



January 15, 2024

Committee on Senate and Governmental Affairs  
P.O. 94138  
900 North 3rd Street  
Baton Rouge, LA 70804  
[ellisc@legis.la.gov](mailto:ellisc@legis.la.gov)

RE: SB4 and Support for Map Compliant with the Voting Rights Act

Dear Chairman Field and Members of the Committee:

On behalf of A Bella LaFemme Society, American Civil Liberties Union (“ACLU”), ACLU of Louisiana, All Streets All People, Anti-Defamation League South Central, Black Voters Matter – Louisiana, Campaign Legal Center, Crescent City Media Group, Power Coalition for Electoral Justice, Power Coalition for Equity and Justice, League of Women Voters of Louisiana, Louisiana Budget Project, Louisiana Justice Institute, Louisiana Progress, NAACP Legal Defense and Educational Fund, Inc. (“LDF” or “Legal Defense Fund”), NAACP Louisiana State Conference, National Council of Jewish Women (“NCJW”) Greater New Orleans Section, Our Voice Nuestra Voz, SPLC Action Fund, Urban League of Louisiana, Together Baton Rouge, Together Louisiana, Voters Organized to Educate, Voice of the Experienced (“VOTE”), we write to express our support for the enactment of a new congressional map that complies with the Voting Rights Act of 1965 (“VRA”) and includes a second majority-Black district.

It has been over two years since a coalition of civil rights organizations, many again represented here, wrote to the Joint Committees on Governmental Affairs calling for a fair redistricting process and a map that complied with VRA.<sup>1</sup> While much has happened since, much remains the same: it was possible to draw a map with two majority-Black districts then, and it remains a necessity now. In the years of litigation since the redistricting cycle began, cases reaching our nation’s highest courts have maintained that four decades of precedent defining the requirements of the VRA remain unshaken.<sup>2</sup> Those standards apply here, and they require urgent action to create a second majority-Black congressional district.

Section 2 of the VRA prohibits state and local governments from using any voting procedure that “results in a denial or abridgement of the right of any citizen...to vote on account of race or color.”<sup>3</sup> With only one majority-Black congressional district, Louisiana’s congressional map (the “Enacted Map”) defies Section 2’s prohibition on vote dilution by weakening the voting power of Black Louisianians, who now comprise roughly one-third of Louisiana’s population.<sup>4</sup> The map cannot stand.

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<sup>1</sup> Email Testimony of Michael Pernick submitted to the Monroe, La. Redistricting Roadshow (Oct. 18, 2021), [https://redist.legis.la.gov/2020\\_Files/MtgFiles/Email%20Testimony%20-%20Michael%20Pernick,%20NAACP%20Legal%20Defense%20&%20Educational%20Fund,%20Inc.,%20o&%20others.pdf](https://redist.legis.la.gov/2020_Files/MtgFiles/Email%20Testimony%20-%20Michael%20Pernick,%20NAACP%20Legal%20Defense%20&%20Educational%20Fund,%20Inc.,%20o&%20others.pdf) (containing a letter to the Committee on House and Governmental Affairs and Committee on Senate and Governmental Affairs on behalf of the NAACP Legal Defense and Educational Fund, Inc., Louisiana State Conference of the NAACP, Power Coalition for Equity and Justice, American Civil Liberties Union of Louisiana, the ACLU Voting Rights Project, Campaign Legal Center, Southern Poverty Law Center Action Fund, Voters Organized to Educate, Voice of the Experienced, Louisiana Progress, Fair Districts Louisiana, E Pluribus Unum, Black Voters Matter Fund, Louisiana Budget Project, League of Women Voters of Louisiana, Urban League of Louisiana, and Crescent City Media Group highlighting the Legislature’s “affirmative obligation to comply with Section 2 of the Voting Rights Act” and appending seven maps that demonstrated possible configurations to provide for a second majority-Black congressional district).

<sup>2</sup> See, e.g., *Allen v. Milligan*, 599 U.S. 1, 9-42 (2023) (applying the standards defined in *Thornburg v. Gingles*, 478 U.S. 30, (1986), to a Section 2 challenge to Alabama’s congressional map); see also *Robinson v. Ardoin*, 86 F.4th 574, 589-599 (5th Cir. 2023) (finding the district court’s application of the *Gingles* framework and granting of a preliminary injunction against Louisiana’s congressional map was valid when issued.).

<sup>3</sup> Voting Rights Act, 52 U.S.C. § 10301(a).

<sup>4</sup> *U.S. Census Bureau La. QuickFacts*, U.S. Census Bureau, <https://www.census.gov/quickfacts/fact/table/LA/POPO10220#POPO10220> (last visited Jan. 6, 2024).



The record built both in these chambers and the courts is now replete with evidence that it is not only possible but necessary to draw a map including a second district that provides Black voters with an equal opportunity to elect their candidates of choice. There are multiple ways to do this, as demonstrated by the submissions from civil rights organizations in 2021,<sup>5</sup> the twenty bills and amendments filed during the 2022 redistricting process containing two majority-Black districts,<sup>6</sup> and the legal record developed in federal court litigation since.<sup>7</sup>

SB 4 mirrors the map submitted jointly by the Plaintiffs in *Robinson v. Landry* (formerly *Robinson v. Ardoin*) during remedial proceedings in 2022 and 2023.<sup>8</sup> The map builds on similar configurations presented during the 2021-2022 legislative redistricting processes, and has been perfected throughout the litigation to excel on all standard measures of traditional redistricting principles.<sup>9</sup> These principles include those identified in Joint Rule 21 as the Legislature's foremost priorities.<sup>10</sup>

SB 4 matches or outperforms the Enacted Map on numerous redistricting principles, including parish splits, municipal splits, compactness, cracking, and more.<sup>11</sup> Most importantly, it remedies the unlawful vote dilution exhibited in the Enacted Map's packing of Black communities in New Orleans and Baton Rouge into a single district. The map maintains District 2 with a core in New Orleans and the River Parishes, while uniting Baton Rouge with the Delta Parishes in District 5.<sup>12</sup> The shared interests of the communities represented in these districts have been echoed throughout the redistricting process and recognized by both the U.S. District Court for the Middle District of Louisiana and Fifth Circuit Court of Appeals.<sup>13</sup>

<sup>5</sup> See Email Testimony of Michael Pernick *supra* note 1.

<sup>6</sup> See H.B. 4, 1st Spec. Sess. (La. 2022); H.B. 5, 1st Spec. Sess. (La. 2022); H.B. 7, 1st Spec. Sess. (La. 2022); H.B. 8, 1st Spec. Sess. (La. 2022); H.B. 9, 1st Spec. Sess. (La. 2022); H.B. 12, 1st Spec. Sess. (La. 2022); S.B. 2, 1st Spec. Sess. (La. 2022); S.B. 4, 1st Spec. Sess. (La. 2022); S.B. 6, 1st Spec. Sess. (La. 2022); S.B. 9, 1st Spec. Sess. (La. 2022); S.B. 10, 1st Spec. Sess. (La. 2022); S.B. 11, 1st Spec. Sess. (La. 2022); S.B. 16, 1st Spec. Sess. (La. 2022); S.B. 18, 1st Spec. Sess. (La. 2022); Amendment #88 to H.B. 1, 1st Spec. Sess. (La. 2022); Amendment #99 to H.B. 1, 1st Spec. Sess. (La. 2022); Amendment #153 to H.B. 1, 1st Spec. Sess. (La. 2022); Amendment #62 to S.B. 2, 1st Spec. Sess. (La. 2022); Amendment #116 to S.B. 5, 1st Spec. Sess. (La. 2022); Amendment #91 to S.B. 5, 1st Spec. Sess. (La. 2022).

<sup>7</sup> See *Robinson*, 86 F.4th at 592 (finding "[t]here was no clear error by the district court when it found the [Plaintiff groups' multiple] illustrative maps created a different community of interest and the first Gingles precondition was met.").

<sup>8</sup> See Pls.' Joint Notice of Proposed Remedial Plan and Mem. in Support, *Robinson v. Ardoin*, Case 3:22-cv-00211-SDD-SDJ (June 22, 2022), ECF No. 225, [https://vhdsfh2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/JN\\_of\\_Prop\\_Remedial\\_Plan\\_and\\_Memo\\_in\\_Support\\_6.22.22.pdf](https://vhdsfh2oms2wcnsvk7sdv3so.blob.core.windows.net/thearp-media/documents/JN_of_Prop_Remedial_Plan_and_Memo_in_Support_6.22.22.pdf). SB 4 shares the same general features and lines as the remedial plans, with only minor alterations made to comply with the most up-to-date precinct lines.

<sup>9</sup> *Id.*

<sup>10</sup> La. Joint Rule 21 (HCR 90, 2021 R.S., eff. June 11, 2021), <https://www.legis.la.gov/legis/Law.aspx?d=1238755>. See also *id.* at 2, 6, 9, 10, and Exhibit A.

<sup>11</sup> See generally Pls.' Joint Notice *supra* note 8.

<sup>12</sup> See *id.* at 5 ("Under the Remedial Plan, Black voters will have the opportunity to elect their candidates of choice in two of Louisiana's six congressional districts: CD 2 and CD 5. CD 5 is centered around Baton Rouge and the Delta Parishes; CD 2 is based in New Orleans and the River Parishes.").

<sup>13</sup> *Robinson*, 86 F.4th at 590–92 (finding the district court did not err in determining that the illustrative districts "create...different communit[ies] of interest" that "share many cultural, economic, social, and educational ties," based in part on "unrebutted evidence by the Plaintiffs experts who utilized roadshow testimony and socioeconomic data to construct the plans.").

The final maps advanced by the Committee and passed by the full Legislature *must* comply with traditional redistricting principles and the promise of the Voting Rights Act. SB 4 does exactly that and is supported by an extensive record. That record also acknowledges that there may be other workable solutions. The passage of a map that complies with the dictates of state and federal law and the principles of equity and fairness has been the rallying cry of our organizations and the communities we represent since the redistricting cycle began. It is now your duty to fulfill.

The undersigned organizations support the passage of a map that finally provides Black voters in Louisiana with an opportunity to elect their candidates of choice in two congressional districts.

Sincerely,

A Bella LaFemme Society  
ACLU  
ACLU of Louisiana  
All Streets All People  
Anti-Defamation League South Central  
Black Voters Matter – Louisiana  
Campaign Legal Center  
Crescent City Media Group  
Power Coalition for Electoral Justice  
Power Coalition for Equity and Justice  
League of Women Voters of Louisiana  
Legal Defense Fund  
Louisiana Budget Project  
Louisiana Justice Institute  
Louisiana Progress  
NAACP Louisiana State Conference  
NCJW Greater New Orleans Section  
Our Voice Nuestra Voz  
SPLC Action Fund  
Urban League of Louisiana  
Together Baton Rouge  
Together Louisiana  
Voters Organized to Educate  
Voice of the Experienced (VOTE)