CHAIRMAN STEFANSKI: Members, I'll call this joint committee meeting to order. I'm going to ask anybody in the crowd, if you have a cell phone, please silence it. If you would like to give testimony today, we will have a time when we're going to invite public testimony up, but please fill out a card before you do that so that we have you documented. With that said, I want to - we'll go ahead and call the roll then I'll give a welcome address. So, Ms. Rosie.

MS. ROSIE: Chairman Stefanski?

CHAIRMAN STEFANSKI: Present.

MS. ROSIE: Present. Vice Chairman Duplessis? Representative Bourriaque?

REPRESENTATIVE BOURRIAQUE: Here.

MS. ROSIE: Present. Representative Carter? Representative Deshotel?

REPRESENTATIVE DESHOTEL: Here.

MS. ROSIE: Present. Representative Farnum?

REPRESENTATIVE FARNUM: Here.

MS. ROSIE: Present. Representative Gadberry?

REPRESENTATIVE GADBERRY: Here.

MS. ROSIE: Present. Representative Hodges?

REPRESENTATIVE HODGES: Here.

MS. ROSIE: Present. Representative Horton?

Hearing Exhibit
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REPRESENTATIVE HORTON: Here.

MS. ROSIE: Present. Representative Ivey?

REPRESENTATIVE IVEY: Here.

MS. ROSIE: Present. Representative Jenkins?

REPRESENTATIVE JENKINS: Present.

MS. ROSIE: Present. Representative Johnson?

REPRESENTATIVE JOHNSON: Here.

MS. ROSIE: Present. Representative LaCombe? Representative Lyons?

REPRESENTATIVE LYONS: Present.

MS. ROSIE: Present. Representative Magee?

REPRESENTATIVE MAGEE: Present.

MS. ROSIE: Present. Representative Newell? Representative Thomas?

REPRESENTATIVE THOMAS: Here.

MS. ROSIE: Present. Representative White?

REPRESENTATIVE WHITE: Present.

MS. ROSIE: Present. The house has 14 members in a quorum.

CHAIRMAN STEFANSKI: I have a quorum. Now, I we'll have senate staff come up and call the senate rule.

CHAIRWOMAN HEWITT: Senator Hewitt?

SENATOR HEWITT: Present.

CHAIRWOMAN HEWITT: Present. Senator Milligan?

SENATOR MILLIGAN: Present.

CHAIRWOMAN HEWITT: Present. Senator Allen?

SENATOR ALLEN: Here.

CHAIRWOMAN HEWITT: Present. Senator Foil?

SENATOR FOIL: Here.

CHAIRWOMAN HEWITT: Present. Senator Harris?

SENATOR HARRIS: Here.

CHAIRWOMAN HEWITT: Present. Senator Price?

SENATOR PRICE: Here.

CHAIRWOMAN HEWITT: Present. Senator Reese?

SENATOR REESE: Here.

CHAIRWOMAN HEWITT: Present. Senator Trevor? And Senator Womack? That is seven in a quorum.

CHAIRMAN STEFANSKI: We have a quorum on both sides. I want to welcome everybody today. This is the first real official day of a long redistricting process that we're going to have. So, I'm excited to get started. Looking forward to the work. I know that both committees are and Chairwoman Hewitt is as well, and we're looking forward to getting the public input during this process and redrawing these lines, which is very, very important work. I do want to mention, we're still praying for and looking out for our neighbors that were victims of Hurricane Ida. There's still a lot of areas of Louisiana that have been

affected and we need to continue to support them, continue to help them recover back to 100%. It's going to be a long process, but we certainly don't want to forget them today. For people that are not able to join us today, you can of course, watch us online and all of the information that is going to be presented today is going to be on our website. You can access that by going to legis.la.gov, clicking on redistricting and all of that will be available there as well. So, welcome today. And with that said, I'm going to turn it over to Chairwoman Hewitt to get some welcoming address.

CHAIRWOMAN HEWITT: Thank you, Mr. Chairman. I also am very excited to get this process started and I want to acknowledge the staff from both committees. They have been working extremely hard to prepare us for this day and of course, the work ahead. So, thank you to our staff and to the members of the committee. We're going to be hooked at the hip a lot over these next few months. So, we appreciate your commitment to this process. It's a once every 10-year thing. And so, it's a big responsibility and an honor for us to be given the opportunity to do this work. We are very committed to this being a very open and transparent process. And as Chairman Stefanski mentioned, we'll

be posting lots of data on our website that will be available to the public. And as you'll see, as we go through the presentation, we have a number of public hearings scheduled to get your input throughout the process. And so, I look forward to it. It's a large task, but I think we're up to the challenge. And so, with that, Chairman Stefanski, I'll turn it back over to you and we'll get the show on the road.

CHAIRMAN STEFANSKI: Sounds like a plan. We did have members. We have two items in your folder that we're submitted prior to today. One is a resolution from the Town Council of Grand Isle requesting that they remain in House District 54, and that will be in the record. Also, we did have email testimony which was submitted on behalf of several groups by Ms. Victoria Winger as well as in your packet, and that'll be in the record as well. Members, what we're going to do is we're going to have several members of staff come to the table today to explain a lot of information.

[00:04:56]

We're going to be talking about apportionment, the 2020 census populations and population trends, data validation, population allocation and aggregation, redistricting terms, concepts and law,

redistricting criteria, malapportionment statistics and illustrative maps and then we're going to finish with Chairwoman Hewitt and I discussing the timeline that we're going to be operating under as we go forward into 2022 with the redistricting cycle. So, with that said, I'm going to go ahead and turn it over to House Staff, Ms. Patricia Lowrey-Dufour and she is going to begin this process for us. Thank you. Are you on? Yeah. What about now?

PATRICIA LOWREY-DUFOUR: Thank you, Mr. Chairman, and members. I'm Patricia Lowrey-Dufour on the Senior Legislative Analyst for the House and Governmental Affairs, entering into I believe my fourth redistricting cycle for the legislature. We're going to briefly hit on the method of equal proportion because the primary mandate behind the conduct of the decennial census is the apportionment of seats in the U.S. House of Representatives. Since the first census, since 1795, methods of apportionment have been used. Congress adopted the current method in 1941, the method of equal proportions. It is a method that assigned seats in the House of Representatives according to our priority value then they multiply the population of a state by the multiplier. First, each of the 50 states is given one seat in Congress

1 and then the next with the 51st state goes to the
2 seat with the highest priority value and becomes that
3 state's second seat and continues until all 435 seats
4 have been assigned. On April 26, 2021, the United
5 States Census Bureau released the apportionment data
6 following the 2020 census. This is the data that was
7 initially statutorily due to the states, the end of
8 December of 2020. But due to delays, they did not
9 release this data until April 26, 2021. The
10 Louisiana's apportionment population, which includes
11 3,711 military and civilian personnel and their
12 family members that are attributable to the State of
13 Louisiana, our apportionment population which is a
14 population that are number of congressional seats is
15 based upon is 4,661,468 people. Our resident
16 population is 4,657,757. This is the number that we
17 use to determine the ideal district in the various
18 state wide redistricting plans. On May 3, 2021, the
19 clerk of the United States House of Representatives
20 informed the governor that Louisiana was entitled to
21 six congressional seats in the 118th Congress and
22 until the next apportionment takes place.
23 CHAIRMAN STEFANSKI: And members, you do have
24 that certificate of entitlement in your packet,
25 showing that we are entitled to those six

representatives and that's going to be placed in the record as well.

PATRICIA LOWREY-DUFOUR: Thank you, members. Now, I'm going to turn it over to Dr. William Blair, who is our demographer to go into further detail on the apportionment data and the redistricting data for the State of Louisiana.

DR. WILLIAM BLAIR: Good morning, members. So, let's talk about -- well, this one. Let's talk about the apportion data first. The Census Bureau has released three separate pieces of data. One was the apportionment data that Patricia just mentioned. This is the national data at the state level by which we allocate our House of Representative members for congress. The second release, which was August 12, was the P.L. 94-171 data, which is the actual redistricting data, which Patricia also mentioned. That is in a raw format, which we have spent the better part of two weeks, drilling down, trying to give you all the information you require. And there has been a new release of that same P.L. 94-171 data that was released yesterday on the census website, which is a very user-friendly format so your constituents, members of the public, have much easier access to the sort of information that everybody

wants to see regarding redistricting. So, let's take a look at that data. On the slide, you see up there now, based on the population trends in this country, 13 states either gained or lost congressional seats due to the respective population changes.

[00:10:00]

Let's see a map of this. This is the graphical representation of that allocation of the 435 congressional districts; Texas gaining two. And this will look very familiar -- similar to the map you're going to see in a moment which shows you the population growth and decline in this country. So, what about our state level data? This is our 2020 resident data, the data where we use for redistricting. The state grew at a 2.74% rate that is lagging behind the country as a whole at 7.35%, and much farther behind the southern regional growth rate of 10.22%. The states you see listed under there are the what the census considers to be the southern region. Be aware that there's a wide disparity as well between the growth in the south as well as indicated by congressional districts being gained in Florida, North Carolina, Texas with two and West Virginia losing one. We all should say that Mississippi actually had a negative growth rate as

well, but did not lose a congressional district. Let's see map of this, and here it is. The growth and decline trends you see here continuing multi-decade level trend around this country's growth in the south east and the west generally, north east and central state declines and a new trend of California also beginning to lose population. Now, we often get questions about the accuracy of the Census Bureau's estimates which we received during the decade. So, every year, the Census will give us an estimate we think the population is going to be, and there's often some curiosity or concern about how accurate that is. And this slide here gives us some comfort that the data the Census Bureau is giving us every year is pretty close to what we actually get from our final true census count that we have to use. It's a bit more conservative, typically. I would always, in the last three decades, the estimate we get before the final census is within 1% of the true number. Now, let's talk about our demographic trends for Louisiana. Within that 2.74 growth rate, we have seen a continuation of some interstate population shifts and an increase in some change in the composition of our racial and ethnic categories within the state. Let's have a look at these changes. Now, I don't

expect you to be able to read this. The story of this slide is supposed to show you is that in the last 40 years, we have experienced very similar trends occurring in our state and that is -- let's not restart now. Northeast and Northwest, Northern Louisiana declines growth along the I-10 corridor and growth in our suburban, ex-urban areas in our state. So, while in stark relief, you can see our 2010 to 2020 data in the lower right-hand corner, looks tough, but just know that this is a 40-year trend that we experienced perhaps the worst of this particular decade. Let's have a closer at 2020. This is the raw number change and I think this is perhaps the most important map to look at as far as population growth because it's the raw number. It's actual physical gains or loss, which as you are well aware, when we redistrict, it will be on numbers, not on percentages. So, if you're orange or you are red, you've experienced fairly significant losses in numbers and obviously green, you've grown. Next slide is simply that fourth quadrant slide of our percentage growth, very similar but a little less instructive simply because it's by percentage.

[00:14:56]

Now, the next few slides are going to be parish and census place, gains and declines. Here's the top 12 population loss by our parishes. The next slide will be the top 10 -- I'm sorry, 12 gains in our parishes and then our largest 12 census places in 2020 ranked order. Now, let's look -- so if that's the population, let's see first -- let's have a look at the demographic changes within that population. This is the change in the general categories of race and ethnicity from 2010 to 2020, according to the census. I think it was interesting thing is that the bottom row where you can see that there has been around a 6% decline in white population in the state, followed by growth in all the other categories of race and ethnicity, being Hispanic, in the state. This is a general trend we're seeing around the country of essentially more diversity in our population at large in most of our states. Now, if you look at the map in year 2020 district, it may look a little odd. That's because the Census makes extensive changes to our state's geography every decade. This is essentially a quality control and accuracy program the Census Bureau goes through. They realign our water features, our bio use, our rivers, our roads, our interstates, all in an attempt to make

them look more accurate. That's all they actually look on the ground. But it can also create a little bit confusion of how things are supposed to look. They also do a quality control, just have some quality control methodology where they have reduced our census blocks, removing extraneous zero population census blocks which weren't needed. And then, some cases adding blocks to more populated areas to give us more accurate population data and smaller number data. Now, all these changes necessitate a review and validation which your staff has accomplished. Now, this is especially true when we created the malapportionment plans, which we will soon get to, where we take your districts at the census block level and try and match them as close as possible, which isn't always absolutely possible simply because of those geographic changes that the Census has made. And finally, our validation also includes some adjustments to our precinct level, VTD level, geography, and the need to reconcile that geography with the Secretary of State's Voter Registration File. And all of that information, all of those changes are available on the website that chairman just mentioned and it's up there right now. So, the public has complete transparency to download

and use the data that this body will be using during the redistricting cycle. That's it. Any questions, members? No? None? Yeah? We do you have a question? Which one? Can you push a button? There we go. Row four. All right. Representative Gadberry.

REPRESENTATIVE GADBERRY: So, the precincts will be on that website?

DR. WILLIAM BLAIR: Yes, sir.

REPRESENTATIVE GADBERRY: Is there a digital map of that that we can manipulate?

CHAIRWOMAN HEWITT: No.

DR. WILLIAM BLAIR: No. No map itself. It is the shapefile data, which is the sort of ubiquitous data file that all GIS systems can use to redraw -- to draw districts. Also includes block equivalency files which is the identification of the precinct to the actual census block that compose it so that anybody wanting to be able to use the data we're going to use has that ability to take that data off that website and match it to what we're doing.

[00:20:08]

REPRESENTATIVE GADBERRY: So, we won't physically be able to move a line if it needs to be moved because --

[OVERLAY]

REPRESENTATIVE GADBERRY: My district is going to lose some, so another precinct is going to pick up some of my precincts.

PATRICIA LOWREY-DUFOUR: Representative Gadberry, I encourage you to schedule an appointment with your staff to work with us on that. And, members, as you know, there are multiple open-source free redistricting software available online to any person, yourself included, but the public as well. We have listed -- I think it was five parishes bill that we had precinct differences. We've listed those on our website. They're very close except for I think in one jurisdiction very close to what the Census Bureau had in their VTD file. So, obviously, if someone is using that and wishes to submit a plan, that would be something that we would look at and advise those people of that issue. But that is -- we are very -- as Dr. Blair mentioned, we posted that as soon as we got that validated. We made it available to the public so that they would have access to that data and would understand where those differences between our validated data and the data released by the Census Bureau where those were. Okay?

REPRESENTATIVE GADBERRY: So, those shape files are current districts, not modified districts?

PATRICIA LOWREY-DUFOUR: Those shape files are current precincts.

REPRESENTATIVE GADBERRY: Current precincts?

PATRICIA LOWREY-DUFOUR: Current precincts, not districts, so they're going to be current precincts.

REPRESENTATIVE GADBERRY: So, where are the current districts at? Are they on that shape file? No?

PATRICIA LOWREY-DUFOUR: They're not on the shape file. We can certainly post a block equivalency file of all the current districts on our website.

DR. WILLIAM BLAIR: Absolutely.

PATRICIA LOWREY-DUFOUR: If that's something that you all wish to do, we can certainly do that.

REPRESENTATIVE GADBERRY: Okay, I'll get way.

CHAIRMAN STEFANSKI: Thank you, Representative.

PATRICIA LOWREY-DUFOUR: Okay. We can do shape files and block equivalencies.

CHAIRMAN STEFANSKI: Thank you, Representative Gadberry. For questioning, Representative Jenkins.

REP. SAM JENKINS: All right. Thank you, Mr. Chairman. Conducting the census was a very bumpy road this time around although any remedies for anyone who may feel as though an area was undercounted at this stage.

PATRICIA LOWREY-DUFOUR: Representative Jenkins, the census bureau will not change the redistricting data file. However, as you know, the census data is used for multiple purposes including funding, which obviously for your local government is very important. The Census Bureau does engage in a Count Question Resolution Program. I'll be happy to send you information regarding when -- the deadlines for that and the process. We can certainly send that information to you so that you can share that with your local jurisdictions because we do know that there are some local jurisdictions who do feel that way because of the challenges faced in the census both through when the timing was and natural disasters and health emergencies as well. So, we can certainly send that information to you.

REPRESENTATIVE JENKINS: What was the term again?

PATRICIA LOWREY-DUFOUR: It's the Count Question Resolution Program. The Census Bureau does that following each census. They released deadlines for that, I believe, in May and so I'm happy to share that information with anyone who wishes to get that information so they can share that with their local jurisdictions because again it will affect funding through the decade, but it will not any change to the

data any count question that is resolved by the Census Bureau will not affect the redistricting data file. The Census Bureau has been very clear about that.

REPRESENTATIVE JENKINS: All right, thank you. Thank you, Mr. Chairman.

CHAIRMAN STEFANSKI: Thank you, Representative Jenkins. For questioning, Representative Thomas.

REP. POLLY THOMAS: Thank you, Mr. Chair. Could you please define census block?

DR. WILLIAM BLAIR: A census block is the smallest geographic area there are population counts on. It nests up to our precincts to census block groups to census tracts to parishes to the state.

REPRESENTATIVE THOMAS: Thank you.

DR. WILLIAM BLAIR: Yes, ma'am.

CHAIRMAN STEFANSKI: Thank you, Representative Thomas. All right. Ms. Lowrey, we continue.

PATRICIA LOWREY-DUFOUR: Yes, sir. Now, members, we're going to move to population allocation and aggregation and I'm going to encourage you in your packets, there's going to be a document for you all to review as to how we allocated that population and aggregated that population.

[00:25:01]

So, you might want to pull that and have that handy as I'm going through the next slide.

CHAIRMAN STEFANSKI: And, members, this is titled Allocation of 2020 Census Population for Database and Reporting.

PATRICIA LOWREY-DUFOUR: So, members, the Census Bureau reports the PL 94-171 population data which is the redistricting level data in hundreds of fields. The fields include categories of total population and voting age population which are those persons 18 and over. Each of these categories contains population data by six-single race responses that are white black or African-American, American-Indian, Alaska Native, Asian, Native Hawaiian and other Pacific Islander and some other race. Further, a person may report to be any combination of races up to all six and there are fields for each possible combination. In addition, a person may respond being of Hispanic or Latino origin and there are fields to reflect each of those possible combinations as well. So, I'm going to refer to this document to you to tell you how we tried to simplify all of those fields for you and aggregate that population. Okay, so we develop some short names, one, because obviously we have limited space on a piece of paper for the racial and ethnic

population and voting age population categories that are reported in the PL 94-171 data for standard reports that you all will see through this process and you all do have the reports that were emailed to you all about the malapportionment in your packets and those are also available online for any member of the public who wants to view those which will include these short names on there. The various population categories are tot. pop., tot. white, tot. black, tot. Asian, tot. American-Indian, tot. other, tot. Hispanic and then the same categories for the voting age population using the phrase VAP, voting age population. Consistent with prior redistricting cycles, the legislature has allocated the population and the voting age population from the redistricting data as follows: Tot. white will include all single race white responses. Tot. black will include all persons who reported being single-race black as well as any multi-race response of which one of the responses was black or African-American. Tot. Asian will include all single-race Asian and any multi-race Asian response excluding where one of the responses was black because we allocated those to the total black category. Total American-Indian will include all persons who responded single race American-Indian

or Alaska Native and any person who had a multi-race response of American-Indian or Alaska Native excluding those who reported black as one of the responses that was allocated to the total black category or Asian as one of the responses that was reported to the Asian category as described above. Tot. other is going to include all people who responded as some other race in addition to the Hawaiian and Pacific Islander category excluding any black Asian or American-Indian response which was allocated as I've described above in that same hierarchy. If you go across the page and do tot. white, tot. black, tot. Asian, tot. American-Indian and tot. other, that will equal the total population of the area. Now, because the Hispanic or Latino origin is an ethnicity, if you would add that in, you would exceed the total population, so that is a separate category and includes all persons who responded meaning of Hispanic or Latino origin and the voting age population was allocated in the exact same manner.

CHAIRMAN STEFANSKI: And my understanding is this is consistent with what we've done in Louisiana in the past, correct?

PATRICIA LOWREY-DUFOUR: The past two decades, yes, sir.

CHAIRMAN STEFANSKI: Past two decades. Members, this document, which I hope you've all had an opportunity to look at, I'm going to propose that we make a motion to adopt this. So, I do want to open it up if we have any questions from Ms. Lowrey, now is the time to ask them if we have some more discussion, please push your button. If not, then I'm going to make a motion that we adopt this allocation method. Seeing no questions, I'm going to move that we adopt this allocation method. Is there any objection? Seeing no objection, it is adopted. I'm then going to pass it over to Chairwoman Hewitt.

[00:29:57]

CHAIRWOMAN HEWITT: Thank you, Mr. Chairman. Similarly, I will make a motion that we adopt this document and this allocation as it has been presented. I see no questions either, Mr. Chairman. Then we'll move to adopt -- I'll move to adopt.

CHAIRMAN STEFANSKI: Thank you, Chairwoman Hewitt. Ms. Lowrey.

PATRICIA LOWREY-DUFOUR: Okay, members, I'm now going to exit the table and turn it over to J.W. Wiley, the assistant secretary of the senate, to

1 begin the conversation regarding redistricting terms,
2 concepts and the law.
3 J.W. WILEY: Good morning, members. As Trish
4 said, I'm J.W. Wiley with the senate. What we're
5 going to start off today is kind of an overview of
6 the terms, concepts and law and we'll get further
7 into it as we go along. What is redistricting?
8 Apportionment, reapportionment, districting,
9 redistricting. While these terms are all used
10 interchangeably they actually have two distinct
11 meanings. As you can see from the slide,
12 apportionment is the process of allocating seats in
13 the legislature or any other type of body. For
14 example, with congress, we have been entitled to six
15 seats. So, once we know that, we begin the process of
16 districting or redistricting which is the process of
17 drawing the lines for each of those districts. In the
18 districts, as you all know, are the geographical
19 territories from which the officials are elected. Why
20 do we redistrict? Well, in Louisiana, with the
21 legislature, we're required to by Article 3 Section 6
22 of the Constitution. In that article, it sets out our
23 duties and our deadlines for this process. One of
24 those deadlines is December 31 of 2022, that's when
25 we must complete the process for the legislature.

1 There's other various statutes out there involving
2 local district bodies such as school boards, city
3 councils and police juris which have to go through a
4 similar process. The other thing, as we start this
5 process of redistricting, there are two overarching
6 general legal principles that we have to keep in
7 mind: Equal protection and associated with that is
8 equal population and also the Voting Rights Act of
9 1965. Other staff members will delve more deeply into
10 both of these concepts in just a few minutes. Now,
11 who gets redistrict or redistricted? The legislature
12 is charged with that duty and we will be looking at
13 the house and the senate, congress, public service
14 commission, the state board of elementary and
15 secondary education and also the courts. Just like
16 with any other piece of legislation that we have, the
17 first process is going to be a bill that will be
18 enacted just like any other legislation that you all
19 do during regular session or special session. It will
20 have the same constitutional procedures and
21 requirements associated with those bills. Lastly, in
22 addition to the federal law that we mentioned
23 earlier, there's also some constitutional provisions
24 and legislature that we have to consider as well. One
25 of these is Article 3 Section 1 which requires

single-member districts. Section 3 which provides a maximum number of members of 39 senators and 105 representatives and then like I said before, Section 6 which says that the legislature must be redistricted by December 31 of 2022. In addition to that, we must use the senate population data that has been provided to us, that PL 94-171 data. And with that, I'll turn it over to Lori Lucas with the house.

CHAIRMAN STEFANSKI: Ms. Lucas.

LORI LUCAS: Good morning, members. My name is Lori Lucas. I'm the attorney for House and Governmental Affairs. Today, I will be discussing equal population for you guys. The starting point of the one-person one-vote concept is the equal protection clause of the 14th Amendment which states that no state shall deny to any person equal protection of the laws. The concept was further developed through a series of court cases in the 1960s in which courts held that there must be substantially equal legislative representation for all citizens of a state. Therefore, state districts must -- states must have legislative districts with roughly equal population. Population equality is measured by determining the ideal population.

[00:35:04]

And the way that you determine that is to take the total population of an area being redistrict and divided by the number of districts which will give you that ideal population for each district. The deviation is the amount by which a state's population differs from the ideal. And we'll discuss a little bit about deviation. The standards for deviation are different for the states and state districts and congressional districts. Congressional districts must be as nearly equal in population as practicable. This means that their deviation must be as close to zero as possible. If a state does have any deviation, they must provide a legally acceptable non-discriminatory justification for that congressional deviation. State districts must be as substantially equal as possible and there is a little bit of wiggle room when determining the populations for those state districts. There's an overall deviation of 10% or less that is generally not enough to make a prima facie case of discrimination, but this is not a safe harbor, meaning that states, although they may be under that 10% overall deviation, does not mean that a lawsuit cannot be brought stating that the deviation is not fair or discriminatory. Therefore, states must be able to provide a justification

1 showing significant or rational state interest. Here
2 in Louisiana, we try to keep that deviation below
3 plus or minus 5% and always have any deviation in our
4 plans supported by a rational state interest. Some of
5 these interests that have been determined by the
6 court are allowing representation to political
7 subdivisions, compactness, preserving cores of prior
8 districts and avoiding contest between incumbents.
9 When redistricting equal population is the overriding
10 standard or the overriding interest when we create
11 these districts, it is very important that each
12 district has substantially equal population. In the
13 one-person one-vote standard does not apply to
14 judicial districts, but judicial districts do have to
15 abide by the Voting Rights Act of 1965. And Ms.
16 Yolanda Dixon, the secretary of the senate, will
17 discuss that further.
18 YOLANDA DIXON: Good morning, members. So, there
19 are a couple of other legal considerations that we
20 have to be mindful of as we go through any
21 redistricting process. They are of course the 14th
22 and the 15th Amendments, the Voting Rights Act of
23 1965 and issues with regard to racial gerrymandering.
24 As it has been stated before, equal protection clause
25 of the 14th Amendment prohibits the states from

1 purposefully discriminating between individuals on
2 the basis of race. And also, the 15th Amendment
3 declares that the right of citizens to vote shall not
4 be denied or bridged on account of race, color or
5 previous condition of servitude. Now, because the
6 15th Amendment when passed was ineffectual for a
7 large time with actually curbing instances of voter
8 discrimination, the Voting Rights Act was enacted in
9 1965 as a means to ensure that all citizens would
10 have the right to vote regardless of race, color or
11 in addition, membership in a language minority.
12 [00:39:48]
13 In section 2 of the VRA, it was later amended and
14 clarified that a violation of Section 2 would be
15 established if based on the totality of the
16 circumstances, it is shown that the election
17 processes are not equally open to participation by
18 members of the protected class, and that its members
19 have less of an opportunity than other members of the
20 electorate to participate in the political process
21 and elect representatives of their choice. In the
22 seminal case of Thornburg versus Jingles, the court
23 imposed three preconditions that a plaintiff has to
24 prove before proceeding to a detailed analysis of a
25 redistricting plan. First, the minority population

has to be sufficiently large and geographically compact to constitute a majority in a single-member district. That population also needs to be politically cohesive and that it has to be shown in the absence of special circumstances. Block voting by the majority would defeat the minority's preferred candidate. Once that is taken, after the preconditions are met, the court would then proceed to look at a variety of other specific circumstances which have been called the objective senate factors to determine the totality of the circumstances. And there's a list of those circumstances but not all of them have to be present in order to determine that there would be a violation. Next slide. With regard to racial gerrymandering, when drawing a minority district --

CHAIRMAN STEFANSKI: Madam, just real quick. We members in your packet, we recently received guidance from the DOJ regarding Section 2 that was actually published on September the 1st. So, you do have that in your packets and it will be on the record. Thank you. Sorry about that.

YOLANDA DIXON: Thank you, lots of reading material. So, when drawing the minority district to avoid a Section 2 violation, the line drawer has to

1 take care not to create a racial gerrymandering. And
2 generally, gerrymandering occurs when a district is
3 drawn to favor one political party, one person or one
4 constituency over another. And courts have said that
5 while the legislature is always aware of race just as
6 they are of any other demographic factors such as
7 religion or economic status, that race consciousness
8 awareness is not necessarily per se impermissible
9 race discrimination. So, race can be considered.
10 However, race cannot be the predominant factor to
11 consider when drawing a district. So, critical issues
12 here would be the shape of the district, the regard
13 or disregard of traditional districting principles
14 and the motivations that are in driving any line
15 drawing decisions. We would hope that when a majority
16 minority district is created, due care would be given
17 to traditional districting principles. Otherwise,
18 that district would be subject to strict scrutiny by
19 the court. To avoid the pitfalls of gerrymandering,
20 beware of bizarre shapes, draw districts that are
21 reasonably compact, do not make your race your
22 dominant motive in creating districts, and follow the
23 traditional districting principles. Now, the
24 traditional districting principles which were first
25 mentioned in Shaw versus Reno and the progeny of

cases that followed that are compactness, contiguity, respect for political subdivisions, respect for communities of interest, maintaining traditional boundaries, maintaining core districts, protecting incumbents from contest with each other. These districting principles are not found in the U.S. Constitution mentioned in cases, of course, but are typically found in either state constitutions enacted by state laws, resolutions or committee rules. For the last two decades, we have done committee rules, you know, of course, that this last regular session, we adapted a joint rule which sets forth the traditional districting principles on which we will rely. Now, because a racial gerrymandering is subject to strict scrutiny, there are laws which do that presumptively unconstitutional, and any law that you confect has to be narrowly tailored to serve that compelling governmental interest. What is that compelling governmental interest?

[00:44:58]

And courts have determined that remedying past discrimination or avoiding a violation of Section 2 among other things would be one of those compelling governmental interest. And so, if that as present, then next goes to making sure that the law is

narrowly tailored to serve that compelling state interest and so that any district that we draw that might be considered, would need to be narrowly tailored to comport with what we stated interest is. And one thing to mention that as we're doing this, we need to make sure that we both put in the record and address what those interests are at the time that we are confecting any plan. And I mentioned the redistricting criteria. Patricia is now going to go over those redistricting criteria for us, so that we make sure that we stay within our boundary.

PATRICIA LOWREY-DUFOUR: Hi, members. Patricia Lowrey-Dufour again, House and Governmental Affairs committee staff. I'm going to review the redistricting criteria that you all adapted during the last regular session of the legislature that was contained in ACR #90 and is now Joint Rule #21of the joint rules of the senate and the House of Representatives. I've organized these slides kind of in descending order. I've got criteria that apply to every redistricting plan that you may receive. Then it goes down and talk about criteria that applies to most plans and then a few plans. So, just keep in mind as we're discussing it, I'll preface everything by either all redistricting plans or I'll specify the

1 plan type that the criterion applies to. So, first
2 thing to know, initial under cover, all redistricting
3 plans must comply with the equal protection clause of
4 the 14th Amendment and the 15th Amendment to the
5 Constitution in Section 2 of the Voting Rights Act,
6 as well as any other applicable federal or state law.
7 All redistricting plans must be composed of
8 contiguous geography within a district. All
9 redistricting plans must to the extent, practicable,
10 contain whole election precincts. We use the term
11 VTD, which is the census tabulation term for a
12 precinct. If a precinct must be divided, it shall be
13 divided into as few districts as possible using a
14 visible census tabulation boundary. And that is key
15 members, because tabulation boundaries are how the
16 population is reported and that's the only way to get
17 an accurate population count, is if they use a
18 tabulation boundary. All redistricting plans have to
19 respect the boundaries of parishes, municipalities
20 and other political subdivisions, the natural
21 geography of the state to the extent practicable.
22 However, this criterion is subordinate to and shall
23 not be used to undermine the maintenance of
24 communities of interest within the same district to
25 the extent practicable. All redistricting plans have

to utilize the most recent PL94171 data released by the United States Bureau of the Census as it is validated through the date of verification program of the house and the senate. And also, if a redistricting plan is submitted by a member of the public, it must be submitted electronically in a comma delimited block equivalency file. Now, each redistricting plan for the house, the senate, PSC, BESE, congress, the supreme court must be a whole plan that assigns all the geography of the state. And I will tell you members, it is so easy to draw one perfect district. But when you are in charge with drawing districts that include every piece of geography in the state, this is key. So, just keep in mind all redistricting plans for the house, senate, PSC, BESE, congress and the supreme court must be a whole plan assigning all the geography. Each redistricting plan for the house, senate, PSC and BESE shall contain single-member districts, contain districts that are substantially equal in population within at least a plus or minus five of the ideal and give due consideration to traditional district alignments to the extent that is practicable. And then finally, each redistricting plan for congress must contain single member districts and contain

1 districts with as nearly equal population to the
2 ideal as possible.
3 [00:50:00]
4 So, in order to help you all evaluate whether or
5 not a plan submission meets the criteria, we've
6 developed a plan evaluation form, which you have in
7 your packets, members, and it is objective criteria
8 that we can put on one page of a submission to assist
9 you all in evaluating whether or not a plan meets the
10 criteria that you all have adapted. It includes
11 questions like; "Does it assign all of the geography
12 of the state if it's a house, senate, PSC, BESE or
13 congressional or supreme court plan? Is each district
14 composed of contiguous geography? Is it composed of
15 single-member districts? What's the number of
16 districts if it's a house or senate plan and that it
17 has a less than the current number?" Because as you
18 know, we are currently at the maximum. All the other
19 plan types have a set number of districts but the
20 house and the senate, we are at the maximum. "What's
21 the overall deviation of the plan? How many
22 majority/minority districts are contained, as well as
23 some other information regarding that. How many
24 parishes are split? How many municipalities are
25 split? How man precincts are split? If they're split,

are they split among census tabulation boundaries?" And then a listing of that and then other observations about the plan that might be relevant to your evaluation of a plan.

CHAIRMAN STEFANSKI: Members, similar to earlier, I'm going to ask that we adapt this evaluation form. And so, now is the time to ask staff any questions that you might have, please look that over, any further discussion. But if I don't see the board light up, then I'm going to go ahead and move to adapt this evaluation form. Members for the -- I do see a question. We have Representative Jenkins.

REPRESENTATIVE JENKINS: Okay. Thank you, Mr. Chairman. So, I just want to get a good explanation. So, we adapt this evaluation form, I mean this doesn't limit other questions that may come up along the way concerning a plan as may present --

PATRICIA LOWREY-DUFOUR: Absolutely not. And in fact, if you all have a question that you all would like included on the form, we would very much appreciate hearing from you. But this was just a basic way for us to objectively show you all information about a plan submission so that you all can look at it and make a determination yourself whether or not you believe it meets the criteria that

you all have adapted and then delve further into the plan if you wish.

REPRESENTATIVE JENKINS: Thank you, Mr. Chairman.

CHAIRMAN STEFANSKI: Thank you, Representative Jenkins. Members, I see no more questions. I'm going to go ahead and move for the house side that we adapt this evaluation form. Is there any objection? Seem no objection. It is adapted. Now, I'm going to pass it over to Chairwoman Hewitt.

CHAIRWOMAN HEWITT: Thank you, Mr. Chairman. I will also move that we adapt the plan evaluation form. Any objections from the senators? Seeing none, then I move that we adapt that as well.

CHAIRMAN STEFANSKI: It is adapted. Ms. Lowrey?

PATRICIA LOWREY-DUFOUR: Members, I'm going to turn it over to J.W. Wiley, assistant secretary of the senate to begin the discussion of the mal-apportionment data.

J.W. WILEY: Mal-apportionment data for BESE is -- here we go. This right here is a graphic that shows you the eight current districts as they exist now. In 2010, the BESE ideal population was 566,671. And 10 years later, now, we're a little over 582,000. So, there was a change of roughly 15,500 of an increase. This graphic shows the districts, their difference in

population from the ideal and their percent deviation from the ideal. This right here is a color coordinated coded map showing the percent deviation from ideal. And if you look at the bottom left, there's a -- the colors and the percent ranges, so you can tell from that, like they said earlier, the red and the green. Okay. For PSC, this is the current map reflecting the five PSC districts. This right here shows you the population changes for the PSC districts. In 2010, we had roughly 907,000 people. In 2020, the population is based of 931,551, so an increase of roughly 25,000.

[00:55:00]

This graphic right here shows you all the districts, their difference in population from the ideal and their percent deviation from that ideal population. Unlike with the other graphic, this is the graphic that's color coordinated, showing your percent deviation from the ideal and like the other one had the -- bottom, yeah. Here we go. The color coordinated key at the bottom left showing you the red, the different colors and what they stand for.

PATRICIA LOWREY-DUFOUR: Okay, members. Now, we're going to talk about the mal-apportionment of congress. These are the current congressional

1 districts. When we drew these districts in 2010, they
2 had an ideal population of 755,562 people. They were
3 currently in accordance with the 2020 census have a
4 new ideal population of 776,292 or an increase of
5 20,730 per district. With congress, as you know,
6 members, there is no plus or minus 5% that is
7 allowable. They need to be as close to perfect as
8 possible. Here is the current mal-apportionment chart
9 illustrating how not perfect our districts are for
10 congress. As you can see here, District 1 grew too
11 much. District 2, while it did grow, it didn't grow
12 quite enough, but it's very close. District 3 grew
13 substantially. District 4 and 5 lost tremendously.
14 And District 6 grew the most. When we drew these
15 districts following the 2010 census, they had a 0.03%
16 deviation or 162 people between the highest and the
17 lowest district. As you can see, that has changed
18 substantially over the decade. This map reflects that
19 mal-apportionment of congress. Supreme court, okay.
20 As you heard earlier, the one man, one vote
21 requirement does not really apply to the courts. So,
22 mal-apportionment in the supreme court may not be the
23 correct term. However, we're going to use it for
24 consistency when we're discussing the supreme court
25 districts. This is the current configuration of the

1 districts' members. We drew these districts in 1997
2 based on the 1990 census. When we drew this, the
3 total population of the state was 4,219,973. As you
4 know, the state's population has changed
5 substantially since then as well as there have been
6 significant population shifts within the state. In
7 1997, when we drew these districts, the ideal
8 district population was 602,853, and they were drawn
9 substantially equal in population at that time. If we
10 had drawn these districts in 2010, the ideal
11 population would be 647,624. We did not draw them.
12 And then if we draw them in this decade, the ideal
13 population would be 665,393 or a rough increase from
14 the last decade of 17,769. Here is a chart showing
15 each supreme court district and their deviation from
16 what the new ideal would be. As you can again see, it
17 is quite substantial. And again, when we drew these
18 districts in 1997, the relative overall range of the
19 districts was 5.31% from a negative 2.58% plus 2.73%
20 from the ideal. Here's a map illustrating the
21 population changes in the supreme court district over
22 the last decade. Okay. Now, I'm going to turn it over
23 to Yolanda Dixon, secretary of the senate to discuss
24 the mal-apportionment of the senate.
25

YOLANDA DIXON: Okay. Here is a map of the current senate districts as they're currently configured. As we have talked about earlier, in 2010, our ideal senate population was 116,240.

[01:00:08]

The ideal population for 2020 has increased about 3,000 persons for a new ideal population of 119,429. So, you can see that currently, we have 10 Senate districts that are above the deviation, 14 that are within, and 15 that are currently below the deviation. And this is our map, our current map showing the districts that are out of range or within range, they are with the red, showing the most loss, the green showing the most gains, and the yellow that kind of have remained within -- maintain their population status. And, now, Patricia will talk about the House of Representative.

PATRICIA LOWREY-DUFOUR: Okay, members, before you, you see the current configuration of the House of Representatives district. This map should look very familiar to at least the House and Governmental Affairs members. The next slide, we've got the 2010 house ideal population. So, when we drew those districts, the ideal population was 43,174. In 2020, our new ideal will be 44,359 or an increase of 1,185

per district. We have 29 house districts that are above the deviation, the allowable deviation for the house. We have 39 districts that are within the acceptable deviation, and we have 37 districts which are below the acceptable deviation. And as you see here, members, here is a graph or a map showing the deviations from the ideal district. It will not look dissimilar, members, from the population shift change map that Dr. Blair discussed earlier. And as you can see from this map, the chances of any district remaining untouched by redistricting is probably zero, so just be aware. I want you to be aware that redistricting is all about change. And as you can see, if you look to your left and your right for your neighboring districts, you can see that there will have to be substantial changes made in the districts. Now, I'm going to turn it back over to the Chairs to discuss.

CHAIRMAN STEFANSKI: Members, that's about the end of our staff's presentation. So, if anyone has any questions for staff, now is the appropriate time to ask those questions. You do? Vice Chair Duplessis for a question.

VICE CHAIR DUPLESSIS: Thank you, Mr. Chairman. If staff could just briefly talk about appellate

1 courts, and is that just constitutionally, not
2 something that we deal with? Would you - mind just to
3 speak to appellate courts?
4 PATRICIA LOWREY-DUFOUR: Thank you, Vice Chairman
5 Duplessis. The legislature is given the
6 constitutional authority to redraw the courts from
7 the supreme court, to the appellate courts, to the
8 district courts, to the city courts, the family
9 courts, the juvenile court, and even the justices of
10 the peace, that power vests in the legislature.
11 Again, any change to those districts would have to be
12 enacted by law. Now, some changes to the court do
13 require two-thirds vote. Some changes, if you want to
14 change certain numbers, as you may recall from this
15 last session, will require Constitutional Amendment.
16 It depends on how you wish to change the districts.
17 However, we can certainly -- if the legislature has
18 the authority to redraw the appellate courts. And as
19 you know, for the for the Courts of Appeal, you have
20 the circuits. Within each circuit, you have three
21 districts. Some of those districts within the
22 circuits are divided into election sections. So, it
23 really just depends on which court you're talking
24 about or questioning, but that's the basic structure.
25 VICE CHAIR DUPLESSIS: Thank you. Thank you.

PATRICIA LOWREY-DUFOUR: You're welcome.

CHAIRMAN STEFANSKI: Thank you, Mr. Vice Chair. Question from -- I don't know who it is. I could see -- Bourriaque? Is it Bourriaque? Representative Gadberry, sorry. I can't see.

REPRESENTATIVE GADBERRY: Going back to this evaluation forum you discussed.

PATRICIA LOWREY-DUFOUR: Yes, sir.

REPRESENTATIVE GADBERRY: My understanding, any citizen can propose a map.

[01:05:00]

PATRICIA LOWREY-DUFOUR: Any person may submit a map to you all for consideration, as long as they do so in a block equivalency file. We would also encourage them to submit shapefiles, maps, and reasons why they made the decisions they made with - you know, the choices that they made, so that it would enable you all to truly evaluate those plans. Yes, sir.

REPRESENTATIVE GADBERRY: That was my next question. If we don't have digitized maps, how would we submit?

PATRICIA LOWREY-DUFOUR: So, I will tell that before --

REPRESENTATIVE GADBERRY: How do we pull that off?

PATRICIA LOWREY-DUFOUR: Before you all adopted the criteria, we explored several of these open-sourced free redistricting software. The most common and easiest for people to do was this block equivalency file. We have the capability to import that, and so that's why in the redistricting criteria that you all adopted, that was the standard for people to submit plans to you all, because we can import these plans into our database if they submit that block equivalency file.

REPRESENTATIVE GADBERRY: Do they contain geographic features?

PATRICIA LOWREY-DUFOUR: The block equivalency files? No.

REPRESENTATIVE GADBERRY: So, do we have a map with geographic --

PATRICIA LOWREY-DUFOUR: We would be able to produce a map based on that block equivalency file. So, the blocks, right, as we discussed earlier, the Census Bureau has these geographies, and we have the TIGER file, the Topographically Integrated Geographic Encoding and Referencing file, okay? So, the TIGER file has the census blocks in it. It is the lowest

form of population tabulation. So, it's a geographic -- it's an area of geography that is bound by specific features, okay? When they submit that block equivalency file to the legislature, that is something that we can import and produce reports, maps, that kind of thing for you all's evaluation.

REPRESENTATIVE GADBERRY: So, I guess I'm trying to relate it to what I --

PATRICIA LOWREY-DUFOUR: I can't wait to evaluate one of yours, Representative Gadberry.

REPRESENTATIVE GADBERRY: -- to figure out on a daily basis what I do with maps, could I pull up a GIS map and then import this block into that GIS map?

PATRICIA LOWREY-DUFOUR: You should be able to. If you have the TIGER file as the geographic base, you should be able to.

REPRESENTATIVE GADBERRY: Okay.

PATRICIA LOWREY-DUFOUR: Okay.

REPRESENTATIVE GADBERRY: Thank you.

PATRICIA LOWREY-DUFOUR: And you can put -- those things they are available on the Census Bureau's website. Those were actually released prior to any census numbers. The 2020 TIGER file was released.

CHAIRMAN STEFANSKI: Thank you, Representative Gadberry. Thank you, Ms. Lowrey. Members, that does

clear the board. Next, if we -- can we put up the timeline?

PATRICIA LOWREY-DUFOUR: Yes, sir.

CHAIRMAN STEFANSKI: Okay. So, both for members and for the members of the public, we have come up with a timeline to do what we like to call our road show. Public participation is essential in this process in order to understand what the localities want, and what the citizens of Louisiana want. And our effort to accomplish that in the best way possible is to go around the state, physically, and hear from the constituents and the public in those areas. And so, we have plotted a calendar out, starting -- really starting today but continuing on October the 20th, going all the way through January the 20th, around the state, in an effort to do that. We were intentional about the times we chose. You'll notice almost all of the meetings are 5:30 to 8:30, so that we can get as much public participation as possible. We were intentional about starting at a time to where people had an opportunity to view this data. We just got the easier to use format yesterday, released by the census, so we want an opportunity for the public to be able to get accustomed with that, look, dig deep into this information and give us your

suggestions on what you would like these maps to look like. And I'm looking forward to doing that. I would ask that you share this information, everyone shares this information with not only their constituents, but the public, share it with your neighbors and friends. We want as much participation as possible. We want as much public input as possible, and I know both, I and Chairwoman Hewitt are looking forward to traveling the state and hearing from the public. With that said, I'm going to go ahead and turn it over to Chairwoman Hewitt to discuss that further.

[01:10:00]

CHAIRWOMAN HEWITT: Thank you, Mr. Chairman. Just to add to what the Chairman said, this is a listening session for us. So, these public hearings, we will be there to listen as a joint committee. So, first of all, I would encourage all of our committee members to make plans to attend as many of these as possible. To other members that are watching this, we encourage you to attend the roadshow or the hearing in your area, and to encourage others to be there, so we want great public participation. We would like to hear from local elected officials in terms of how they would like their area to be represented. And so, we will be listening and taking input before we really

1 work to include that input into any kind of proposed
2 maps that will be at the end of the process. And so,
3 we look forward to it, and it's only going to be
4 valuable if we have great participation from the
5 public. So, we have about a month before our first
6 one in Monroe, on October the 20th, so, I look
7 forward to that.
8 CHAIRMAN STEFANSKI: Absolutely. Just to add, if
9 you notice the locations we selected for this, we
10 tried to choose not only the large municipalities
11 throughout the state, but we also tried to choose
12 areas that have changed significantly, according to
13 the census data, and we also made some adjustments
14 for, obviously, our friends in the Greater Lafourche,
15 Terrebonne area, been hit hard. We tried to push
16 those dates back, trying to push the Orleans dates
17 back, give those areas an opportunity to recover, so
18 that when we go to these venues, there's going to be
19 a lot of participation, and they're back to some
20 sense of normalcy. Ultimately, culminating in what
21 leadership is circling as an early 2022 special
22 session, in order to do the actual redistricting. And
23 so, with that said, we look forward to seeing
24 everybody on the roadshow. And if we want to flip to
25 the next slide. The information for the public, any

information throughout this process can be found at redist.legis.la.gov. Easier way to do it is as well is to go the main page, legis.la.gov. Click on redistricting. All the information, everything we discussed today, everything that was put into the record is going to be uploaded there. The public will have an opportunity to access that. Members, will have an opportunity to access that as well. With that said, members, the next agenda item is public comment. I don't have any cards right now. If anyone from the public would like to give testimony, we're going to clear the table and ask that would you please fill out a card and come down. I look forward to hearing from you, either today or in the future. But I'll give a few moments if someone would like to come and testify. No cards? Seeing no cards, members, that concludes our agenda for today. I do have a motion from the speaker pro tem to adjourn. Without objection, we adjourned.

[01:13:13]

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I, Anders Nelson, hereby certify that the document "F880186-la-house-on-demand-video" is, to the best of my knowledge and belief, a true and accurate transcription from English to English.

Anders Nelson
Project Manager

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