

May 25, 2021

*Sent via email*

House and Governmental Affairs Committee  
Louisiana House of Representatives  
Box 94062  
Baton Rouge, LA 70804

**Re: LDF Testimony Concerning HCR 90**

Dear Chairman Stefanski, Vice Chair Duplessis, and Other Members of the House Governmental Affairs Committee:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes to provide recommendations regarding House Concurrent Resolution (“HCR”) 90, which establishes criteria for redistricting maps for the United States Congress, the Louisiana House of Representatives, the Louisiana Senate, the state Supreme Court, the Public Service Commission, and the Board of Elementary and Secondary Education.<sup>1</sup>

The criteria set forth in HCR 90 are important to guiding the development of maps for important bodies that will determine the allocation of political power and representation across the state for at least the next ten years. The configuration of district maps will determine where Louisianans can vote, whom they can vote for, and how responsive elected officials are to constituents’ requests to improve their lives. For these reasons, we urge the Committee to adopt these recommendations before voting on HCR 90.

**I. Ensure That Population Deviation Restrictions are Consistent with Federal Law.**

With respect to all redistricting plans except for U.S. Congress, HCR 90 provides that “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.”<sup>2</sup> With respect to redistricting plans for U.S. Congress, HCR 90 provides that “the plan shall provide that each congressional

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<sup>1</sup> See HCR 90, Joint Rule No. 21(D), (E).

<sup>2</sup> See HCR 90, Joint Rule No. 21(D)(2).

district shall have a population as nearly equal to the ideal district population as practicable.”<sup>3</sup> These standards are similar—but not identical—to federal law, which provides that district maps (except for U.S. Congress) with deviations of plus or minus five percent are generally consistent with the one-person, one-vote doctrine under the Equal Protection clause and that district maps for U.S. Congress must have equal population “as nearly as practicable.”<sup>4</sup> However, unlike HCR 90—which provides that these requirements are rigid requirements—under federal law, these are not an absolute and inflexible rules. Indeed, under federal law, deviations are permitted when necessary to achieve a compelling state interest, such as compliance with Section 2 of the Voting Rights Act (“Section 2”).<sup>5</sup> Accordingly, HCR 90 should be amended to permit additional deviations when necessary to comply with Section 2 or the U.S. Constitution.

It is also important to note that district maps (except for U.S. Congress) are not entitled to a safe harbor merely because they have been drawn with population deviations within plus or minus five percent.<sup>6</sup> District maps with population deviations within that range can still be unlawful if the deviations are discriminatory (for example, by disproportionately placing voters of color in overpopulated districts).<sup>7</sup> Accordingly, it is important for the legislature to

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<sup>3</sup> See HCR 90, Joint Rule No. 21(E)(2).

<sup>4</sup> See *Brown v. Thomson*, 462 U.S. 835, 842 (1983) (holding that apportionment plans with a maximum population deviation under 10% are generally permissible, whereas disparities in excess of 10% create a prima facie case of discrimination); *Karcher v. Daggett*, 462 U.S. 725 (1983) (holding that congressional districts must be mathematically equal in population, unless necessary to achieve a legitimate state objective).

<sup>5</sup> See *Brown*, 462 U.S. at 842 (explaining that “some deviations from population equality may be necessary to permit the States to pursue other legitimate objectives”); *Karcher*, 462 U.S. at 725 (same); *Fairley v. Hattiesburg, Miss.*, 584 F.3d 660, 675 (5th Cir. 2009) (holding that “[i]f a population deviance exceeds 10%, it constitutes a prima facie case of invidious discrimination that requires the municipality to prove a legitimate reason for the discrepancy.”).

<sup>6</sup> See *Cox v. Larios*, 542 U.S. 947, 949 (2004) (Stevens, J., concurring) (“[A]ppellant invites us to weaken the one-person, one-vote standard by creating a safe harbor for population deviations of less than 10 percent, within which districting decisions could be made for any reason whatsoever. The Court properly rejects that invitation.”).

<sup>7</sup> See, e.g., *Moore v. Itawamba Cty., Miss.*, 431 F.3d 257, 259 (5th Cir. 2005) (holding that “a deviation less than ten percent is not a safe harbor, barring any claim of discrimination, as the district court’s order suggests”); see also *Daly v. Hunt*, 93 F.3d 1212, 1220 (4th Cir. 1996) (“The 10% de minimis threshold recognized in *Brown* does not completely insulate a state’s districting plan from attack of any type. Instead, that level serves as the determining point

ensure that population deviations are not discriminatory, even when they are within the plus or minus five percent range.

## **II. Ensure That Compliance with Federal Requirements, Including Section 2 and the U.S. Constitution, Take Priority Over Other Considerations.**

The Legislature has an affirmative obligation to ensure that any electoral map—for any level of government—complies with Section 2 as well as other requirements under the U.S. Constitution, including the one person, one vote requirements (discussed above).<sup>8</sup> Section 2 requires the Legislature to ensure that Black and other voters of color have an equal opportunity “to participate in the political process and elect candidates of their choice” where the demographics, voting patterns, and other circumstances are present. See *Thornburg v. Gingles*, 478 U.S. 30, 34 (1986).

The U.S. Supreme Court has explained that district maps may violate Section 2 when the following preconditions are satisfied: (1) a district can be drawn in which the minority community is sufficiently large and geographically compact to constitute a majority in a single-member illustrative district (i.e., a majority-minority district); (2) the minority group is cohesive in its support for its preferred candidates; and (3) in the absence of majority-minority districts, candidates preferred by the minority group would usually be defeated due to the political cohesion of non-minority voters for candidates not preferred by minority voters.<sup>9</sup> See *Gingles*, 478 U.S. at 47-52 (these three preconditions are referred to as the “*Gingles* preconditions”). After a plaintiff establishes the three *Gingles* preconditions, a “totality of circumstances” analysis is required to

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for allocating the burden of proof in a one person, one vote case. . . . To survive summary judgment, the plaintiff would have to produce further evidence to show that the apportionment process had a ‘taint of arbitrariness or discrimination.’”) (*citing Roman v. Sincock*, 377 U.S. 695, 709 (1964)); *Cox*, 542 U.S. 947 (affirming a three-judge court holding that Georgia’s legislative reapportionment plans violated the one-person, one-vote doctrine—even though the population deviation was within the plus or minus five percent threshold—because the deviation was used for an impermissible purpose).

<sup>8</sup> See *Thornburg v. Gingles*, 478 U.S. 30 (1986). The U.S. Supreme Court has ruled that the Voting Rights Act applies to the Louisiana Supreme Court districts See *Chisom v. Roemer*, 501 U.S. 380 (1991).

<sup>9</sup> The second and third conditions are commonly referred to as racial bloc or racially polarized voting.

determine whether minority voters “have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” 52 U.S.C. § 10301(b); *see also LULAC v. Perry*, 548 U.S. 399, 425 (2006); *Gingles*, 478 U.S. 30.<sup>10</sup>

Louisiana has a well-documented history and an ongoing record of racially polarized voting.<sup>11</sup> It is therefore especially important for the Legislature to develop redistricting criteria that ensure Black and other voters of color have an equal opportunity to elect candidates of their choice as required by Section 2.

Federal law, including compliance with Section 2 and the U.S. Constitution, must be prioritized over any criteria or considerations under state law.<sup>12</sup> The current language of HCR 90 is concerning because it does not ensure that compliance with Section 2 and the U.S. Constitution remain a higher priority than compliance with state laws or the other criteria enumerated in HCR 90. As a result, there is a risk that maps drawn pursuant to these criteria will violate federal law. The Committee should amend HCR 90 to clarify that

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<sup>10</sup> The Fifth Circuit has recognized that “it will be only the very unusual case in which the plaintiffs can establish the . . . *Gingles* factors but still have failed to establish a violation of § 2 under the totality of the circumstances.” *Clark v. Calhoun Cty.*, 21 F.3d 92, 96 (5th Cir. 1994).

<sup>11</sup> *See, e.g., Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 433 (M.D. La. 2017), *rev'd sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020) (concluding that elections in Terrebonne Parish are racially polarized); *Hall v. Louisiana*, 108 F. Supp. 3d 419, 440 (M.D. La. 2015) (finding that racially polarized voting present in elections for the City Court of Baton Rouge); *Nw. Austin Mun. Util. Dist. No. One v. Mukasey*, 573 F. Supp. 2d 221, 251 (D.D.C. 2008) (as of 2006, “not one redistricting plan for the Louisiana House of Representatives had ever been precleared as originally submitted.”); *St. Bernard Citizens For Better Gov't v. St. Bernard Par. Sch. Bd.*, No. 02-2209, 2002 WL 2022589 (E.D. La. Aug. 26, 2002) (finding the existence of racially polarized voting in elections to the St. Bernard Parish Council).

<sup>12</sup> Although the Supreme Court has made clear that state legislatures have primary jurisdiction over the redistricting process, intervention from a federal court is appropriate “when a legislature fails to reapportion according to federal constitutional requisites in a timely fashion.” *Westwego Citizens for Better Gov't v. City of Westwego*, 946 F.2d 1109, 1123 (5th Cir. 1991) (*citing White v. Weiser*, 412 U.S. 783 (1973)). These principles apply with equal force to violations of the Voting Rights Act. *Id.* (*citing Mississippi State Chapter, Operation PUSH v. Mabus*, 932 F.2d 400, 405–06 (5th Cir. 1991)).

compliance with Section 2 and the U.S. Constitution take precedence over any other consideration or criteria.<sup>13</sup>

### **III. Adopt Best Practices for Transparency, Public Involvement, and Fair Representation in the Redistricting Process.**

HCR 90 should include provisions that ensure transparency and public engagement in the redistricting process. The lone provision currently in HCR 90 on transparency—which provides that “[e]ach redistricting plan submitted to the legislature by the public for consideration shall be submitted electronically in a comma-delimited block equivalency file”<sup>14</sup>—is insufficient to ensure public engagement in the redistricting process.

HCR 90 should be expanded to adopt comprehensive best practices for transparency, public involvement, and fair representation in the redistricting process. On May 21, 2021, a broad and diverse coalition of civil rights, social justice, and good government organizations submitted a letter to members of this Committee, providing recommendations of best practices for transparency, public involvement, and fair representation in the redistricting process. For your reference, that letter has been attached to this testimony.<sup>15</sup>

The letter recommends various best practices to ensure public participation, which include providing multiple accessible public hearings, meaningful opportunities for the public to review, comment on, and propose community maps, and a prohibition on backroom negotiations. The letter also recommends various steps to ensure transparency, including publicizing all data used in the redistricting process, maintaining an updated redistricting website, and providing mechanisms for the public to submit written comments and

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<sup>13</sup> There are two provisions in HCR 90 providing that “[d]ue consideration shall be given to traditional district alignments to the extent practicable” and that “[a]ll redistricting plans shall respect the recognized political boundaries and natural geography of the state to the extent practicable.” See HCR 90, Joint Rule No. 21(D)(4), (G). If either or both of these provisions encourage or permit racial vote dilution, they should be eliminated or amended.

<sup>14</sup> See HCR 90, Joint Rule No. 21(I).

<sup>15</sup> See *Letter from LDF re Recommendations, Best Practices, and Requirements for Transparency, Public Involvement, and Fair Representation During the Upcoming Redistricting Process* (May 21, 2021), <https://bit.ly/3uiwrvy>.

alternative maps into the formal record. We urge you to incorporate all of the recommendations from that letter into HCR 90.

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Please feel free to contact Michael Pernick at (917) 790-3597 or by email at [mpernick@naacpldf.org](mailto:mpernick@naacpldf.org) with any questions or to discuss these issues in more detail. We also commend you to digest *Power on the Line(s): Making Redistricting Work for Us*,<sup>16</sup> a guide for community partners and policy makers who intend to engage in the redistricting process at all levels of government. The guide provides essential information about the redistricting process, such as examples of recent efforts to dilute the voting power of communities of color. It also details the legal protections that remain available to protect against manipulative redistricting schemes, particularly after the Supreme Court's 2013 ruling in *Shelby County, Alabama v. Holder* – which removed a safeguard against racially discriminatory redistricting plans in states and jurisdictions with a record of such practices. The guide includes clear, specific, and actionable steps that community members and policy makers can take to make their voices heard in the redistricting process including by participating in public redistricting hearings, holding legislators accountable in the redistricting process, and notifying civil rights organizations like LDF, MALDEF, and Advancing Justice | AAJC if there becomes a need to challenge discriminatory redistricting in court.

Sincerely,

*/s/ Michael Pernick*

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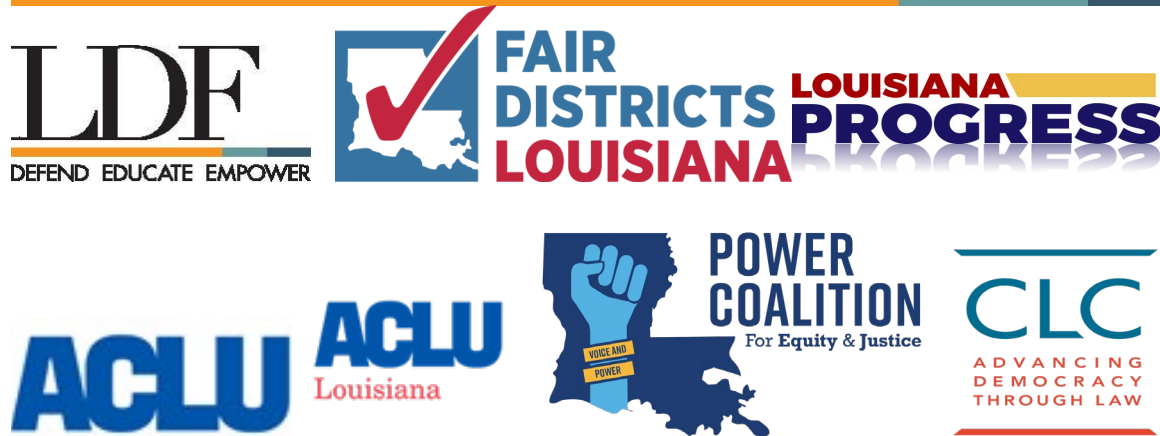
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<sup>16</sup> See NAACP Legal Defense and Educational Fund, Inc., Mexican American Legal Defense and Educational Fund, and Asian Americans Advancing Justice | AAJC, *Power on the Line(s): Making Redistricting Work for Us*, (2021), <https://bit.ly/3ogg6pS>.

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NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.



May 21, 2021

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445 N. 12th Street  
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**Re: Recommendations, Best Practices, and Requirements for Transparency, Public Involvement, and Fair Representation During the Upcoming Redistricting Process**

Dear Chair Stefanski, Chair Hewitt, Chairman James, Members of the Committees on House and Senate Governmental Affairs, and Members of the Louisiana Legislature,

The NAACP Legal Defense & Educational Fund (“LDF”), the American Civil Liberties Union (“ACLU”), the ACLU of Louisiana, Fair Districts Louisiana, Louisiana Progress, and Power Coalition for Equity and Justice write to encourage the Committees on House and Governmental Affairs and Senate and Governmental Affairs, and the entire Louisiana Legislature engaged in the redistricting process, if they have not



already, to commit to the following recommended best practices to ensure meaningful and robust public participation and transparency in the redistricting process. We also write to remind Louisiana’s legislature of some of its affirmative obligations to ensure fair representation and non-discrimination in the redistricting process, including after the release of the decennial population census data later this year.<sup>1</sup>

### **I. Meaningful Public Participation: All Louisianians’ Should Have the Opportunity to Be Included in the Redistricting Process**

The configuration of maps that Louisiana’s legislature will consider are likely to be in place for at least the next decade and will be foundational to all Louisiana residents’ access to representation and voters’ access to candidates of choice for congressional, legislative bodies and judicial bodies.<sup>2</sup> Redistricting by the Legislature also sets the standard and tone for local redistricting in the State. It is therefore critical that all Louisianians have a meaningful opportunity to fully participate in, provide input on, and receive feedback from legislative members during the redistricting process. The public is especially well-suited to discern which maps allow (or do not allow) communities of interest to have a voice and choice in the process for electing their representatives, and these perspectives must be incorporated into any maps that the legislature proposes or otherwise considers.

To provide the public with a meaningful opportunity to engage in the redistricting process, we recommend the legislature adopt rules requiring:

1. *Multiple accessible public hearings*: Louisiana should offer at least 12 public hearings regarding redistricting in the following cities: Covington, New Orleans, Houma, Baton Rouge, Lake Charles, Lafayette, Shreveport, Monroe and Alexandria, with two public hearings offered in New Orleans, Baton Rouge and Shreveport.<sup>3</sup> Members of the public must be permitted to participate<sup>4</sup> in each

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<sup>1</sup> To date, the Census Bureau has released information on the apportionment of the 435 House of Representatives. Census Bureau, *2020 Census Apportionment Results Delivered to the President*, Census.gov (Apr. 26, 2021), <https://www.census.gov/newsroom/press-releases/2021/2020-census-apportionment-results.html>. The Census Bureau has announced that it will deliver data necessary to redistrict, i.e., draw the lines for electing these and representatives at all other levels of government by September 30, 2021. Census Bureau, *Census Bureau Statement on Redistricting Data Timeline*, Census.gov (Feb. 12, 2021), <https://www.census.gov/newsroom/press-releases/2021/statement-redistricting-data-timeline.html>.

<sup>2</sup> La. Const. Art. III, § 6(A); *Chisom v. Roemer*, 501 U.S. 380 (1991).

<sup>3</sup> In 2011, the Legislature provided 9 hearings over the course of 12 days (starting on February 17, 2011 and concluding on March 1, 2011). La. House of Representatives, *Redistricting Timeline* (Dec. 1, 2010), [https://house.louisiana.gov/H\\_Redistricting2011/2011\\_RedistrictingTimelineAsOf12-1-2010.pdf](https://house.louisiana.gov/H_Redistricting2011/2011_RedistrictingTimelineAsOf12-1-2010.pdf). The Legislature should plan to conduct all 12 hearings within a 4-week period.

<sup>4</sup> The Legislature should invest money in placing ads in local newspapers, radio, and TV, particularly those that serve communities of color, as well as on the Internet, to ensure Louisianians are given the information they need to get involved.

of these public hearings either in person or remotely over Zoom or another virtual platform.<sup>5</sup>

2. *Meaningful opportunities to review, comment on and propose community maps:* The public must have at least one-week's advance notice, and unrestricted ability to comment on, the legislature's proposed maps. In addition, the public should be given the tools necessary to propose maps for consideration, including both statewide maps and maps for specific regions that identify community boundaries and communities of interest. Any maps proposed by the public should become part of the public record and be available for anyone to review on the state's website.<sup>6</sup>
3. *Prohibit backroom negotiations:* To ensure transparency in the redistricting process, legislative decisionmakers must conduct all redistricting meetings, hearings, or other sessions in public, and permit members of the public to view the proceedings remotely.<sup>7</sup> In addition to the roadshow, the public must also be permitted to provide testimony to legislative decisionmakers at numerous points throughout the redistricting process.

## II. Transparency: All Louisianans' Should Be Afforded Opportunities to Meaningfully Participate in the Redistricting Process

Informed participation by Louisiana residents requires transparency and meaningful public participation at all stages of the redistricting process. The state should maintain a website specifically focused on redistricting that is updated daily to ensure that members of the public can remain fully informed and able to engage throughout the process. Specifically, the Legislature should:

1. *Publicize* all data used by the Louisiana Legislature during the redistricting process and make it available, in real time, to the public, including any data

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<sup>5</sup> Erica Hernandez, 'Let's Talk Texas': State Senate Redistricting Committee Looking for Public Input in Virtual Regional Hearings, KSAT.Com (Jan. 22, 2021, 2:08PM), <https://www.ksat.com/news/local/2021/01/22/lets-talk-texas-state-senate-redistricting-committee-looking-for-public-input-in-virtual-regional-hearings/>; Mass. Special Joint Committee on Redistricting, *Virtual Public Hearing*, malegislature.gov (Apr. 14, 2021), <https://malegislature.gov/Events/Hearings/Detail/3670>. Press Release, *Rasmey Invites Submission of Senate Redistricting Plans*, KnoxBlog (Sept. 16, 2011), [http://knoxblogs.com/humphreyhill/2011/09/16/rasmey\\_invites\\_submission\\_of\\_sl/](http://knoxblogs.com/humphreyhill/2011/09/16/rasmey_invites_submission_of_sl/).

<sup>6</sup> For example, Alabama offers the public the opportunity to submit partial and local maps using the Alabama Legislative Reapportionment Office's map drawing tools every Friday. California offers members of the public a tool along these lines a similar tool at [drawwmycacommunity.org](http://drawwmycacommunity.org). The State's redistricting website should also have an easy-to-remember URL.

<sup>7</sup> *North Carolina State Conference of N.A.A.C.P. v. McCrory*, 831 F.3d 204, 227-29 (4th Cir. 2016).

released by the U.S. Census Bureau relevant to Louisiana and redistricting. This data should be publicized in format that can be manipulated by the public.

2. *Update* the State’s redistricting website daily with public meeting notices, proposed meeting agendas, proposed maps (posted at least a week before the legislature considers the map), along with all relevant district-level data associated with proposed maps, including but not limited to demographic data. The identity of any expert or consultant the State engages to assist with the redistricting process should also be posted.
3. *Ensure* a mechanism for Louisianans to submit written comments and questions regarding the state’s proposed maps, to submit alternative maps that are available to other members of the public, and to incorporate these maps into the legislative record.
4. *Collaborate* with the public, potentially through the statewide road shows, to determine the criteria the legislature should consider in drawing new districts in addition to, and after ensuring that, minority voters have an opportunity to elect representatives of their choice, as required by federal law.

### **III. Satisfy Your Obligation to Ensure that Voters of Color Have an Equal Opportunity to Elect Candidates of Their Choice**

To ensure fair and non-discriminatory representation, the cornerstone of our democracy, electoral districts must be drawn to ensure non-dilution of minority voting strength. Furthermore, maps must comply with the one-person, one vote principle, embodied in the U.S. Constitution. Maps may fail to comply with this principle if, for legislative bodies, they do not contain near absolute or as near as practicable, respectively, equal number of people. Maps also may violate Section 2 of the Voting Rights Act if (1) a district can be drawn in which the minority community is sufficiently large and geographically compact to constitute a majority; (2) the minority group is politically cohesive; (3) in the absence of a majority-minority district, candidates preferred by the minority group would usually be defeated due to the political cohesion of non-minority voters for their preferred candidates; and (4) under the totality of the circumstances, the political process is not equally open to minority voters.<sup>8</sup> Because of Louisiana’s continuing stark patterns of voting along racial lines,<sup>9</sup> which strikes at

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<sup>8</sup> *Thornburg v. Gingles*, 478 U.S. 30, 47-52, 78 (1986); *Chisom*, 501 U.S. at 403-04.

<sup>9</sup> *See, e.g., Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395 (M.D. La. 2017), *rev’d sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020); *Hall v. Louisiana*, 108 F. Supp. 3d 419 (M.D. La. 2015); *Nw. Austin Mun. Util. Dist. No. One v. Mukasey*, 573 F. Supp. 2d 221, 251 (D.D.C. 2008) (As of 2006, “not one redistricting plan for the Louisiana House of Representatives had ever been

the heart of evidence of potential minority vote dilution<sup>10</sup> this body must be attuned to its obligations under Section 2 of the Voting Rights Act, and its obligation to assess that redistricting lines do not dilute the ability of minority voters to elect candidates of their choice.

#### IV. Provide for Transparency, Public Involvement, and Fair Representation in Redistricting at the Local Level

This body’s practices during redistricting can serve as an exemplar for the practices of other bodies charged with redistricting, particularly at the local level. Moreover, consistent with its authority, the Legislature should require all local governments charged with redistricting responsibilities to commit to and follow similar best practices for redistricting at the local level—for school boards, parish councils, police juries, and other critical representational and electoral bodies.

As with the state and judicial bodies, the Voting Rights Act requires that minority voters are able to elect representatives of their choice including to city councils, parish councils, boards of education, and other elected bodies. It is therefore critical to the democratic process that local redistricting follows the same strictures and best practices, including as may be required by federal law.

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Please feel free to contact Kathryn Sadasivan at 332-600-9546 or by email at [ksadasivan@naacpldf.org](mailto:ksadasivan@naacpldf.org) with any questions or to discuss these concerns in more detail. We also encourage you to review ***Power on the Line, Making Redistricting Work for Us***,<sup>11</sup> a guide for community partners and policy makers who intend to engage in

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precleared as originally submitted.”); *St. Bernard Citizens For Better Gov’t v. St. Bernard Par. Sch. Bd.*, No. 02-2209, 2002 WL 2022589 (E.D. La. Aug. 26, 2002); *Hays v. Louisiana*, 936 F. Supp. 360, 362 (W.D. La. 1996) (challenge to congressional redistricting after 1990 Census); *Major v. Treen*, 574 F. Supp. 325, 325 (E.D. La. 1983) (challenge to congressional redistricting after 1980 Census); *Bussie v. Governor of La.*, 333 F. Supp. 452, 454, 463 (E.D. La. 1971) (challenge to state legislative redistricting after 1970 Census); *Bannister v. Davis*, 263 F. Supp. 202, 202, 205 (E.D. La. 1966) (challenge to state legislative apportionment after *Reynolds v. Sims*, 377 U.S. 533 (1964)).

<sup>10</sup> *Citizens for a Better Gretna v. City of Gretna*, 834 F.2d 496, 499 (5th Cir. 1987) (“Racially polarized voting is the linchpin of a § 2 vote dilution claim.”); *McMillan v. Escambia County*, 748 F.2d 1037, 1043 (5th Cir. 1984) (“[RPV] will ordinarily be the keystone of a dilution case”); see also *Clark v. Calhoun Cty.*, 88 F.3d 1393, 1397 (5th Cir. 1996); *Gingles*, 478 U.S. at 48 n.15; *Westwego Citizens for Better Gov’t v. City of Westwego*, 946 F.2d 1109, 1122 (5th Cir. 1991).

<sup>11</sup> N.A.A.C.P. LDF, *Civil Rights Organizations Release Redistricting Guide to Support Black, Latino, and AAPI Communities’ Participation in Crucial Process*, [naacpldf.org](https://www.naacpldf.org) (May 11, 2021), <https://www.naacpldf.org/press-release/civil-rights-organizations-release-redistricting-guide-to-support-black-latino-and-aapi-communities-participation-in-crucial-process/>.

the redistricting process at all levels of government. It provides information consistent with our recommendations herein as well as other relevant information about the redistricting process.

/s/ Kathryn Sadasivan

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### NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in political participation, education, economic justice, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

### ACLU of Louisiana

Since 1956, the ACLU of Louisiana has worked to advance and preserve the individual rights and liberties guaranteed by the Constitution and laws of the United States and the State of Louisiana. We are part of a nationwide network of affiliates that fights tirelessly in all 50 states, Puerto Rico, and Washington, D.C.

### Louisiana Progress

Louisiana Progress is an advocacy organization that focuses on policy at the state and local level. We work with grassroots organizations to identify problems that face communities across Louisiana, particularly low- and moderate-income communities, and develop and advocate for policy solutions that address those problems.

### The Power Coalition for Equity and Justice

The Power Coalition for Equity and Justice works to build voice and power in traditionally ignored communities. We are a coalition of groups from across Louisiana whose mission is to organize in impacted communities, educate and turn out voters, and fight for policies that create a more equitable and just system in Louisiana.

### Campaign Legal Center

The nonpartisan Campaign Legal Center advances democracy through the law at the federal, state and local levels, fighting for every American’s rights to responsive government and a fair opportunity to participate in and affect the democratic process. Since the organization’s founding in 2002, CLC has participated in major redistricting, voting rights, and campaign finance cases before the U.S. Supreme Court as well as numerous other federal and state court cases. CLC’s work promotes every citizen’s right to participate in the democratic process.

### Voting Rights Project of the ACLU

Established in 1965, the ACLU Voting Rights Project has worked to protect the gains in political participation won by racial and language minorities since passage of the 1965 Voting Rights Act (VRA). And since its inception, the Voting Rights Project has litigated over 300 voting rights cases, and has aggressively and successfully challenged efforts that dilute minority voting strength or obstruct the ability of minority communities to elect candidates of their choice.