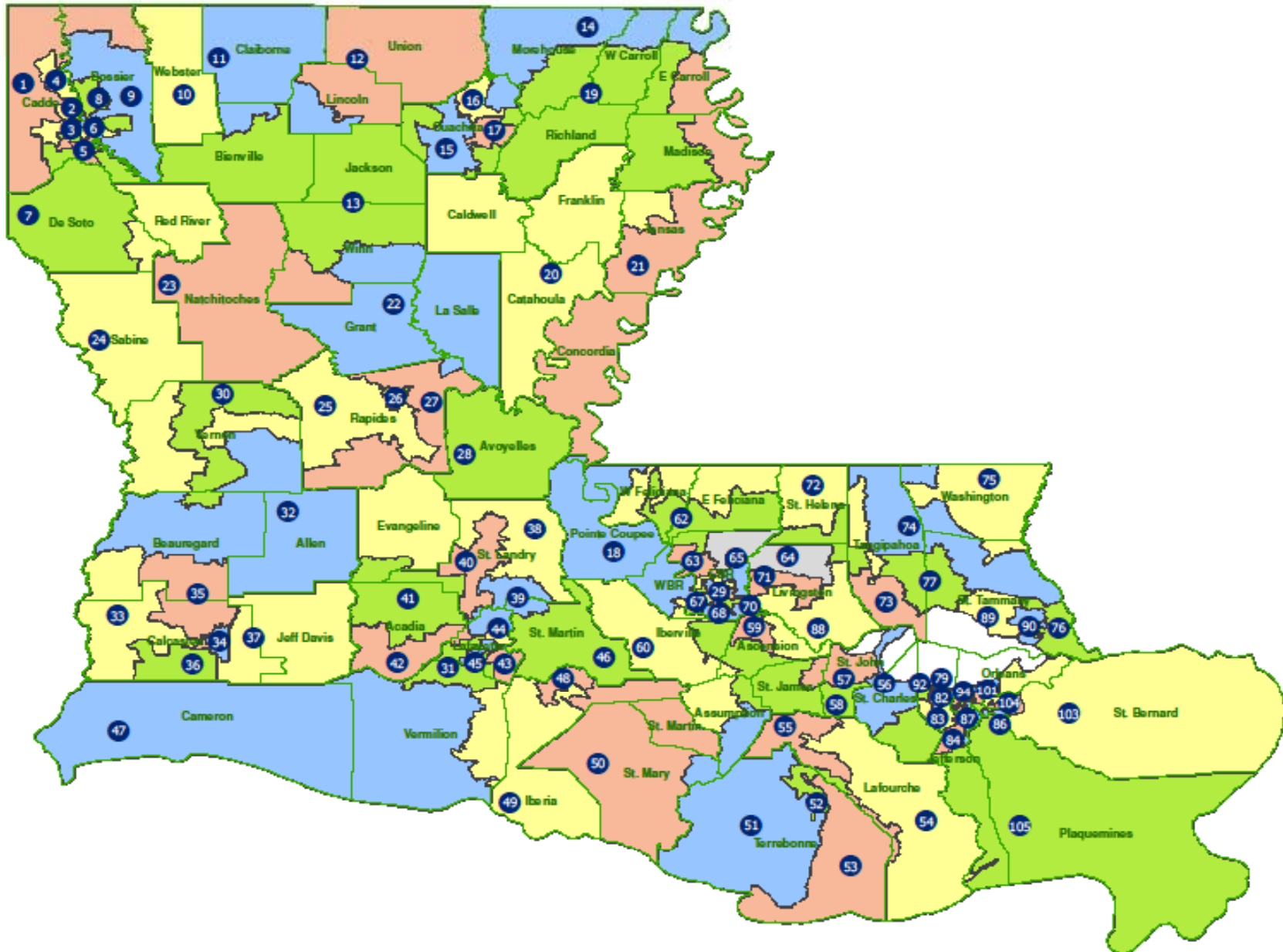
## Louisiana Senate Baseline Plan: Deviation from the Ideal



## Louisiana Senate Baseline Plan: Deviation from the Ideal

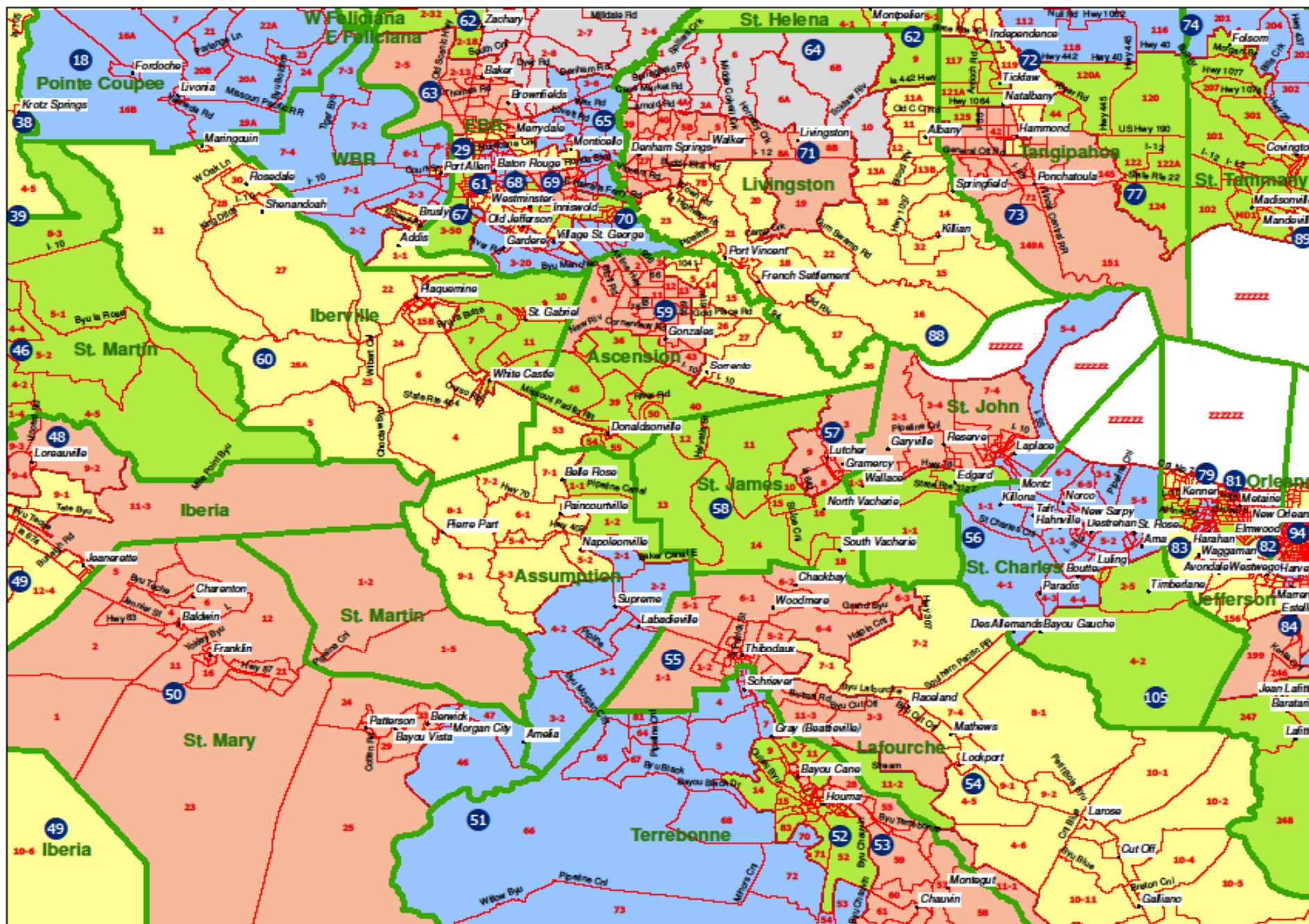


## House Districts: 2000s

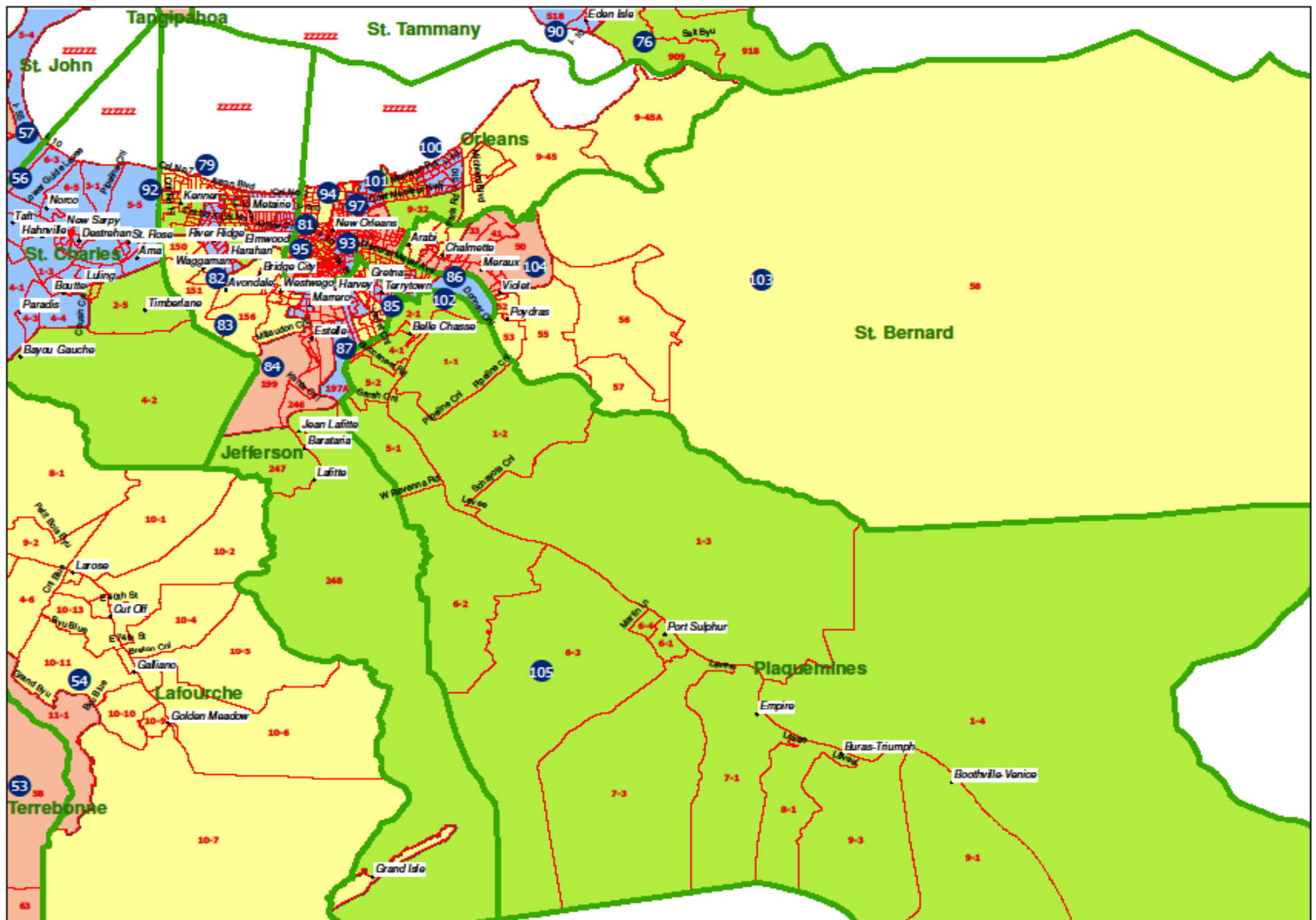




## House Districts: River Parishes

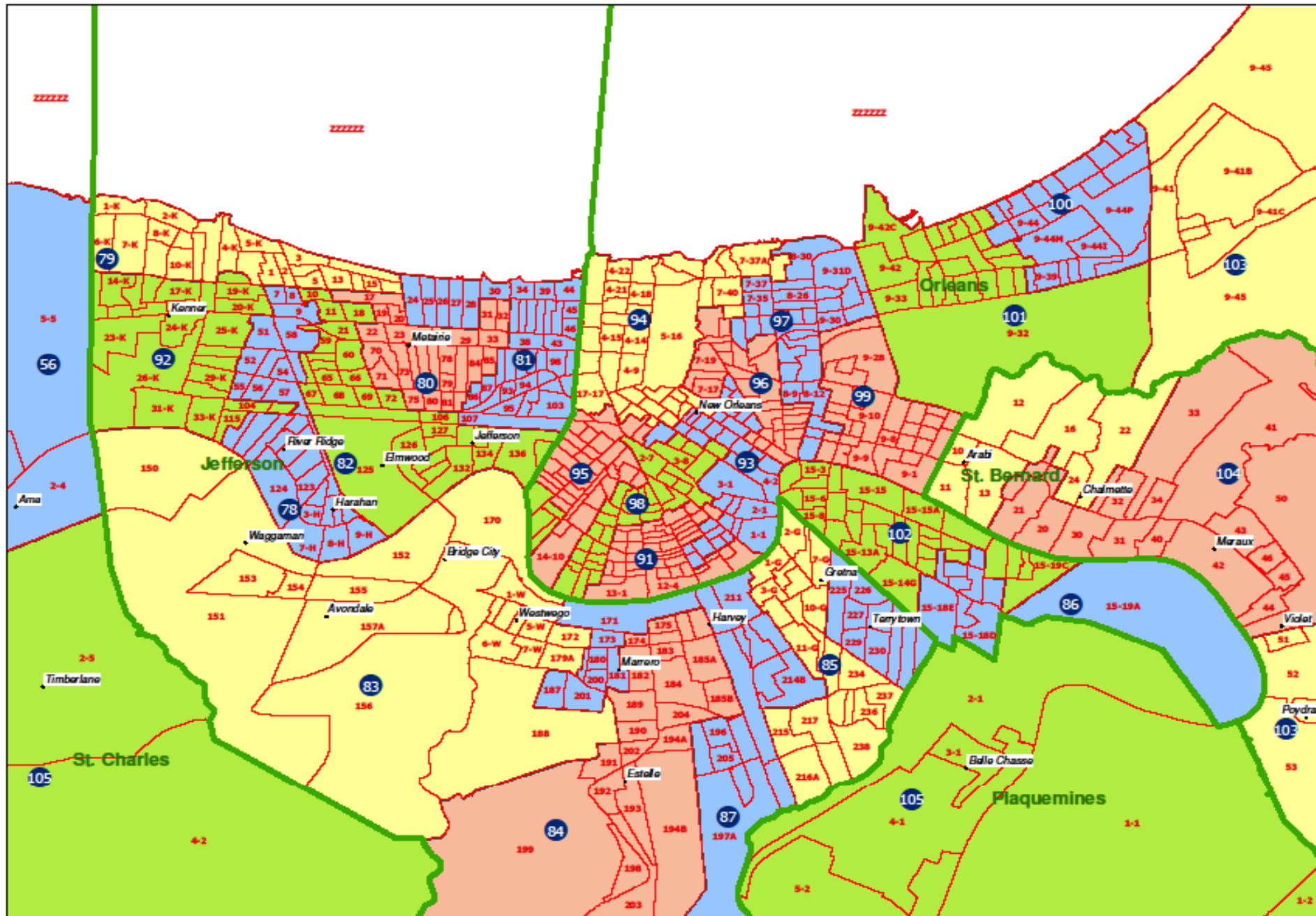


## House Districts: Orleans Metro





## House Districts: Jefferson & Orleans



## 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
54	Gisclair	44,453	43,174	1,279	2.96%
56	Gary Smith	47,201	43,174	4,027	9.33%
57	Monica	48,553	43,174	5,379	12.46%
58	Aubert	48,350	43,174	5,176	11.99%
78	Talbot	42,066	43,174	-1,108	-2.57%
79	Ligi	42,672	43,174	-502	-1.16%
80	Lopinto	39,354	43,174	-3,820	-8.85%
81	LaBruzzo	42,777	43,174	-397	-0.92%
82	Henry	39,989	43,174	-3,185	-7.38%

# Deviations of Area House Districts

District	Member	Actual Pop	Ideal Pop	Difference	Percent
83	Billiot	38,305	43,174	-4,869	-11.28%
84	Connick	41,698	43,174	-1,476	-3.42%
85	Templet	43,859	43,174	685	1.59%
86	Tucker	40,627	43,174	-2,547	-5.90%
87	Girod Jackson	36,307	43,174	-6,867	-15.91%
91	Leger	30,143	43,174	-13,031	-30.18%
92	Willmott	39,714	43,174	-3,460	-8.01%
93	Moreno	30,550	43,174	-12,624	-29.24%

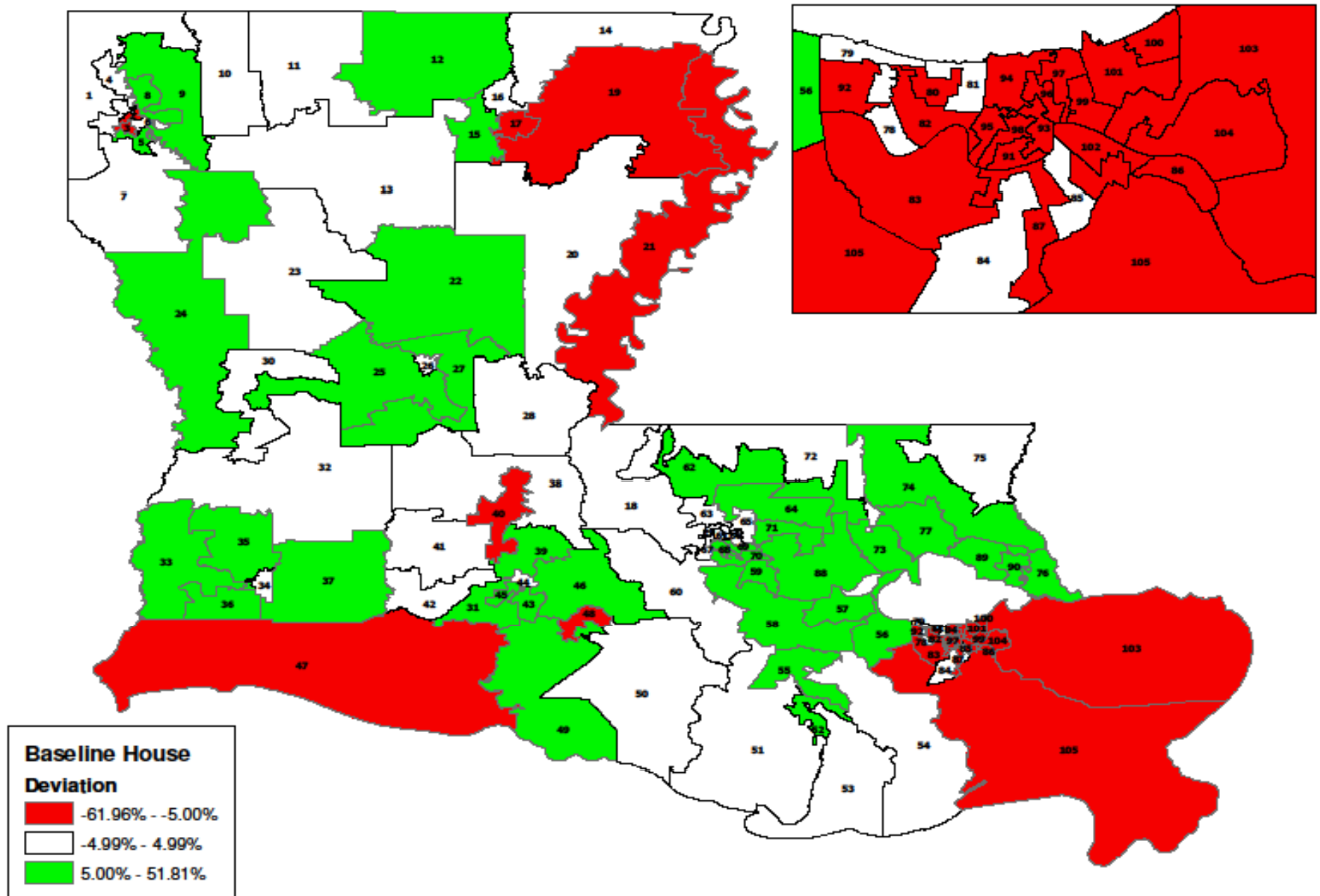
# Deviations of Area House Districts

District	Member	Actual Pop	Ideal Pop	Difference	Percent
94	Lorusso	31,652	43,174	-11,522	-26.69%
95	Hines	34,279	43,174	-8,895	-20.60%
96	LaFonta	24,700	43,174	-18,474	-42.79%
97	Brossett	25,847	43,174	-17,327	-40.13%
98	Abramson	30,348	43,174	-12,826	-29.71%
99	Stiaes	16,425	43,174	-26,749	-61.96%
100	Austin Badon	30,223	43,174	-12,951	-30%
101	Bishop	25,026	43,174	-18,148	-42.03%

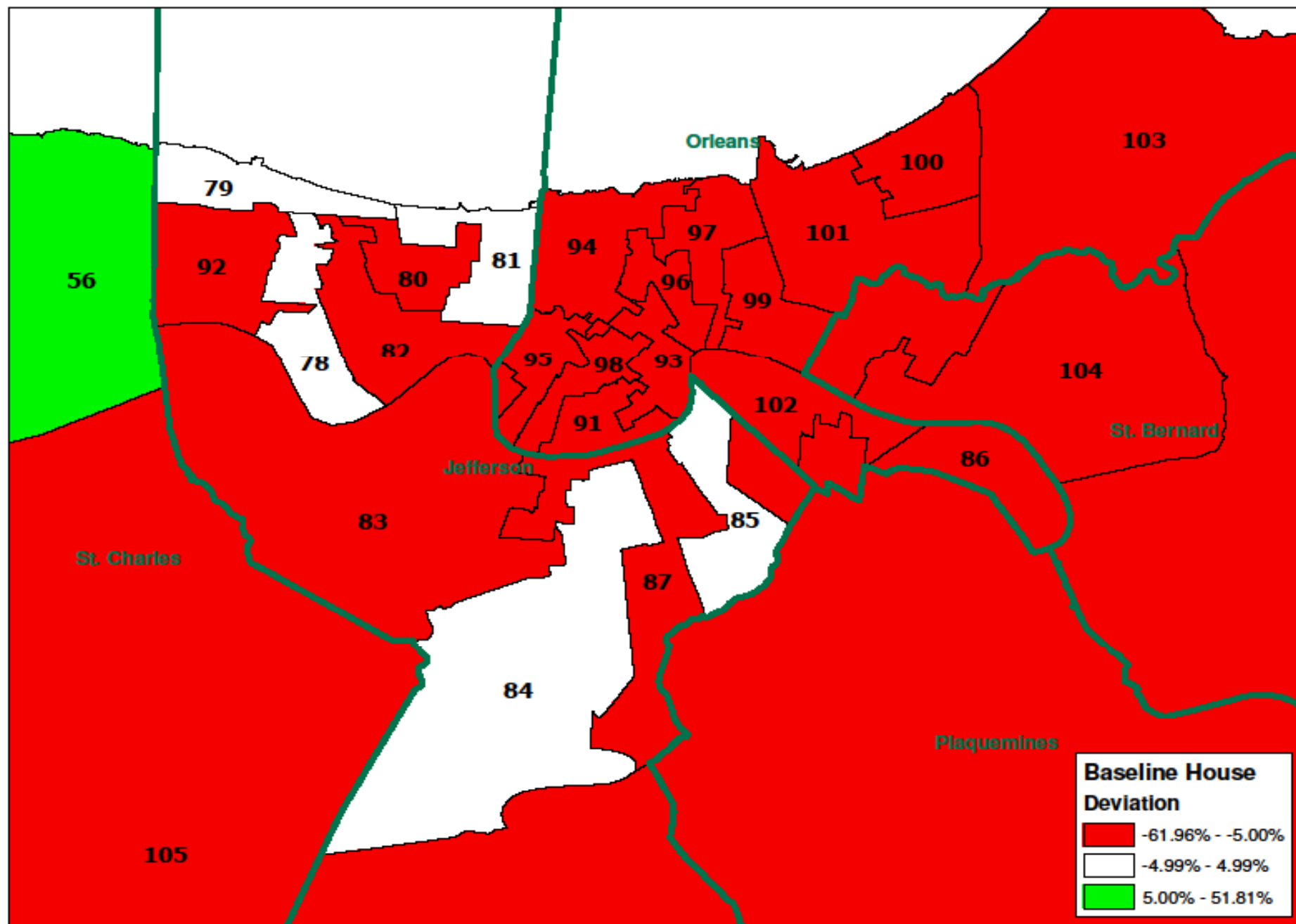
# Deviations of Area House Districts

District	Member	Actual Pop	Ideal Pop	Difference	Percent
102	Arnold	35,477	43,174	-7,697	-17.83%
103	Henderson	23,643	43,174	-19,531	-45.24%
104	Hutter	21,315	43,174	-21,859	-50.63%
105	Wooton	37,438	43,174	-5,736	-13.29%

## House Districts: Deviation from the Ideal



## House Districts Deviation: Jefferson & Orleans





# Population changes

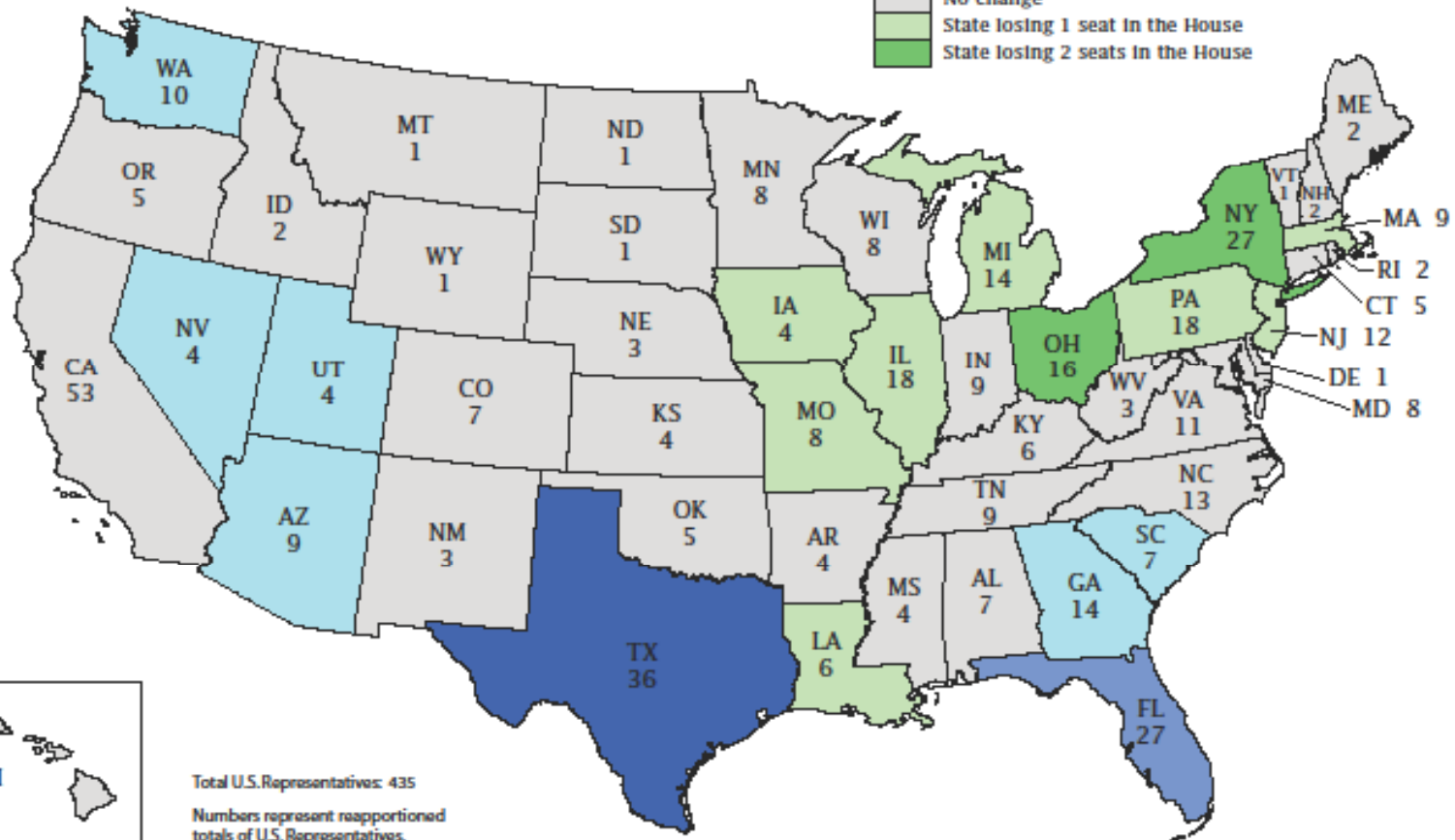
## The Nation v. Louisiana

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.

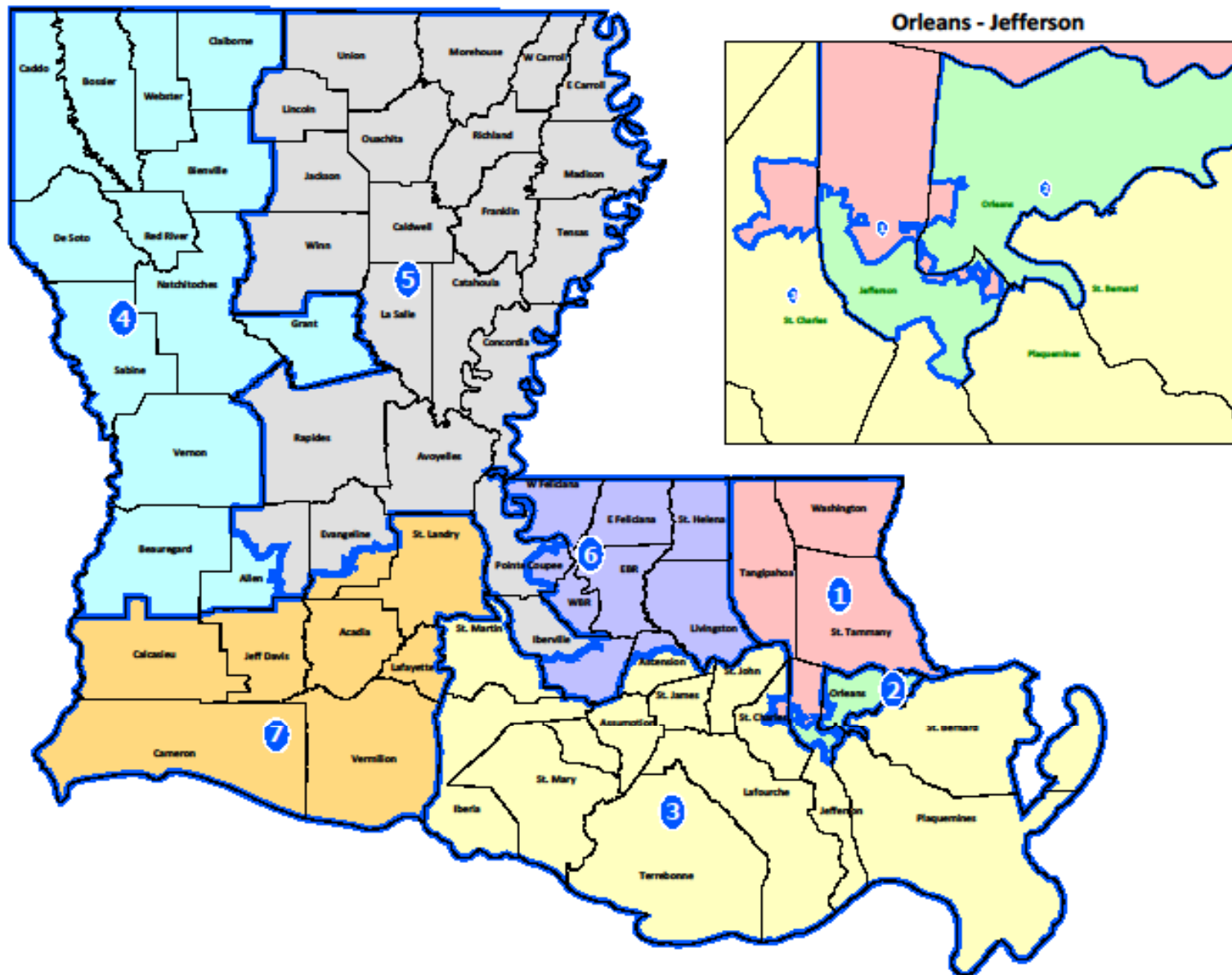
# Congress

## Ideal District Population



<b>Decade</b>	<b>Districts</b>	<b>Ideal Population</b>
<b>2000</b>	<b>7</b>	<b>638,425</b>
<b>2010</b>	<b>6</b>	<b>755,562</b>

## 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



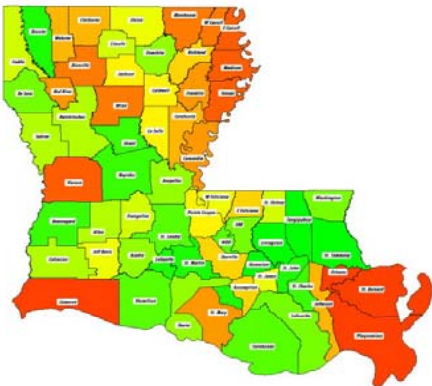
**To get more information regarding the Louisiana Senate redistricting process go to:**

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**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)



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# Key Contacts for the House of Representatives

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## House & Governmental Affairs Committee

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- ▣ Mark Mahaffey Attorney  
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- ▣ Alfred Speer Clerk of the House  
225-342-7259
- ▣ Stephanie Little Attorney  
225-342-2394
- ▣ Dr. William Blair Demographer  
225-342-2591

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- ▣ Yolanda Dixon First Assistant Secretary of the Senate  
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- ▣ Sue Morain Executive Assistant to the Secretary  
225-342-2374
- ▣ Committee on Senate and Governmental Affairs  
Alden Clement, Attorney 225-342-0640  
Tim Prather, Senate Counsel 225-342-8299  
Deborah Leblanc, Secretary 225-342-9845
- ▣ Dr. William Blair Demographer  
225-342-2591



# Public Comment

