

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF LOUISIANA

JAMILA JOHNSON, *et al*,

*Plaintiffs,*

v.

KYLE ARDOIN,

*Defendant/Third-Party Plaintiff.*

WILLIAM P. BARR, in his official capacity as  
Attorney General of the United States; and  
UNITED STATES DEPARTMENT OF  
JUSTICE,

*Third-Party Defendants.*

CIVIL ACTION NO.  
3:18-CV-625-SDD-EWD

**MOTION BY ATTORNEY GENERAL AND DEPARTMENT OF JUSTICE  
TO DISMISS THIRD-PARTY COMPLAINT**

Pursuant to Rules 12(a)(2), 12(b), and 14(a)(2) of the Federal Rules of Civil Procedure, Third-Party Defendants, United States Attorney General WILLIAM P. BARR and the UNITED STATES DEPARTMENT OF JUSTICE (hereinafter, collectively, “DOJ”), respectfully move to dismiss the Third-Party Complaint filed by Defendant Kyle Ardoin, Louisiana Secretary of State (hereinafter “SOS”).

As discussed in the accompanying Memorandum in Support, the SOS’s claims are barred by the doctrine of sovereign immunity, which has not been waived here. They are also precluded by statute and Supreme Court precedent, as well as the applicable statute of limitations. Nor are costs and fees available to the SOS under any cognizable theory. The SOS also lacks Article III standing. Accordingly, the third-party complaint should be dismissed pursuant to Rules 12(b)(1) and/or 12(b)(6), Fed. R. Civ. P.

Respectfully submitted this 9th day of December, 2019.

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**MEMORANDUM IN SUPPORT OF MOTION BY ATTORNEY GENERAL  
AND DEPARTMENT OF JUSTICE TO DISMISS THIRD-PARTY COMPLAINT**

Third-Party Defendants, United States Attorney General William P. Barr and the United States Department of Justice (hereinafter, collectively, “DOJ”), respectfully submit this Memorandum in support of their motion to dismiss the Third-Party Complaint filed by Defendant Kyle Ardoin, Louisiana Secretary of State (hereinafter “SOS”).

**I. INTRODUCTION AND BACKGROUND**

The private-party Plaintiffs Jamila Johnson, et al., brought this action to challenge Louisiana’s 2011 congressional redistricting plan, La. Rev. Stat. § 18.1276.1, under Section 2 of the Voting Rights Act (“VRA”), 52 U.S.C. § 10301.<sup>1</sup> *See generally* Am. Compl. (ECF No. 19). Plaintiffs allege that the 2011 redistricting plan violates Section 2 by denying Black Louisiana

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<sup>1</sup> The VRA is now codified at 52 U.S.C. § 10301 et seq. It was previously codified at 42 U.S.C. § 1973 et seq.

citizens an equal opportunity to elect candidates of their choice for the U.S. House of Representatives. *Id.* The SOS denies Plaintiffs' claims. *See generally* SOS Answer to Am. Compl. (ECF No. 106). This Court has stayed this action pending the Fifth Circuit's resolution in another case of several jurisdictional issues relevant to Plaintiffs' claims in this action. *See* Oct. 17, 2019 Order Granting Def's Mot. to Stay (ECF No. 133).

Shortly after filing his Answer to the underlying Amended Complaint, the SOS filed a Third-Party Complaint against U.S. Attorney General William P. Barr and the U.S. Department of Justice. *See* ECF No. 116. In it, the SOS seeks declaratory and monetary relief from DOJ (in the form of indemnification for attorneys' fees, expenses, and costs) should this Court enter judgment against the SOS and in favor of the Plaintiffs in the underlying Section 2 action. *Id.* at 7. The SOS also seeks attorneys' fees, expenses, and costs against DOJ in connection with his prosecution of the third-party complaint against DOJ. *Id.*

The SOS appears to base his claims for relief against DOJ on the novel and unsupportable theory that the Attorney General's 2011 administrative preclearance of Louisiana's 2011 Congressional redistricting plan pursuant to Section 5 of the VRA, 52 U.S.C. § 10304, means that DOJ should indemnify the SOS for litigation expenses in subsequent proceedings where that plan is found to violate some *other* provision of the VRA or the Constitution. *Id.* at 4-6. As discussed below, the SOS's third-party claims lack merit and are not legally cognizable, and therefore should be dismissed.

#### ***A. Preclearance Process Under Section 5 of the Voting Rights Act***

From 1965 to 2013, Section 5 of the VRA required certain "covered" jurisdictions to submit changes affecting voting to the United States District Court for the District of Columbia or to DOJ to obtain a determination that such changes neither had the purpose nor would have the effect of denying or abridging the right to vote on account of race, color, or membership in a



language minority group before they could be enforced. 52 U.S.C. § 10304. This practice was commonly referred to as “preclearance.” Louisiana was one of those covered jurisdictions. In *Shelby County v. Holder*, 570 U.S. 529 (2013), the Supreme Court held unconstitutional the coverage formula in Section 4 of the VRA that determined which jurisdictions were covered by Section 5. The Supreme Court’s decision had the effect of removing all covered jurisdictions from the preclearance requirement of Section 5, including Louisiana. Hence, for more than six years, since June 25, 2013, Louisiana has not been subject to the preclearance requirement of Section 5, and the State has been free to enact and implement voting changes without the need for preclearance.

When Section 5 covered jurisdictions such as Louisiana, DOJ or the D.C. District Court would evaluate a submitted voting change against the “benchmark,” *i.e.*, the last legally enforceable law or practice, to determine whether the submitted change would lead to “retrogression,” *i.e.*, a diminution in the effective exercise of the electoral franchise of racial or language minority groups, including their ability to elect candidates of their choice. *See* 28 C.F.R. § 51.54. To determine whether a submitted change was enacted with a discriminatory purpose under Section 5, DOJ or the D.C. District Court would apply relevant judicial standards, including those set forth in *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252 (1977). *See* 28 C.F.R. §§ 51.54–51.59.

# **1. Section 5 objections cannot be based on Section 2 violations.**

In *Reno v. Bossier Parish Sch. Bd.*, 520 U.S. 471, 479 (1997), the Supreme Court made clear the limited nature of the review of voting changes to be undertaken under Section 5, and how an objection under Section 5 could not be based on a violation of Section 2 alone.

In *Bossier Parish*, the Supreme Court explained that it had “consistently understood § 5 and § 2 to combat different evils and, accordingly, to impose very different duties upon the

States.” *Id.* at 471-472. The Court held that “the purpose underlying § 5” was “to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities.” *Id.* at 487 (internal quotations and citations omitted). “Retrogression, by definition, requires a comparison of a jurisdiction’s new voting plan with its existing plan...and necessarily implies that the jurisdiction’s existing plan is the benchmark against which the “effect” of voting changes is measured.” *Id.* at 472. Thus, the “only ‘effect’ that violates § 5 is a retrogressive one.” *Id.* at 487.

By contrast, the Court explained that Section 2 serves a different purpose and has a far “broader mandate.” *Id.* at 480. The Section 2 analysis is also quite different, for example, since it “uses as its benchmark for comparison in vote dilution claims a hypothetical, undiluted plan.” *Id.* at 472.<sup>2</sup>

Hence, even if a voting change violated Section 2, the Supreme Court made clear in *Bossier Parish* that such a violation, standing alone, would not be a lawful basis for interposing an objection under Section 5. *Id.* at 483 (“a violation of § 2 is not grounds in and of itself for denying preclearance under § 5”); *id.* at 485 (“All we hold today is that preclearance under § 5 may not be denied on that basis alone,” *i.e.*, on the basis of a Section 2 violation).

Accordingly, the legal analysis undertaken in Section 5 reviews is very different from and far narrower than that which governs in a Section 2 case such as this one. *Bossier Parish* makes clear that the SOS is simply wrong in his assertion that DOJ should have reviewed for and

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<sup>2</sup> The Supreme Court has elsewhere noted that Sections 2 and 5 of the VRA “differ in structure, purpose, and application,” *Holder v. Hall*, 512 U.S. 874, 883 (1994), and noted that unlike Section 5, “[r]etrogression is not the inquiry in § 2 dilution cases.” *Hall*, 512 U.S. at 884.

certified Section 2 compliance during its Section 5 review. Indeed, the governing rule is precisely the opposite.

DOJ incorporated this *Bossier Parish* rule about the very limited nature of Section 5 review into the guidance provided to covered jurisdictions. *See* Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 76 F.R. 7470 (Feb. 9, 2011) (“The Attorney General may not interpose an objection to a redistricting plan on the grounds that it violates the one-person one-vote principle, on the grounds that it violates *Shaw v. Reno*, 509 U.S. 630 (1993), or on the grounds that it violates Section 2 of the Voting Rights Act.”)

## **2. Section 5 preclearance does not preclude subsequent legal challenges.**

The Supreme Court also reaffirmed in *Bossier Parish* that preclearance under Section 5 does not preclude a subsequent challenge to a voting change: “the Attorney General or a private plaintiff remains free to initiate a § 2 proceeding if either believes that a jurisdiction’s newly enacted voting “qualification, prerequisite, standard, practice, or procedure” may violate that section.” *Bossier Par. Sch. Bd.*, 520 U.S. at 485. The Court had previously made clear that after Section 5 preclearance, a voting change also “can be challenged in traditional constitutional litigation.” *Morris v. Gressette*, 432 U.S. 491, 506-507 (1977).

That preclearance under Section 5 does not shield a voting change (or the jurisdiction enacting it) from subsequent suit under Section 2 or the Constitution comes straight from the statute’s plain text. Section 5 specifies “neither an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object ... shall bar a subsequent action to enjoin enforcement” of a voting change submitted to the Attorney General. 52 U.S.C. § 10304(a).

The Attorney General’s Section 5 guidelines repeatedly note that preclearance does not preclude future legal challenges: 28 C.F.R. § 51.49 (“The preclearance by the Attorney

General of a voting change does not constitute the certification that the voting change satisfies any other requirement of the law beyond that of section 5, and, as stated in section 5, ‘(n)either an affirmative indication by the Attorney General that no objection will be made, nor the Attorney General’s failure to object, nor a declaratory judgment entered under this section shall bar a subsequent action to enjoin enforcement of such qualification, prerequisite, standard, practice, or procedure.’”); 28 C.F.R. § 51.41 (DOJ’s letters notifying jurisdictions of preclearance under Section 5 shall advise “that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change.”); 28 C.F.R. § 51.55(b) (“Preclearance under section 5 of a voting change will not preclude any legal action under section 2 by the Attorney General if implementation of the change demonstrates that such action is appropriate.”); *see also* Guidance Concerning Redistricting Under Section 5 of the Voting Rights Act, 76 F.R. 7470 (Feb. 9, 2011) (“jurisdictions should not regard a determination of compliance with Section 5 as preventing subsequent legal challenges to that plan under other statutes by the Department of Justice or by private plaintiffs.”).

***B. Louisiana’s Preclearance Submission of its 2011 Congressional Plan***

In June 2011, Louisiana submitted its 2011 congressional redistricting plan to DOJ for administrative review under Section 5. *Cf.* Third-Party Compl. at 5; *see also* La. Cover Ltr. to DOJ (Jun. 1, 2011), Preclearance Submission No. 2011-2066 (copy attached as Ex. 1). As the submission indicates, the Louisiana Legislature enacted the 2011 congressional redistricting plan pursuant to its state legislative authority. *Id.* at 3. DOJ’s role was limited to conducting an administrative review under Section 5 of the plan once it was enacted and submitted by the state.

Under the benchmark (2002) plan, Louisiana had seven congressional districts, one of which (District 2) provided Black citizens with the ability to elect a candidate of choice. *Id.* at 4, 14-15. Under the 2011 plan, Louisiana was apportioned one fewer congressional seat after the

2010 census, for a total of six, and, the Legislature reconfigured District 2 to retain the ability of Black voters to elect their candidates of choice. *Id.*

On August 1, 2011, DOJ notified Louisiana via letter that the “Attorney General does not interpose any objection” to the 2011 congressional plan under Section 5. *Cf.* Third-Party Compl. at 5; *see also* DOJ Preclearance Ltr. to La. (Aug. 1, 2011), Preclearance Submission No. 2011-2066 (copy attached as Ex. 2). Consistent with Section 5’s plain text and DOJ’s administrative procedures, DOJ’s preclearance letter to Louisiana regarding the 2011 congressional plan contained the following explicit reminder: “However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. § 51.41.” *Id.* The same reminder appeared in literally hundreds of preclearance letters that Louisiana received from DOJ over decades.

Even beyond this reminder, Louisiana was well aware of the principle that once precleared under Section 5, a redistricting plan was not thereby insulated from attack, and could later be challenged and struck down under Section 2 or the Constitution. Louisiana’s post-1980 Census congressional redistricting plan was precleared by DOJ under Section 5 and later struck down under Section 2 in *Major v. Treen*, 574 F. Supp. 325 (E.D. La. 1983) (three-judge court). Louisiana’s post-1990 congressional plan was precleared by DOJ under Section 5 and later struck down under the Constitution in *Hays v. Louisiana*, 936 F. Supp. 360 (W.D. La. 1996) (three-judge court), *appeal dismissed*, 518 U.S. 1014 (1996). Louisiana cited both of these cases in its submission letter of the 2011 congressional plan. *See* Ex. 1.

## II. MOTION TO DISMISS STANDARD

To survive a motion to dismiss under Rule 12(b)(1), the party seeking to invoke the Court’s jurisdiction must prove by a preponderance of the evidence that the Court has subject matter jurisdiction based on the complaint and evidence. *Gilbert v. Donahoe*, 751 F.3d 303, 307 (5th Cir. 2014), *cert. denied*, 574 U.S. 873 (2014). Under the heightened pleading standards of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), the Court should dismiss an action if it appears certain that a plaintiff cannot prove a plausible set of facts that establish subject-matter jurisdiction. *See, e.g., Davis v. United States*, 597 F.3d 646, 649 (5th Cir. 2009) (per curiam); *Physician Hosps. of Am. v. Sebelius*, 691 F.3d 649, 652 (5th Cir. 2012). “In considering a challenge to subject matter jurisdiction, the district court is free to weigh the evidence and resolve factual disputes in order to satisfy itself that it has the power to hear the case. A district court may dispose of a motion to dismiss for lack of subject matter jurisdiction based on (1) the complaint alone; (2) the complaint supplemented by undisputed facts; or (3) the complaint supplemented by undisputed facts plus the court’s resolution of disputed facts.” *Flores v. Pompeo*, 936 F.3d 273, 276 (5th Cir. 2019) (internal citations and quotations omitted).

On a motion to dismiss under Rule 12(b)(6), the Court accepts “all well-pled factual allegations as true” and construes those allegations “in the light most favorable to the plaintiff.” *United States ex rel. Willard v. Humana Health Plan of Texas, Inc.*, 336 F.3d 375, 379 (5th Cir. 2003) (internal quotations omitted); *accord Nobre v. La. Dep’t of Pub. Safety*, 935 F.3d 437, 440 (5th Cir. 2019). Conclusory allegations “will not suffice to prevent a motion to dismiss,” and “neither will unwarranted deductions of fact.” *Willard*, 226 F.3d at 279; *Fernandez-Montes v. Allied Pilots Ass’n*, 987 F.2d 278, 284 (5th Cir. 1993). “In deciding a 12(b)(6) motion to

dismiss, a court may permissibly refer to matters of public record.” *Cinel v. Connick*, 15 F.3d 1338, 1343 (5th Cir. 1994).

### III. ARGUMENT AND CITATION OF AUTHORITY

The SOS’s claim for relief against DOJ hinges on this Court entering judgment against the SOS and in favor of the private plaintiffs in the underlying Section 2 case. Should that happen, the SOS seeks declaratory relief, indemnification, and an award of attorneys’ fees and costs against DOJ based on the Attorney General’s August 2011 preclearance of Louisiana’s 2011 congressional redistricting plan pursuant to Section 5 of the VRA.

As explained below, the SOS’s third-party complaint evinces no conceivable basis for invoking this Court’s subject matter jurisdiction. The SOS’s claims (to the extent they are cognizable at all) are barred by the doctrine of sovereign immunity, which has not been waived here; are specifically precluded by statute and Supreme Court precedent; and are barred by the applicable statute of limitations. Nor are costs and fees available to the SOS under any cognizable theory. Likewise, the SOS lacks Article III standing. Accordingly, the third-party complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

#### ***A. Sovereign Immunity Bars the SOS’s Claims and No Waiver Applies***

The United States, as sovereign, “may not be sued without its consent.” *United States v. Mitchell*, 463 U.S. 206, 212 (1983); *Louisiana Dept. of Envtl. Quality v. EPA*, 730 F.3d 446, 448-49 (5th Cir. 2013). A waiver of sovereign immunity “is a prerequisite for jurisdiction,” *Mitchell*, 463 U.S. 206, 212 (1983), and federal courts lack jurisdiction to hear suits against the United States, its agencies, or its officers in their official capacities, absent that express waiver. *United States v. King*, 395 U.S. 1, 4 (1969); see *Drake v. Panama Canal Commission*, 907 F.2d 532, 534 (5th Cir. 1990) (sovereign immunity “extends to the government’s officers and

agencies.”). The requisite waiver of sovereign immunity “cannot be implied,” *King*, 395 U.S. at 4; rather, it “must be unequivocally expressed in statutory text,” *Lane v. Pena*, 518 U.S. 187, 192 (1996). Any question as to whether a waiver exists “must be construed strictly in favor of the sovereign.” *United States v. Nordic Vill. Inc.*, 503 U.S. 30, 34 (1992) (internal quotations marks omitted). The party claiming a sovereign immunity waiver bears the burden of proving a waiver “in the specific context at issue”—here the Attorney General’s determinations under Section 5 of the VRA. *Gulf Restoration Network v. McCarthy*, 783 F.3d 227, 232 (2015); *Freeman v. United States*, 556 F.3d 326, 334 (5th Cir. 2009). The government’s sovereign immunity extends to claims for money damages and attorneys’ fees. *FDIC v. Meyer*, 510 U.S. 471, 473 (1994) (declining to find an implied cause of action for damages against federal agencies); *Ruckelshaus v. Sierra Club*, 463 U.S. 680, 685 (1983) (explicit waiver required for fee awards).

The SOS does not claim that there is a waiver of sovereign immunity here or even attempt to meet his burden of establishing any purported waiver. His third-party complaint is simply silent in this regard. *See* Third-Party Compl. at 4-5. While there are various limited statutory waivers of the United States’ sovereign immunity that Congress has enacted, they are subject to explicit conditions and limitations, and none of them would authorize the kind of declaratory judgment, indemnity, and fees claims that the SOS seeks to bring here.

The SOS thus does not and cannot meet his burden of proving that the United States has waived its sovereign immunity here. That failure alone requires this Court to dismiss the SOS’s third-party complaint for lack of subject matter jurisdiction pursuant to Fed. R. Civ. P. 12(b)(1). *See, e.g., Louisiana Dep’t of Env’tl. Quality*, 730 F.3d at 448 (dismissing judicial review action for lack of jurisdiction where waiver of sovereign immunity had not been established).



***B. DOJ's Preclearance Determinations Under Section 5 Are Discretionary and not Subject to Judicial Review***

The SOS bases his claims for costs and fees on unspecified “errors” the SOS alleges were committed during DOJ’s administrative review of Louisiana’s 2011 redistricting plan. *See* Third-Party Compl. at 6 (seeking relief for “errors in [DOJ’s] preclearance determination”). Because purported DOJ errors are essential to his liability and recovery theory, the SOS asks this Court to issue “a declaration that the Attorney General and DOJ erred in its [sic] preclearance review[.]” *Id.* at 7. But this Court lacks jurisdiction to review DOJ’s Section 5 determinations or to provide declaratory relief in connection therewith. Accordingly, the third-party complaint should be dismissed.

First, it is true that in the Administrative Procedure Act (“APA”), 5 U.S.C. § 702, Congress provided an express, limited waiver of its sovereign immunity that allows persons aggrieved by federal agency actions to obtain judicial review of those actions in some circumstances and, when appropriate, obtain declaratory or injunctive relief (but not money damages).

However, the Supreme Court has made clear, in a decision directly on point, that the Attorney General’s decisionmaking under Section 5 is discretionary and unreviewable in any court under the APA. In *Morris v. Gressette*, 432 U.S. 491 (1977), the Supreme Court held that “Congress intended to preclude all judicial review of the Attorney General’s exercise of discretion or failure to act” under Section 5. *Id.* at 507 n.24.<sup>3</sup> *Morris* directly precludes the SOS’s claim for a declaration that the Attorney General’s 2011 Section 5 preclearance of the

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<sup>3</sup> In *Morris*, the Court noted that Section 5 did not require “an affirmative statement by the Attorney General that the change is without discriminatory purpose or effect.” *Id.* at 502. Rather, the Court said that “compliance with § 5 is measured solely by the absence, for whatever reason of a timely objection on the part of the Attorney General” once the jurisdiction makes a complete submission and the 60-day review period expires. *Id.*

2011 Louisiana congressional plan was erroneous. *Morris* also precludes the SOS's claim for indemnity and fees, since those claims also ultimately rest on the SOS's allegations of errors in DOJ's Section 5 review.

In *Morris*, the Supreme Court relied in part on the fact that the Attorney General's action under Section 5 is "not conclusive" regarding the legality of an enactment. *Id.* at 505. If the "discriminatory character of an enactment is not detected upon review by the Attorney General" during Section 5 administrative review, the voting change itself can later be challenged in further litigation, as Section 5's text clearly provides. *Id.* at 505, 506-507. Similarly, if the Attorney General objects to a voting change under Section 5, the jurisdiction could later seek a *de novo* judicial preclearance determination from the D.C. District Court. *Id.* at 505 n.21. Hence, *Morris* found there was no jurisdiction under the APA for subjecting DOJ's decisionmaking under Section 5 to judicial review. *Id.* at 500-501 & n.13 (defining the question at issue being "whether the *Harper* court had jurisdiction under the Administrative Procedure Act to review the Attorney General's failure to object").

The non-reviewability principle announced in *Morris* has been applied by federal courts repeatedly. It has even been recognized in litigation between Louisiana and the United States in this decade in a case involving its post-2010 state House plan. *See Louisiana House of Representatives v. United States*, No. 1:11cv770 (D.D.C. June 21, 2011) (three-judge court) ("The administrative preclearance by the Attorney General moots the need for the State to obtain declaratory relief from this Court prior to implementing its 2011 House redistricting plan. Such determination by the Attorney General is not appealable or reviewable by this Court") (copy attached as Ex. 3); *see also Harris v. Bell*, 562 F.2d 772, 773-74 (D.C. Cir. 1977); *Reaves v. United States Dep't of Justice*, 355 F. Supp. 2d 510, 514 (D.D.C. 2005) (three judge court)

(“[T]he Supreme Court has clearly held that Congress intended the Attorney General’s decision whether or not to object to a proposed voting change under Section 5 to be discretionary and unreviewable.”); *Shaw v. Barr*, 808 F. Supp. 461, 467 (E.D.N.C. 1992) (three-judge court) (“The federal defendants also contend that to the extent the claim against them involves a challenge to the Attorney General’s exercise of the discretionary power conferred on him by Section 5 to make preclearance decisions, it fails to state a cognizable federal claim. Specifically, they contend that *Morris*... long since has established that such discretionary decisions are not subject to judicial review in any court. We agree.”), *aff’d in relevant part*, *Shaw v. Reno*, 509 U.S. 630, 641 (1993) (“In our view, the District Court properly dismissed appellants’ claims against the federal appellees.”); *County Council of Sumter County v. United States*, 555 F. Supp. 694, 706 (D.D.C. 1983) (three-judge court) (“we have no authority either to review, or to preview, decisions of the Attorney General under Section 5”). The *Morris* rule is also cited in DOJ’s Section 5 Procedures. 28 C.F.R. § 51.49 (“The decision of the Attorney General not to object to a submitted change or to withdraw an objection is not reviewable.”).

Accordingly, under *Morris*, this Court lacks jurisdiction to adjudicate the SOS’s allegation of “errors” that form the basis of his claims. DOJ’s 2011 administrative preclearance of Louisiana’s Congressional redistricting plan under Section 5 is unreviewable as a matter of law.

Second, another jurisdictional bar precludes this Court from issuing a “declaration that the Attorney General and DOJ erred” during the 2011 Section 5 review process. *Cf.* Third-Party Compl. at 7. Section 14(b) of the VRA provides that the D.C. District Court *alone* has jurisdiction to issue declaratory judgments under Section 5. *See* 52 U.S.C. § 10310(b). Section 14(b) states that:

[n]o court other than the District Court for the District of Columbia shall have jurisdiction to issue any declaratory judgment pursuant to section 10303 or 10304 of this title or any restraining order or temporary or permanent injunction against . . . any action of any Federal officer or employee pursuant hereto.

*Id.*; see *Perkins v. Matthews*, 400 U.S. 379, 385 (1971); *United States v. Saint Landry Parish Sch. Bd.*, 601 F.2d 859, 863 (5th Cir. 1979). This Court thus lacks jurisdiction to issue the declaratory relief upon which the SOS's claims depend.

Nonetheless, it would be futile to transfer the Secretary's claims to the D.C. District Court under Section 14(b) because that court would also lack jurisdiction over these claims under *Morris* and a variety of other jurisdictional defects described in this brief. *Cf. Giles v. Ashcroft*, No. 3:01cv392 (S.D. Miss. Sep. 27, 2001) (copy attached as Ex. 4) (dismissing and declining to transfer challenge to VRA to D.C. District Court because plaintiff lacked standing and the claims were "completely without merit").

Third, yet another jurisdictional bar exists in the APA's general six-year statute of limitations for claims against the United States provided by 28 U.S.C. § 2401(a). *See, e.g., Wind River Mining Corp. v. United States*, 946 F.2d 710, 713 (9th Cir. 1991). "The right to bring a civil suit challenging an agency action accrues 'upon the completion of the administrative proceedings.'" *Id.* at 716. Failure to bring an APA challenge within the applicable limitations period deprives the reviewing court of jurisdiction. *Dunn-McCampbell Royalty Interest v. National Park Serv.*, 112 F.3d 1283, 1287 (5th Cir. 1997).<sup>4</sup> Because DOJ's administrative determination with respect to Louisiana's 2011 congressional redistricting plan was rendered on August 1, 2011, *see* Ex. 2, more than eight years ago, the SOS's APA challenge would be time-barred.

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<sup>4</sup> To be clear: DOJ does not herein suggest that administrative preclearance determinations under Section 5 of the VRA are reviewable under the APA; they are not under *Morris*. But if they were so reviewable, they would be subject to the general limitations period of 28 U.S.C. § 2401(a).

Accordingly, this Court lacks jurisdiction to issue any declaratory relief regarding the Attorney General’s review of Louisiana’s 2011 districting plan. Accordingly, the SOS’s third-party complaint should be dismissed pursuant to Fed. R. Civ. P. 12(b)(1) and (6).

***C. No Claim is Available to the SOS for Monetary Indemnity or Fees***

**1. The Federal Tort Claims Act bars the SOS’s damages claims.**

Subject to several exceptions, the Federal Tort Claims Act (“FTCA”) waives the United States’ sovereign immunity “for money damages...for injury or loss of property, or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Government while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” 28 U.S.C § 1346(b)(1); *see also* 28 U.S.C. § 2680. The FTCA does not allow liability here for at least seven reasons.

*First*, the SOS has sued the Department of Justice and the Attorney General in his official capacity—not the United States. But “[i]t is well established that FTCA claims may be brought against only the ‘United States,’ and not the agencies or employees of the United States.” *Walters v. Smith*, 409 F. App’x 782, 783-84 (5th Cir. 2011) (per curiam). “Thus, an FTCA claim against a federal agency or employee as opposed to the United States itself must be dismissed for want of jurisdiction.” *Galvin v. OSHA*, 860 F.2d 181, 183 (5th Cir. 1988).

*Second*, the FTCA waives sovereign immunity only for “injury or loss of property, or personal injury or death.” 28 U.S.C § 1346(b)(1). The SOS’s claims for litigation expenses are for pure economic loss, and do not constitute “injury or loss of property”; “personal injury” (to the extent that a State can experience “personal” injury); or “death.” In *Idaho ex rel. Trombley v. United States Department of the Army, Corps of Engineers*, 666 F.2d 444 (9th Cir. 1982), for example, the Ninth Circuit held that Idaho’s claim against the federal government for firefighting

expenses were not cognizable under the FTCA, despite the state’s “attempt to classify these expenses as ‘mitigation costs.’” *Id.* at 446. So too here, the SOS’s alleged expenses in defending against Plaintiffs’ lawsuit cannot be considered “injury or loss of property,” “personal injury,” or “death,” and thus cannot be recovered under the FTCA.

*Third*, the FTCA only waives the United States’ sovereign immunity “under circumstances where the United States, *if a private person*, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.” 28 U.S.C § 1346(b)(1) (emphasis added). Put another way, “the federal government does not yield its immunity with respect to obligations that are peculiar to governments or official-capacity state actors and which have no private counterpart in state law.” *Bolduc v. United States*, 402 F.3d 50, 57 (1st Cir. 2005). Private persons, of course, do not preclear voting changes by jurisdictions under Section 5 of the VRA—only the DOJ or the D.C. District Court can do so. As Section 5 preclearance is “peculiar to governments,” *Bolduc*, 402 F.3d at 57, it cannot form the basis of an FTCA claim.

*Fourth*, the FTCA waives the United States’ sovereign immunity only “in accordance with the law of the place where the act or omission occurred.” 28 U.S.C § 1346(b)(1). The Supreme Court has explained that the FTCA’s “reference to the ‘law of the place’ means law of the State—the source of substantive liability under the FTCA.” *FDIC v. Meyer*, 510 U.S. 471, 478 (1994). “It follows, of course, and has consistently been held, that the FTCA was not intended to redress breaches of federal statutory duties.” *Johnson v. Sawyer*, 47 F.3d 716, 727 (5th Cir. 1995) (en banc) (internal quotation marks omitted). Accordingly, the FTCA does not waive the United States’ sovereign immunity to a claim that the federal government erred in its preclearance review under Section 5 of the federal VRA.

*Fifth*, the FTCA explicitly preserves the United States’ sovereign immunity with respect to “claim[s] arising out of . . . misrepresentation.” 28 U.S.C. § 2680(h). “[T]he essence of an action for misrepresentation, whether negligent or intentional, is the communication of misinformation on which the recipient relies.” *Block v. Neal*, 460 U.S. 289, 296 (1983). Here, the SOS argues that, to the extent that the SOS is found liable to Plaintiffs, the SOS’s liability would stem from the United States’ communication of supposed misinformation—the United States’ preclearance letter—upon which the SOS relied. That is a classic misrepresentation claim for which the FTCA does not waive sovereign immunity. Nor can the misrepresentation exception be circumvented by arguing that the federal government assumed a duty to provide the information at issue. In *Baroni v. United States*, 662 F.2d 287 (5th Cir. 1981), for example, the plaintiff homeowners argued that the misrepresentation exception did not bar their flood-damage claims because the Federal Housing Administration had undertaken to determine whether their homes were located above the 50-year flood elevation. The Fifth Circuit flatly rejected this attempt to evade the FTCA’s misrepresentation exception: “Assuming that the government’s undertaking created a duty under state law to determine the flood level non-negligently, the damages complained of by the plaintiffs still result solely from the fact that the government communicated its miscalculation to the developer who relied on it, and that reliance eventually caused the plaintiffs’ damage.” *Id.* at 289.

*Sixth*, the FTCA also excludes from its waiver of sovereign immunity “[a]ny claim. . . based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a federal agency or an employee of the Government, whether or not the discretion involved be abused.” 28 U.S.C. § 2680(a). “The [discretionary-function] exception preserves the government’s sovereign immunity when the plaintiff’s claim is based on

an act by a government employee that falls within that employee’s discretionary authority.”

*Tsolmon v. United States*, 841 F.3d 378, 382 (5th Cir. 2016). Congress enacted the discretionary function exception to “prevent judicial ‘second-guessing’ of legislative and administrative decisions grounded in social, economic, and political policy through the medium of an action in tort.” *United States v. S.A. Empresa de Viacao Aerea Rio Grandense (Varig Airlines)*, 467 U.S. 797, 814 (1984).

“If a statute, regulation, or policy leaves it to a federal agency to determine when and how to take action, the agency is not bound to act in a particular manner and the exercise of its authority is discretionary.” *Spotts v. United States*, 613 F.3d 559, 567 (5th Cir. 2010); *see Gonzalez v. United States*, 851 F.3d 538, 550 (5th Cir. 2017). As described above, Section 5 of the VRA clearly authorizes DOJ to exercise discretion in determining whether to interpose an objection to a submitted voting change. *See* 52 U.S.C. § 10304(a); 28 C.F.R. §§ 51.51–51.61. *Morris v. Gressette* and its progeny make clear that DOJ’s administrative preclearance decisions under Section 5 are discretionary and shielded from judicial review. *See Morris*, 432 U.S. at 504-05; *Harris*, 562 F.2d at 773-74; *Reaves*, 355 F. Supp. 2d at 514. Accordingly, claims arising from DOJ’s administrative preclearance decisions cannot be brought under the FTCA.

Finally, the SOS’s claims for its own attorney’s fees, costs, and expenses are barred by the FTCA. Attorney’s fees are not recoverable under the FTCA. *See, e.g., Anderson v. United States*, 127 F.3d 1190, 1191-92 (9th Cir. 1997); *Bergman v. United States*, 844 F.2d 353, 355 (6th Cir. 1988); *Joe v. United States*, 772 F.2d 1535, 1536-37 (11th Cir. 1985) (per curiam). And Louisiana law does not allow parties to recover their own attorney’s fees and defense costs under equitable-indemnification theories. *See, e.g., AFC, Inc. v. Mathes Brierre Architects*, Civ. A.



No. 16-16560, 2017 WL 2731028, at \*3 (E.D. La. June 26, 2017); *Eaves v. Spirit Homes, Inc.*, 931 So. 2d 1173, 1180 (La. Ct. App. 2006).

**2. The VRA has no cause of action for money damages.**

Money damages are not available for alleged violations of the VRA, including Section 5. *See* 52 U.S.C. §§ 10304 & 10308(d); *Vondy v. White*, 719 F.2d 1265, 1266 (5th Cir. 1983) (Section 5 “does not authorize the award of damages”); *see also Olagues v. Russoniello*, 770 F.2d 791, 805 (9th Cir. 1985) (“The [VRA], however, does not specify any statutory damage remedies.... We decline to imply any action for damages.”); *Foreman v. Dallas Co.*, 990 F. Supp. 505, 512 (N.D. Tex. 1998) (same). The VRA thus provides no basis for the SOS’s indemnity claim against DOJ.

**3. Attorneys’ fees are unavailable to the SOS on his third-party claim.**

The SOS seeks (*inter alia*) an award against DOJ for costs and attorneys’ fees the SOS incurs in connection with his defending against the private plaintiffs’ Section 2 claims and prosecuting of his claims against DOJ. *See* Third-Party Compl. at 6. The SOS cites no legal basis for its novel theory. None exists.

Unless it has waived its sovereign immunity, “the Government is immune from claims for attorney’s fees.” *Ruckelshaus*, 463 U.S. at 685. The principal limited waiver for attorney’s fees claims against the United States resides in the Equal Access to Justice Act (“EAJA”). EAJA does not provide any support for the SOS’s claim for fees.

EAJA does *not* provide a stand-alone claim for attorney’s fees against the United States. Rather, every sub-provision of EAJA has its own specific requirements, but all depend on a showing that a claimant for fees has attained “prevailing party” status in civil litigation with the United States or its agencies and officers. The SOS cannot attain such status because there is no

substantive underlying claim on which he can “prevail” against DOJ, because the predicate Section 5 decision by DOJ is not subject to judicial review under *Morris*.

For example, EAJA(b) provides that where a party prevails in civil litigation with the United States, federal agencies and officials can be liable for attorneys’ fees and costs “to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.” 28 U.S.C. § 2412(b).<sup>5</sup> The SOS has not identified any cognizable statutory or federal common law theory whatsoever under which DOJ would or could be liable for attorneys’ fees in connection with DOJ’s Section 5 preclearance determinations—because, as demonstrated above, no such theory exists.

The SOS might argue that Section 14(e) of the VRA is a relevant underlying fees statute that grants district courts discretion to award attorneys’ fees to prevailing parties (other than the United States) in “any action or proceeding to enforce the voting guarantees of the fourteenth or fifteenth amendment” 52 U.S.C. § 10310(e). But the SOS cannot meet the Section 14(e) standard for several reasons.

First, like EAJA(b), Section 14(e) of the VRA itself is predicated on attaining “prevailing party” status, here on an underlying claim to enforce the voting guarantees. As we have explained, there is no way the SOS can attain prevailing party status on a substantive claim against DOJ because of *Morris*. But even worse, the SOS’s claim for fees against DOJ here

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<sup>5</sup> 28 U.S.C. § 2412(b) states in full:

Unless expressly prohibited by statute, a court may award reasonable fees and expenses of attorneys...to the prevailing party in any civil action brought by or against the United States or any agency or any official of the United States acting in his or her official capacity in any court having jurisdiction of such action. The United States shall be liable for such fees and expenses to the same extent that any other party would be liable under the common law or under the terms of any statute which specifically provides for such an award.

hinges not on his *success* as a “prevailing party” in a voting rights suit. Instead, the SOS’s claim depends on his *losing* the underlying Section 2 action to the Johnson private plaintiffs. In other words, the SOS seeks relief from DOJ only if this Court declares that Louisiana’s 2011 districting plan *violates* Section 2 of the VRA, making the Johnson plaintiffs prevailing against the SOS. *See* Third-Party Compl. at 6 (seeking relief “in the event of an adverse judgment” in the Section 2 claim). In that instance, the SOS clearly would not be a “prevailing party” entitled to fees from anyone under any theory.

Second, the underlying claim that the SOS contemplates against DOJ is not a claim to enforce the voting guarantees that would be covered by Section 14(e). The seminal case explaining why arises from the *Shelby County* litigation. There, Shelby County filed a claim for fees against DOJ after it prevailed on its underlying claim in having the coverage formula of Section 4 of the VRA struck down. Nonetheless, the courts held that Shelby County was not entitled to fees because the underlying claim on which it prevailed was not one brought to enforce the voting rights guarantees. *Shelby County v. Lynch*, 799 F.3d 1173, 1179 (D.C. Cir. 2015), *cert denied*, 136 S. Ct. 981 (2016). Under Section 14(e), “[a] party is entitled to fees only when it succeeds in litigation that advanced the goals Congress intended the relevant fee-shifting provision to promote.” *Id.* at 1179. Congress enacted Section 14(e) to “secur[e] broad compliance” with the VRA. *Id.* at 1182 (*citing Newman v. Piggie Park Enters., Inc.*, 390 U.S. 400, 401 (1968)). Like Shelby County, the third party claim that the SOS seeks to bring against DOJ here is not a suit brought to “secure broad compliance” with the voting rights guarantees and advance Congress’ intended goals. Hence, there would be no entitlement to fees even if the SOS could prevail on such a claim (which he cannot under *Morris*). *See Shelby County*, 799 F.3d at 1179 (“When a party’s success did not advance [VRA] goals, it is not entitled to fees.”).

**D. The SOS Lacks Standing to Assert His Purported Claims Against DOJ**

This Court’s authority under Article III of the Constitution extends only to actual “cases” or “controversies.” *See Elk Grove Unified School Dist. v. Newdow*, 542 U.S. 1, 11 (2004). Thus, standing is “the threshold question in every federal case,” *Warth v. Seldin*, 422 U.S. 490, 498 (1975), and the party initiating the suit must establish standing, *Newdow*, 542 U.S. at 11. To establish Article III standing, plaintiffs must plead three elements: (1) “injury in fact,” (2) a “causal connection” between the injury and the challenged act, and (3) that the injury “likely” would be “redressed by a favorable decision.” *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61 (1992) (citations and internal quotations omitted). In the standing context, the Supreme Court “presume[s] that federal courts lack jurisdiction unless the contrary appears affirmatively from the record.” *DaimlerChrysler v. Cuno*, 126 S. Ct. 1854, 1861 n.3 (2006) (*quoting Renne v. Geary*, 501 U.S. 312, 316 (1991)). That presumption is borne out here. The SOS lacks standing.

**1. The SOS has no actual or imminent injury.**

An “injury in fact” in the standing context means “an invasion of a legally protected interest which is (a) concrete and particularized . . . and (b) actual or imminent, not conjectural or hypothetical.” *Lujan*, 504 U.S. at 560 (internal quotations and citations omitted).

Under any reading of the facts here, the SOS has failed to allege an injury that is “actual or imminent,” as distinct from a “conjectural or hypothetical,” in connection with his indemnity claim. A “claim for indemnity arises only after the party seeking indemnity is held liable.” *Hercules, Inc. v. Stevens Shipping Co.*, 698 F.2d 726, 732 (5th Cir. 1983) (*en banc*). No liability judgment has been rendered against the SOS in the underlying Section 2 lawsuit relating to Louisiana’s 2011 congressional redistricting plan (which is presently stayed). Therefore, the SOS’s third-party indemnity claim against DOJ would not yet be ripe for adjudication, even if it otherwise presented a justiciable case or controversy (which it does not). *See, e.g., United States*

*Fire Ins. Co. v. A-Port, LLC*, 2015 U.S. Dist. LEXIS 39384, \*6 (E.D. La. Mar. 26, 2015) (dismissing third-party indemnity claim on ripeness grounds and finding that “the duty-to-indemnify issue is premature and non-justiciable until the underlying issue of liability is resolved and the defendant is cast in judgment”).

## **2. Any injury is traceable to the State and not DOJ.**

The SOS cannot establish that any alleged injury to his interest is, or would be, “fairly traceable to the [third-party] defendant’s allegedly unlawful conduct.” *Daimler Chrysler*, 126 S. Ct. at 1856 (quoting *Allen v. Wright*, 468 U.S. 737, 751 (1984)). Despite the SOS’s blunt recasting of DOJ’s role in the preclearance process, *see* Third-Party Compl. at 4-5, that role is governed and constrained by statute. *See* 52 U.S.C. § 10304; 28 C.F.R. Part 51.

To support his novel liability theories, the SOS conjures several erroneous legal principles he now believes should have governed DOJ’s actions in the Section 5 review process. *See* Third-Party Compl. at 4-6. These purported principles are clearly in the nature of erroneous assertions about the law rather than factual allegations, and they can be adjudged and dismissed on the face of the complaint. For instance, the SOS alleges that Section 5 imposes upon DOJ a “statutorily imposed obligation *to assist* covered jurisdictions to achieve compliance with voting rights requirements.” *Id.* at 4, par. 2 (emphasis added). The SOS also claims that the DOJ had an “affirmative obligation” to ensure that voting changes “comported with ... the Voting Rights Act and the Constitution[.]” *Id.* at 4, par. 5. The SOS posits that Section 5 requires Attorney General to “determine ... whether voting changes conformed to the Constitution and the Voting Rights Act.” *Id.* at 4, par. 6. The SOS also claims that DOJ’s “preclearance review “found the plan to be without constitutional or Voting Rights Act infirmities.” *Id.* at 5, par. 11. The SOS also claims that “[t]hrough the preclearance review process,” DOJ “contributed to and participated in the formulation and implementation of U.S. congressional districts in

Louisiana....” *Id.* at 5, par. 12. Finally, the SOS claims that he “relied” on “DOJ preclearance review” and “continued to rely” on it in conducting elections through the decade. *Id.* at 5, par. 14-15.

The SOS’s views find no support in the law and they are clearly precluded by the statutory language of Section 5, the definitive case law interpreting it, and DOJ’s Section 5 procedures. Louisiana and its officials alone developed and enacted Louisiana’s 2011 congressional redistricting plan and were alone responsible for implementing the plan. Only after the State enacted the plan and submitted the enacted plan for administrative review pursuant to Section 5, did DOJ fulfill its sole role to conduct its quite limited review of whether it complied with Section 5, *Bossier Parish*, 520 U.S. at 483. DOJ cannot review plans or object under Section 5 based on Section 2 or various other constitutional bases, and preclearance does not preclude future litigation on those bases. Likewise, DOJ’s role in preclearing the plan is not subject to review under *Morris*, 432 U.S. at 507 n.24.

To the extent that the SOS claims he “relied” (and “continued to rely” for six years and three federal election cycles after Section 5 no longer applied to the state) on a completely erroneous and unreasonable view of what Section 5 review signified, despite all the well-established authority to the contrary, that does not establish any liability on the part of DOJ.

Accordingly, should this Court determine that Louisiana’s 2011 Congressional plan violates Section 2 of the VRA, any injury to the SOS would be “fairly traceable” not to DOJ, but rather to the Louisiana Legislature, which developed and enacted the plan. *See Reaves*, 355 F. Supp. 2d at 515 (“[I]t is not the allegedly unlawful conduct of the federal defendants but that of the State of South Carolina that allegedly caused injury to plaintiffs.”).

Because the SOS cannot establish his standing, he cannot establish this Court's subject matter jurisdiction under Article III of the Constitution. This action should therefore be dismissed pursuant to Fed. R. Civ. P. 12(b)(1).

#### IV. CONCLUSION

For the foregoing reasons, Third-Party Defendants, Attorney General William P. Barr and the United States Department of Justice, respectfully request that this Court grant the motion to dismiss pursuant to Rules 12(b)(1) and/or 12(b)(6), Fed. R. Civ. P.

Respectfully submitted this 9th day of December, 2019.

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United States Attorney  
Middle District of Louisiana

s/ Ellen M. Kinney

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**SECTION 5 SUBMISSION**

**NO. 2011-2066**

***Via Federal Express/Overnight Priority***

June 1, 2011

Chief, Voting Section  
Civil Rights Division  
Room 7254 - NWB  
Department of Justice  
1800 G St., N.W.  
Washington, D.C. 20006

**Re: Sec. 5 submission of Act 2 of the 2011  
First Extraordinary Session of the Louisiana Legislature  
[Congressional Redistricting Plan]**

Dear Chief:

Enclosed please find the submission of Act No. 2 of the 2011 First Extraordinary Session of the Louisiana Legislature, pursuant to Section 5 of the 1965 Voting Rights Act, which provides for the reapportionment of Louisiana's congressional districts.

If you have any questions, please call the undersigned assistant attorney general, (225) 326-6040. Thank you for your assistance in this matter.

Yours very truly,

JAMES D. "BUDDY" CALDWELL  
ATTORNEY GENERAL

By: \_\_\_\_\_

*Erin C. Day*  
Erin C. Day  
Assistant Attorney General

JDC/ECD  
Enclosures

2011 JUN -2 AM 11:01  
CIVIL RIGHTS DIVISION  
VOTING SECTION



Chief, Voting Section  
Sec. 5 Submission, Act 2 (2011, 1<sup>st</sup> E.S.)  
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**LEGISLATIVE ACT SUBMISSION**  
**SECTION 5 OF THE VOTING RIGHTS ACT OF 1965;**  
**REQUIRED CONTENTS (28 CFR §51.27)**

**ACT 2 OF THE 2011 FIRST EXTRAORDINARY  
SESSION OF THE LOUISIANA LEGISLATURE**

- a) **A copy of any ordinance, enactment, order or regulation embodying a change affecting voting:**

Enclosed herein as *Exhibit A*, please find a certified copy of Act 2 of the 2011 First Extraordinary Session. This document was provided by the Publications Division of the Louisiana Secretary of State, contact number (225) 922-0309.

Enclosed herein in globo as *Exhibit A-1*, please find an electronic disc containing the Original, Engrossed, Reengrossed and Enrolled House Bill No. 6, Act No. 2 of the 2011 First Extraordinary Session. These documents were obtained at <http://legis.state.la.us/>.

Enclosed herein in globo as *Exhibit A-2*, please find an electronic disc containing the following amendments to House Bill No. 6; all obtained at <http://legis.state.la.us/>:

Senate Floor Amendment, #432, Martiny, Adopted;  
Senate Floor Amendment, #451, Martiny, Withdrawn;  
Senate Floor Amendment, #438, Broome, Rejected;  
Senate Floor Amendment, #433, Martiny, Withdrawn;  
Senate Floor Amendment, #436, Chabert, Rejected;  
Senate Floor Amendment, #417, Riser, Adopted;  
Senate Floor Amendment, #402, Marionneaux, Rejected;  
Senate Committee Amendment, #395, S&G, Adopted;  
House Floor Amendment, #344 (47), Baldone, Withdrawn;  
House Floor Amendment, #339 (43), Jackson, Michael, Rejected;  
House Floor Amendment, #338 (36), Ponti, Adopted;  
House Floor Amendment, #332 (40), Gallot, Rejected; and  
House Committee Amendment, #305, H&G, Adopted.

- b) **A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed:**

Act 2 (2011, 1<sup>st</sup> E.S.) enacts R.S. 18:1276.1 and repeals R.S. 18:1276. Enclosed herein as *Exhibit B*, please find a copy of R.S. 18:1276 which embodies the voting practice that is proposed to be changed. LSA-R.S. 18:1276.1 is new law.

- c) **If the change affecting voting either is not readily apparent on the face of the documents provided under paragraphs (a) and (b) of this section or is not embodied in a document, a clear statement of the change explaining the difference between the submitted change and the prior law or practice, or explanatory materials adequate to disclose to the Attorney General the difference between the prior and proposed situation with respect to voting:**

Enclosed herein as *Exhibit C*, please find a copy of the digest of Act 2 (2011, 1<sup>st</sup> E.S.), which provides a summary explaining the proposed changes.

Enclosed herein in globo as *Exhibit C-1*, please find copies of the digests for the Original, Engrossed, and Reengrossed versions of House Bill No. 6, Act No. 2 of the 2011 First Extraordinary Session.

Chief, Voting Section  
Sec. 5 Submission, Act 2 (2011, 1<sup>st</sup> E.S.)  
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**d) The name, title, address, and telephone number of the person making the submission:**

Erin C. Day  
Assistant Attorney General  
Post Office Box 94005  
Baton Rouge, Louisiana 70804-9005  
(225) 326-6040

**e) The name of the submitting authority and the name of the jurisdiction responsible for the change, if different:**

State of Louisiana, Department of Justice  
James D. "Buddy" Caldwell, Attorney General

**f) If the submission is not from a state or county, the name of the county and state in which the submitting authority is located:**

Please see (e) above.

**g) Identification of the person or body responsible for making the change and the mode of decision (e.g., act of state legislature, ordinance of city council, administrative decision by registrar):**

Act 2 (2011, 1<sup>st</sup> E.S.) was adopted by the Louisiana Legislature pursuant to its general legislative powers provided in Article III, Section 1 of the Louisiana Constitution of 1974 and the Constitution of the United States of America, Amendment X.

**h) A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedures the jurisdiction was required to follow in deciding to undertake the change:**

Please see (g) above.

**i) The date of adoption of the change affecting voting:**

Act 2 (2011, 1<sup>st</sup> E.S.) was passed on April 4, 2011 by a vote of 62-37 in the House and passed with amendments on April 13, 2011 by a vote of 25-13 in the Senate. The Senate amendments were concurred in the House on April 13, 2011 by a vote of 64-35.

**j) The date on which the change is to take effect:**

Act 10 (2001, 2<sup>nd</sup> E.S.) was signed by Jindal on April 14, 2011 and will become effective solely for the purposes of the election of representatives to the United States Congress at the next regularly scheduled election for representatives of Congress in 2012, commencing on the date and at the time that the qualifying period opens for such offices, which is August 15-17, 2012. For all other purposes, the Act shall become effective January 3, 2013. LSA-Const. Article III, Section 19 (1974).

**k) A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made:**

Act 2 (2011, 1<sup>st</sup> E.S.) has not yet been enforced or administered.

**l) Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change:**

Act 2 (2011, 1<sup>st</sup> E.S.) will affect the entire State of Louisiana.

Chief, Voting Section  
 Sec. 5 Submission, Act 2 (2011, 1<sup>st</sup> E.S.)  
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**m) A statement of the reasons for the change:**

Act 2 (2011, 1<sup>st</sup> E.S.) was enacted to redistrict Louisiana's congressional districts.

**n) A statement of the anticipated effect of the change on members of racial or language minority groups:**

There is no change in the number of majority-minority congressional districts from the current plan in Act 10 (2001, 2<sup>nd</sup> E.S.) and the proposed plan in Act 2 (2011, 1<sup>st</sup> E.S.). In the current plan, District 2 is a majority-minority district with 59.235% total black population and in the proposed plan in Act 2 (2011, 1<sup>st</sup> E.S.), District 2 remains a majority-minority district with 62.430% total black population.

**o) A statement identifying any past or pending litigation concerning the change or related voting practices:**

There is past litigation concerning Louisiana's congressional redistricting plans. See, *Couhig v. Brown*, 538 F.Supp. 1086 (U.S.D.C., E.D.La, 1982); *Major v. Treen*, 574 F.Supp. 325 (U.S.D.C., E.D.La, 1983); *Hays v. Louisiana*, 839 F.Supp. 1188 (U.S.D.C., W.D.La, 1993)(and history cited therein); and *Hays v. Louisiana*, 936 F.Supp. 360 (U.S.D.C., W.D.La, 1996)(and history cited therein). Also, unreported, *Maxwell v. Foster*, U.S.D.C., W.D.La, 1998; CV98-1378M.

**p) A statement that the prior practice has been precleared (with the date) or is not subject to the preclearance requirement and a statement that the procedure for the adoption of the change has been precleared (with the date) or is not subject to the preclearance requirement or an explanation of why such statements cannot be made:**

The State of Louisiana is operating under a plan added by Act 10 of the 2001 Second Extraordinary Session which was precleared as follows:

2001, 2 <sup>nd</sup> Ex.Sess.	10	2/1/2002	p/c 4/2/02	NA
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Prior to Act 10 of the 2001 Second Extraordinary Session, the State of Louisiana was operating under a court ordered plan from 1996 in the *Hays* litigation. [*Hays*, 936 F.Supp. 360] Louisiana's legislature adopted the court ordered plan in Act 96 of the 1996 First Extraordinary Session, which was objected to by the Department of Justice on August 12, 1996. Prior to 1996, Act 1 of the 1994 Second Extraordinary Session was precleared on June 3, 1994. Act 1 (1996, 2<sup>nd</sup> Ex.S.) was found to be in violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and declared null and void in *Hays, supra*. Act 42 of the 1992 Regular Session was precleared on July 6, 1992.

**q) For redistrictings and annexations:**

**(a) Demographic information**

Enclosed herein as *Exhibit D*, please find electronic disc containing the total and voting age population by race and language group of the baseline congressional districts (current districts).

Enclosed herein as *Exhibit E*, please find electronic disc containing the total and voting age population by race and language group of the proposed congressional districts (Act 2, 2011, 1<sup>st</sup> E.S.).

Information contained in *Exhibits D* and *E* was provided by Dr. William Blair, Director of Demographic Services, Louisiana Legislature, (225) 342-2591.

Chief, Voting Section  
 Sec. 5 Submission, Act 2 (2011, 1<sup>st</sup> E.S.)  
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**(b) Maps**

Enclosed herein as *Exhibit F*, please find electronic disc containing the map of the current congressional districts and proposed congressional districts.

Enclosed herein as *Exhibit G*, please find an electronic disc containing shapefiles and block equivalency files for the current congressional districts and the proposed congressional districts (Act 2, 2011, 1<sup>st</sup> E.S.).

Information contained in *Exhibits, F* and *G* was provided by Dr. William Blair, Director of Demographic Services, Louisiana Legislature, (225) 342-2591.

**(c) Availability of the submission**

Enclosed herein as *Exhibit H*, please find a copy of the public notice by the Attorney General's office announcing the submission of Act 2 (2011, 1<sup>st</sup> E.S.) to the U.S. Attorney General, and informing the public that a complete duplicate copy of the submission is available for public inspection at our office and inviting comments for the consideration of the U.S. Attorney General.

**(d) Minority group contacts**

Enclosed herein as *Exhibit I*, please find a copy of minority contacts in the Louisiana Legislature.

**(f) Publicity and participation**

Enclosed herein in globo as *Exhibit J*, please find a copy of notices and agendas for the following public hearings:

Date	Location	Meeting
1-Oct-2009	Alexandria, Louisiana	Workshop
2-Oct-2009	Alexandria, Louisiana	Workshop
15-Dec-2009	Baton Rouge, Louisiana	House and Governmental Affairs
5-Jan-2010	Lake Charles, Louisiana	Regional Public Hearings
11-Jan-2010	Alexandria, Louisiana	Regional Public Hearing
14-Jan-2010	Lafayette, Louisiana	Regional Public Hearing
19-Jan-2010	Thibodaux, Louisiana	Regional Public Hearing
26-Jan-2010	Slidell, Louisiana	Regional Public Hearing
28-Jan-2010	New Orleans, Louisiana	Regional Public Hearing
1-Feb-2010	Shreveport, Louisiana	Regional Public Hearing
2-Feb-2010	Monroe, Louisiana	Regional Public Hearing
17-Feb-2010	New Orleans Metro	Regional Public Hearing
17-Feb-2010	North Shore Meeting	Regional Public Hearing
19-Jan-2011	Baton Rouge, Louisiana	House and Governmental Affairs
15-Feb-2011	Baton Rouge, Louisiana	House and Governmental Affairs
21-Feb-2011	Baton Rouge, Louisiana	Regional Public Hearing
21-Feb-2011	Houma, Louisiana	Regional Public Hearing
22-Feb-2011	Lafayette, Louisiana	Regional Public Hearing
22-Feb-201 1	Lake Charles, Louisiana	Regional Public Hearing
28-Feb-2011	Shreveport, Louisiana	Regional Public Hearing
1-Mar-2011	Monroe, Louisiana	Regional Public Hearing
1-Mar-2011	Alexandria, Louisiana	Regional Public Hearing

Enclosed herein as *Exhibit J-1*, please find a copy of the handouts distributed and presentations given at the public hearings and committee meetings.

Chief, Voting Section  
Sec. 5 Submission, Act 2 (2011, 1<sup>st</sup> E.S.)  
Page -6-

*Exhibits J and J-1* were obtained at the following web address:

[http://house.louisiana.gov/H\\_Redistricting2011/default\\_RedistMeetings2011\\_Past.htm](http://house.louisiana.gov/H_Redistricting2011/default_RedistMeetings2011_Past.htm).

The following are key House Redistricting contacts:

House & Governmental Affairs Committee	225-342-2403
Shawn O'Brien, Secretary	225-342-2403
Patricia Lowrey-Dufour, Legislative Analyst	225-342-2396
Mark Mahaffey, Attorney	225-342-2598
Alfred Speer, Clerk of the House	225-342-7259
Dr. William Blair, Demographer	225-342-2591

**(g) Other information**

Enclosed herein as *Exhibit K*, please find an electronic disc containing all bills introduced in the legislature with respect to the redistricting of the congressional districts, as follows:

1. HB3 by Representative Gallot;
2. HB4 by Representative Gallot;
3. HB8 by Representative Harrison;
4. HB39 by Representative Richard;
5. HB41 by Representative Barrow;
6. HB42 by Representative Michael Jackson;
7. HB43 by Representative Cromer;
8. SB2 by Senator Kostelka;
9. SB3 by Senator Lydia Jackson;
10. SB23 by Senator Marionneaux;
11. SB24 by Senator Riser;
12. SB29 by Senator Mills;
13. SB31 by Senator McPherson; and
14. SB32 by Senator Bromme.

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## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Ponti

HB No. 6

**Abstract:** Provides for the redistricting of the state's congressional districts and provides for the composition of each of the six congressional districts. Effective for election purposes only for the regular congressional elections in 2012 and for all purposes on January 3, 2013.

Statistical summaries of the proposed law, including district variances from the ideal population of 755,562 and the range of those variances, as well as maps illustrating proposed district boundaries accompany this digest. *(Attached to hard copies of the bill distributed during session and available as a separate document on the Internet.)*

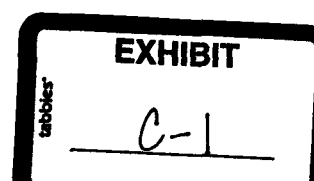
Present U.S. Constitution (14th Amendment) provides that representatives in congress shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state. The U.S. Supreme Court has held that the population of congressional districts in the same state must be as nearly equal in population as practicable.

Present law divides the state into seven districts for election of Louisiana's representatives to the U.S. House of Representatives.

Proposed law redraws district boundaries for the six congressional districts, effective for election purposes with the opening of the qualifying period for the 2012 primary election for members of congress.

Proposed law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2010 Census Redistricting TIGER/Line Shapefiles for the state of La. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with present law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect without change regardless of any changes made to the precincts by the parish governing authority.

Proposed law specifies that the effectiveness of the law for 2012 election purposes does not reduce the term of congressmen elected at the 2010 congressional election or elected to fill a vacancy for the remainder of a term which began on January 3, 2011. Further specifies that the provisions of proposed law shall not reduce the term of office of any person holding any position





or office on the effective date of proposed law, for which the appointment or election is based upon a congressional district as composed pursuant to present law. Specifies that any position or office filled after January 3, 2013, for which the appointment or election is based on a congressional district shall be appointed or elected from a district as it is described in proposed law.

Proposed law retains present districts until noon on January 3, 2013, at which time present law is repealed and proposed districts are effective for all purposes.

Population data in the summaries accompanying this digest are derived from 2010 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps are supplied for purposes of information and analysis and comprise no part of proposed law.

Effective for election purposes only for the regular congressional elections in 2012; effective for all purposes on January 3, 2013.

(Adds R.S. 18:1276.1; Repeals R.S. 18:1276)

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Present law divides the state into seven districts for election of Louisiana's representatives to the U.S. House of Representatives.

Proposed law redraws district boundaries for the six congressional districts, effective for election purposes with the opening of the qualifying period for the 2012 primary election for members of congress.

Proposed law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2010 Census Redistricting TIGER/Line Shapefiles for the state of La. Also specifies that if any such precinct has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with present law, the enumeration of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect without change regardless of any changes made to the precincts by the parish governing authority.

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Effective for election purposes only for the regular congressional elections in 2012; effective for all purposes on Jan. 3, 2013.

(Adds R.S. 18:1276.1; Repeals R.S. 18:1276)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on House and Governmental Affairs to the original bill.

1. Makes changes to Congressional districts 1, 3, 4, 5, and 6.
2. Moves precincts in Acadia Parish from district 4 to district 3.
3. Moves precincts in Bienville Parish from district 5 to district 4.
4. Moves precincts in Claiborne Parish from district 5 to district 4.
5. Moves precincts in Grant Parish from district 5 to district 4.
6. Moves one precinct in Jefferson Davis Parish from district 3 to district 4.
7. Moves precincts in Rapides from district 4 to district 5.
8. Moves precincts in St. Landry Parish from district 5 to district 4.
9. Moves precincts in St. Martin Parish from district 3 to district 5.
10. Moves precincts in St. Tammany Parish from district 1 to district 6.
11. Moves precincts in Tangipahoa Parish from districts 5 and 6 to districts 6 and 1.
12. Moves precincts in Washington Parish from district 6 to district 5.
13. Moves precincts in West Baton Rouge Parish from district 5 to district 6.

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Effective for election purposes only for the regular congressional elections in 2012; effective for all purposes on Jan. 3, 2013.

(Adds R.S. 18:1276.1; Repeals R.S. 18:1276)

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12. Moves precincts in Washington Parish from district 6 to district 5.
13. Moves precincts in West Baton Rouge Parish from district 5 to district 6.

House Floor Amendments to the engrossed bill.

1. Makes changes to all congressional districts.

Ponti

HB No. 6

**REAPPORTIONMENT/CONGRESS: Provides relative to the districts for elected members of the United States Congress (Item #3).**-----  
DIGEST

Present U.S. Constitution (14th Amendment) provides that representatives in congress shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state. The U.S. Supreme Court has held that the population of congressional districts in the same state must be as nearly equal in population as practicable.

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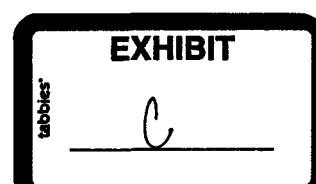
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Effective for election purposes only for the regular congressional elections in 2012; effective for all purposes on Jan. 3, 2013.

(Adds R.S. 18:1276.1; repeals R.S. 18:1276)



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12. Moves precincts in Washington Parish from district 6 to district 5.
13. Moves precincts in West Baton Rouge Parish from district 5 to district 6.

House Floor Amendments to the engrossed bill.

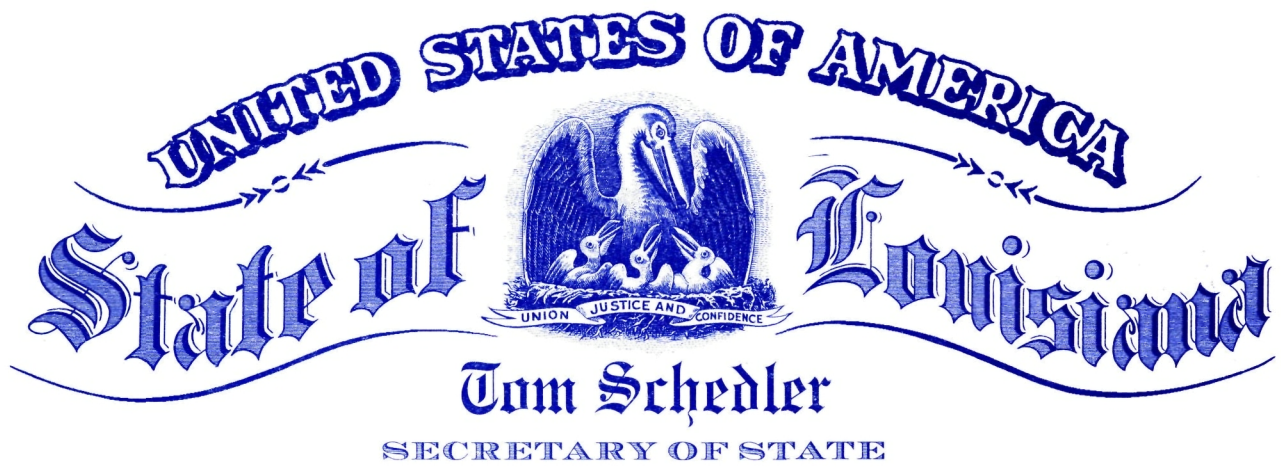
1. Makes changes to all congressional districts.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the reengrossed bill.

1. Adds various precincts to, and deletes various precincts from, the composition of certain congressional districts set forth in proposed law.





*As Secretary of State, of the State of Louisiana, I do hereby Certify that*  
the annexed and following pages contain a true and correct copy of Act No. 2 of the 2011 First  
Extraordinary Session of the Legislature (House Bill No. 6), as shown by comparison with the  
original on file in the archives of this office.

*In testimony whereof, I have hereunto set  
my hand and caused the Seal of my Office  
to be affixed at the City of Baton Rouge on,  
this, the 19<sup>th</sup> day of April, 2011.*

*Secretary of State*



EXHIBIT

A

**ACT 2**

**ENROLLED**

First Extraordinary Session, 2011

HOUSE BILL NO. 6

BY REPRESENTATIVES PONTI, HENRY BURNS, CARMODY, CARTER, FOIL,  
HOWARD, LAMBERT, MORRIS, POPE, RICHARDSON, SEABAUGH,  
SMILEY, JANE SMITH, ST. GERMAIN, AND WHITE

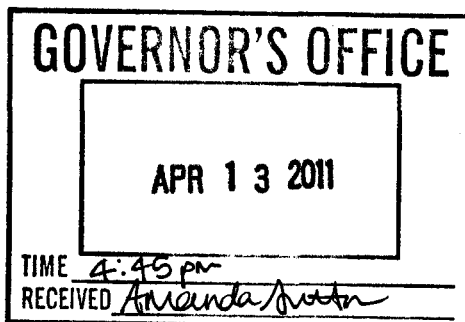
AN ACT

To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to  
provide for the redistricting of Louisiana's congressional districts; to provide with  
respect to positions and offices, other than congressional, which are based upon  
congressional districts; to provide for the effectiveness; and to provide for related  
matters.

**ORIGINATED**

IN THE

House of Representatives



**RECEIVED**  
BY SECRETARY OF STATE

APR 15 2011

PUBLICATIONS DIVISION

Clerk of the House of Representatives



**ACT 2****ENROLLED**

First Extraordinary Session, 2011

HOUSE BILL NO. 6

BY REPRESENTATIVES PONTI, HENRY BURNS, CARMODY, CARTER, FOIL,  
HOWARD, LAMBERT, MORRIS, POPE, RICHARDSON, SEABAUGH,  
SMILEY, JANE SMITH, ST. GERMAIN, AND WHITE

## AN ACT

To enact R.S. 18:1276.1 and to repeal R.S. 18:1276, relative to congressional districts; to provide for the redistricting of Louisiana's congressional districts; to provide with respect to positions and offices, other than congressional, which are based upon congressional districts; to provide for the effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1276.1 is hereby enacted to read as follows:

§1276.1. Congressional districts

Louisiana shall be divided into six congressional districts, and the qualified electors of each district shall elect one representative to the United States House of Representatives. The districts shall be composed as follows:

(1) District 1 is composed of Precincts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 134, 136, 192, 198, 199, 246, 247, 248, 1-GI, 1-H, 2-H, 3-H, 4-H, 5-H, 6-H, 7-H, 8-H, 9-H, 1-K, 2-K, 3-K, 4-K, 5-K, 6-K, 7-K, 8-K, 9-K, 10-K, 11-K, 12-K, 13-KA, 14-K, 16-K, 17-K, 18-K, 19-K, 20-K, 25-K, 27-K, 28-K, 34-K, 35-K and 1-L of Jefferson Parish; Precincts 3-2, 3-3, 3-6, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 8-1, 9-1, 9-2, 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-8, 10-9, 10-10, 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 11-1 and 11-2 of Lafourche Parish; Precincts 3-20, 4-7, 4-8, 4-9, 4-11, 4-14, 4-15, 4-17,

HB NO. 6

ENROLLED

4-17A, 4-18, 4-20, 4-21, 4-22, 4-23, 5-15, 5-16, 5-17, 5-18, 7-41, 7-42, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, 14-8, 14-9, 14-10, 14-11, 14-12, 14-13A, 14-14, 14-15, 14-16, 14-18A, 14-19, 14-21, 16-2, 16-3, 17-1, 17-17, 17-18, 17-18A, 17-19 and 17-20 of Orleans Parish; Plaquemines Parish; St. Bernard Parish; St. Tammany Parish; Precincts 40, 40A, 41, 42, 42A, 43, 44, 45, 45A, 46, 47, 48, 49, 70, 70A, 71, 72, 72A, 73, 74, 119, 121B, 122, 122A, 123, 124, 127, 127A, 129, 129A, 133, 133A, 137, 137A, 137B, 137C, 137D, 139, 141, 141A, 143, 145, 149, 149A and 151 of Tangipahoa Parish and Precincts 15, 20, 21, 23, 24, 25, 28, 29, 31, 32, 33, 34, 35, 36, 38, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 69, 70, 71, 72, 73, 78, 80, 83, 84, 85, 88, 89 and 90 of Terrebonne Parish.

(2) District 2 is composed of Precincts 30, 36, 37, 39, 42, 44, 45, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57 and 60 of Ascension Parish; Precincts 1-1, 1-2, 2-2, 6-1, 6-2 and 7-1 of Assumption Parish; Precincts 1-2, 1-3, 1-4, 1-5, 1-6, 1-10, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-36, 1-45, 1-50, 1-51, 1-58, 1-61, 1-62, 1-63, 1-67, 1-77, 1-84, 1-85, 1-86, 1-91, 1-92, 1-93, 1-94, 1-95, 1-100, 1-101, 1-104, 2-1, 2-9, 2-11, 2-13, 2-16, 2-20, 2-22, 2-23, 2-24 and 2-30 of East Baton Rouge Parish; Precincts 1, 2, 3, 6, 7, 8, 10, 11, 12, 13A, 13B, 13C, 14, 14A, 14B, 15, 15A, 16, 17, 17A, 18, 19, 19A, 20, 21, 22 and 23 of Iberville Parish; Precincts 57, 104, 107, 108, 115, 116, 131, 133, 138, 150, 151, 152, 153, 154, 155, 156, 157A, 157B, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179A, 179B, 180, 181, 182, 183, 184, 185A, 185B, 187, 188, 189, 190, 191, 193, 194A, 194B, 195, 196, 197A, 197B, 197C, 200, 201, 202, 203, 204, 205, 210, 211, 212A, 212B, 213A, 213B, 213C, 214A, 214B, 215, 216A, 216B, 217, 225, 226, 227, 228, 229, 230, 231, 232A, 232B, 234, 235, 236, 237, 238, 1-G, 2-G, 3-G, 4-G, 5-G, 6-G, 7-G, 8-G, 9-G, 10-G, 11-G, 12-G, 13-G, 13-KB, 15-K, 21-K, 22-K, 23-K, 24-K, 26-K, 29-K, 30-K, 31-K, 33-K, 1-W, 2-W, 3-W, 4-W, 5-W, 6-W and 7-W of Jefferson Parish; Precincts 1-1, 1-2, 1-5, 1-6, 2-1, 2-2, 2-3, 2-4, 2-6, 2-6A, 2-7, 3-1, 3-3, 3-5, 3-8, 3-9, 3-12, 3-14, 3-15, 3-18, 3-19, 4-2, 4-3, 4-4, 4-5, 4-6, 5-1, 5-2, 5-3, 5-4, 5-5, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, 5-13, 6-1, 6-2, 6-4, 6-6, 6-7, 6-8, 6-9, 7-1, 7-2, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9A, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15,

HB NO. 6

ENROLLED

7-16, 7-17, 7-18, 7-19, 7-20, 7-21, 7-23, 7-24, 7-25, 7-25A, 7-26, 7-27, 7-27B, 7-28,  
7-28A, 7-29, 7-30, 7-32, 7-33, 7-34, 7-35, 7-37, 7-37A, 7-40, 8-1, 8-2, 8-4, 8-6, 8-7,  
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9-8A, 9-9, 9-10, 9-11, 9-12, 9-13, 9-14, 9-15, 9-16, 9-17, 9-19, 9-21, 9-23, 9-25,  
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9-40C, 9-41, 9-41A, 9-41B, 9-41C, 9-41D, 9-42, 9-42C, 9-43A, 9-43B, 9-43C,  
9-43E, 9-43F, 9-43G, 9-43H, 9-43I, 9-43J, 9-43K, 9-43L, 9-43M, 9-43N, 9-44,  
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10-13, 10-14, 11-2, 11-3, 11-4, 11-5, 11-8, 11-9, 11-10, 11-11, 11-12, 11-13, 11-14,  
11-17, 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12,  
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14-24A, 14-25, 14-26, 15-1, 15-2, 15-3, 15-5, 15-6, 15-8, 15-9, 15-10, 15-11, 15-12,  
15-12A, 15-13, 15-13A, 15-13B, 15-14, 15-14A, 15-14B, 15-14C, 15-14D, 15-14E,  
15-14F, 15-14G, 15-15, 15-15A, 15-15B, 15-16, 15-17, 15-17A, 15-17B, 15-18,  
15-18A, 15-18B, 15-18C, 15-18D, 15-18E, 15-18F, 15-19, 15-19A, 15-19B, 15-19C,  
16-1, 16-1A, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7,  
17-8, 17-9, 17-10, 17-11, 17-12, 17-13, 17-13A, 17-14, 17-15 and 17-16 of Orleans  
Parish; Precincts 1-1, 1-2, 1-3, 1-5, 2-1, 2-2, 2-3, 2-4, 2-5, 3-5, 4-1, 4-2, 4-3, 4-4, 5-1,  
5-4, 6-6, 6-7, 6-8, 7-1, 7-2, 7-3 and 7-4 of St. Charles Parish; St. James Parish;  
Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 2-1, 2-2, 2-3, 2-4, 3-1, 3-2, 3-3, 3-4, 4-1, 4-2, 4-3,  
4-4, 4-9, 5-1, 5-2, 5-5, 6-1, 6-3, 6-4 and 7-7 of St. John the Baptist Parish and  
Precincts 1-1, 3-1A, 3-2, 4-2, 4-3A, 4-4, 4-5 and 5-1 of West Baton Rouge Parish.  
  
(3) District 3 is composed of Acadia Parish; Calcasieu Parish; Cameron  
Parish; Iberia Parish; Jefferson Davis Parish; Lafayette Parish; Precincts 2-2, 2-6, 2-8  
and 3-3 of St. Landry Parish; St. Martin Parish; St. Mary Parish and Vermilion  
Parish.

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(4) District 4 is composed of Allen Parish; Beauregard Parish; Bienville Parish; Bossier Parish; Caddo Parish; Claiborne Parish; De Soto Parish; Evangeline Parish; Natchitoches Parish; Red River Parish; Sabine Parish; Precincts 1-2, 1-2A, 1-3, 1-3A, 1-5, 1-14, 1-19, 1-23, 1-24, 2-1, 2-3, 2-4, 2-5, 2-7, 2-9, 3-2, 4-8, 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-8, 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10, 6-11, 6-11A, 6-13, 6-14, 6-15, 6-16 and 6-16A of St. Landry Parish; Union Parish; Vernon Parish and Webster Parish.

(5) District 5 is composed of Avoyelles Parish; Caldwell Parish; Catahoula Parish; Concordia Parish; East Carroll Parish; Precincts 1-2B, 3-1A, 3-1B, 3-1C, 3-2A, 3-2B, 4-1A, 4-1B, 4-2, 5-1, 5-3, 7-1, 8-1A and 8-1B of East Feliciana Parish; Franklin Parish; Grant Parish; Jackson Parish; La Salle Parish; Lincoln Parish; Madison Parish; Morehouse Parish; Ouachita Parish; Rapides Parish; Richland Parish; Precincts 1-1 and 6-1 of St. Helena Parish; Precincts 1-1, 1-4, 1-4A, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-15, 1-15A, 1-16, 1-17, 1-18, 1-20, 1-21, 1-22, 1-25, 1-26, 1-26A, 1-28, 1-28A, 1-29, 3-1, 3-4, 3-5, 3-6, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-9, 4-10, 4-11, 4-12, 4-12A and 4-13 of St. Landry Parish; Precincts 1, 2, 6, 11, 15, 16, 17, 18, 26, 27, 27A, 28, 28A, 33, 101, 102, 103, 104, 104A, 105, 106, 106A, 106B, 107, 108, 109, 109A, 110, 111, 111A, 112, 114, 115B, 116, 117, 118, 120, 120A, 120B, 121, 121A and 125 of Tangipahoa Parish; Tensas Parish; Washington Parish; West Carroll Parish; West Feliciana Parish and Winn Parish.

(6) District 6 is composed of Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 40, 41, 43, 58 and 61 of Ascension Parish; Precincts 2-1, 2-3, 3-1, 3-2, 4-1, 4-2, 5-1, 5-2, 5-3, 5-4, 7-2, 8-1 and 9-1 of Assumption Parish; Precincts 1-1, 1-7, 1-8, 1-9, 1-12, 1-33, 1-34, 1-35, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-46, 1-47, 1-48, 1-49, 1-52, 1-53, 1-54, 1-55, 1-56, 1-57, 1-59, 1-60, 1-64, 1-65, 1-66, 1-68, 1-69, 1-70, 1-71, 1-72, 1-73, 1-74, 1-75, 1-78, 1-80, 1-81, 1-82, 1-83, 1-87, 1-88, 1-89, 1-90, 1-97, 1-98, 1-99, 1-102, 1-103, 1-105, 1-107, 2-2, 2-3, 2-4, 2-5, 2-6, 2-7, 2-8, 2-10, 2-12, 2-14, 2-15, 2-17, 2-18, 2-19, 2-21, 2-25, 2-26, 2-27, 2-28, 2-29, 2-31, 2-32, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-8, 3-9, 3-10, 3-11, 3-12, 3-13, 3-14, 3-15, 3-16, 3-17,

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3-32, 3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-42, 3-43, 3-44, 3-45,  
3-46, 3-47, 3-48, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54 and 3-55 of East Baton Rouge  
Parish; Precincts 1-1, 1-2A, 1-3, 2-1A, 2-1B, 2-1C, 5-2 and 6-1 of East Feliciana  
Parish; Precincts 4, 5, 6A, 13, 15B, 24, 25, 25A, 25B, 26, 26A, 27, 28, 29, 30, 31 and  
32 of Iberville Parish; Precincts 1-1, 1-2, 1-3, 1-4, 2-1, 2-1A, 2-2, 2-3, 2-3A, 2-4,  
2-4A, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 3-1, 3-4, 3-5, 5-1, 5-1A,  
5-1B, 5-2, 6-1, 6-2, 6-3, 6-4, 7-1, 7-2, 7-3, 7-4, 11-3 and 11-4 of Lafourche Parish;  
Livingston Parish; Pointe Coupee Parish; Precincts 1-6, 3-1, 3-2, 3-3, 3-4, 3-6, 5-2,  
5-3, 5-5, 6-1, 6-2, 6-3, 6-4 and 6-5 of St. Charles Parish; Precincts 1-2, 2-1, 2-2, 3-1,  
3-2, 3-3, 4-1, 4-2, 5-1, 5-2 and 6-2 of St. Helena Parish; Precincts 4-8, 5-3, 5-4, 5-6,  
5-7, 7-2, 7-3, 7-4 and 7-5 of St. John the Baptist Parish; Precincts 1, 4, 5, 7, 8, 9, 10,  
11, 12, 13, 14, 17, 18, 19, 27, 51, 64, 65, 66, 67, 68, 74, 76, 81, 82, 86 and 87 of  
Terrebonne Parish and Precincts 2-1A, 2-1B, 2-2, 2-3, 3-1B, 4-1, 4-3B, 6-1, 6-2, 7-1,  
7-2, 7-3 and 7-4 of West Baton Rouge Parish.

Section 2.(A) The precincts referenced in this Act are those Voting Districts (VTDs) contained in the 2010 Census Redistricting TIGER/Line Shapefiles for the State of Louisiana.

(B) When a precinct referenced in this Act has been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with the provisions of R.S. 18:532.1, the enumeration in this Act of the general precinct designation shall include all nongeographic and all geographic subdivisions thereof, however such subdivisions may be designated. The territorial limits of the districts as provided in this Act shall continue in effect without change regardless of any changes made to the precincts by the parish governing authority.

Section 3. The provisions of this Act shall not reduce the term of office of any person holding any position or office on the effective date of this Section, for which the appointment or election is based upon a congressional district as composed pursuant to R.S. 18:1276. Any position or office filled after January 3, 2013, for which the appointment or

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1 election is based on a congressional district shall be appointed or elected from a district as  
 2 it is described in this Act.

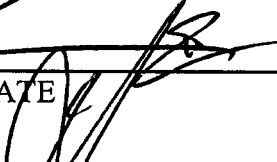
3 Section 4. R.S. 18:1276 is hereby repealed in its entirety.

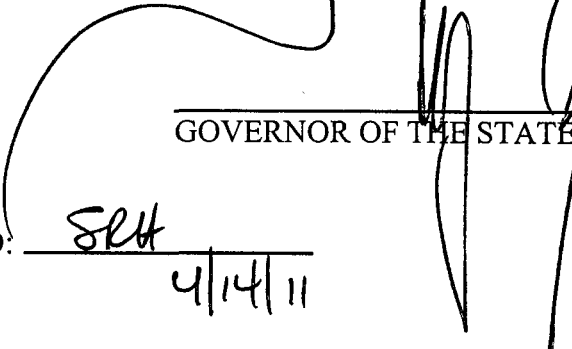
4 Section 5.(A) The provisions of Section 1 of this Act shall become effective solely  
 5 for the purposes of the election of representatives to the United States Congress at the next  
 6 regularly scheduled election for representatives to the congress in 2012, commencing on the  
 7 date and at the time that the qualifying period opens for such offices. The effectiveness of  
 8 Section 1 of this Act for such purposes shall not reduce the term of office of any member of  
 9 the congress elected at the 2010 congressional election or elected to fill a vacancy for the  
 10 remainder of a term which began on January 3, 2011, or change the district which any  
 11 member of congress represents pursuant to R.S. 18:1276. For subsequent elections of  
 12 representatives to the United States Congress and for all other purposes, the provisions of  
 13 Section 1 of this Act shall become effective at noon on the third day of January in 2013.

14 (B) The provisions of Section 4 of this Act shall become effective at noon on the  
 15 third day of January in 2013.

16 (C) The provisions of this Section and Sections 2 and 3 of this Act shall become  
 17 effective upon signature of this Act by the governor or, if not signed by the governor, upon  
 18 expiration of the time for bills to become law without signature by the governor, as provided  
 19 in Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the  
 20 governor and subsequently approved by the legislature, the provisions of this Section and  
 21 Sections 2 and 3 of this Act shall become effective on the day following such approval.

  
 SPEAKER OF THE HOUSE OF REPRESENTATIVES

  
 PRESIDENT OF THE SENATE

  
 GOVERNOR OF THE STATE OF LOUISIANA
APPROVED: 

4/14/11



§1276. Congressional districts

A. Louisiana is divided into seven congressional districts, and the qualified electors of each district shall elect one representative to the United States House of Representatives.

(1) District No. 1 is composed of Precincts 1, 2, 3, 4, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 51, 52, 53, 54, 55, 56, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 105, 106, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 132, 134, 136, 171, 210, 211, 226, 227, 228, 229, 230, 231, 233, 234, 3-G, 5-G, 9-G, 10-G, 1-H, 2-H, 3-H, 4-H, 5-H, 6-H, 7-H, 8-H, 9-H, 1-K, 2-K, 3-K, 4-K, 5-K, 6-K, 7-K, 8-K, 9-K, 10-K, 11-K, 12-K, 13-KA, 16-K, 17-K, 19-K, 20-K, 25-K, 34-K, and 35-K of Jefferson Parish; Precincts 4-9, 4-10, 4-10A, 4-11, 4-14, 4-14A, 4-15, 4-16, 4-16A, 4-17, 4-17A, 4-18, 4-18A, 4-19, 4-20, 4-20A, 4-21, 4-21A, 4-22, 4-23, 5-12, 5-13, 5-14, 5-15, 5-16, 5-17, 5-18, 7-41, 7-42, 14-1, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, 14-8, 14-9, 14-10, 14-11, 16-2, 17-1, 17-17, 17-18, 17-18A, 17-18B, 17-19, 17-19A, 17-20, and 17-21 of Orleans Parish; Precincts 1-6, 3-1, 3-2, 3-3, 3-4, and 5-5 of St. Charles Parish; St. Tammany Parish; Tangipahoa Parish; and Washington Parish.

(2) District No. 2 is composed of Precincts 57, 104, 107, 108, 115, 131, 133, 138, 150, 151, 152, 153, 154, 155, 156, 157, 170, 172, 173, 174, 175, 176, 177, 178, 179A, 179B, 180, 181, 182, 183, 184, 185, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 200, 201, 202, 203, 204, 205, 212, 213A, 213B, 213C, 214, 215, 216, 217, 225, 232, 235, 236, 237, 238, 1-G, 2-G, 4-G, 6-G, 7-G, 8-G, 11-G, 13-KB, 14-K, 15-K, 18-K, 21-K, 22-K, 23-K, 24-K, 26-K, 27-K, 28-K, 29-K, 30-K, 31-K, 33-K, 1-W, 2-W, 3-W, 4-W, 5-W, 6-W, and 7-W of Jefferson Parish and Precincts 1-1, 1-2, 1-5, 1-6, 1-7, 2-1, 2-2, 2-3, 2-4, 2-6, 2-6A, 2-7, 3-1, 3-3, 3-5, 3-8, 3-9, 3-10, 3-12, 3-14, 3-15, 3-16, 3-18, 3-19, 3-20, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-10, 5-11, 6-1, 6-2, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 7-1, 7-2, 7-4, 7-4A, 7-5, 7-6, 7-7, 7-8, 7-9, 7-9A, 7-10, 7-11, 7-12, 7-13, 7-14, 7-15, 7-16, 7-17, 7-18, 7-19, 7-20, 7-20A, 7-21, 7-22, 7-23, 7-24, 7-25, 7-25A, 7-26, 7-26A, 7-27, 7-27A, 7-27B, 7-28, 7-28A, 7-29, 7-30, 7-31, 7-32, 7-33, 7-33A, 7-34, 7-35, 7-36, 7-36A, 7-37, 7-37A, 7-38A, 7-39, 7-40, 8-1, 8-2, 8-4, 8-6, 8-7, 8-8, 8-9, 8-10, 8-11, 8-12, 8-13, 8-14, 8-15, 8-16, 8-17, 8-18, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-25A, 8-26, 8-26A, 8-27, 8-27A, 8-28, 8-29, 8-30, 9-1, 9-2, 9-3A, 9-3B, 9-3, 9-4, 9-5, 9-5A, 9-6B, 9-6C, 9-6D, 9-6E, 9-6F, 9-7, 9-8, 9-8A, 9-8B, 9-9, 9-10, 9-11, 9-12, 9-13, 9-14, 9-15, 9-16, 9-17, 9-18, 9-19, 9-21, 9-22, 9-23, 9-24, 9-25, 9-25A, 9-26, 9-26A, 9-27, 9-28, 9-28A, 9-28C, 9-28D, 9-28E, 9-28F, 9-29, 9-29A, 9-30, 9-30A, 9-31, 9-31A, 9-31B, 9-31C, 9-31D, 9-31E, 9-32, 9-33, 9-33A, 9-34, 9-34A, 9-35, 9-35A, 9-36, 9-36A, 9-36B, 9-36C, 9-37, 9-37A, 9-38, 9-38A, 9-38B, 9-39, 9-39A, 9-39B, 9-40, 9-40A, 9-40B, 9-40C, 9-41, 9-41A, 9-41B, 9-41C, 9-41D, 9-42, 9-42A, 9-42B, 9-42C, 9-42D, 9-42E, 9-43A, 9-43B, 9-43C, 9-43D, 9-43E, 9-43F, 9-43G, 9-43H, 9-43I, 9-43J, 9-43K, 9-43L, 9-43M, 9-43N, 9-44, 9-44A, 9-44B, 9-44D, 9-44E, 9-44F, 9-44G, 9-44I, 9-44J, 9-44L, 9-44M, 9-44N, 9-44O, 9-44P, 9-44Q, 9-45, 9-45A, 10-3, 10-5, 10-6, 10-7, 10-8, 10-9, 10-11, 10-12, 10-13, 10-14, 11-2, 11-3, 11-4, 11-5, 11-8, 11-9, 11-10, 11-11, 11-12, 11-13, 11-14, 11-15, 11-16, 11-17, 11-18, 11-19, 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-13, 12-14, 12-16, 12-17, 12-18, 12-19, 12-20, 13-1, 13-2, 13-3, 13-4, 13-5, 13-6, 13-7, 13-8, 13-9, 13-10, 13-11, 13-12, 13-13, 13-14, 13-14A, 13-15, 13-16, 14-12, 14-13A, 14-14, 14-15, 14-16, 14-17, 14-18A, 14-19, 14-20, 14-21, 14-22, 14-23, 14-24A, 14-25, 14-26, 15-1, 15-2, 15-3, 15-5, 15-6, 15-8, 15-9, 15-10, 15-11, 15-12, 15-12A, 15-13, 15-13A, 15-13B, 15-14, 15-14A, 15-14B, 15-14C, 15-14D, 15-14E, 15-14F, 15-14G, 15-15, 15-15A, 15-15B, 15-16, 15-17, 15-17A, 15-17B, 15-18, 15-18A, 15-18B, 15-18C, 15-18D, 15-18E, 15-18F, 15-19, 15-19A, 15-19B, 15-19C, 16-1, 16-1A, 16-3, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 17-2, 17-3, 17-4, 17-5, 17-6, 17-7, 17-8, 17-9, 17-10, 17-11, 17-12, 17-13, 17-13A, 17-14, 17-15, and 17-16 of Orleans Parish.

(3) District No. 3 is composed of Precincts 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 55 of Ascension Parish; Assumption Parish; Iberia Parish; Precincts 198, 199, 246, 247, 248, 249, 1-GI, and 1-L of Jefferson Parish; Lafourche Parish; Plaquemines Parish; St. Bernard Parish; Precincts 1-1, 1-2, 1-3, 1-5, 2-1, 2-2, 2-3, 2-4, 2-5, 2-7, 2-8, 4-1, 4-2, 4-3, 4-4, 5-1, 5-2, 5-3, 5-4, 6-1, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 7-1, 7-2, 7-3, and 7-4 of St. Charles Parish; St. James Parish; St. John the Baptist Parish; St. Martin Parish; St. Mary Parish; and Terrebonne Parish.

(4) District No. 4 is composed of Precincts 1-1, 1-3, 1-4, 1-6, 1-7, 2-2, 2-3, 2-4-C, 2-4-O, 2-5, 2-6, 3-1, 3-2, and 4-3 of Allen Parish; Beauregard Parish; Bienville Parish; Bossier Parish; Caddo Parish; Claiborne Parish; DeSoto Parish; Grant Parish; Natchitoches Parish;

Parish; Sabine Parish; Vernon Parish; and Webster Parish.

(5) District No. 5 is composed of Precincts 1-2, 1-5, 2-1, 4-1, 4-2, 5-1, 5-2, 5-3, 5-4-C, 5-4-O, 5-5, 5-7, 5-8, 5-9, 5-10, 5-11, 5-12, and 5-13 of Allen Parish; Avoyelles Parish; Caldwell Parish; Catahoula Parish; Concordia Parish; East Carroll Parish; Precincts 1-2, 1-6, 1-13-0, 1-13-1, 1-14, 3-1, 3-4, 3-7, 4-1-0R, 4-1-1R, 4-1-2R, 4-1C, 4-2-0, 4-2-1, 4-3, 4-4, 5-1, 5-2, 5-3, 5-4C, 5-4-R, and 5-5 of Evangeline Parish; Franklin Parish; Precincts 13A, 13B, 14, 14A, 14B, 15, 16, 19, 19A, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, and 32 of Iberville Parish; Jackson Parish; LaSalle Parish; Lincoln Parish; Madison Parish; Morehouse Parish; Ouachita Parish; Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 13, 14, 16, 17, 18, and 19 of Pointe Coupee Parish; Rapides Parish; Richland Parish; Tensas Parish; Union Parish; West Carroll Parish; and Winn Parish.

(6) District No. 6 is composed of Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, and 21 of Ascension Parish; East Baton Rouge Parish; East Feliciana Parish; Precincts 1, 2, 3, 4, 5, 6, 6A, 7, 8, 10, 10A, 11, 12, 13, 15A, 15B, 17, 17A, 18, 24, 25, 25A, 25B, and 26A of Iberville Parish; Livingston Parish; Precincts 10, 11, 12, 15, 20, 21, 22, 23, and 24 of Pointe Coupee Parish; St. Helena Parish; West Baton Rouge Parish; and West Feliciana Parish.

(7) District No. 7 is composed of Acadia Parish; Calcasieu Parish; Cameron Parish; Precincts 1-1-0, 1-1-1, 1-3, 1-4C, 1-4R, 1-5, 1-7, 1-8-0, 1-8-1, 1-8-2, 1-9-0C, 1-9R, 1-10-0, 1-10-1, 1-11, 1-12, 1-15, 1-16-1R, 1-16-OR, 1-17-C, 1-17-R, 2-1, 2-2, 2-3, 2-4, 2-5, 3-2, 3-3, 3-5, and 3-6 of Evangeline Parish; Jefferson Davis Parish; Lafayette Parish; St. Landry Parish; and Vermilion Parish.

B. The precincts to which reference is made in this Section are those adopted by the respective parish governing authorities under the provisions of R.S. 18:532 and made effective not later than January 1, 2000, for the purpose of establishing block boundaries for the 2000 federal decennial census and for reapportionment purposes. However, for those precincts subsequently changed by or pursuant to a court order or by ordinance of the respective parish governing authority as provided in R.S. 18:532.1(G) and validated by the Legislature of Louisiana prior to June 23, 2001, reference is to precincts so changed and validated.

C. When a precinct enumerated in this Section has been subdivided by action of the parish registrar of voters or governing authority on a nongeographic basis (for purposes of polling), or subdivided by action of the parish governing authority on a geographic basis under the provisions of R.S. 18:532.1(G), the enumeration in this Section of the general precinct designation shall include all polling subdivisions thereof and all geographic subdivisions thereof, however such subdivisions may be designated. The territorial limits of the congressional districts as provided in Subsection A of this Section and subject to the provisions of Subsection B of this Section shall continue in effect without change regardless of any changes made to the precincts by the parish registrar of voters or the parish governing authority.

D. This Section shall not reduce the term of office of any member of congress who was elected at the 2000 congressional election or who was elected to fill a vacancy for the remainder of a term which began on January 3, 2001.

E. A vacancy in the representation of any congressional district which is filled after January 3, 2003, shall be filled as provided by law from that district as it is described in this Section.

F. This Section shall not reduce the term of office of any person holding any position or office on January 3, 2003, for which the appointment or election is based upon a congressional district. Any position or office filled after January 3, 2003, for which the appointment or election is based on a congressional district shall be appointed or elected from that district as it is described in this Section.

Acts 2001, 2nd Ex. Sess., No. 10, §1, eff. Jan. 3, 2003 (eff. for election purposes only for the regular elections in 2002).

NOTE: See Acts 2001, 2nd Ex. Sess., No. 10, §3, relative to effectiveness of the Act.



James D. "Buddy"  
**CALDWELL**  
INTEGRITY & CREDIBILITY

**ATTORNEY GENERAL**

P.O. Box 94005 • Baton Rouge, LA 70804  
225-326-6705 • [www.ag.state.la.us](http://www.ag.state.la.us)

PUBLIC INFORMATION OFFICE PRESS LINE: 225.326.6780

June 1, 2011  
FOR IMMEDIATE RELEASE

**LOUISIANA DEPARTMENT OF JUSTICE**  
**OFFICIALLY SUBMITS**  
**CONGRESSIONAL DISTRICT PLAN**  
**TO U.S. JUSTICE DEPARTMENT**

The Louisiana Department of Justice is officially submitting to the U.S. Attorney General for pre-clearance under Section 5 of the Voting Rights Act the Congressional District Plan approved by legislators. Act 2 of the 2011 First Extraordinary Session redistricts Louisiana's congressional districts into 6 districts. The new districts are scheduled to take effect for purposes of qualifying for the election for representatives to the United States Congress at the 2012 regular election. For all other purposes, the Act shall become effective January 3, 2013.

Citizens interested in reviewing the materials submitted to the U.S. Attorney General may do so at the Louisiana Attorney General's Office, 1885 N. Third Street, Baton Rouge, where a complete duplicate copy of the submission is available. The details of the redistricting plan in the enrolled House Bill 6 (Act 2) of the 2011 First Extraordinary Session are also available on the Internet at [http://house.louisiana.gov/H\\_Redistricting2011/](http://house.louisiana.gov/H_Redistricting2011/). A copy of the submission, without exhibits, is also available on the Internet at [www.agbuddycaldwell.com](http://www.agbuddycaldwell.com).

Demographic data on disk (magnetic media) is provided in conjunction with this submission for the present Public Service Commission Districts and the new Congressional Districts (Act 2 of the 2011 First Extraordinary Session). The data is provided on a CD which may be purchased from the Louisiana Attorney General's Office for a charge of \$25 per CD.

Citizens wishing to comment on the Congressional District Plan (Act 2) for consideration by the Attorney General should do so in writing and mail the comments to:

Chief, Voting Section  
Civil Rights Division  
United States Department of Justice  
Room 7254-NWB  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530



The envelope and first page should be marked: "Comment under Section 5 of the Voting Rights Act."

The public is encouraged to comment as soon as possible. The U.S. Attorney General has at least 60 days from on or about May 26, 2011 to evaluate the new districts and make a decision.

-End-

Name	District	Contact Info
Aubert, Elton M.	58	(225) 265-1831
Badon, Austin	100	(504) 243-7783
Barrow, Regina	29	(225) 362-5837
Bishop, Wesley T.	101	(504) 242-4198
Brossett, Jared	97	(504) 286-1033
Burrell, Roy	2	(318) 676-7137
Dixon, Herbert B.	26	(318) 487-5661
Franklin, A B	34	(337) 491-2320
Gallot, Jr., Richard "Rick"	11	(318) 251-5019
Hardy, Rickey	44	(337) 262-2598
Honoré, Dalton	63	(225) 771-5674
Jackson III, Girod	87	(504) 349-0030
Jackson, Michael	61	(225) 342-0774
Jones, Rosalind D.	17	(318) 362-5476
LaFonta, Juan	96	(504) 282-0265
Norton, Barbara M.	3	(318) 632-5887
Richmond, Cedric	101	(504) 242-4198
Smith, Patricia Haynes	67	(225) 342-7106
Stiaes, Charmaine Marchand	99	(504) 942-7835
Thierry, Ledricka	40	(337) 948-0369
Williams, Patrick	4	(318) 676-5990
<b>SENATE</b>		
Broome, Sharon Weston	15	(225) 359-9352
Dorsey, Yvonne	14	(225) 342-9700
Guillory, Elbert L.	24	(337) 943-2457
Jackson, Lydia P.	39	(318) 676-7029
Morrell, Jean-Paul J.	3	(504) 284-4794
Murray, Edwin R.	4	(504) 945-0042
Peterson, Karen Carter	5	(504) 568-8346
Willard-Lewis, Cynthia	2	(504) 243-1919

EXHIBIT

I

## Louisiana House of Representatives



Rick Gallot  
Chairman

Committee on House and Governmental Affairs  
P.O. Box 44486 Baton Rouge, LA 70804-4486  
(225) 342-2403  
Fax - (225) 342-0768

M. J. "Mert" Smiley, Jr.  
Vice Chairman

### MEMORANDUM

**To:** Members of the House of Representatives  
**From:** Rick Gallot, Chairman, Committee on House and Governmental Affairs  
**Subject:** First Regional Educational Presentation and Public Meeting on 2011 Redistricting  
**Date:** November 18, 2009

---

On December 15, 2009, from 5:30-8:30 p.m. in the State Capitol, the Committee on House and Governmental Affairs will hold the first of a series of educational, pre-Census public meetings around the state on the Redistricting process. The other areas where meetings will be scheduled throughout January and early February are Lafayette, Lake Charles, Alexandria, Monroe, Shreveport, the Northshore, New Orleans, and Houma/Thibodaux. Those dates will be announced soon.

All meetings will be scheduled after regular business hours to make it easier for working people to attend, and each hearing will be streamed live on the Internet as though it were being held at the State Capitol.

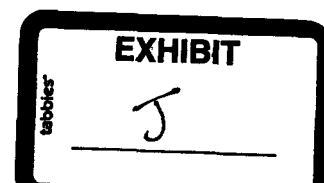
Presentations will be made by staff regarding the Census, redistricting law, population trends in the region where the meeting is being held, current Census estimates for the region, and the timeline for 2011 Redistricting. The public will be invited to comment and ask questions.

The meetings will not be "committee meetings", but rather are for outreach and educational purposes for the public and members of the House. As such, all House and Governmental Affairs Committee members are welcome, but not required, to attend any or all of the meetings, and all House members will be invited and encouraged to attend in their area.

You can assist the committee tremendously in this endeavor by publicizing the regional meeting in your area to your local churches and civic organizations by whatever means you normally achieve public outreach in your district. Visit the House Redistricting webpage at [http://house.louisiana.gov/H\\_Redistricting2011/](http://house.louisiana.gov/H_Redistricting2011/) for general and contact information.

/so

cc: Notification Lists



**House Committee on House and Governmental Affairs  
December 15, 2009  
5:30 pm  
Room 6  
Adjourned**

*To view more information about an instrument, click on the instrument number below.*

**Instruments in BLACK have not yet been considered.**

**Instruments in BLUE have already been considered.**

**Instrument in RED is currently being considered.**

**CALL TO ORDER**

**ROLL CALL**

**BUSINESS**

Regional educational presentation and public meeting on 2011 Redistricting,  
including:

The 2010 Census

2011 Redistricting process and the law

Population trends in the River Parishes and Florida Parishes regions

Current Census estimates for the River Parishes and Florida Parishes regions

Public comment

**ANNOUNCEMENTS**

**ADJOURNMENT**





**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

December 22, 2009

**COMMITTEE MEETING NOTICE**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will meet as follows:

**DATE:** Tuesday, January 5, 2010

**TIME:** 5:30 p.m.

**PLACE:** McNeese State University, Parra Ballroom, Student Union Annex,  
4300 Jefferson Davis Dr., Lake Charles, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Southwest Region
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 4, 2010

**COMMITTEE MEETING NOTICE**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will meet as follows:

**DATE:** Monday, January 11, 2010

**TIME:** 5:30 p.m.

**PLACE:** Gladys Higdon Instructional Resource Center, 502 Beauregard Street,  
Alexandria, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and in central Louisiana
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 4, 2010

**COMMITTEE MEETING NOTICE**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will meet as follows:

**DATE:** Thursday, January 14, 2010

**TIME:** 5:30 p.m.

**PLACE:** South Regional Library, 6101 Johnston Street,  
Lafayette, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Acadiana Region
- Public comment





**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 8, 2010

**NOTICE OF REDISTRICTING PRESENTATION**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will host a presentation on Redistricting for the public and the region's legislators as follows:

**DATE:** Tuesday, January 19, 2010

**TIME:** 5:30 p.m.

**PLACE:** Nicholls State University, Ayo Hall, #152,  
Corner Audubon Drive @ Ardoyne Drive, Thibodaux, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Acadiana Region
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 15, 2010

**NOTICE OF REDISTRICTING PRESENTATION**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will host a presentation on Redistricting for the public and the regions legislators as follows:

**DATE:** Tuesday, January 26, 2010

**TIME:** 5:30 p.m.

**PLACE:** Northshore Harbor Center, 100 Harbor Center Blvd.  
Slidell, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and in the Northshore area
- Public comment



STATE  
OF  
LOUISIA  
NA

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 19, 2010

## NOTICE OF REDISTRICTING PRESENTATION

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot host a presentation on Redistricting for the public and the regions legislators as follows:

**DATE:** Thursday, January 28, 2010

**TIME:** 5:30 p.m.

**PLACE:** University of New Orleans, Lindy C. Boggs International Conference Center,  
Room 152, 2045 Lakeshore Drive, New Orleans, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Orleans metro area
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 22, 2010

**NOTICE OF REDISTRICTING PRESENTATION**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will host a presentation on Redistricting for the public and the regions legislators as follows:

**DATE:** Monday, February 1, 2010

**TIME:** 5:30 p.m.

**PLACE:** LSU-Shreveport, Science Lecture Auditorium, One University Place,  
Shreveport, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Northwest Region
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 22, 2010

**NOTICE OF REDISTRICTING PRESENTATION**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will host a presentation on Redistricting for the public and the regions legislators as follows:

**DATE:** Tuesday, February 2, 2010

**TIME:** 5:30 p.m.

**PLACE:** University of La. at Monroe, Student Union Building Ballroom,  
601 Bayou Drive, Monroe, Louisiana

**PURPOSE:** Regional educational presentation and public meeting on 2011 Redistricting, including:

- Presentation by the U.S. Census Bureau on the 2010 Census
- Presentation on the 2011 Redistricting process and the law, including population trends in the nation, the state, and the Northeast Region
- Public comment



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

January 7, 2011

**COMMITTEE MEETING NOTICE**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will meet as follows:

**DATE:** Wednesday, January 19, 2011

**TIME:** 9:00 a.m.

**PLACE:** House Committee Room 3

**PURPOSE:**

- Redistricting rules
- Census 2010 data, including apportionment data and state resident population data, ideal populations for election districts, and population aggregations for Redistricting

## MEETING SCHEDULE for the JOINT GOVERNMENTAL AFFAIRS COMMITTEES

These public meetings are to receive public comment concerning the census populations, the deviations of existing districts from an ideal population, and solutions for district line drawing for the legislature, Congress, the Public Service Commission, the Board of Elementary & Secondary Education, the Supreme Court and other courts.

Monday, February 28, 2011, 6:00 P.M. -- La. State Exhibit Museum Auditorium, 3015 Greenwood Road, Shreveport, La.

Tuesday, March 1, 2011, 10:00 A.M. -- Monroe Civic Center, Bayou Room, 401 Lea Joyner Memorial Expressway, Monroe, La.

6:00 P.M. -- Alexandria Convention Hall at City Hall, 915 Third Street, Alexandria, La.

The House & Governmental Affairs Committee will hold a meeting at the State Capitol in Baton Rouge on February 15, 2011 to discuss census data population allocation and aggregation; malapportionment of the House of Representatives, Congress, PSC, and BESE districts; Supreme Court districts; and additional upcoming committee meetings about redistricting



## Louisiana Legislature

JOEL T. CHAISSON, II  
President of the Senate

JIM TUCKER  
Speaker of the House  
of Representatives

ROBERT W. "BOB" KOSTELKA  
Chairman, Committee on Senate  
and Governmental Affairs

RICHARD "RICK" GALLOT, JR.  
Chairman, Committee on House  
and Governmental Affairs

**TO:** State and Local Officials Statewide and Persons Expressing Interest in Redistricting Process  
**FROM:** Representative Rick Gallot and Senator Robert W. Kostelka  
Co-Chairmen, Joint Committee on Governmental Affairs  
**DATE:** February 4, 2011  
**SUBJECT:** Series of Public Hearings Statewide on Redistricting

---

The House and Senate Governmental Affairs Committees will jointly hold a series of public hearings to receive the input of citizens relative to the redrawing of Legislative, Congressional, Public Service Commission, Board of Elementary and Secondary Education, Supreme Court, and Courts of Appeal election districts.

Public hearings will be held around the state as follows:

Thursday, February 17, 2011, 10:00 A.M. -- Fuhrmann Auditorium at the Greater Covington Center, 317 North Jefferson Street, Covington, La.

6:00 P.M. -- Dillard University, Professional Schools and Sciences Building, Georges Auditorium (Room 115), 2601 Gentilly Blvd., New Orleans, La.

Monday, February 21, 2011, 10:00 A.M. -- Houma-Terrebonne Civic Center, 346 Civic Center Blvd., Houma, La.

6:00 P.M. -- Baton Rouge Community College, Louisiana Board Room in the Louisiana Building, Baton Rouge, La.

Tuesday, February 22, 2011, 10:00 A.M. -- Lake Charles Civic Center, Buccaneer Room, 900 Lakeshore Drive, Lake Charles, La.

6:00 P.M. -- Acadiana Center for the Arts, Moncus Theatre, 101 West Vermilion Street, Lafayette, La.



Monday, February 28, 2011, 6:00 P.M. -- La. State Exhibit Museum Auditorium, 3015 Greenwood Road, Shreveport, La.

Tuesday, March 1, 2011, 10:00 A.M. -- Monroe Civic Center, Bayou Room, 401 Lea Joyner Memorial Expressway, Monroe, La.

6:00 P.M. -- Alexandria Convention Hall at City Hall, 915 Third Street, Alexandria, La.

The joint committee will show the current district maps for each of the various elected bodies with the new 2010 Census population figures for such districts and discuss which districts no longer meet population guidelines and/or legal requirements.

Citizens and public officials are invited to attend the hearing in their region and give their comments on district lines so that the committees may consider public input as the various plans are drafted and adopted in a special legislative session called for March 20-April 13, 2011.

The public hearings will also be streamed over the Internet ([www.legis.state.la.us](http://www.legis.state.la.us)) for remote live viewing and archived thereafter. Comments and questions concerning districts can be submitted to [http://house.louisiana.gov/H\\_Redistricting2011/](http://house.louisiana.gov/H_Redistricting2011/) at "Contact Us", to <http://senate.legis.state.la.us/redist2011/> at "Contact Us", or via Facebook (<http://www.facebook.com/pages/Baton-Rouge-LA/Louisiana-House-of-Representatives-Redistricting/193299176157?v=info>) or Twitter (<http://twitter.com/@hredist2011>) throughout the duration of the process.

Public comments submitted in any format will be taken into consideration as plans are drafted, as well as being made part of the record in a submission of new district lines to the U.S. Department of Justice for approval.

Public input is a vital part of the redistricting process and we hope that you will take the opportunity to participate and encourage your community members to do so as well.



**STATE OF LOUISIANA**

ALFRED W. SPEER  
CLERK, HOUSE OF REPRESENTATIVES

POST OFFICE BOX 44281  
BATON ROUGE, LOUISIANA 70804-4281  
(225) 342-7259

February 7, 2011

**NOTICE OF COMMITTEE MEETING**

**TO:** Members of the House Committee on House and Governmental Affairs

**FROM:** Alfred W. Speer

The members of the House Committee on House and Governmental Affairs chaired by Representative Rick Gallot will meet as follows:

**DATE:** Tuesday, February 15, 2011

**TIME:** 1:30 p.m.

**PLACE:** House Committee Room 5

**PURPOSE:**

- Discussion of census data population allocation and aggregation
- Discussion of malapportionment of the House of Representatives, Congress, PSC, and BESE districts;
- Discussion of Supreme Court and courts of appeal districts
- Discussion of future committee meetings about redistricting and timeline

## Louisiana House of Representatives



Rick Gallot  
Chairman

**Committee on House and Governmental Affairs**  
P.O. Box 44486 Baton Rouge, LA 70804-4486  
(225) 342-2403  
Fax - (225) 342-0768

M. J. "Mert" Smiley, Jr.  
Vice Chairman

### A G E N D A

**Committee on House and Governmental Affairs**  
**Thursday, March 17, 2011**  
**House Committee Room 6**  
**1:00 p.m.**

***Chairman:*** Representative Rick Gallot  
***Vice Chairman:*** Representative M. J. "Mert" Smiley, Jr.

***Staff:*** M. Patricia Lowrey-Dufour, Legislative Analyst  
Stephanie Little, Attorney  
Mark Mahaffey, Attorney  
Shawn O'Brien, Committee Secretary  
Ashley Warren, Committee Clerk

- I. CALL TO ORDER**
- II. ROLL CALL**
- III. DISCUSSION**
  - Discussion of working drafts or redistricting plans for BESE, PSC, Congress, Supreme Court, and Courts of Appeal
- IV. OTHER BUSINESS**
- V. ANNOUNCEMENTS**
- VI. ADJOURNMENT**

ANYONE WISHING TO TESTIFY BEFORE THE COMMITTEE SHOULD OBTAIN A WITNESS CARD FROM THE COMMITTEE SECRETARY BEFORE THE MEETING BEGINS.

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\* To most locations.

Packages up to 150 lbs.

☒ FedEx Priority Overnight  
Next business morning.\* Friday  
shipments will be delivered on Monday  
unless SATURDAY Delivery is selected.☐ FedEx Standard Overnight  
Next business afternoon.\*  
Saturday Delivery NOT available.☐ FedEx First Overnight  
Earliest next business morning  
delivery to select locations.\*☐ FedEx 2Day  
Second business day.\* Thursday  
shipments will be delivered on Monday  
unless SATURDAY Delivery is selected.☐ FedEx Express Saver  
Third business day.\*  
Saturday Delivery NOT available.

## 4b Express Freight Service

\*\* To most locations.

Packages over 150 lbs.

☐ FedEx 1Day Freight  
Next business day.\*\* Friday shipments will  
be delivered on Monday unless SATURDAY  
Delivery is selected.

FedEx 1Day Freight Booking No.

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U.S. Department of Justice

Civil Rights Division

*Office of the Assistant Attorney General*

*Washington, D.C. 20530*

**AUG 01 2011**

Erin C. Day, Esq.  
Assistant Attorney General  
P.O. Box 94005  
Baton Rouge, Louisiana 70804-9005

Dear Ms. Day:

This refers to Act No. 2 (H.B. 6) of the First Extraordinary Session of 2011 of the Legislature of Louisiana, which provides for the 2011 redistricting of Louisiana's congressional districts, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on June 2, 2011; additional information was received through June 30, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

A handwritten signature in black ink, appearing to read "T. E. Perez", is located below the word "Sincerely,".

Thomas E. Perez  
Assistant Attorney General

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

LOUISIANA HOUSE OF  
REPRESENTATIVES,

Plaintiff,

v.

UNITED STATES, *et al.*,

Defendants.

**FILED**

**JUN 21 2011**

Clerk, U.S. District & Bankruptcy  
Courts for the District of Columbia

Civil Action No. 11-0770 (ABJ)

**ORDER**

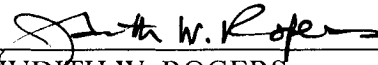
Before the Court is the Unopposed Motion to Dismiss by Defendants United States and Eric Holder, in his official capacity as Attorney General of the United States (“Attorney General”). On April 21, 2011, the State filed this action under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c (“Section 5”), seeking judicial preclearance for Louisiana House Bill 1, the 2011 Louisiana House redistricting plan. [Docket #1]. On April 21, 2011, the State also submitted House Bill 1 to the Attorney General seeking administrative preclearance under Section 5. On June 20, 2011, the Attorney General administratively precleared the voting change plaintiff had previously submitted to this Court in its Complaint [Docket #12].

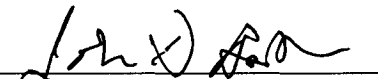
The administrative preclearance by the Attorney General moots the need for the State to obtain declaratory relief from this Court prior to implementing its 2011 House redistricting plan. 42 U.S.C. § 1973c. *See* May 16, 2011 Order, p. 2 [Docket #11], citing *Berry v. Doles*, 438 U.S. 190, 192–193 (1978) (per curiam); *Georgia v. Holder*, 748 F. Supp. 2d 16 (D.D.C. 2010). Such determination by the Attorney General is not appealable nor reviewable by this Court. *Morris v.*

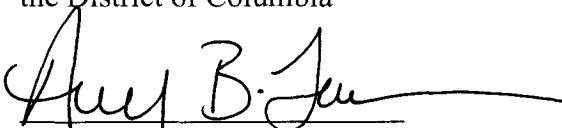
*Gressette*, 432 U.S. 491, 504-505 (1977). Having obtained administrative preclearance for the 2011 House redistricting plan, the State is permitted under Section 5 to implement that plan without any action by this Court. Therefore, there is no longer a case or controversy under Article III of the Constitution of the United States for the Court to resolve and plaintiff's complaint should be dismissed.

Accordingly, it is

**ORDERED** that Defendants' Unopposed Motion to Dismiss is granted and this case is hereby dismissed.

  
JUDITH W. ROGERS  
United States Court of Appeals for  
the District of Columbia Circuit

  
JOHN D. BATES  
United States District Court for  
the District of Columbia

  
AMY BERMAN JACKSON  
United States District Court for  
the District of Columbia

DATE: June 21, 2011



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

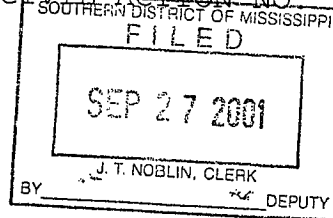
JIMMY D. GILES

PLAINTIFF

VS.

JOHN ASHCROFT, ATTORNEY GENERAL  
OF THE UNITED STATES

CIVIL ACTION NO. 3:01CV392LN



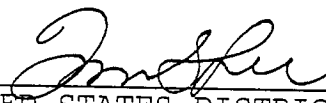
DEFENDANT

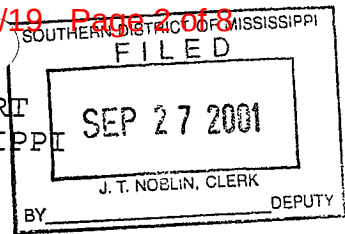
JUDGMENT

For the reasons given in the memorandum opinion and order granting defendant's motion to dismiss entered in this case on September 27, 2001, it is hereby

Ordered and adjudged that this action is dismissed with prejudice.

SO ORDERED AND ADJUDGED this the 30th day of March, 2001.

  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
JACKSON DIVISION

JIMMY D. GILES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:01CV392LN

JOHN ASHCROFT, ATTORNEY GENERAL  
OF THE UNITED STATES

DEFENDANT

MEMORANDUM OPINION AND ORDER

This cause is before the court on the motion of defendant John Ashcroft, Attorney General of the United States, to dismiss pursuant to Rule 12 of the Federal Rules of Civil Procedure and the motion of plaintiff Jimmy D. Giles for a transfer of venue. The court, having considered the memoranda of the parties, concludes that defendant's motion should be granted and plaintiff's motion should be denied.

Plaintiff, on May 21, 2001, instituted this action challenging the constitutionality of both the preclearance requirements in Section 5 and the procedural requirements of Section 14(b) of the Voting Rights Act of 1965, codified in 42 U.S.C. §§ 1973c & 19731 (1994).<sup>1</sup> Plaintiff seeks injunctive relief prohibiting enforcement of said sections. On July 5, 2001, defendant filed a motion to dismiss arguing that this court lacks jurisdiction to hear plaintiff's claims. Thereafter, on July 9, 2001, plaintiff filed a motion for transfer of venue.

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<sup>1</sup> On July 24, 2001, plaintiff filed a motion to amend his complaint. Because defendant has not filed a responsive pleading, plaintiff's motion must be granted pursuant to Federal Rule of Civil Procedure 15(a). See Lewis v. Fresno, 252 F.3d 352, 360 (5th Cir. 2001) (stating that a motion to dismiss is not a responsive pleading).

The court first addresses whether a three-judge panel must be convened to hear plaintiff's claims.<sup>2</sup> Generally, actions by private individuals seeking injunctive relief under Section 5 of the Voting Rights Act must be heard by a three-judge panel pursuant to 28 U.S.C. § 2284 (1994). See 42 U.S.C. § 1973b (1994); League of United Latin American Citizens of Tex. v. Texas, 113 F.3d 53, 55 (5th Cir. 1997). "However, where § 5 claims are 'wholly insubstantial' and completely without merit, such as where the claims are frivolous, essentially fictitious, or determined by prior case law, a single judge may dismiss the claims without convening a three-judge court." League of United Latin American Citizens, 113 F.3d at 55. See also Gonzalez v. Automatic Employees Credit Union, 419 U.S. 90, 100, 95 S. Ct. 289, 295, 42 L. Ed. 2d 249 (1974) (stating that "[a] three-judge court is not required where the district court itself lacks jurisdiction of the complaint or the complaint is not justiciable in the federal courts."). Applying these cases, a three-judge panel is not needed in this action because defendant's motion to dismiss will be granted based on this court's lack of jurisdiction.

Jurisdiction is lacking because the United States District Court for the District of Columbia has exclusive jurisdiction over plaintiff's constitutional challenges to the Voting Rights Act of 1965. See Allen v. State Bd. of Elections, 393 U.S. 544, 558, 89

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<sup>2</sup> Plaintiff has requested a three-judge panel both in his complaint and in several motions.

S. Ct. 817, 828, 22 L. Ed. 2d 1 (1969) (citing Katzenbach v. Morgan, 384 U.S. 641, 86 S. Ct. 1717, 16 L. Ed. 2d 828 (1966)); Reich v. Larson, 695 F. 2d 1147, 1149-50 (9th Cir. 1983) (quoting the Senate Judiciary Committee's report on the Act, which states, "[a]ll challenges to the constitutionality or legality of any provision of this bill or any action taken pursuant to it must be litigated in the District Court for the District of Columbia."). As a result, this court clearly does not have jurisdiction over this action, warranting a dismissal of plaintiff's claims.

However, plaintiff argues that the court should transfer the case if it finds that the District Court for the District of Columbia has exclusive jurisdiction over his claims. Under 28 U.S.C. § 1631,<sup>3</sup> a court may transfer a case to another court if

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<sup>3</sup> Plaintiff erroneously cites 28 U.S.C. § 1404 (1993) as the authority the court should use to transfer the case. However, under § 1404, the transferor court must have jurisdiction to be able to transfer the action. See O'Neal v. Hatfield, 921 F. Supp. 574, 575-76 (S.D. Ind. 1996); Naeqler v. Nissan Motor Co., Ltd., 835 F. Supp. 1152, 1156 (W.D. Mo. 1993). The correct statute to apply in the instant suit is 28 U.S.C. § 1631 (1994); accordingly, the court will examine whether transfer is appropriate under this statute. 28 U.S.C. § 1631 states:

Whenever a civil action is filed in a court as defined in section 610 of this title or an appeal, including a petition for review of administrative action, is noticed for or filed with such a court and that court finds that there is a want of jurisdiction, the court shall, if it is in the interest of justice, transfer such action or appeal to any other such court in which the action or appeal could have been brought at the time it was filed or noticed, and the action or appeal shall proceed as if it had been filed in or noticed for the court to which it is transferred on the date upon which it was actually filed in or noticed for

the transferor court does not have jurisdiction; the transferee court had jurisdiction when the action was filed; and a transfer would serve the interest of justice. Phinizy v. Alabama, 847 F.2d 282, 283 (5th Cir. 1988). The first prong of this test is obviously met because this court does not have jurisdiction over the present action. However, the second prong of the test is not met because the District Court for the District of Columbia did not have jurisdiction over plaintiff's suit when it was filed, making transfer inappropriate.

Jurisdiction was not proper in any district court because plaintiff did not have standing to support his constitutional challenges to the Voting Rights Act of 1965. A plaintiff must establish three elements to satisfy the constitutional requirements of standing. Lujan v. Defenders of Wildlife, 504 U.S. 555, 560, 112 S. Ct. 2130, 2136, 119 L. Ed. 2d 351 (1992). First, plaintiff must have suffered an injury in fact, which means that the injury is concrete and particularized, not conjectural. Lujan, 504 U.S. at 560. Second, a causal connection must exist between the injury and the challenged action. Id. Finally, plaintiff's claims must be likely to be redressed by a favorable decision of the court. Id. at 561. The United States Supreme Court has stated that "[s]tanding is not 'an ingenious academic exercise in the conceivable.'" Id. at 566 (citing United States v. Students Challenging Regulatory Agency Procedures, 412 U.S.

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the court from which it is transferred.

669, 688, 93 S. Ct. 2405, 2416, 37 L. Ed. 2d 254 (1973).<sup>4</sup>

Plaintiff argues that he has suffered several types of injuries in fact based on the preclearance requirements of Section 5. Plaintiff alleges that the economy of Mississippi, which provides his livelihood, has been harmed by the stigma attached to Mississippi's status as a preclearance state. Further, Giles contends that he has been reduced to the level of second class citizen because the Mississippi legislature must ask for preclearance every time a change in the voting laws is proposed. Finally, plaintiff alleges that he was ostracized by

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<sup>4</sup> The Supreme Court has also explained the purpose of the standing requirement:

The requirement of "actual injury redressable by the court" serves several of the "implicit policies embodied in Article III[.]" It tends to assure that the legal questions presented to the court will be resolved, not in the rarified atmosphere of a debating society, but in a concrete factual context conducive to a realistic appreciation of the consequences of judicial action.

. . . . .The federal courts have abjured appeals to their authority which would convert the judicial process into "no more than a vehicle for the vindication of the value interests of concerned bystanders." Were the federal courts merely publicly funded forums for the ventilation of public grievances or the refinement of jurisprudential understanding, the concept of "standing" would be quite unnecessary. But the "cases and controversies" language of Art. III forecloses the conversion of courts of the United States into judicial versions of college debating forums.

Valley Forge Christian College v. Americans United for Separation of Church and State, Inc., 454 U.S. 464, 472-73, 102 S. Ct. 752, 758-59, 70 L. Ed. 2d 700 (1982) (citations omitted).

fellow employees while working for International Business Machines Corporation in New York, New York. In plaintiff's first two allegations, he is simply attempting to use this court as a forum to debate issues and air generalized grievances against the United States. In Valley Forge, the Supreme Court stated these are exactly the types of claims that are inappropriate for federal courts.<sup>5</sup> Further, even assuming for the sake of argument that plaintiff's allegation of injury in New York could theoretically confer standing on plaintiff, defendant points out in his rebuttal, that the City of New York is also covered by Section 5 of the Voting Rights Act of 1965. See 28 C.F.R. pt. 51, App.; United Jewish Org. of Williamsburg, Inc. v. Carey, 430 U.S. 144, 148, 97 S. Ct. 996, 1001, 51 L. Ed. 2d 229 (1977). Logically, plaintiff, who may not have felt welcome in New York, did not face such ostracism as a result of the requirements codified in Sections 5 and 14(b). Plaintiff's claims neither raise an injury in fact nor show any causal connection between the alleged injuries and the challenged action. Based on this, the District Court for the District of Columbia did not have jurisdiction when the case was filed; therefore, under § 1631, plaintiff's motion to transfer must fail.<sup>6</sup>

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<sup>5</sup> See supra note 3.

<sup>6</sup> The court also notes that transferring this case would not serve the interest of justice because plaintiff's claims are completely without merit. The Supreme Court has clearly held that Sections 5 and 14(b) of the Voting Rights Act of 1965 are constitutional: See Lopez v. Monterey County, 525



Based on the foregoing, defendant's motion to dismiss is granted, plaintiff's motion to transfer is denied.<sup>7</sup>

A separate judgment will be entered pursuant to Rule 58 of the Federal Rules of Civil Procedure.

SO ORDERED this the 27th day of September, 2001.

  
UNITED STATES DISTRICT JUDGE

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U.S. 266, 283-84, 119 S. Ct. 693, 703-04, 142 L. Ed. 2d 728 (1999) (upholding the constitutionality of Section 5); City of Rome v. United States, 446 U.S. 156, 174-76, 100 S. Ct. 1548, 1560-62, 64 L. Ed. 2d 119 (1980) (upholding the constitutionality of Section 5); South Carolina v. Katzenbach, 383 U.S. 301, 334-335, 86 S. Ct. 803, 821-22, 15 L. Ed 2d 769 (1966) (upholding the constitutionality of both sections).

<sup>7</sup> Plaintiff also has several other motions pending before the court, including: a motion for a temporary restraining order and preliminary injunction to prohibit the application of Section 5 in Mississippi; a motion for judicial notice of the changed circumstances in Mississippi since the passage of the Voting Rights Act of 1965; and a motion to suspend any adverse ruling until discovery is completed. The court's grant of defendant's motion to dismiss makes these motions moot, and the court will not address them.