

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA**

LOUISIANA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, <i>et al.</i> , <p style="text-align: center;"><i>Plaintiffs,</i></p> v. STATE OF LOUISIANA <i>et al.</i> , <p style="text-align: center;"><i>Defendants.</i></p>	Case No. 3:19-cv-00479-JWD-SDJ
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**STATE OF LOUISIANA’S OPPOSITION TO
MOTION FOR TEMPORARY RESTRAINING ORDER**

Defendant the State of Louisiana, through its Attorney General Jeff Landry, submits this memorandum in opposition to the Motion for a Temporary Restraining Order¹ filed by John L. Weimer, Greg Champagne, Mike Tregre, and Craig Webre (“Proposed Intervenors”) on July 5, 2022. ECF No. 114. The State of Louisiana respectfully requests that this Court deny the Motion.

I. The Fifth Circuit’s Opinion in *Allen* Does Not Even Address—Much Less Restrain—a District Court’s Authority to Enjoin Elections Statewide

At the Status conference held on July 7, 2022, this Honorable Court asked the parties to address the Fifth Circuit’s ruling and how it impacted the relief the Proposed Intervenors are requesting. Proposed Intervenors contend that the Fifth Circuit’s decision in *Allen v. Louisiana*

¹ Proposed Intervenors initially had significant procedural issues with their motion. First, they sought an emergency TRO *before* intervention has been briefed, let alone determined. On that basis, the TRO request is a nullity until such time as their intervention is granted (which, for the reasons detailed herein, it should not be). Second, they styled their Motion as both a Motion to Intervene and a Motion for a Temporary Restraining Order. These Motions should have been filed separately as they address separate issues, and so Defendants will file a *separate response* to Proposed Intervenors’ Motion for TRO if and when that becomes necessary. Finally, Proposed Intervenors were before this Court not more than seven days ago and, after the Court made clear it was sending the intervention to the magistrate in the usual course, *said nothing* about this emergency. The Court gave the Proposed Intervenors every opportunity to assert their reasons why this intervention should not follow the normal course, and they failed to adequately do so at the hearing.

somehow deprives this Court of subject-matter jurisdiction to enjoin all the elections of Louisiana Supreme Court justices statewide. Mot. at 17 (citing *Allen v. Louisiana*, 14 F.4th 366, 369 (5th Cir. 2021)). *Allen* did no such thing. *Allen* considered whether a decades-old consent decree issued by the Eastern District of Louisiana deprived this Court of subject-matter jurisdiction to consider Plaintiffs’ claims in this case. The Fifth Circuit emphatically rejected that proposition, explaining “a federal consent decree cannot manacle a state’s entire judicial election system based on an alleged violation in one district.” *Allen*, 14 F.4th at 373. But, importantly, *Allen*’s discussion about the limits of *consent decrees* in no way impacts this Court’s authority to issue a stay—or an injunction mandating a new map—to correct violations of state or federal law.

On the contrary, *Allen*’s key holding is that this Court *has* power to issue an injunction that would and could affect *every* district in the State, including the district governed by the *Chisom* consent decree. This is evident from *Allen*’s observation that “if a proposed new district in this case sought to incorporate precincts in District 7, comity issues would obviously arise. But this interlocutory appeal involves subject-matter jurisdiction, not comity” *Allen*, 14 F.4th at 374. In other words, only *comity* issues, not *jurisdictional* issues stand in the way of this Court issuing an injunction that could sweep across the entire State to remedy alleged violations of state and federal law. There is no consent decree governing District Six, and so there are not even *comity* issues standing in the way of this Court issuing an injunction (or, of course, a stay) affecting District Six.

Moreover, *Allen* emphasized the terms of the *Chisom* consent decree which, on its face, sought only to address the “vote dilution in the at-large district, not in the other five single-member districts or statewide.” *Id.* at 373. By contrast, Plaintiffs’ complaint here expressly asks the Court to “[d]eclare that the current apportionment of Louisiana Supreme Court districts violates Section

2 of the Voting Rights Act.” Compl. ¶ 70a. The Louisiana NAACP alleged that it “has members throughout the State, including members whose votes are unlawfully diluted by the Supreme Court districts.” *Id.* ¶ 11. There is no reason to believe the Louisiana NAACP lacks members in District Six. Parties know from the recent lawsuit of *Terrebonne Parish Branch NAACP, et al. v. Jindal, et al.*, U.S.D.C. (Middle District), Docket No. 14-cv-00069, that NAACP members reside in District Six. Plaintiffs’ Complaint expressly asked this Court to enjoin Defendants “from administering, implementing, or conducting any future elections for the Louisiana Supreme Court.” *Id.* ¶ 70b. Thus, this case is easily distinguishable from the *Chisom* litigation and its resulting consent decree governing District 7.

Therefore, *Allen* expressly held that this Court *has* power to issue a new statewide map, notwithstanding a federal consent decree governing the exact same map. The *Chisom* case was limited to one district; this case is not. Proposed Intervenors’ reliance on *Allen* is therefore misplaced.

Additionally, the purpose of the Parties’ Joint Memorandum in Support of this Court’s May 3rd Order focused on the pervasive statewide malapportionment produced by the unchanging nature of the State’s Supreme Court map over the last two decades in the face of population shifts. *See generally* ECF No 100-1. The Parties explained their position that a stay of all Supreme Court elections “would *not only* solve the malapportionment issues among these voting districts, but *also* may resolve Plaintiffs’ claims” concerning an alleged Section 2 violation. *Id.* at 2 (emphasis added); *see also id.* at 7-8 (explaining that a stay would help avoid “the legal questions raised by the current malapportionment *and* potential violations of the Voting Rights Act” (emphasis added)).

Hence, this case is an inverse of *Allen*: The reapportionment ordered by the Court here is *primarily* focused on fixing statewide malapportionment issues with the Supreme Court map, even though reapportionment may have the *ancillary* effect of resolving Plaintiffs’ Section 2 claim. It is not merely a “possibility” that fixing malapportionment will require redrawing District Six, *Allen*, 14 F.4th at 374, but a certainty.

II. The relief requested by the Proposed Intervenors is not available to them.

The Proposed Intervenors cannot enjoin an injunction. Except as expressly provided in Fed. R. Civ. P. 62, providing for stay orders affecting injunctions, an injunction is not subject to, itself, being enjoined.

The entry of a consent decree is more than a matter of agreement among litigants. It is a “judicial act.” *United States v. Swift & Co.*, 286 U.S. 106, 115, 52 S.Ct. 460, 462, 76 L.Ed. 999 (1932). “[W]hen [the court] has rendered a consent judgment it has made an adjudication.” See also *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 999 F.2d 831, 845–46 (5th Cir. 1993). Consent decrees are enforceable orders of the court. *U.S. v. Alcoa*, 533 F. 3d 278.

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An injunction, once entered, can be appealed, modified or dissolved. Fed R. Civ. P. 60(b). Appeal delays have run. Proposed Intervenors waited too long to be able to appeal. The only available remedies are to modify or dissolve the consent decree under Rule 60(b), and even had Proposed Intervenors asked for the appropriate relief from the injunction order, they do not satisfy the criteria under 60(b) to modify or dissolve the injunction. Ordinarily, however, modification should not be granted where a party relies upon events that actually were anticipated at the time it entered into a decree. *Rufo v. Inmates of Suffolk Cnty. Jail*, 502 U.S. 367, 385, 112 S. Ct. 748, 760, 116 L. Ed. 2d 867 (1992). The party seeking modification or termination bears the burden of

proof. *Johnson v. Fla.*, 348 F.3d 1334, 1345 (11th Cir. 2003). A district court abuses its discretion when it modifies an injunction without a showing of a significant change in circumstances). *ICEE Distributors, Inc. v. J&J Snack Foods Corp.*, 445 F.3d 841, 850 (5th Cir. 2006).

Circumstances have not changed here. Proposed Intervenors have not even alleged a change in circumstances that might warrant modification or dissolution of the injunction. They cannot show that the operation of the injunction is no longer equitable. Nothing has changed since the injunction was entered.

In moving for a consent order to enjoin Louisiana Supreme Court elections, the State Defendants shared Plaintiffs' concerns that Supreme Court districts were malapportioned and so were reluctant to go forward with another election until an effort could be made to rectify the malformed districts. The proper course seemed to be taking measures to avoid a flawed election, and after discussion, all of the parties agreed. Asking the consent of the court to hold off on the elections while trying to address the underlying problem with the districts did not violate anyone's rights any more than the entry of the injunction by the Court violated their rights. Had the Proposed Intervenors been present in the suit, they certainly would have had an opportunity to engage in the discussion and shape the injunction. The order having been entered, however, is governed by Rule 60(b), and Proposed Intervenors do not seriously demonstrate that the conditions that resulted in the consent order have changed nor that the injunction is no longer equitable.

Whether the court is limited to considering District Five at the merits trial is of no moment for purposes of this proceeding. The court cannot at this juncture look forward to how it may devise a Section 2 remedy should it ultimately find such a remedy to be justified. It appears that a remedy to cure any deficiencies in District Five would likely include changes to District Six and other districts. The question at this stage is whether Proposed Intervenors can show that the

conditions for modifying or dissolving an existing injunction are present, and they pretty clearly cannot make such a showing.

The Court's May 3 Order sets in place a temporary injunction to delay elections to the Supreme Court; it does not deprive Proposed Intervenors of a right to vote nor a candidate a right to qualify once the malapportionment of districts that prompted the consent order is cured. The injunction, rather, seeks to temporarily suspend elections in districts flawed in composition so that the rights of all voters are not violated. The equities in continuing the injunction in place weigh heavily in favor of the public. The goal of the injunction was equitable, to protect the rights of all voters, including those voters in District Six given such demonstrably severe malapportionment. The parties had reason to ask for the entry of a consent judgment, and the court had good reason to enter it.

III. Proposed Intervenors Have Not Satisfied the Standard for Granting a TRO.

The decision to grant a temporary restraining order/preliminary injunction is to be treated as the exception rather than the rule. *Miss. Power & Light Co. v. United Gas Pipe Line Co.*, 760 F.2d 618, 621 (5th Cir. 1985). To obtain a TRO and preliminary injunctive relief, a movant must demonstrate: "(1) a substantial likelihood of success on the merits, (2) a substantial threat that [movant] will suffer irreparable injury if the injunction is not granted, (3) that the threatened injury outweighs the threatened harm to the [non-movants], and (4) that granting the preliminary injunction will not disserve the public interest." *Gumns v. Edwards*, 2020 U.S. Dist. LEXIS 85908, at *8 (M.D. La. May 15, 2020). A movant's failure to "clearly carr[y] the burden as to all four elements" results in a denial of injunctive relief. *Guy Carpenter & Co. Provenzale*, 334 F.3d 459, 464 (5th Cir. 2003). Proposed Intervenors have failed to carry their burden of persuasion on all four factors here.

A. Proposed Intervenors Are Unlikely to Succeed on the Merits of Their Claim.

“To satisfy the first element of likelihood of success on the merits, courts look to the standards provided by the applicable substantive law.” *RISE St. James v. Town of Gramercy*, 2021 U.S. Dist. LEXIS 86796, at *10 (E.D. La. May 6, 2021). Here, Proposed Intervenors argue that they are likely to succeed on the merits “because it is apparent that the present lawsuit does not concern District Six” and because they assert the stay “should not apply to divest the voters of District Six of their constitutional right to vote, absent any compelling state interest to the contrary.” ECF No. 114-1 at 10. There are substantial problems with each of these arguments.

1. This Case Concerns Every Supreme Court District, Not Just District Five.

Since 1999, Louisiana’s Supreme Court districts have not been reapportioned, and the last two decades have witnessed dramatic population shifts in Louisiana in general and Orleans Parish specifically. As a result, the districts frozen in place by the *Chisom* Consent Decree and amendment thereto have devolved into severe malapportionment. *See* Exhibit B, Louisiana Legislature’s Powerpoint on Redistricting at p. 58.

The election of for District Six is the first election after receipt of the 2020 census data. Using this current Census data, each perfectly apportioned Supreme Court district would have 665,393 residents, plus or minus 5% (for a total range of 10%), resulting in districts that have at least 632,124 persons and no more than 698,664 persons. The current district population numbers are displayed in the chart below:

Districts	Total Pop	Ideal	Difference	Percent
1	752,775	665,393	87,382	13.13%
2	638,062	665,393	-27,331	-4.11%
3	733,573	665,393	68,180	10.25%

4	586,849	665,393	-78,544	-11.80%
5	838,610	665,393	173,217	26.03%
6	631,334	665,393	-34,059	-5.12%
7	476,554	665,393	-188,839	-28.38%

See La. Legislature, p. 61 https://redist.legis.la.gov/2020_Files/MtgFiles/PowerPoint.pdf ; https://house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2021/sep/0917_21_HG_Join_t.

Therefore, Proposed Intervenors’ contention that this litigation “does not concern District Six” flies in the face of factual determinations agreed upon by *both* Parties and approved by the Court. As depicted in the chart above and explained in the Consent Motion to Stay, the lack of any change in Supreme Court district boundaries since 1999 combined with two decades of population shifts have left the State with districts that are “severely malapportioned.” ECF No. 100-1 at 1. That malapportionment is not limited to any one district and is so “severe that *no* district will be immune from reapportionment,” *id.* at 8, but the problem is concentrated in particular areas of the State. Specifically, “[t]he malapportionment is a particular issue in the area around New Orleans Parish, which is where both the sixth (the district where next election is scheduled) and seventh (current majority-minority district) districts reside.” *Id.*; *see also id.* at 5 (detailing that District Six is underpopulated by approximately 5.119%). In other words, the *worst* malapportionment exists in the very area where Proposed Intervenors demand that this Court hold an election using the existing map. Although there are several areas of disagreement remaining between the parties, this is one question on which they are completely aligned, and this Court ratified the parties’ assessment of the situation when it entered the Consent Stay Order. *See* ECF No. 101 (ordering that the stay will remain in effect “until the State’s Supreme Court districts have been reapportioned” or reapportionment otherwise fails).

“Redistricting cases are complex,” *LULAC v. Abbott*, 2022 U.S. Dist. LEXIS 87447, at *11 (W.D. Tex. May 16, 2022), because every time a map drawer moves a precinct out of one district, it impacts the contours and the population of another district. In Louisiana, when the Legislature redistricts the Supreme Court, they are legally required to make changes to the whole court. Under Joint Rule 21 (F), which provides redistricting criteria adopted by the Louisiana Legislature, “the minimally acceptable criteria for consideration of a redistricting plan for the Supreme Court shall be that the plan shall be a whole plan which assigns all of the geography of the state.” The Legislature cannot make changes only to District Five, because any redistricting plan adopted must change each district within the State. *See* Exhibit A, Joint Rule 21. This is consistent with how the Supreme Court has been reapportioned in the past, and consistent with the reapportionment plans precleared by the United States Department of Justice. *See* Exhibit C, Preclearance. When Louisiana sought preclearance, including the creation of the *Chisom* majority-minority district, the State submitted a plan for seven single-judge Supreme Court districts which assigned the geography of the entire state. Here, because a reapportionment remedy is needed in District Six as well as in District Five (as well as in the other five districts, each of which deviates from population equality), Proposed Intervenors’ complaints about the Court’s limited subject matter jurisdiction are unavailing.

As explained more completely above herein, the Fifth Circuit’s opinion in *Allen v. State of Louisiana*, 14 F.4th 366 (2021) can be easily distinguished from the situation here. *Allen* involved the scope of the *Chisom* consent decree, which specified that the necessary reapportionment must result in at least one majority-minority district centered on Orleans Parish. *Id.* at 372. The *Allen* court held that “while the decree does reference the anticipated restructuring of all districts,” the underlying lawsuit “had nothing to do with the other districts and, accordingly, the decree has

nothing to say about how they are to be apportioned.” *Id.* To simplify, in *Allen*, statewide reapportionment was an ancillary effect of the primary objective of creating a majority-minority district in Orleans Parish.

Here, by contrast, the Parties’ Joint Memorandum in Support of Stay focused on the pervasive statewide malapportionment produced by the unchanging nature of the State’s Supreme Court map over the last two decades in the face of population shifts. *See generally* ECF No 100-1. The Parties explained their position that a stay of all Supreme Court elections “would *not only* solve the malapportionment issues among these voting districts, but *also* may resolve Plaintiffs’ claims” concerning an alleged Section 2 violation. *Id.* at 2 (emphasis added); *see also id.* at 7-8 (explaining that a stay would help avoid “the legal questions raised by the current malapportionment *and* potential violations of the Voting Rights Act” (emphasis added)). Hence, this case is an inverse of *Allen*: The reapportionment ordered by the Court here is *primarily* focused on fixing statewide malapportionment issues with the Supreme Court map, even though reapportionment may have the *ancillary* effect of resolving Plaintiffs’ Section 2 claim. It is not merely a “possibility” that fixing malapportionment will require redrawing District Six, *Allen*, 14 F.4th at 374, but a certainty.

Proposed Intervenors also err by assuming that negotiations between the parties have already failed. They argue that the Consent Stay Order was “based on the reasonable hope of the parties that a solution may be available in the then-pending legislative session,” but that explanation appears nowhere on the fact of the Order and is in any event inaccurate. Rather, the Parties determined that a statewide stay was necessary because they did not expect a final resolution of all issues before the November 2022 election. The Court imposed no firm deadline on the parties’ negotiations, *see id.*, and it is still too early to determine that the Parties have failed

to reach a final agreement. Elsewhere in their Memorandum, Proposed Intervenors implicitly concede that this is true. *See* ECF No. 114-1 at 11 (noting that the Order stays all Supreme Court elections “subject to certain conditions that have not yet taken place”). In fact, the Parties have already exchanged proposed maps and are working on a compromise map that they can jointly submit to the Court. If negotiations do break down, the parties will report that fact to the Court in one of the required 45-day joint status reports and the Court will then lift the stay; because the stay has not yet been lifted, negotiations have clearly not yet failed to resolve the remaining issues. The Parties are not ready to concede defeat as quickly as Proposed Intervenors. The State of Louisiana believes given one year, the parties will be able to come to a compromise.

2. The State Has a Compelling Interest in Eliminating Malapportionment to Protect Voting Rights.

Proposed Intervenors assert, incorrectly, that a modification of the stay “is necessary to lift an infringement of the fundamental right to vote of Intervenors” and “to permit candidates including the Intervenor Candidate to qualify for election in District Six.” ECF No. 114-1 at 13. In fact, the District Six election has not been cancelled; it has merely been temporarily put on hold until all parties can be assured that it will proceed under a properly apportioned map. It hardly makes sense to claim that one has been denied the right to vote in an election that no one else has had an opportunity to vote in because the election will be held at a future date, nor does it make sense to claim they are being otherwise denied representation when they are not currently without a member of the Supreme Court from their district. Strangely, Proposed Intervenors argue that the State is depriving them of their right to vote in an election even as the State and Plaintiffs are working diligently towards a settlement that will ensure that election can take place and all votes cast in that election will carry equal weight.

Proposed Intervenors seem to think that a delayed election is more injurious of voting rights than a legally flawed election, but the Supreme Court has held that the “[o]verweighting and overvaluation of the votes of those living here has the certain effect of dilution and undervaluation of the votes of those living there.” *Reynolds v. Sims*, 377 U.S. 533, 563 (1964). Other “[f]ederal courts have recognized that the holding of an upcoming election in a manner that will violate the Voting Rights Act constitutes irreparable harm to voters.” *United States v. Berks Cnty.*, 250 F. Supp. 2d 525, 540 (E.D. Pa. 2003). Other federal courts have issued orders staying elections that were fraught with potential legal problems without any diminution of voting rights. *See, e.g., United States v. City of Euclid*, 523 F. Supp. 2d 641, 643 (N.D. Ohio 2007); *Alexander v. Texas City ISD*, No. 3:91-cv-226 (S.D. Tex. 1991), ECF Nos. 9 and 10; *Woods v. Dickinson ISD*, No. 3:91-cv-288 (S.D. Tex. 1991), ECF Nos. 5 and 6. There are no do-overs when it comes to elections, and it is an unfortunate reality that a district map can sometimes be so riddled with flaws that the choice comes down to holding a legally suspect election on time or holding a lawful election that is delayed.

Plaintiffs’ Complaint asserted a single cause of action: A violation of Section 2 of the Voting Rights Act. *See* ECF No. 1 at 14-15. Although the Constitution does not require exact proportionality of population in state judicial elections as it does for congressional elections, the Supreme Court has held that “state judicial elections are included within the ambit of § 2 as amended” and that elected state judges count as “representatives” for the purpose of that statute. *Chisom v. Roemer*, 501 U.S. 380, 404 (1991). Proposed Intervenor Weimer publicly acknowledged in his recent State of the Judiciary address that “[o]bviously, the Supreme Court districts as currently configured need some modification because of population shifts.”² He clearly recognizes

² La. Sup. Ct., 2022 State of the Judiciary Address to the Joint Session of the Louisiana Legislature (Mar. 15, 2022), https://www.lasc.org/Press_Release?p=2022-07.

that malapportionment is a problem throughout the State, and yet he urges the Court to allow elections to proceed no matter the potential irreparable harm to voters. Proposed Intervenor may be comfortable holding an election where their votes count differently than those of voters in other districts, but the State cannot endorse that outcome—while this lawsuit is pending, and recent census data has been received making reapportionment ripe—without acquiescing in an unlawful diminution of the voting rights of its citizens.

By joining the Plaintiffs in the Consent Stay Motion, the State acted to prevent the irreparable harm of voting in severely malapportioned districts and thereby protect the voting rights of its citizens. This Court should likewise protect the voting rights of Louisianians by denying the Motion and preserving the stay until all districts are reapportioned in accordance with applicable law.

B. Proposed Intervenor’s Lengthy Delay in Seeking Relief Obviates Any Claim of Irreparable Harm.

“A nonmoving party may rebut a claim of irreparable harm by demonstrating that the moving party unreasonably delayed seeking a preliminary injunction.” *See Pruvit Ventures, Inc. v. Forever Green Int’l LLC*, 2015 U.S. Dist. LEXIS 174982, at *29-30 (E.D. Tex.) (noting that “[c]ourts have found . . . that the expiration of five months or a similar timeframe should factor into the court’s analysis and could serve to rebut a claim of irreparable harm”). This is because a movant’s “failure to act sooner undercuts the sense of urgency that ordinarily accompanies a motion for preliminary relief and suggests that there is, in fact, no irreparable injury.” *Tough Traveler, Ltd. v. Outbound Pools*, 60 F.3d 964, 968 (2d Cir. 1995) (citation omitted). Here, Proposed Intervenor inexplicably delayed in seeking relief for nearly three years, so their claims of irreparable harm are not credible.

Proposed Intervenors did not file their Motion for TRO until July 5, 2022, improperly combining it with their Motion to Intervene. *See* ECF No. 114. This was six days after their original Motion to Intervene was filed on June 29, 2022, *see* ECF No. 113, and a full nine weeks after the Consent Stay Order was entered by this Court on May 4, 2022. ECF No. 110. Even if this were the only delay evident on Proposed Intervenors' part, it would still be sufficient to deny their Motion as untimely; other federal courts have deemed similar delays unreasonable. *See, e.g., Tough Traveler*, 60 F.3d at 968 (noting that the Second Circuit in *Citibank, N.A. v. Citytrust*, 756 F.2d 273 (2d Cir. 1985), held that a delay of "nine months after receiving notice in the press, and 10 weeks after receiving actual notice, negates any presumption of irreparable harm"). However, this was *not* Proposed Intervenors' only delay.

The possibility that a statewide stay of all Supreme Court elections could be entered in this case is evident on the face of Plaintiffs' Complaint filed on July 23, 2019. *See* ECF No. 1 at 15 (requesting an injunction preventing the State "from administering, implementing, or conducting *any future elections* for the Louisiana Supreme Court under the current method of election" (emphasis added)). Proposed Intervenors have therefore been on notice for nearly *three years* that this litigation could involve a statewide stay of all Louisiana Supreme Court elections, and yet they waited until this week to take action to protect their alleged rights. This extended delay obviates any claim of irreparable harm that they might assert.

Even if this Court determines that none of the foregoing delays impact Proposed Intervenors' eligibility to seek injunctive relief at the eleventh hour, their Motion should still be denied due to the reasons outlined in Section A(2) *supra*. Proposed Intervenor Voters will still have an opportunity to participate in the next District Six election, and Proposed Intervenor Weimer will still have an opportunity to participate in that election as a candidate if he so desires.

The Court is presented with two options: Hold a November 2022 District Six election in a malapportioned district or hold the District Six election at a yet-to-be-determined date in a properly apportioned district where all votes cast will have equal weight with those cast elsewhere. There is no third option in which a District Six election can proceed in November 2022 in a properly apportioned district *for the very reason* that reapportionment of one district will inevitably impact other districts. *See* ECF No. 100-1 at 8. District Six elections do not occur in a vacuum, but in a universe where adjustments to district boundaries there will have knock-on effects statewide.

C. The Balance of Equities and Public Interest Factors Counsel Denial.

“[T]he purpose of a preliminary injunction is merely to preserve the relative positions of the parties until a trial on the merits can be held.” *RISE St. James*, 2021 U.S. Dist. LEXIS 86796, at *9 (citing *Univ. of Texas v. Camenisch*, 451 U.S. 390,395 (1981)). The preliminary injunction requested by Proposed Intervenors, however, would accomplish the opposite: It would upend the status quo and severely prejudice the original parties in the case by unnecessarily delaying a final resolution of this litigation, while all but ensuring that District Six voters will participate in an election tainted by malapportionment.

Proposed Intervenors advance a novel definition of the status quo; according to them, the status quo is the situation that existed before May 4, 2022, but that has not been operative since that time. They characterize the status quo as “allow[ing] the scheduled election in District Six . . . to go forward” in November 2022, but that is the very change that Proposed Intervenors seek to bring about by intervening in this lawsuit. Without their intervention, the District Six election would *not* go forward in November 2022 thanks to the Consent Stay Order approved by this Court more than two months ago. ECF No. 114-1 at 15. Hence, the status quo that has prevailed for the last nine weeks is a stay of all Louisiana Supreme Court elections until such time as the full map

has been reapportioned and all remaining malapportionment issues resolved. If Proposed Intervenor seek to achieve a different outcome than that, then they seek something other than the status quo and a preliminary injunction is an inappropriate vehicle for achieving their goals.

This is also why Proposed Intervenor's invocation of the *Purcell* doctrine is inapposite. They correctly claim that “[l]ate judicial tinkering with election laws can lead to disruption and to unanticipated and unfair consequences for candidates, political parties, and voters,” *Merrill v. Milligan*, 142 S. Ct. 879, 880-81 (2022) (Kavanaugh, J., concurring), but they fail to consider what that admonition might mean for the relief that they have requested here. Proposed Intervenor are ostensibly concerned about the encroaching July 20, 2022, deadline for candidate qualification, given that Proposed Intervenor Weimer intends to compete in a District Six election that is not currently being held. *See* ECF No. 11-4-1 at 2. If the Court were to grant the relief that Proposed Intervenor seek and allow the District Six election to go forward in November 2022, it is highly likely that Justice Weimer would be the *only* candidate in that election. No other candidates or potential candidates have moved this Court for an injunction, indicating that others relied upon the Court's Order and declined to make preparations for a campaign. Partially lifting the stay at this late date would confer an unfair advantage upon Proposed Intervenor Weimer that would not be similarly enjoyed by other candidates who might hope to compete for the same office.

The most egregiously wrong claim made by Proposed Intervenor is that “allowing this election to proceed should not affect any remedy that may ultimately be reached by the parties[.]” *Id.* at 13. By contrast, allowing this election to proceed could delay a final decision in this case indefinitely. The Parties' ongoing negotiations are fundamentally concerned with addressing the statewide malapportionment of Supreme Court districts and allowing an election to go forward this year in a district in the area of the State that is most severely malapportioned, *see* ECF No.

100-1 at 8, would create the very harm that the Parties are diligently working to prevent. Even if the overall population total of District Six would not change significantly, the boundaries of the district—and, thereby, the actual voters included within the district—will. The Parties have been clear that they “believe that it is in the best interest of all citizens of Louisiana that all Louisiana Supreme Court elections be stayed pending a negotiated settlement between Plaintiffs and Defendants.” *Id.* at 2. Proposed Intervenors by contrast are requesting a remedy that, if granted, would result in them voting in an underpopulated district where the votes they cast will be of greater weight than those cast by Louisiana voters in other Supreme Court districts.

As detailed in the Joint Motion to Stay, the underlying litigation concerning Louisiana Supreme Court districts has been ongoing for over thirty years. *Id.* at 3-4. The State and Plaintiffs are working towards a resolution that will resolve these problems but allowing District Six elections to go forward without first fixing the malapportionment that exists in the Court as a whole will only prolong the dispute. Because “[e]nsuring that all Louisiana Supreme Court elections are conducted by virtue of appropriately drawn districts plainly serves” the public interest, *id.* at 8, this Court should deny the requested injunctive relief.

CONCLUSION

Because Proposed Intervenors had adequate notice of the relief requested in the underlying lawsuit for nearly three years before their Motion to Intervene was filed, and for the numerous other reasons listed herein, which demonstrate they do not meet the heavy burden for a temporary restraining order to issue, this Court should deny their Motion.

Dated: July 8, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on July 8, 2022, the foregoing was filed using the Court's CM/ECF system, which constitutes service on all counsel having appeared of record in this proceeding.

/s/ Jeff Landry
Jeff Landry

JRULE 21

Joint Rule No. 21. Redistricting criteria

A. To promote the development of constitutionally and legally acceptable redistricting plans, the Legislature of Louisiana adopts the criteria contained in this Joint Rule, declaring the same to constitute minimally acceptable criteria for consideration of redistricting plans in the manner specified in this Joint Rule.

B. Each redistricting plan submitted for consideration shall comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution; Section 2 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state laws.

C. Each redistricting plan submitted for consideration shall provide that each district within the plan is composed of contiguous geography.

D. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the House of Representatives, Senate, Public Service Commission, and Board of Elementary and Secondary Education shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide for districts that are substantially equal in population. Therefore, under no circumstances shall any plan be considered if the plan has an absolute deviation of population which exceeds plus or minus five percent of the ideal district population.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

(4) Due consideration shall be given to traditional district alignments to the extent practicable.

E. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for Congress shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide that each congressional district shall have a population as nearly equal to the ideal district population as practicable.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

F. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the Supreme Court shall be that the plan shall be a whole plan which assigns all of the geography of the state.

G.(1) To the extent practicable, each district within a redistricting plan submitted for consideration shall contain whole election precincts as those are represented as Voting Districts (VTDs) in the most recent Census Redistricting TIGER/Line Shapefiles for the State of Louisiana which corresponds to the P.L. 94-171 data released by the United States Bureau of the Census for the decade in which the redistricting is to occur. However, if the redistricting plan is submitted after the year in which the legislature is required by Article III, Section 6, of the Constitution of Louisiana to reapportion, then to the extent practicable, the redistricting plan submitted for consideration shall contain whole election precincts as those are represented as VTDs as validated through the data verification program of the House and Senate in the most recent Shapefiles made available on the website of the legislature.

(2) If a VTD must be divided, it shall be divided into as few districts as practicable using a visible census tabulation boundary or boundaries.

H. All redistricting plans shall respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable. However, this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable.

I. The most recent P.L. 94-171 data released by the United States Bureau of the Census, as validated through the data verification program of the House and Senate, shall be the population data used to establish and for evaluation of proposed redistricting plans.

J. Each redistricting plan submitted to the legislature by the public for consideration shall be submitted electronically in a comma-delimited block equivalency file.

HCR 90, 2021 R.S., eff. June 11, 2021.

REDISTRICTING IN LOUISIANA

September 17, 2021

Joint Governmental Affairs Committee Meeting

Overview

2

- Apportionment
- 2020 Census Population and Population Trends
- Data Validation
- Population Allocation & Aggregation
- Redistricting terms, concepts, and law
- Redistricting Criteria
- Malapportionment Statistics & Illustrative Maps
- Timeline

Apportionment

Method of Equal Proportions

3

- The primary mandate behind the conduct of the federal decennial census is the apportionment of the seats in the U.S. House of Representatives. Since the first census in 1790, five methods of apportionment have been used.
- The current method is called the Method of Equal Proportions and was adopted by Congress in 1941. This method assigns seats in the House of Representatives according to a priority value. The priority value is determined by multiplying the population of a state by a multiplier.
- First, each of the 50 states is given one seat out of the current total of 435. The next, or 51st seat, goes to the state with the highest priority value and becomes that state's second seat. This continues until all 435 seats have been assigned to a state.

Louisiana

4

- ❑ On April 26, 2021, the Census Bureau released the apportionment data file following the 2020 federal decennial census
- ❑ Louisiana's Apportionment Population is 4,661,468 (included in this figure are 3,711 overseas military and civilian personnel and family members attributable to Louisiana)
- ❑ Louisiana's Resident Population is 4,657,757 (this is the state population number used to determine the "ideal" district population of each district in the various statewide redistricting plans)
- ❑ On May 3, 2021, the Clerk of the United States House of Representatives informed the Governor that Louisiana was entitled to 6 congressional seats in the U.S. House for 118th Congress and until the next apportionment takes effect

**APPORTIONMENT DATA
AND
P.L. 94-171 DATA FOR LOUISIANA**

State Level: 2020 Census Apportionment Data

6

□ April 26, 2021: Census Data Release:

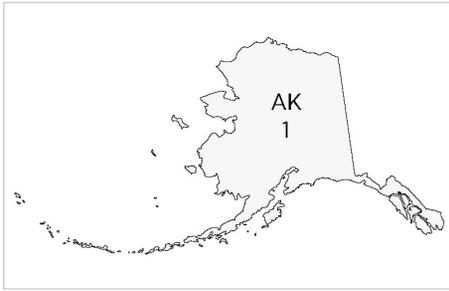
1. Apportionment Population

- Includes overseas personnel and dependents
- For allocation of the 435 Congressional Districts
 - **+2 = TX**
 - **+1 = CO, FL, NC, MT and OR**
 - **-1 = CA, IL, MI, NY, OH, PA and WV**

2. Resident Population

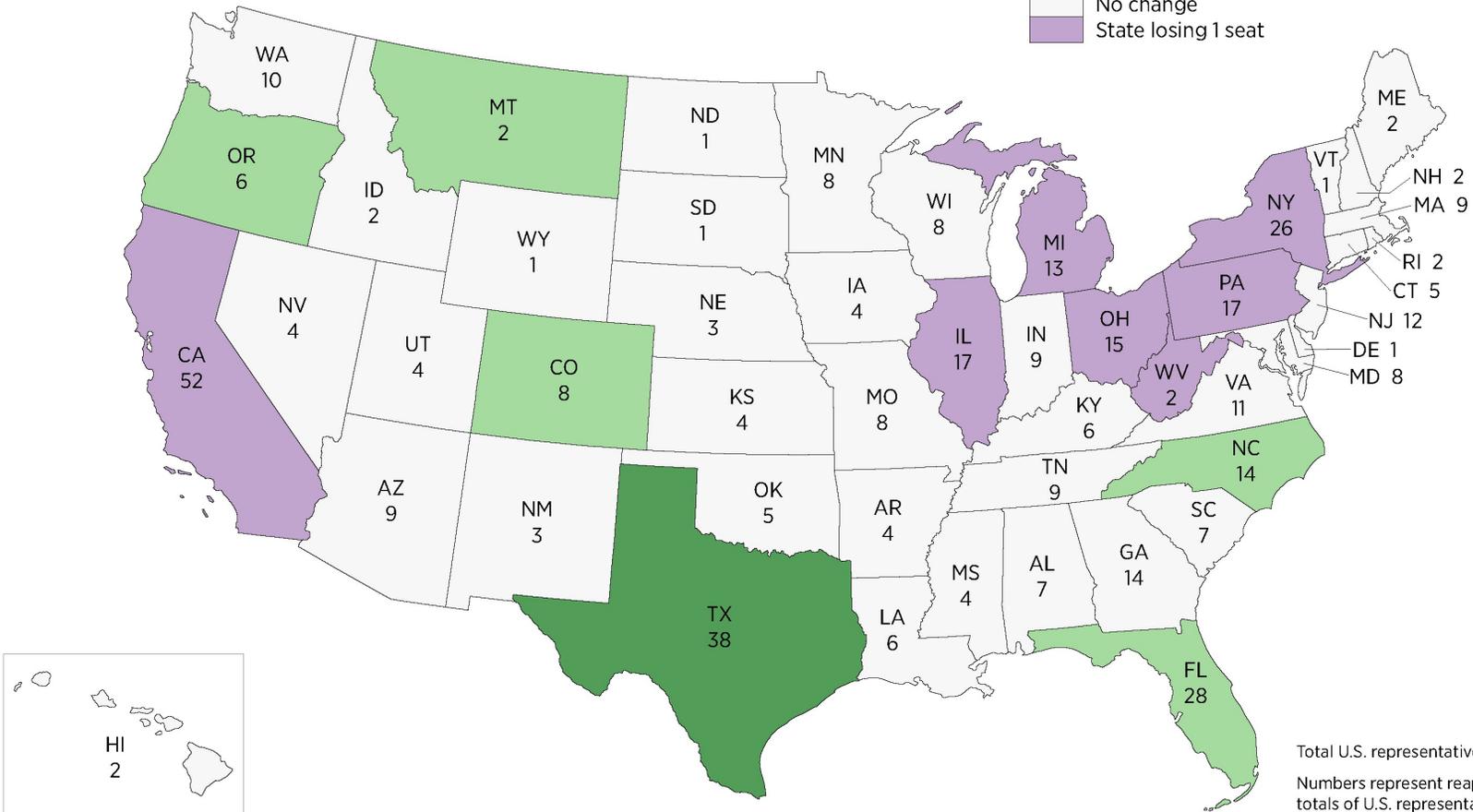
- Includes only the population at the state level in the respective states

Apportionment of the U.S. House of Representatives Based on the 2020 Census



Change from 2010 to 2020

- State gaining 2 seats
- State gaining 1 seat
- No change
- State losing 1 seat



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

Louisiana's 2020 Census Resident Data

8

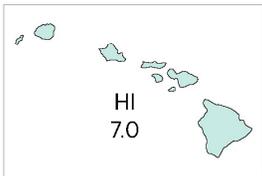
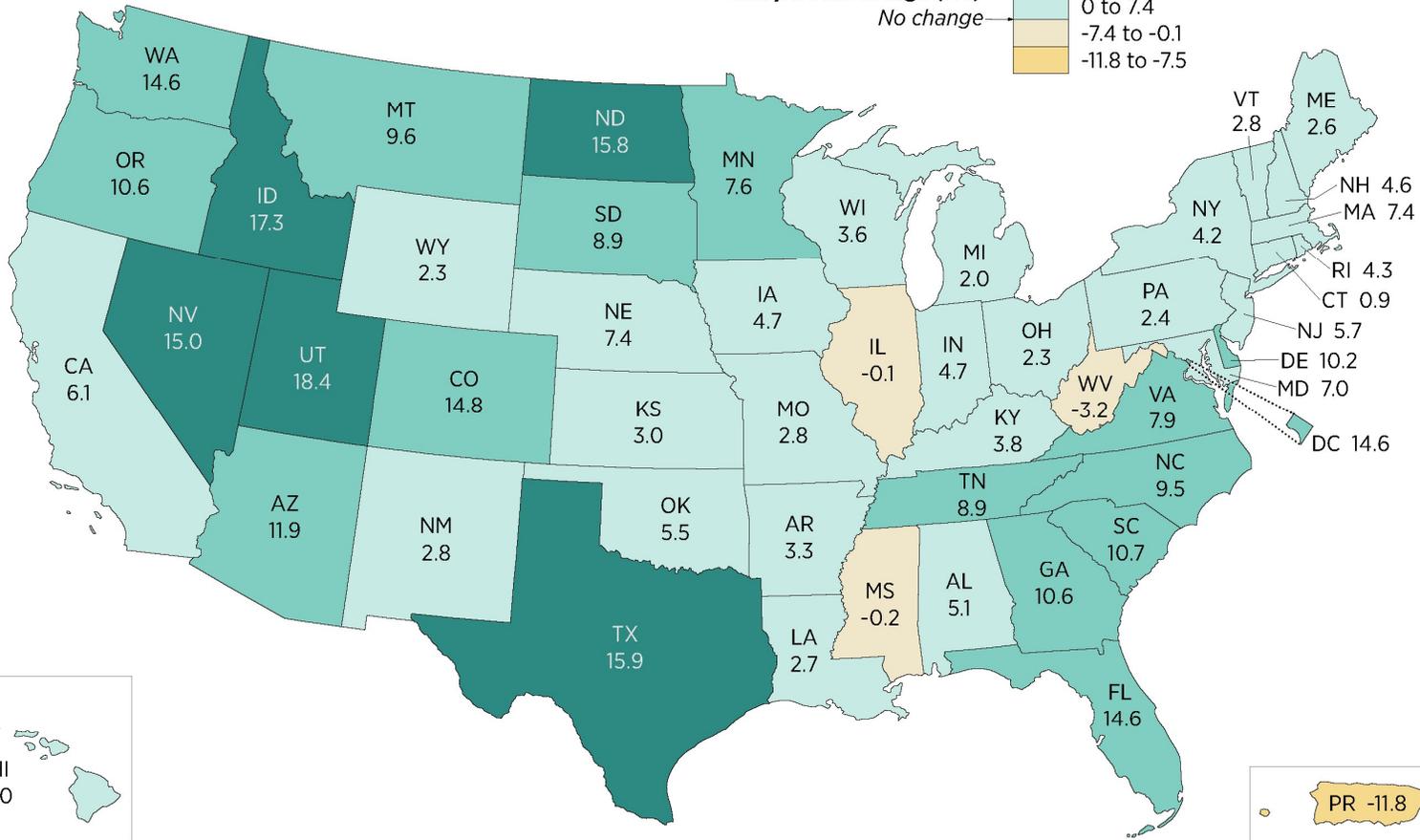
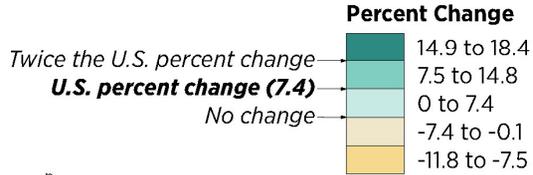
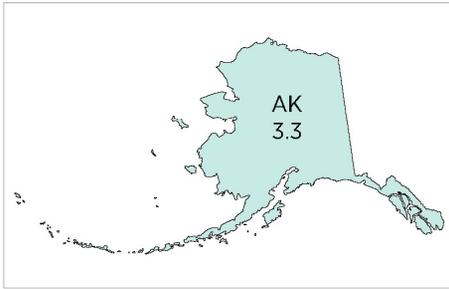
□ **Census 2020 Resident Data:**

- Louisiana Growth Rate: **2.74%**

- United States Growth Rate: **7.35%**

- Southern Region Growth Rate: **10.22%**
 - *AL, AR, DE, DC, GA, KY, LA, MD, MS, OK, SC, TN, VA*
 - *FL (1), NC (1), and TX(2)*
 - *WV (1)*

Percent Change in Resident Population for the 50 States, the District of Columbia, and Puerto Rico: 2010 to 2020



Census: Actual vs Estimates

10

- *1999 LA Census Estimate:* 4,460,811 (5.71%)
- **2000 LA Census Population:** 4,469,035 (5.90%)
- *2009 LA Census Estimate:* 4,491,648 (0.51%)
- **2010 LA Census Population:** 4,533,372 (1.44%)
- *2019 LA Census Estimate:* 4,648,794 (2.55%)
- **2020 LA Census Population:** 4,657,757 (2.74%)

Louisiana's 2020 Census Redistricting Data

11

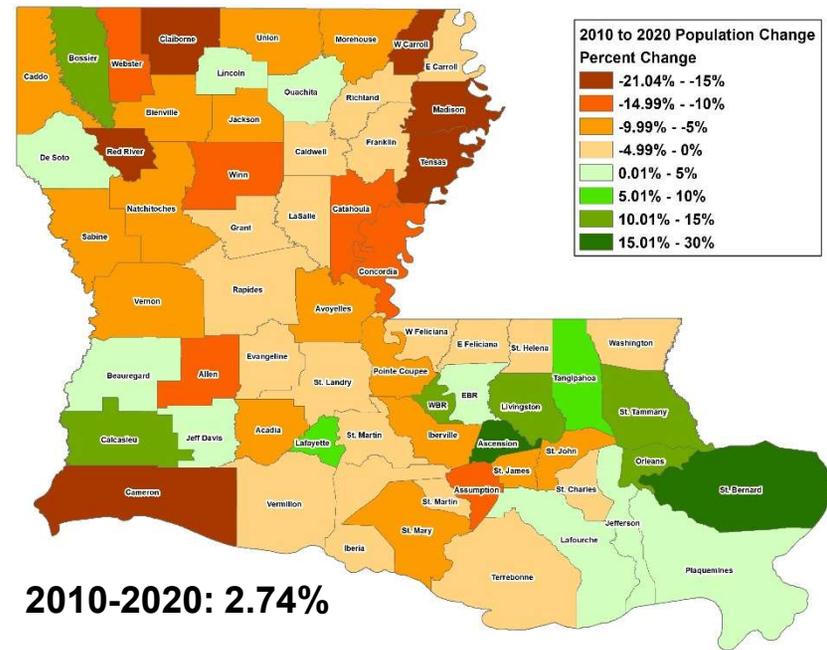
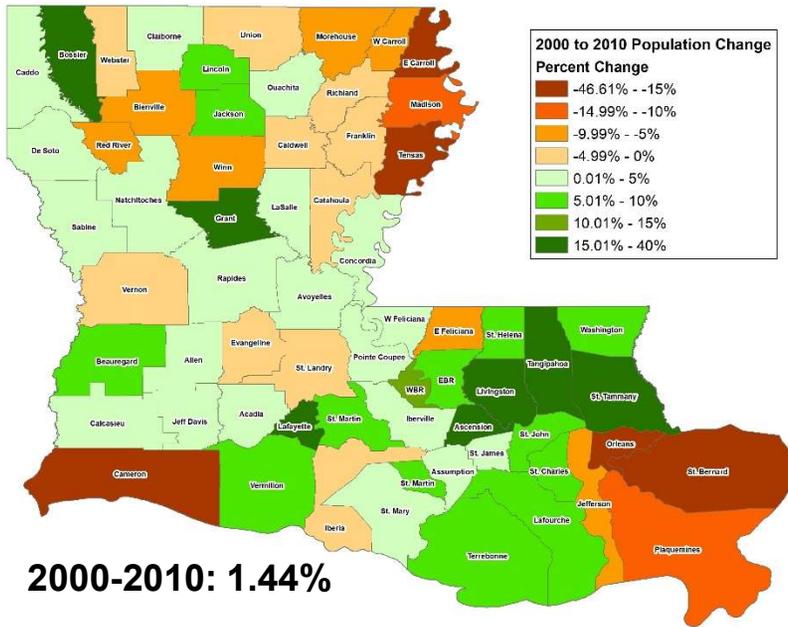
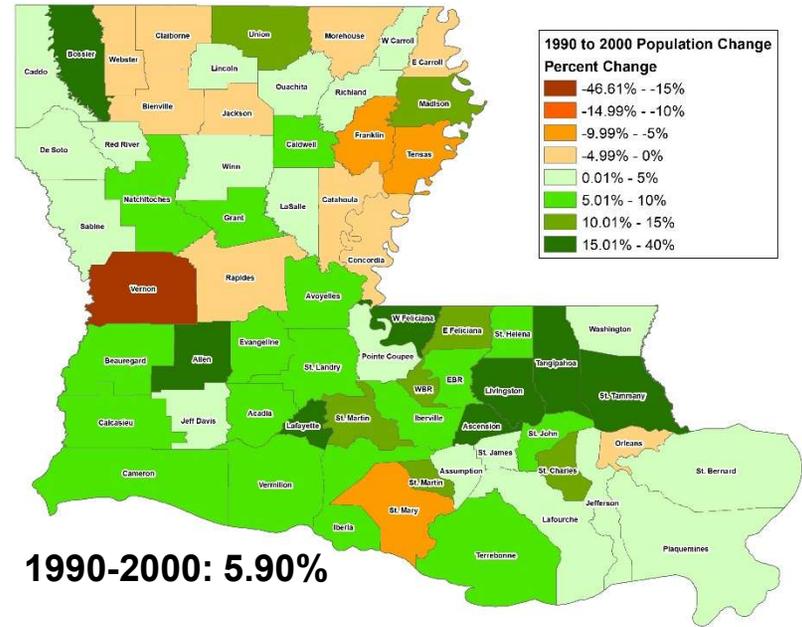
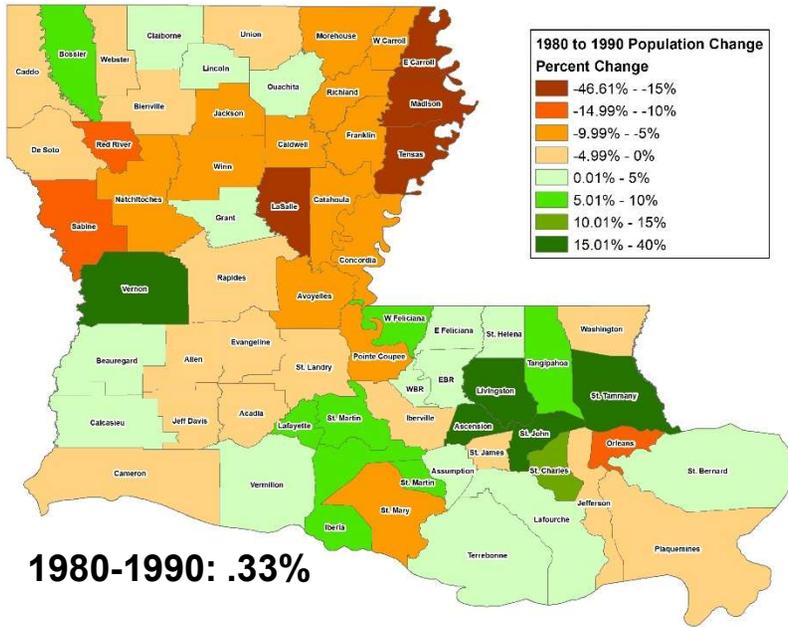
□ Louisiana's Redistricting Data:

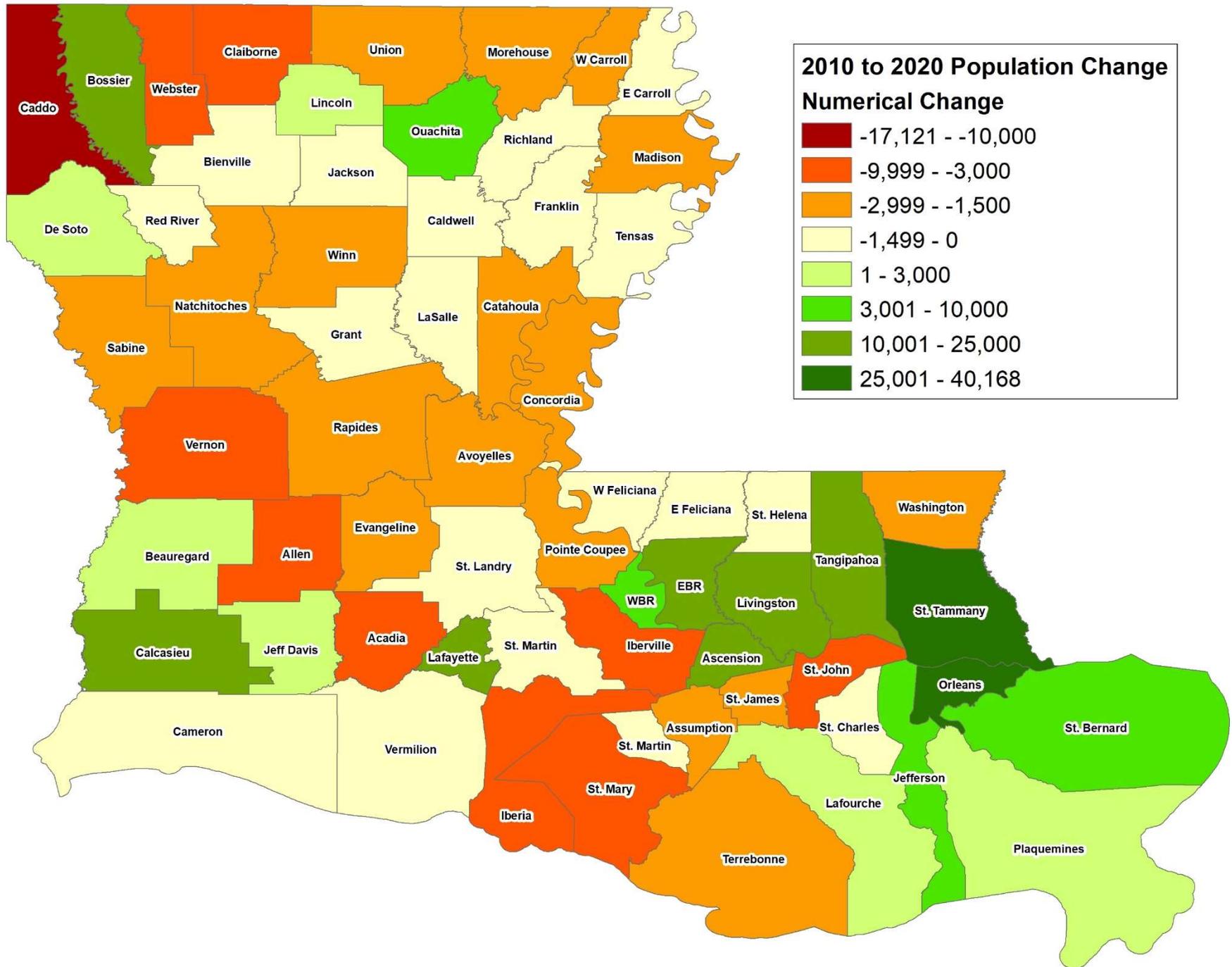
- Released on **August 12** in a legacy format
 - Sub-State Level Data Release
 - P.L. 94-171 Redistricting Data
- Released on **September 16** in easier-to-use formats and available through the Census Bureau's primary data dissemination tool at data.census.gov.

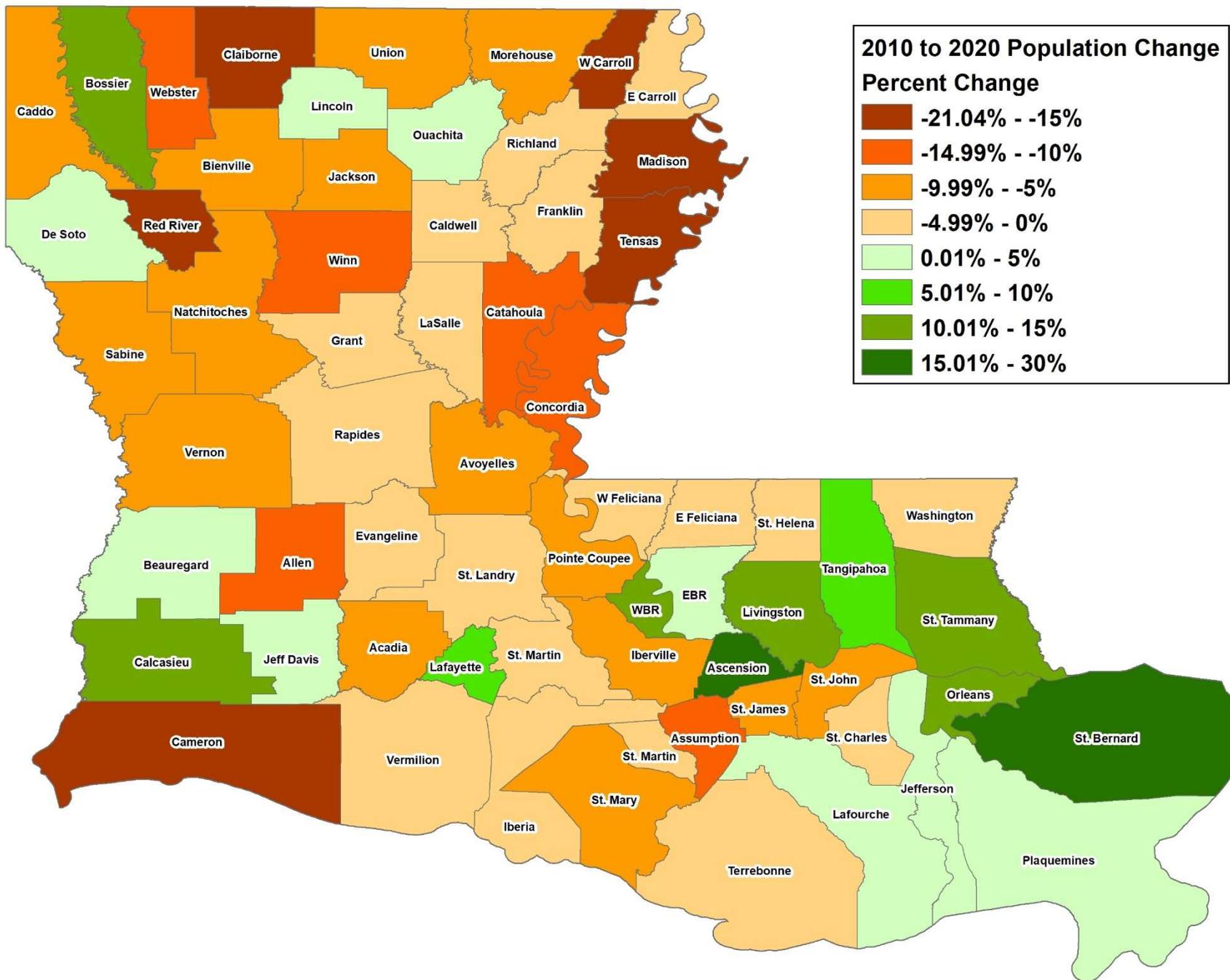
□ Demographic Trends:

- Continuation of Intra-State **Population Shifts**
- Continuation of Population **Composition Change**
- Increasing Diversity Within Louisiana

1980 to 2020 Census Population Changes







Census 2010 to 2020

Parish Population Numerical Decline

15

Parish	Change	% Change
Caddo	(17,121)	-6.71%
St. Mary	(5,244)	-9.60%
Webster	(4,240)	-10.29%
Acadia	(4,197)	-6.79%
Vernon	(3,584)	-6.85%
St. John	(3,447)	-7.51%
Iberia	(3,311)	-4.52%
Iberville	(3,146)	-9.42%
Claiborne	(3,025)	-17.59%
Allen	(3,014)	-11.70%
Assumption	(2,382)	-10.17%
Avoyelles	(2,380)	-5.66%

Census 2010 to 2020 Parish Population Numerical Growth

16

Parish	Change	% Change
Orleans	40,168	11.68%
St. Tammany	30,830	13.19%
Calcasieu	24,017	12.46%
Lafayette	20,175	9.11%
Ascension	19,285	17.99%
EBR	16,610	3.77%
Livingston	14,256	11.14%
Tangipahoa	12,060	9.96%
Bossier	11,767	10.06%
Jefferson	8,229	1.90%
St. Bernard	7,867	21.92%
Ouachita	6,648	4.32%

Census 2020

Top 12 Census Place Population

17

Census Place	2010	2020	# Growth	% Growth
New Orleans	343,829	383,997	40,168	11.68%
Baton Rouge	229,493	227,470	(2,023)	-0.88%
Shreveport	199,311	187,593	(11,718)	-5.88%
Metairie	138,481	143,507	5,026	3.63%
Lafayette	120,623	121,374	751	0.62%
Lake Charles	71,993	84,872	12,879	17.89%
Kenner	66,702	66,448	(254)	-0.38%
Bossier City	61,315	62,701	1,386	2.26%
Monroe	48,815	47,702	(1,113)	-2.28%
Alexandria	47,723	45,275	(2,448)	-5.13%
Houma	33,727	33,406	(321)	-0.95%
Prairieville	26,895	33,197	6,302	23.43%

DEMOGRAPHIC TRENDS

Census 2010 to 2020 Demographic Change

19

2010 Census Population						
Total Population	White	Black	Asian	Am Indian	Other	Hispanic
4,533,372	2,836,192	1,486,884	81,551	46,553	82,191	192,559
	62.56%	32.80%	1.80%	1.03%	1.81%	4.25%
2020 Census Population						
Total Population	White	Black	Asian	Am Indian	Other	Hispanic
4,657,757	2,657,652	1,543,119	107,288	87,060	262,638	322,549
	57.06%	33.13%	2.30%	1.87%	5.64%	6.92%
2010 to 2020 Census Population Change						
Total Population	White	Black	Asian	Am Indian	Other	Hispanic
124,385	-178,540	56,235	25,737	40,507	180,447	129,990
2.74%	-6.30%	3.78%	31.56%	87.01%	219.55%	67.51%

CENSUS VALIDATION AND GEOGRAPHY

2020 Census Data Validation

21

□ Precincts and Plans

- Precincts and Plans were validated due to extensive geography changes from 2010 to 2020 due to a quality control process by the Census Bureau to provide better and more useful data while limiting geography that served no purpose
 - Realignments of line geography
 - Consolidation of Census Blocks
 - Precinct adjustments were made to the original Census 2020 Precinct data to reconcile this geography with the Secretary of State's Voter Registration File
 - Precinct changes are available on the Joint Legislative Redistricting Webpage: <https://redist.legis.la.gov/>
 - Under the **Shape Files & Block Equivalency Files Section**

POPULATION ALLOCATION AND AGGREGATION

Population Aggregation and Allocation

23

- The U.S. Census Bureau reports P.L. 94-171 population data in hundreds of fields
- These fields include the categories of:
 - ▣ Total Population
 - ▣ Voting Age Population: Those Age 18 and Over
- Each of these categories contains population data by each of the following 6 single race responses:
 - White
 - Black or African American
 - American Indian and Alaska Native
 - Asian
 - Native Hawaiian and Other Pacific Islander
 - Some other race
- Further a person may report being any combination of races up to all six and there are fields for each possible combination
- In addition, a person may respond being of Hispanic or Latino origin and there are fields to reflect each possible combination

REDISTRICTING TERMS, CONCEPTS, AND LAW

Introduction

25

- 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

26

- Why redistrict?
 - 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

Introduction

27

□ Who is redistricted?

■ By the state legislature:

- House and Senate
- Congress
- Public Service Commission
- State Board of Elementary and Secondary Education
- Courts

Enacted by the state legislature as laws

Legal Issues: State Law

28

- ▣ 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, 2022
 - Must use census population data

Legal Issues: Federal Law

29

- Equal Population
 - One Person, One Vote
 - Population Equality—how is it measured?
 - Ideal Population—total population of the jurisdiction divided by the number of districts
 - Deviation—amount by which a single district's population differs from the ideal

Legal Issues: Federal Law

30

- 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

31

- 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

32

- Equal Population
 - Equality of population must be the “overriding objective” of districting, and deviations from this principal 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

33

- Equal Population
 - The one person, one vote standard does not apply to judicial districts (*Wells v. Edwards*, 347 F.Supp. 453 (M.D. La. 1972), *aff'd*, 409 U.S. 1095 (1973))

Legal Issues: Federal Law

34

- 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

35

- 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

Legal Issues: Federal Law

36

- Racial Gerrymandering
 - Equal Protection Clause of the Fourteenth Amendment
 - 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?
 - A law narrowly tailored to serve a compelling state interest

REDISTRICTING CRITERIA

Joint Rule No. 21 of the Joint Rules of the
Senate and House of Representatives

Redistricting Criteria

38

□ All Redistricting Plans Shall

- Comply with the Equal Protection Clause of the 14th Amendment and the 15th Amendment to the U.S. Constitution; Section 2 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state law
- Be composed of contiguous geography
- Contain whole VTDs (election precincts) to the extent practicable. If a VTD must be divided, it shall be divided into as few districts as practicable using a visible census tabulation boundary or boundaries

Redistricting Criteria (continued)

39

□ All Redistricting Plans Shall

- Respect established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable; however, this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable
- Utilize the most recent P.L. 94-171 data released by the United States Bureau of the Census, as validated through the data verification program of the House and Senate
- If submitted by the public, shall be submitted electronically in a comma-delimited block equivalency file

Redistricting Criteria (continued)

40

- **Each Redistricting Plan for the House, Senate, PSC, BESE, Congress, and the Supreme Court Shall:**
 - Be a whole plan which assigns all of the geography of the state

- **Each Redistricting Plan for the House, Senate, PSC, and BESE Shall:**
 - Contain single-member districts
 - Contain districts that are substantially equal in population (at least within plus or minus 5% of the ideal district population)
 - Give due consideration to traditional district alignments to the extent practicable

Redistricting Criteria (continued)

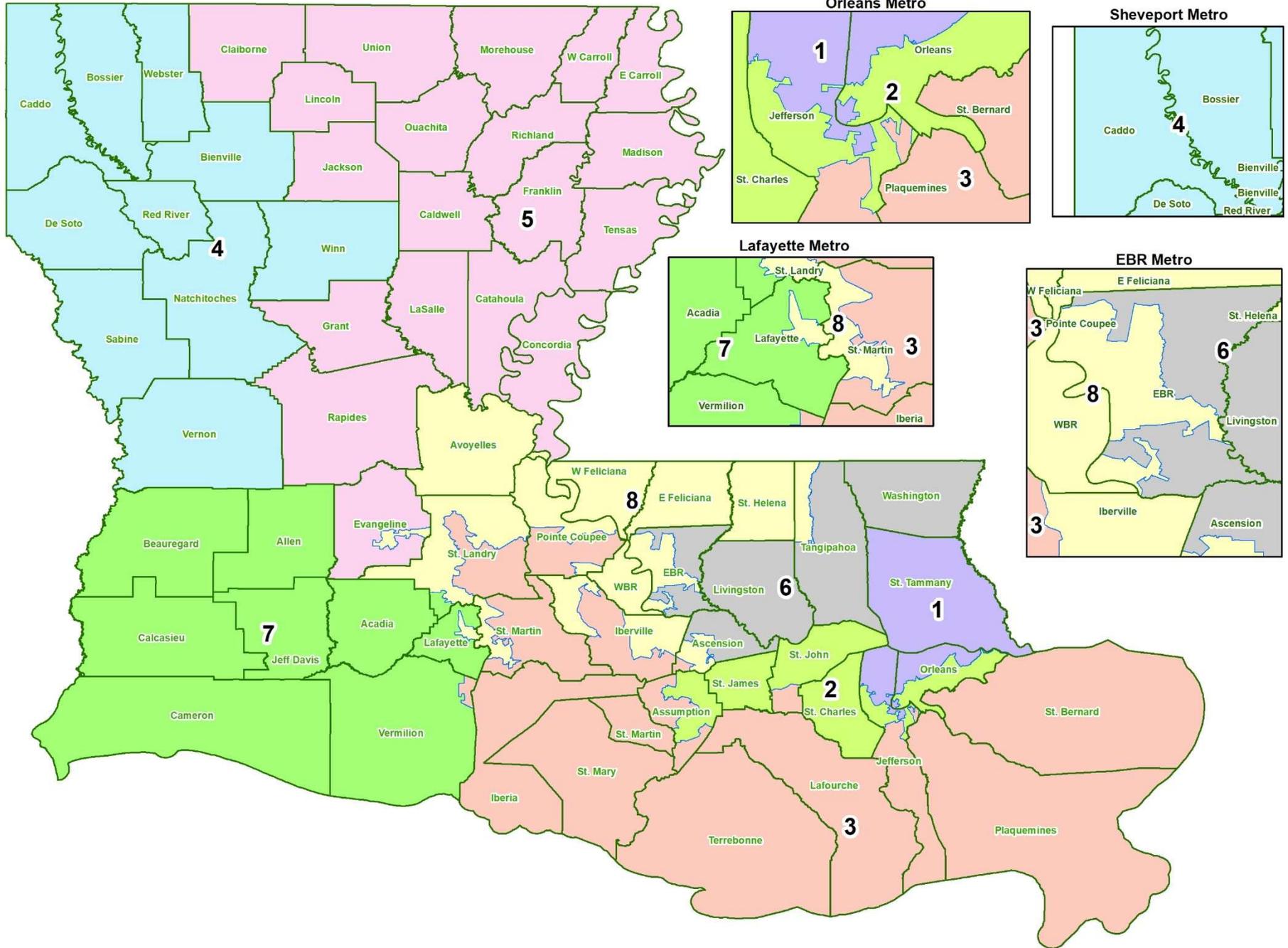
41

- **Each redistricting plan for Congress shall:**
 - Contain single-member districts
 - Contain districts with as nearly equal to the ideal district population as practicable

MALAPPORTIONMENT DATA

**MALAPPORTIONMENT:
STATE BOARD OF ELEMENTARY AND
SECONDARY EDUCATION**

State Board of Elementary and Secondary Education



BESE Ideal Population Change

45

- **2010 BESE Ideal Population:**
 - 566,671

- **2020 BESE Ideal Population:**
 - 582,219

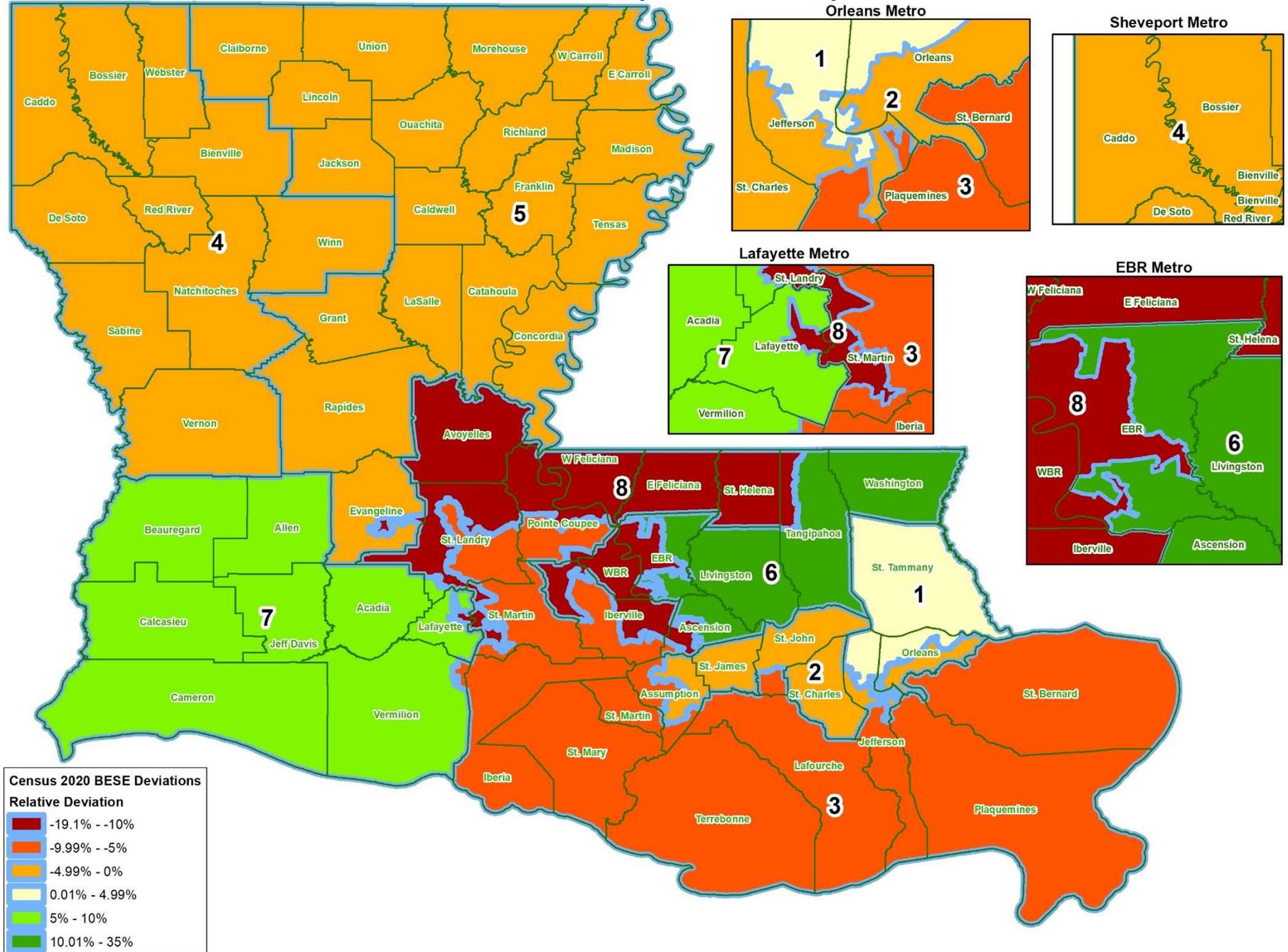
- **2010 to 2020 Change:**
 - 15,548

BESE Malapportionment

46

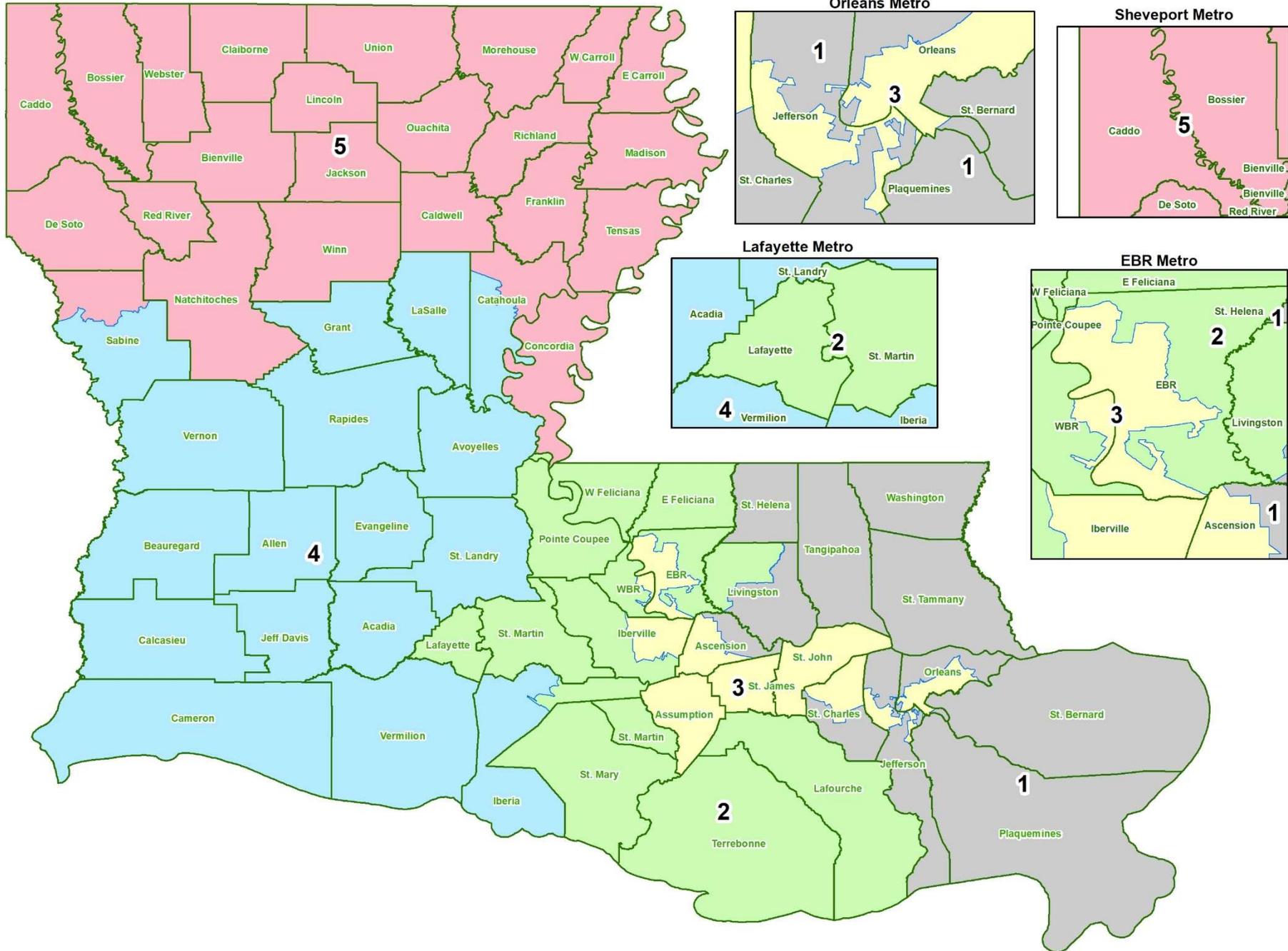
Districts	Total Pop	Ideal	Difference	Percent
1	582,428	582,219	209	0.04%
2	566,858	582,219	-15,361	-2.64%
3	540,723	582,219	-41,496	-7.13%
4	573,149	582,219	-9,070	-1.56%
5	581,559	582,219	-660	-0.11%
6	658,313	582,219	76,094	13.07%
7	630,876	582,219	48,657	8.36%
8	523,851	582,219	-58,368	-10.03%

State Board of Elementary and Secondary Education



MALAPPORTIONMENT: PUBLIC SERVICE COMMISSION

Public Service Commission



PSC Ideal Population Change

50

- **2010 PSC Ideal Population:**
 - 906,674

- **2020 PSC Ideal Population:**
 - 931,551

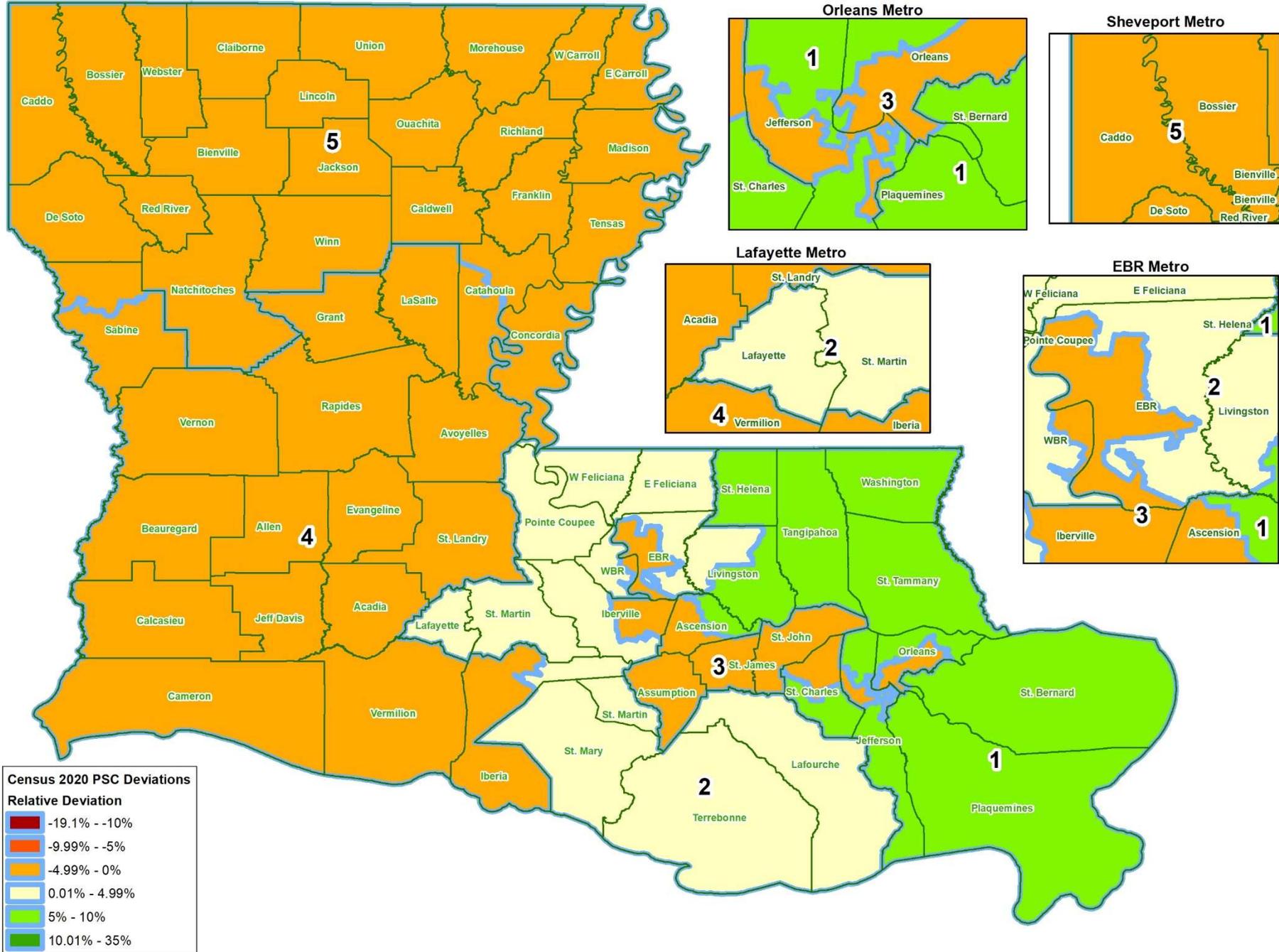
- **2010 to 2020 Change:**
 - 24,877

PSC Malapportionment

51

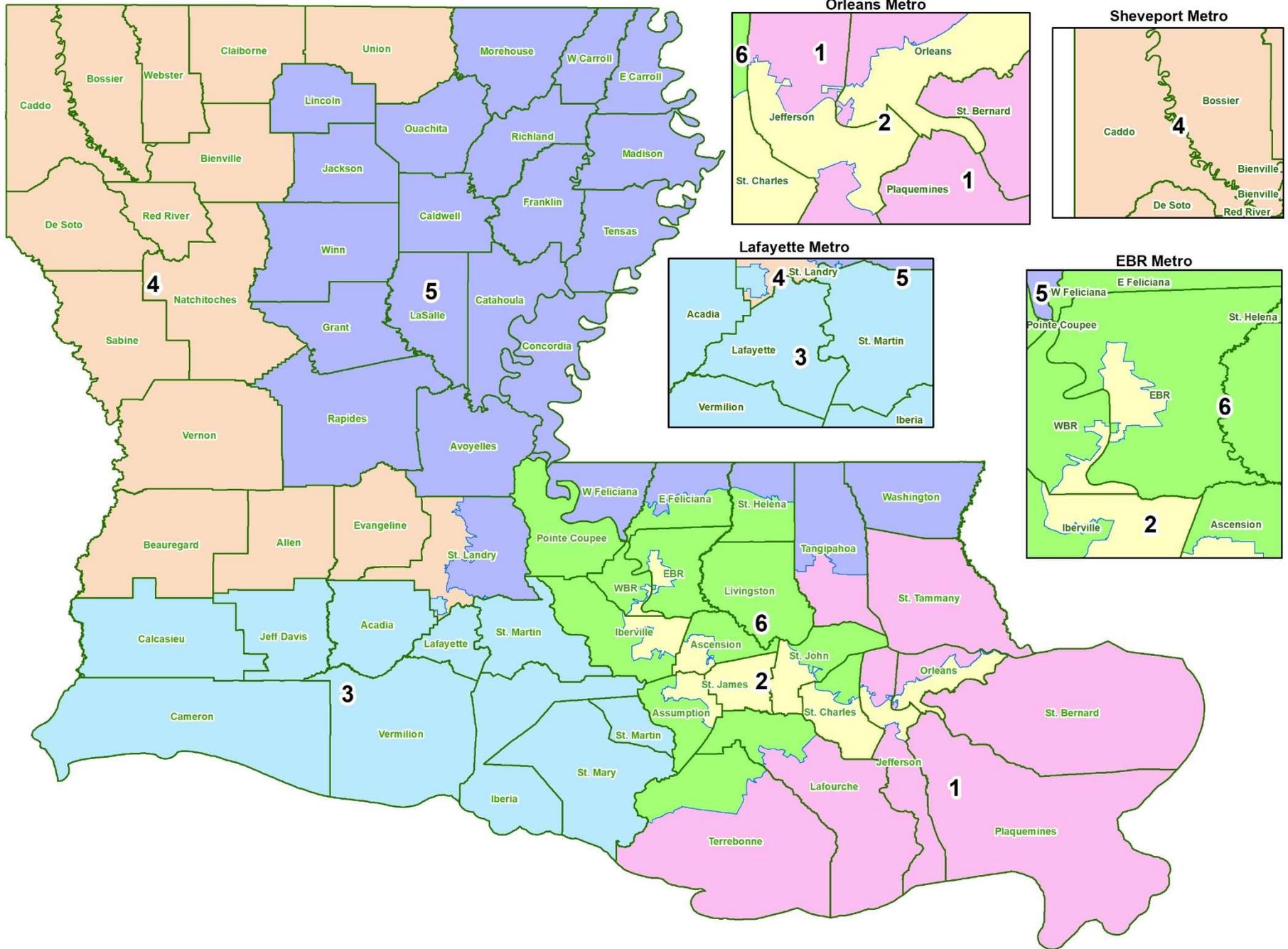
Districts	Total Pop	Ideal	Difference	Percent
1	1,008,478	931,551	76,927	8.26%
2	967,517	931,551	35,966	3.86%
3	896,082	931,551	-35,469	-3.81%
4	888,916	931,551	-42,635	-4.58%
5	896,764	931,551	-34,787	-3.73%

Public Service Commission



MALAPPORTIONMENT: CONGRESS

Congress



Congress Ideal Population Change

55

- **2010 Congress Ideal Population:**
 - 755,562

- **2020 Congress Ideal Population:**
 - 776,292

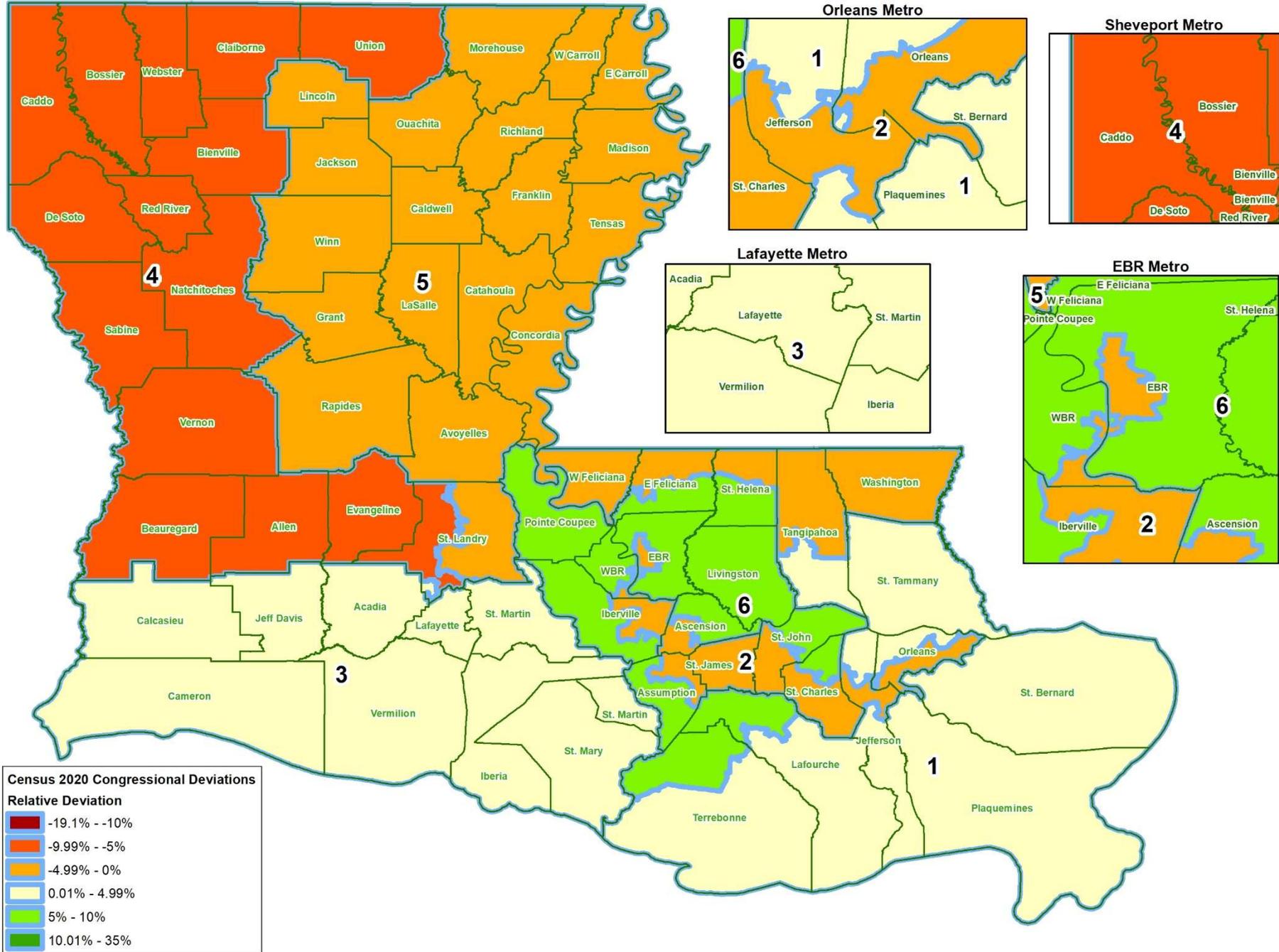
- **2010 to 2020 Change:**
 - 20,730

Congress Malapportionment

56

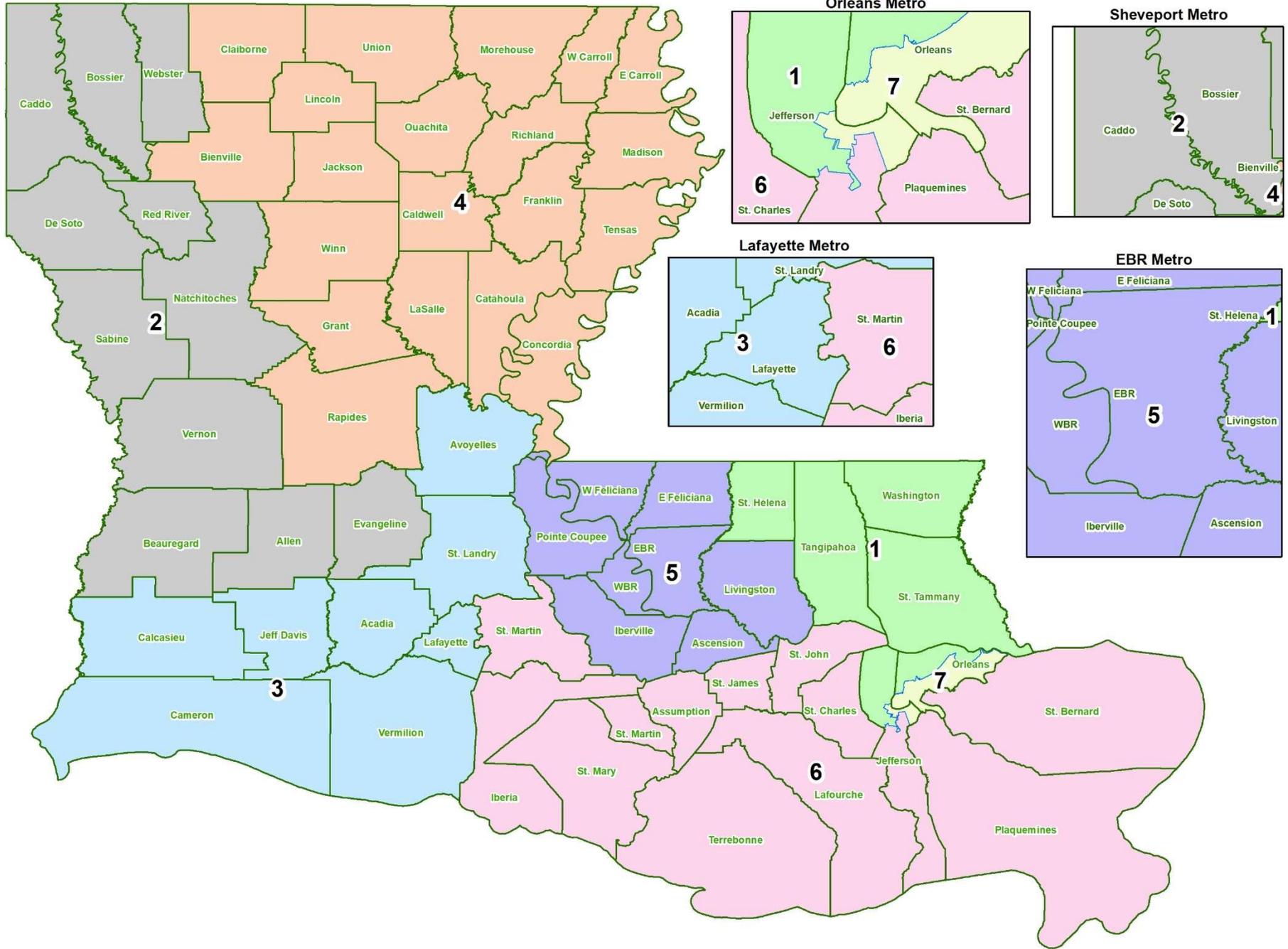
Districts	Total Pop	Ideal	Difference	Percent
1	812,585	776,292	36,293	4.68%
2	775,292	776,292	-1,000	-0.13%
3	785,824	776,292	9,532	1.23%
4	728,346	776,292	-47,946	-6.18%
5	739,244	776,292	-37,048	-4.77%
6	816,466	776,292	40,174	5.18%

Congress



MALAPPORTIONMENT: SUPREME COURT

Supreme Court



Supreme Court Ideal Population Change

60

- **2010 Supreme Court Ideal Population:**
 - 647,624

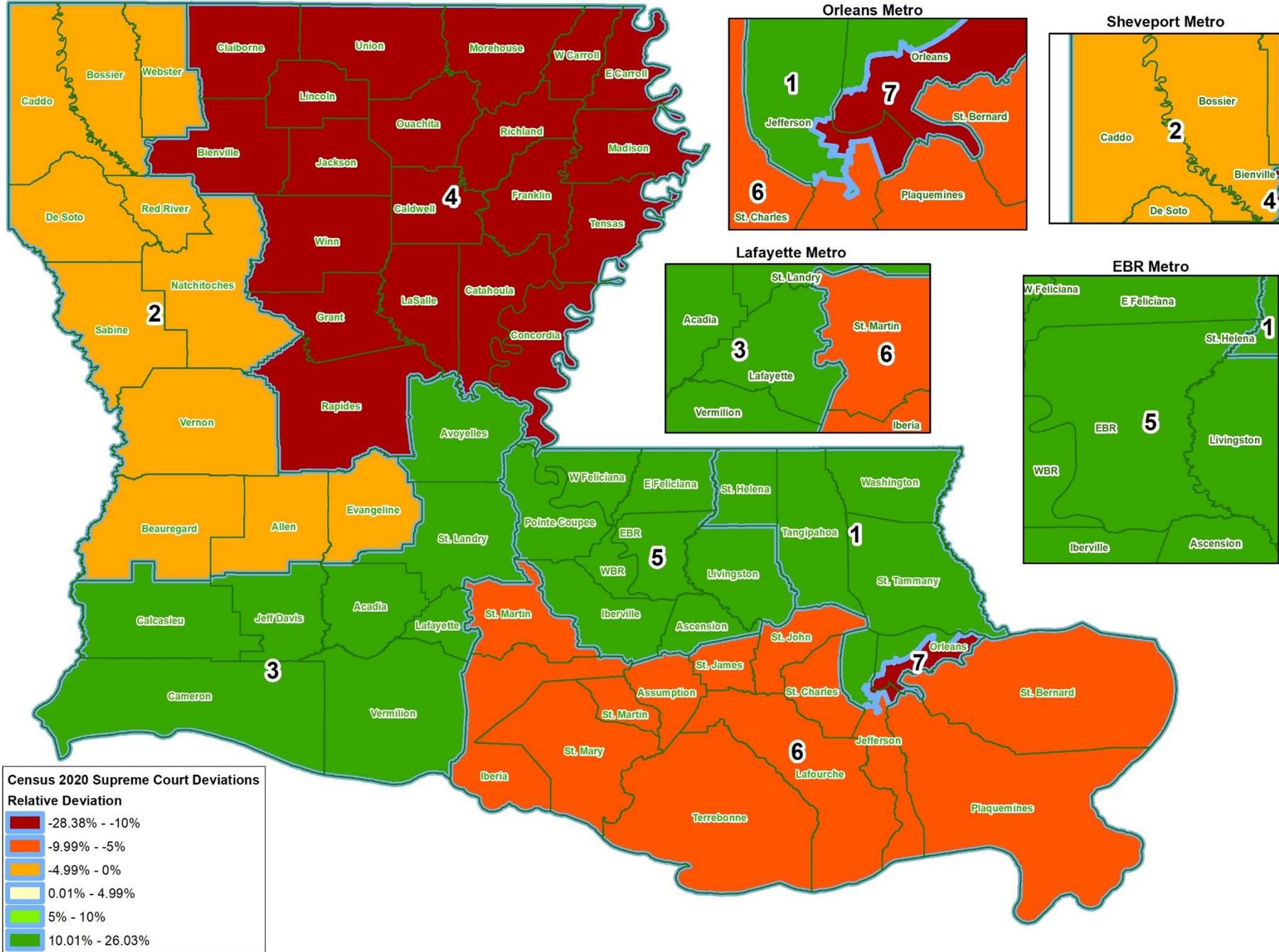
- **2020 Supreme Court Ideal Population:**
 - 665,393

Supreme Court Malapportionment

61

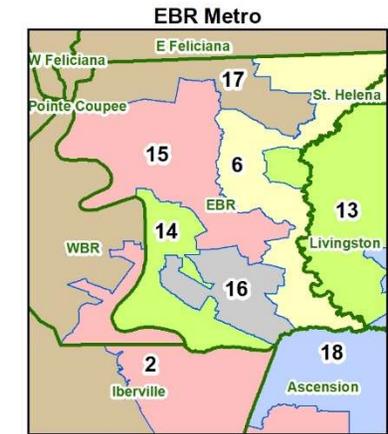
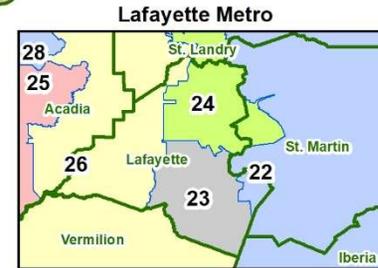
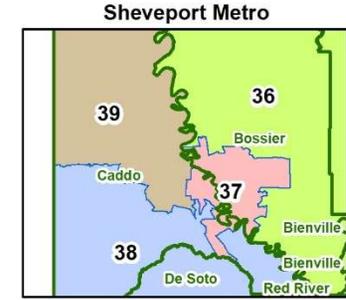
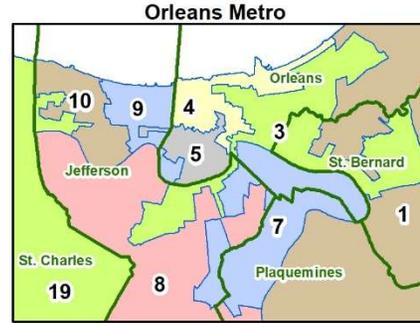
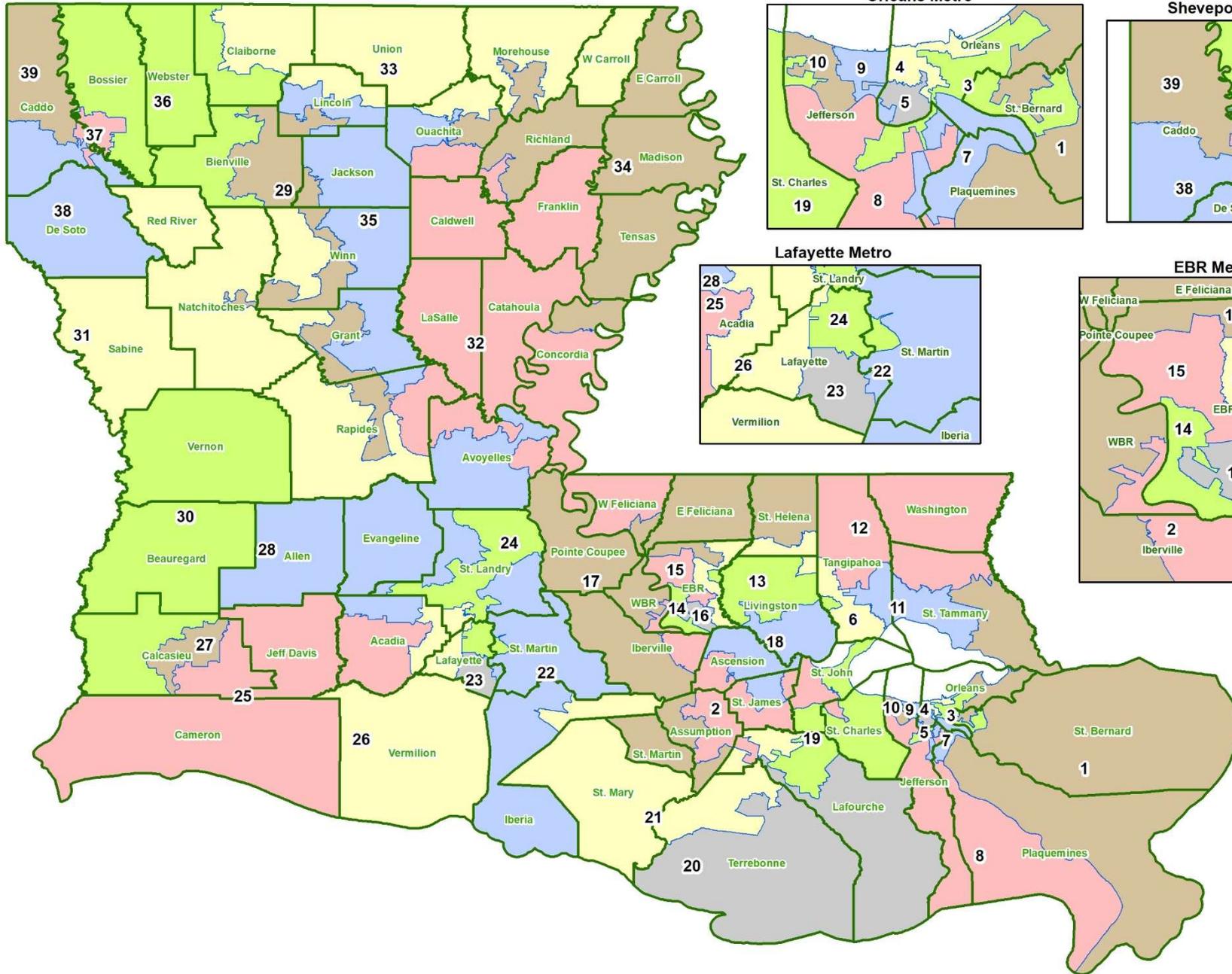
Districts	Total Pop	Ideal	Difference	Percent
1	752,775	665,393	87,382	13.13%
2	638,062	665,393	-27,331	-4.11%
3	733,573	665,393	68,180	10.25%
4	586,849	665,393	-78,544	-11.80%
5	838,610	665,393	173,217	26.03%
6	631,334	665,393	-34,059	-5.12%
7	476,554	665,393	-188,839	-28.38%

Supreme Court



MALAPPORTIONMENT: SENATE

Senate



Senate Ideal Population Change

65

- **2010 Senate Ideal Population:**
 - 116,240

- **2020 Senate Ideal Population:**
 - 119,429

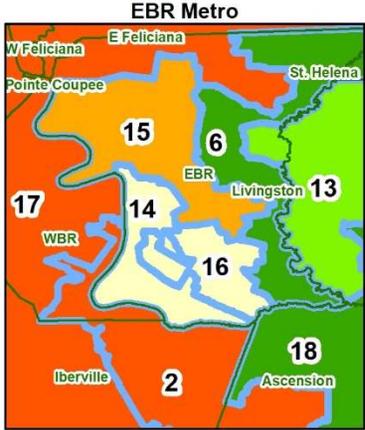
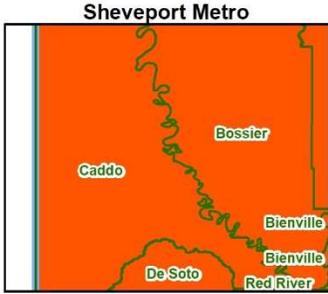
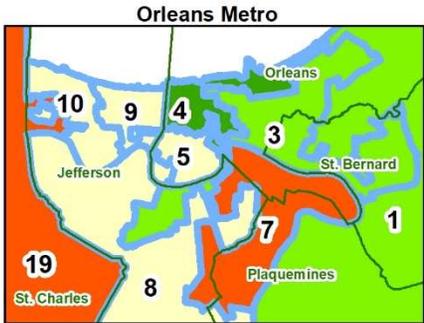
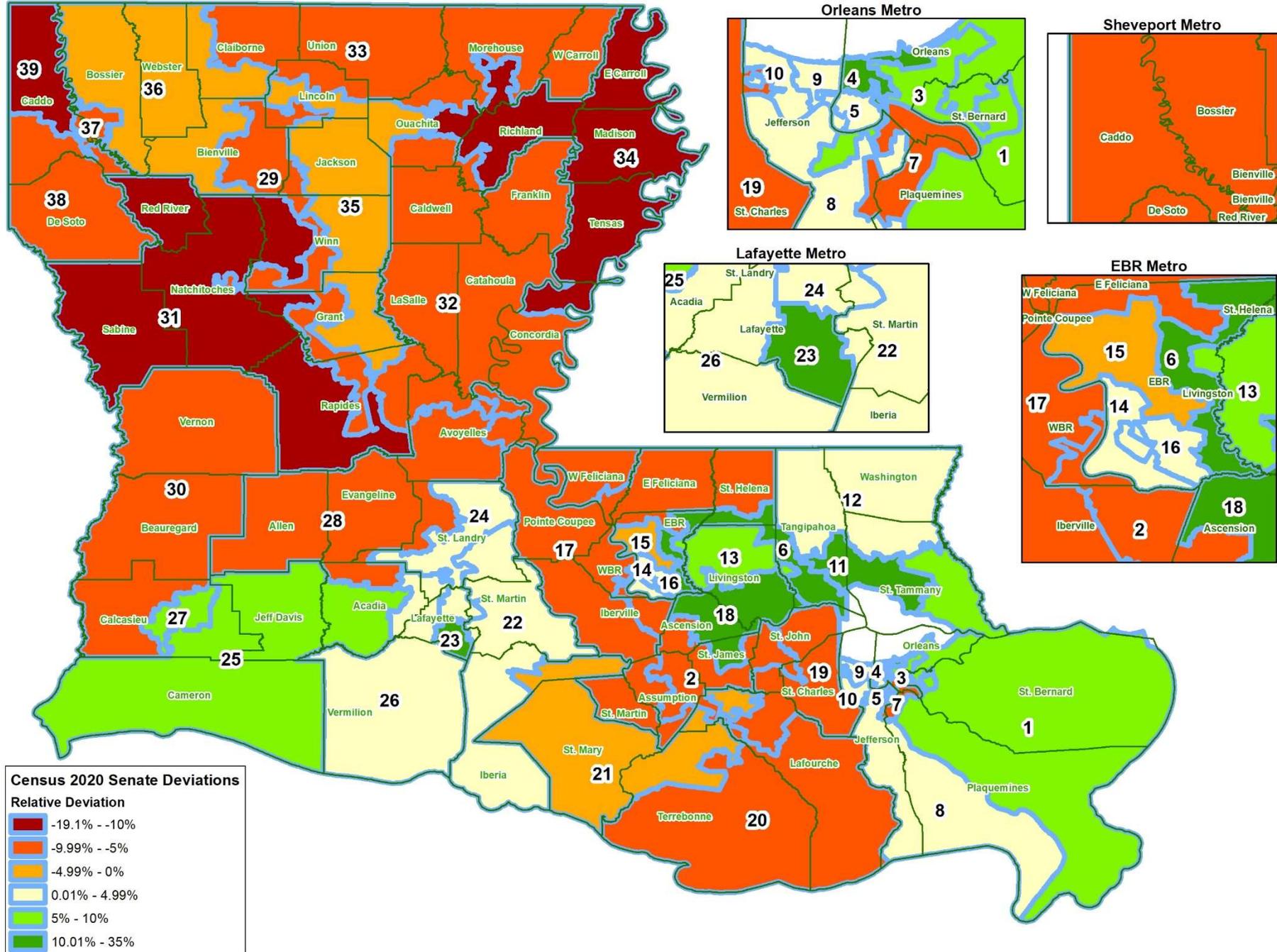
- **2010 to 2020 Change:**
 - 3,189

Senate Malapportionment

66

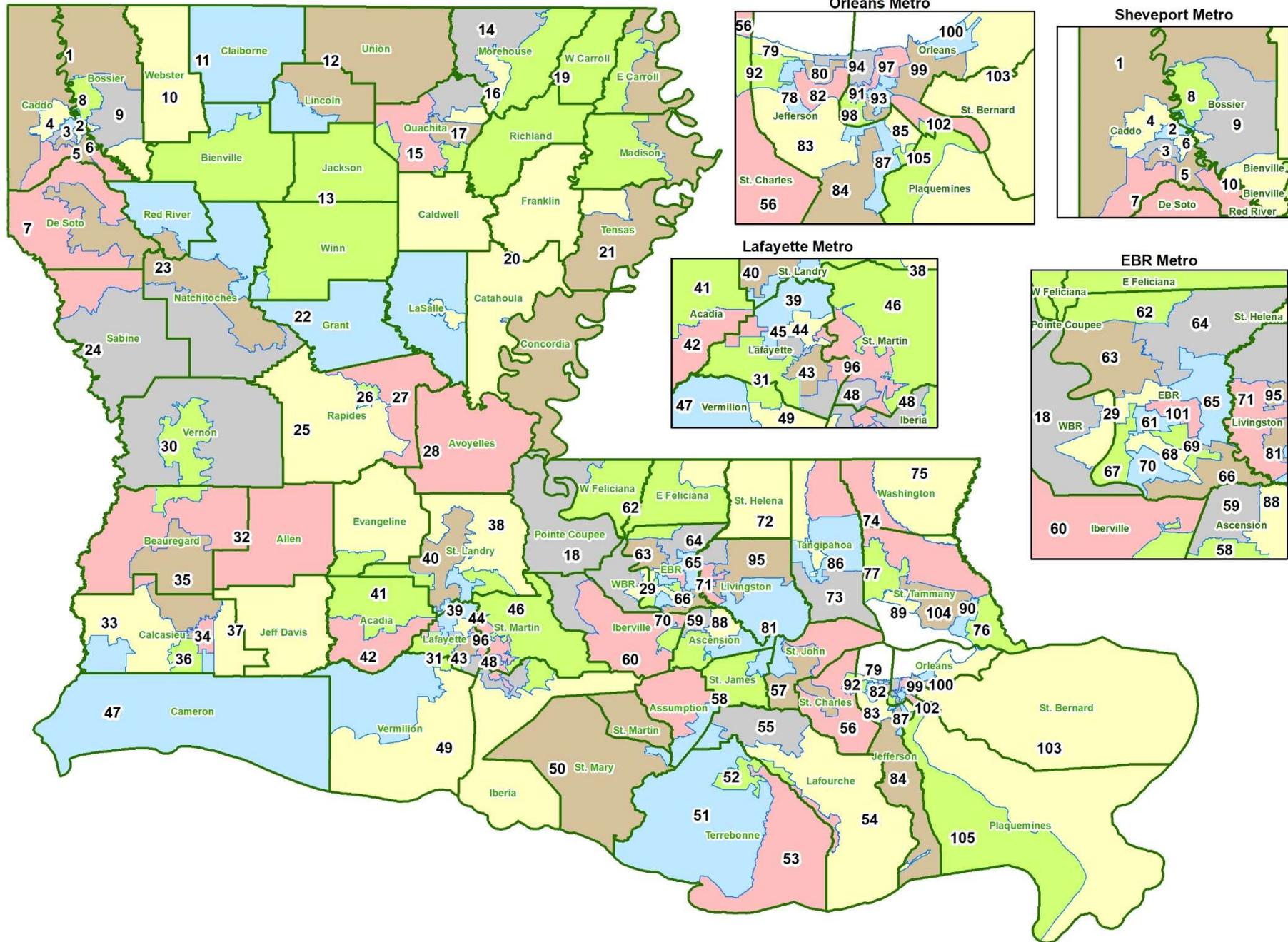
Above Deviation	10
Within Deviation	14
Below Deviation	15

Senate



MALAPPORTIONMENT: HOUSE OF REPRESENTATIVES

House of Representatives



House Ideal Population Change

70

- **2010 House Ideal Population:**
 - 43,174

- **2020 House Ideal Population:**
 - 44,359

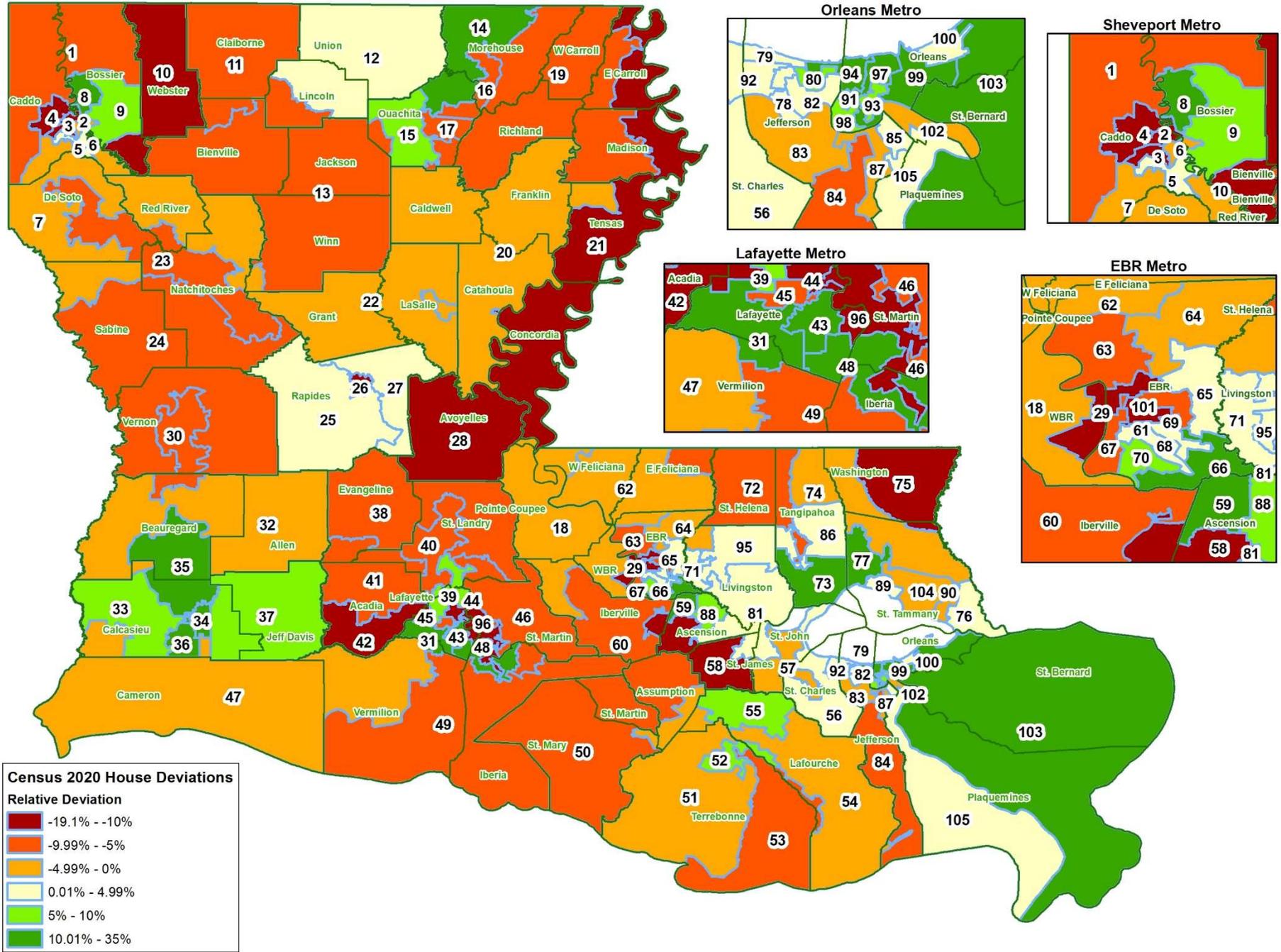
- **2010 to 2020 Change:**
 - 1,185

House Malapportionment

71

Above Deviation	29
Within Deviation	39
Below Deviation	37

House of Representatives



Timeline and Roadshow Hearings

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Date	Time	Area/City	Venue
Wednesday, October 20, 2021	5:30pm – 8:30pm	Northeast La./Monroe	University of Louisiana Monroe
Thursday, October 21, 2021	5:30pm – 8:30pm	Northwest La./Shreveport	Louisiana State University Shreveport
Tuesday, October 26, 2021	5:30pm – 8:30pm	Acadiana/Lafayette	University of Louisiana Lafayette
Tuesday, November 9, 2021	5:30pm – 8:30pm	CenLa/Alexandria	Louisiana State University Alexandria
Tuesday, November 16, 2021	5:30pm – 8:30pm	Capital Area/Baton Rouge	Southern University
Tuesday, November 30, 2021	5:30pm – 8:30pm	Northshore/Covington	Fuhrmann Auditorium
Wednesday, December 15, 2021	5:30pm – 8:30pm	Southwest La./Lake Charles	TBD
Wednesday, January 5, 2022	5:30pm – 8:30pm	Orleans Metro/New Orleans	University of New Orleans
Tuesday, January 11, 2022	5:30pm – 8:30pm	Bayou Region/Thibodaux	Nicholls State University
Thursday, January 20, 2022	11:00 am	Baton Rouge	State Capitol
Early 2022 (TBD)	TBD	Baton Rouge (Extraordinary Session for Redistricting)	State Capitol

Legislative Redistricting Information

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For information regarding redistricting, including key contact information, please visit the Louisiana Legislature's redistricting page:

<https://redist.legis.la.gov/>



OCT 21 1997

IKP:CKD:TFM:emr
DJ 166-012-3
97-2518

Voting Section
P.O. Box 66128
Washington, D.C. 20035-6128

October 17, 1997

Angie Rogers LaPlace, Esq.
Assistant Attorney General
Post Office Box 94005
Baton Rouge, Louisiana 70804-9005

Dear Ms. LaPlace:

This refers to Act No. 776 (1997), which provides for a reapportionment plan for seven single-judge supreme court districts, authorizes the legislature to reapportion those districts after each federal decennial census, designates to particular districts the justices serving on the supreme court as of January 1, 1999, modifies the procedures for reapportionment and for filling vacancies, and provides for revised implementation schedules for reapportionment of supreme court districts, the reapportionment plan and the vacancy procedures for the Supreme Court of the State of Louisiana, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c. We received your submission of Act No. 776 (1997) on August 19, 1997; supplemental information was received on October 8, 1997.

Your submission does not request review for, nor does Act No. 776 make, any changes with regard to the continued existence of the thirteenth judicial position for the Fourth Circuit Court of Appeal or the assignment of that position to the Louisiana Supreme Court. You confirmed this in an October 16, 1997 telephone conversation with Timothy Mellett, an attorney in the Voting Section.

The Attorney General does not interpose any objection to the changes specified in the first paragraph, above. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the changes. See the Procedures for the Administration of Section 5 (28 C.F.R. 51.41).

- 2 -

We note that Act No. 776 includes voting changes that are enabling in nature. Therefore, any changes affecting voting that are adopted pursuant to this legislation will be subject to Section 5 review (e.g., the date of and any changes in procedures for conducting special vacancy elections, and any future reapportionment of the seven single-judge supreme court districts). See 28 C.F.R. 51.15.

Finally, to the extent that the provisions of Act No. 776 concerning the procedures for reapportionment and for filling vacancies, and the implementation schedules for reapportionment, the reapportionment plan and the vacancy procedures differ from the provisions of the August 21, 1992 consent judgment in Chisom v. Edwards, Civil Action No. 86-4075 (E.D. La.), the Attorney General's preclearance of those provisions is based upon the understanding that implementation of those portions of Act No. 776 will require technical modifications to the Chisom consent judgment. See 28 C.F.R. 51.22. Accordingly, we are providing a copy of this letter to the Court and to counsel for the parties to the Chisom judgment.

Sincerely,

Isabelle Katz Pinzler
Acting Assistant Attorney General
Civil Rights Division

By:



Elizabeth Johnson
Chief, Voting Section

cc: The Honorable Charles Schwartz, Jr.
United States District Court Judge

Counsel for the Parties to the Chisom Judgment