January 19, 2022

Sent via email

Senate and House Governmental Affairs Committees
Louisiana State Senate
P.O. Box 94183
Baton Rouge, LA 70804
s&g@legis.la.gov
h&ga@legis.la.gov

Re: Louisiana Supreme Court Redistricting

Dear Chair Stefanksi, Chair Hewitt, and Other Members of the House and Senate Governmental Affairs Committee:

The NAACP Legal Defense and Educational Fund, Inc. (“LDF”) writes to submit two illustrative district maps for the Louisiana Supreme Court for your consideration. These proposals include: (i) a district map with seven single-member districts (“SMDs”) with two districts in which a majority of the voters are Black (“majority-Black districts”); and (ii) a district map with nine SMDs with three majority-Black districts (for consideration if the size of the Court is expanded to nine members).

I. Background: Chisom Consent Decree and the Supreme Court District Map

In 1992, the Eastern District of Louisiana entered a Consent Decree in the Chisom litigation resolving claims that the multimember district system for electing justices of the Louisiana Supreme Court in the First Supreme Court District diluted Black voting strength in violation of the “results” test of Section 2 of the Voting Rights Act (“Section 2”).1 The Consent Decree required the State to “provide for a single-member district that is majority black in voting age population that includes Orleans Parish in its entirety.”2

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1 See Consent Judgment, No. 86-cv-4075, Dkt. 119 (Aug. 21, 1992). LDF served as co-counsel on behalf of Plaintiffs in that litigation.
2 Id. at ¶ C(8).
During the 1997 legislative session, the legislature enacted a Supreme Court District map with seven SMDs that was not in strict conformity with the Consent Decree because the majority-Black district in the proposed map contained only part of Orleans Parish. However, the parties in the Chisom case consented to this alternate approach and jointly moved to amend the Consent Judgment, which was approved by the federal court in 2000.³ That map has remained in effect ever since and the Consent Decree remains in place today.⁴

In order to ensure compliance with Section 2 and the Chisom Consent Decree, any map that you adopt should be drawn to ensure that Black voters have an equal opportunity participate in the political process and elect candidates of their choice.

II. Proposed Louisiana Supreme Court District Maps

If the Legislature considers adopting a new Supreme Court district map with seven SMDs, the map should include two majority-Black districts to ensure compliance with Section 2. We have prepared an illustrative map that would satisfy this requirement in Appendix 1. This illustrative map is just one of many configurations that would satisfy your obligations under Section 2 by providing two majority-Black districts in a Supreme Court map with seven SMDs.⁵

We also understand that the Legislature may consider proposals to expand the size of the Supreme Court to nine members elected from SMDs.⁶ If

⁴ Pending before the court is a motion to dissolve the Consent Decree filed by Louisiana Attorney General Jeff Landry on December 2, 2021. See First Motion to Dissolve Consent Decree by State of Louisiana, No. 86-cv-4075, Dkt. 257 (Dec. 2, 2021).
⁵ The question of whether the State is required under Section 2 to draw a second majority-Black district in a map with seven SMDs is currently being considered by a federal court. The plaintiffs allege that the current Louisiana Supreme Court district map violates the results test of Section 2 because it fails to provide a second majority-Black district. See Allen v. Louisiana, 14 F.4th 366 (5th Cir. 2021). The State’s motion to dismiss was denied, and the Fifth Circuit affirmed the denial of the State’s motion to dismiss on September 17, 2021.
⁶ In the 2021 Regular Legislative Session, the legislature considered various proposals to expand the size of the Supreme Court from seven to nine members elected from SMDs, including SB 163, which passed the Senate but failed to garner the required two-thirds vote in the House. See SB163, available at https://legis.la.gov/Legis/BillInfo.aspx?id=240332.
the Legislature considers adopting a new Supreme Court district map with nine SMDs, the map should include three majority-Black districts to ensure compliance with Section 2. We have prepared an illustrative map that would satisfy this requirement in Appendix 2. This illustrative map is just one of many configurations that would satisfy your obligations under Section 2 by providing three majority-Black districts in a Supreme Court map with nine SMDs.

We have also submitted comma-delimited block equivalency files for the maps proposed in the appendices to this letter.

Please feel free to contact Michael Pernick at (917) 790-3597 or by email at mpernick@naacpldf.org with any questions or to discuss these issues in more detail.

Sincerely,

/s/ Michael Pernick
Michael Pernick
Leah C. Aden, Deputy Director of Litigation
Stuart Naifeh, Manager of the Redistricting Project
Jared Evans
NAACP Legal Defense & Educational Fund, Inc.
40 Rector Street, 5th Fl.
New York, NY 10006

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LDF submitted a letter to the House and Governmental Affairs Committee supporting an expansion to nine members elected from SMDs because it would enable the drawing of three majority-Black districts. See Written Testimony of LDF in Support of an Expansion of the Louisiana Supreme Court (May 17, 2021), available at https://www.naacpldf.org/news/ldf-submits-written-testimony-in-support-of-an-expansion-of-the-louisiana-supreme-court/.
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.
APPENDIX 1

Illustrative Supreme Court district map with seven SMDs and two majority-Black districts
## APPENDIX 1-a

<table>
<thead>
<tr>
<th>District</th>
<th>Total Pop</th>
<th>Deviation</th>
<th>% Deviation</th>
<th>Black Pop</th>
<th>% Black Pop</th>
<th>Black VAP</th>
<th>% Black VAP</th>
</tr>
</thead>
<tbody>
<tr>
<td>01</td>
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<td>547</td>
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<td>116,640</td>
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<td>349,647</td>
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<td>50.89%</td>
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<td>268,345</td>
<td>51.98%</td>
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APPENDIX 2

Illustrative Supreme Court district map with nine SMDs and three majority-Black districts
### APPENDIX 2-a

<table>
<thead>
<tr>
<th>District</th>
<th>Total Pop</th>
<th>Deviation</th>
<th>% Deviation</th>
<th>Black Pop</th>
<th>% Black Pop</th>
<th>Black VAP</th>
<th>% Black VAP</th>
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