

## **Attachment 3**

### **STATEMENT OF CHANGE**

Act No. 1 of the First Extraordinary Session, 2011 of the Louisiana Legislature (hereafter “Act 1”) revises Louisiana’s 105 single-member House of Representatives districts. Population shifts between 2000 and 2010 created pressures to alter each House district to some extent, and some House districts to a great extent. While Louisiana’s population grew at a rate of 1.4% from 4,468,976 to 4,533,372, the pattern of growth and change was dominated within the state as a result of Hurricane Katrina and its aftermath. The pattern of growth was uneven across the State, as illustrated by the U.S. Census Bureau at <http://2010.census.gov/2010census/data/embedstate.html?state=LA>.

The most significant population trend impacting the new district patterns was the significant loss of population in the New Orleans area. Twelve of Louisiana’s House of Representatives districts in the benchmark plan were under populated from the ideal population by 20% or more, and eight were under populated from the ideal population by 30% or more. All were in the New Orleans area. These twelve districts alone accounted for a total of 193,949 people when the deviations in these districts are totaled. By far, the North Shore and the eastern suburbs of Baton Rouge attracted most of the lost population from the New Orleans area. Of the twelve most overpopulated districts in the benchmark plan, 9 of them were in this area. Two were in Lafayette and one was in Bossier Parish. These twelve most overpopulated districts accounted for growth of 157,337 people.

Act 1 is the result of the need to accommodate these population shifts and to take into account the variety of criteria and factors that traditionally shape the legislature's redistricting decisions. The population shifts and the criteria affecting redistricting decisions are described below.

Redistribution of seats under Act 1 in response to population trends of the last decade resulted in the loss of five seats in the New Orleans area, and a corresponding increase in seats in the North Shore, Greater Baton Rouge and Acadiana areas.

### **POPULATION SHIFTS**

The ideal population for a House of Representatives district equals 43,175, and the range of deviations demonstrated by the 2010 Census figures for the current, pre-Act 1 districts was extensive – from a -61.97 percent deviation to a +51.81 percent deviation.

Adjustments to each district were made to accommodate these population shifts and to eliminate the disparities in populations among the districts. A review of regions in the State illustrates the impact of the 2010 Census population shifts.

#### **Greater New Orleans**

In the current redistricting plan, 24 districts are located in the greater New Orleans area, situated essentially south and east of Lake Pontchartrain, stretching to the Gulf Coast to the south and the Mississippi border to the east. The Parishes in this region are Orleans, Jefferson, St. Bernard and Plaquemines. This is a largely urban portion of the state, and includes the larger cities of New Orleans, Kenner and Metairie.

As noted above, population growth in this area was virtually non-existent due to the significant number of residents who left the area in the aftermath of Hurricane Katrina. Just 12 districts in this area accounted for losses of almost 200,000 residents or the equivalent of 5 house seats. Under Act 1, the comparable territory loses 5 seats and the seats are transferred to other parts of the state. Nearly every remaining district in this region is extensively reconfigured.

#### North Shore

The North Shore area consists of Washington, Tangipahoa and St. Tammany Parishes, and is located north of Lake Pontchartrain. The western border of this area is the Tangipahoa line, and the northern and eastern borders are the state of Mississippi. In the benchmark plan, this area included 7.8 districts drawn at ideal population size. As a result of population shifts over the decade due in large part to Katrina, this area gained 66,223 people. This resulted in 1.5 more districts being allocated to this region in Act 1. In 2000, this region was 66% white, and in 2010 this region was 76.3% white.

#### Greater Baton Rouge

The Greater Baton Rouge area consists of 10 parishes including East Baton Rouge, Pointe Coupee, West Feliciana, East Feliciana, St. Helena, Livingston, St. James, Ascension, Iberville, and West Baton Rouge. This area also saw significant migration over the decade. These 10 parishes added 97,397 people from 2000 through 2010, resulting in a net increase of nearly 2.5 House seats. This region was 55.2% white in 2000, and 59.4% white in 2010. This area included 17 seats in the benchmark plan, and 19 seats in Act 1.

#### Acadiana (“Cajun Country”)

This region centers around Lafayette, and goes as far north as Avoyelles Parish and as far east as Lafourche Parish. Its border to the South is the Gulf of Mexico, and its border to the west is Texas. This is largely rural region whose economy centers around shipping, fishing and oil. The population increased by 56,638 in this area, leading to the inclusion of 1.25 additional districts in Act 1. The new district is a majority minority district south of Lafayette.

#### North Louisiana

This region’s southern border is Beauregard, Allen, Rapides, LaSalle, Catahoula, Concordia and all Parishes to the north. The cities in this region are Monroe, Alexandria

and Shreveport. This region is heavily agricultural and mostly rural. This region's growth has been minimal over the decade, adding 34,356 people, not even enough for an additional House district.

## TRADITIONAL REDISTRICTING CRITERIA

### Population Equality

The House Committee on House and Governmental Affairs emphasized adherence to population equality among House districts. The second criteria adopted on January 19, 2011 (after single member districts) provides:

All redistricting plans for the House of Representatives, Supreme Court, Public Service Commission, and the Board of Elementary and Secondary Education shall provide for districts that are substantially equal in population among the various districts. Under no circumstances shall any redistricting plan for the House of Representatives, Supreme Court, Public Service Commission, or the Board of Elementary and Secondary Education be considered if the redistricting plan has an absolute deviation of population which exceeds plus or minus five percent of the ideal district population.

Committee on House And Governmental Affairs, Committee Rules For Redistricting (adopted January 19, 2011).

This legal requirement was based in large part on a paper co-authored by Clerk of the House Alfred Speer which said:

Numerous district courts have relied upon the Supreme Court's language to find that legislative districting plans with a maximum population deviation under 10% fall within the category of minor deviations that are insufficient to establish a *prima facie* violation of the equal protection clause. This "ten-percent rule" was first articulated in a dissenting opinion written by Justice Brennan in the cases of *Gaffney* and *Regester*. In later cases, the Court's majority has endorsed and followed the rule.

p. 14, Legal Requirements for Redistricting in Louisiana, September 30, 2009 (Attachment 19).

Additionally, support for this deviation standard was based on the January 11, 2011 educational presentation by the Institute of Politics which said on slide 13:

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))

Act 1 has a deviation range of +4.96% to -4.92%. The average deviation for the 100 House districts is 0%.

#### Equal Protection Clause and Voting Rights Act Considerations

As reflected in the public record, the parties to the redistricting process took into account the requirements of *Shaw v. Reno*, 509 U.S. 630 (1993), and related cases that developed during the last decade, and the provisions of the Voting Rights Act. The impact of Act 1 on racial minority groups is discussed in Attachment 6.

The House Committee on House and Governmental Affairs adopted the following criterion on compliance with the United State Constitution and Voting Rights Act:

All redistricting plans shall comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U. S. Constitution; Sections 2 and 5 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state law.

Committee on House And Governmental Affairs, Committee Rules For Redistricting (adopted January 19, 2011).

The next criterion adopted by the Committee incorporated the statutory language that assigns the creation of precinct boundaries to local governments and provided:

All redistricting plans shall contain whole election precincts established pursuant to R.S. 18:532 and 532.1.

Finally, the criterion contained the following provisions:

All redistricting plans shall provide that each district is composed of contiguous geography.

All redistricting plans shall respect the recognized political boundaries and natural geography of this state, to the extent practicable.

In order to minimize voter confusion, due consideration shall be given to traditional district alignments.

Committee on House And Governmental Affairs, Committee Rules For Redistricting (adopted January 19, 2011).

#### Localities, Precincts, and Communities of Interest

Act 1 splits the 26 parishes that have populations too great to be contained in one House district, and an additional 21 parishes across the State to meet the criteria adopted by the Committee. In 22 cases, parishes are only split among two districts.

Act 1 does not split any precinct.

The House of Representatives heard, considered, and balanced many points of view on communities of interest beyond those reflected in the communities contained in localities and precincts. Testimony and debates point out the wide variety of competing communities of interest.

#### Partisan and Incumbency Considerations

Act 1 passed the House of Representatives by a vote of 70 to 28, with 5 absent, and 2 not voting due to vacancies. Act 1 received support from 43 Republican members of the House, 1 Independent member, and 26 Democrats. 21 Democrats and 6 Republican, and 1 Independent voted against passage of Act 1. The Senate passed Act 1 by a vote of 30 to 9. 21 Republicans and 9 Democrats voted for it, while 1 Republican and 8 Democrats voted against it.

As noted in the public record, the House plan was drawn primarily by members of the House working in regions and recognizing partisan implications of the redistricting process. Chairman Gallot of the House and Governmental Affairs Committee, a Democrat, and Speaker Tucker, a Republican, lead meetings of the regional delegations to develop the initial draft, make changes prior to the submission of the bill, and changes were made in both the Committee process and on the floor of the House of Representatives.

Republicans hold a majority in both houses of the Legislature and had concomitant control of the process. The election history reports for the current plan and Act 1 show that the partisan character of the 105 House districts remains have changed so that the results are similar to what it was when comparing the results for the 2004 and 2008 presidential elections, the 2002 and 2008 United State Senate elections, and the 2007 governor's election.

There is some evidence of enhanced Republican prospects under Act 1. There is an increase of between 1 and 10, depending on the election, in the number of districts that would have been won by the Republican candidate. Four of the open districts created by Act 1 have strong Republican election patterns also is indicative of the partisan dimension. The three new majority black districts are expected to heavily favor Democrats.

Incumbency was a consideration in redistricting. At least one incumbent resides in each of 98 of the 105 districts under Act 1. With respect to incumbent pairings, members subject to state constitutional term limits are not considered. There are four pairings of incumbents not subject to term limits. Two sets of minority incumbents are combined together into single districts, both as a result of the reduction in number of districts in Orleans. One of the black incumbents had announced before the district lines were drawn that he would not be seeking re-election. The other two are one district pairing two white Republicans and the other district pairing a white Democrat with a white Republican. The Republican had previously announced he is seeking statewide office. The accompanying Table summarizes the incumbency pairs and open districts under Chapter 1.

#### **Incumbency Pairs and Open Districts: House of Representatives (Act 1)**

##### **Incumbency Pairings**

| Act 1 District | Incumbents   |
|----------------|--|
| 94             | Nick Laruso (R) and John Labruzzo (R)                |
| 97             | Juan Lafonta (D) <sup>1</sup> and Jared Brossett (D) |
| 98             | Walker Hines (R) <sup>2</sup> and Neil Abramson (D)  |
| 99             | Charmain Stiaes (D) and Wesley Bishop (D)            |

##### **Open Districts**

16  
81  
86  
95  
96 (New minority district in Acadiana)  
101 (New minority district in Baton Rouge)  
104

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<sup>1</sup> Prior to redistricting, Lafonta announced he would not be seeking re-election.

<sup>2</sup> Prior to redistricting, Hines announced his candidacy for Secretary of State.