



May 21, 2021

*Sent via email*

Committee on House and Governmental Affairs  
P.O. Box 94062  
Baton Rouge, LA 70804  
Email: [h&ga@legis.la.gov](mailto:h&ga@legis.la.gov)

Committee on Senate and Governmental Affairs  
P.O. Box 94183  
Baton Rouge, LA 70804  
Email: [s&g@legis.la.gov](mailto:s&g@legis.la.gov)

Cc: Louisiana Legislative Black Caucus  
445 N. 12th Street  
Baton Rouge, LA 70802

**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

---

<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

---

<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

---

<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.

\* \* \*

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

---

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

Leah C. Aden, Deputy Director of Litigation  
Kathryn Sadasivan, Redistricting Counsel  
Michael Pernick, Redistricting Counsel  
NAACP Legal Defense & Educational Fund,  
Inc.  
40 Rector Street, 5th Fl.  
New York, NY 10006

/s/ Stephen Kearny

Evan Bergeron, General Counsel  
Matt Bailey, Co-Founder  
Stephen Kearny, Co-Founder  
Peter Robins-Brown, Legislative Liaison  
Fair Districts Louisiana  
1700 Josephine Street Ste. 206  
New Orleans, LA 70130

/s/ Ashley Shelton

Founder, President & C.E.O.  
The Power Coalition for Equity & Justice  
4930 Washington Ave.  
New Orleans, LA 70125

/s/ Alora Thomas

Alora Thomas, Senior Staff Attorney  
Sarah Brannon, Managing Attorney  
Samantha Osaki, EJW Fellow  
Voting Rights Project  
American Civil Liberties Union  
125 Broad St.  
New York, NY 10004

/s/ Chris Lamar

Mark Gaber, Director, Redistricting  
Chris Lamar, Senior Legal Counsel, Redistricting  
Valencia Richardson, Legal Fellow, Voting  
Rights and Redistricting  
Campaign Legal Center  
1101 14<sup>th</sup> Street NW, Suite 400  
Washington, DC 20005

/s/ Melissa Flournoy

Melissa Flournoy, Board Chair  
Peter Robins-Brown, Policy & Advocacy Director  
Louisiana Progress  
650 N. 6th St.  
Baton Rouge, LA 70802

/s/ Alanah Odoms

Alanah Odoms, Executive Director  
Chris Kaiser, Advocacy Director  
Nora Ahmed, Legal Director  
A'Niya Robinson, Advocacy Strategist  
ACLU of Louisiana  
PO Box 56157  
New Orleans, LA 70156

### 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.