No. ___

IN THE

Supreme Court of the United States

PRESS ROBINSON, ET AL.,

Appellants,

v.

PHILLIP CALLAIS, ET AL.,

Appellees.

On Appeal from the United States District Court for the Western District of Louisiana

JURISDICTIONAL STATEMENT APPENDIX

VOLUME I OF II

ROBERT A. ATKINS
YAHONNES CLEARY
JONATHAN H. HURWITZ
AMITAV CHAKRABORTY
ADAM P. SAVITT
ARIELLE B. MCTOOTLE
ROBERT KLEIN
NEIL CHITRAO
PAUL, WEISS, RIFKIND, WHARTON & GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019

JANAI NELSON
SAMUEL SPITAL
STUART NAIFEH
Counsel of Record
VICTORIA WENGER
COLIN BURKE
NAACP LEGAL DEFENSE AND EDUCATIONAL FUND, INC.
40 Rector Street, 5th Floor
New York, NY 10006
(212) 965-2200
snaifeh@naacpldf.org

Counsel for Appellants

(counsel continued on inside cover)

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SOPHIA LIN LAKIN
GARRETT MUSCATEL
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UNION FOUNDATION
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San Francisco, CA 94102

T. ALORA THOMAS-LUNDBORG
DANIEL HESSEL
ELECTION LAW CLINIC
HARVARD LAW SCHOOL
6 Everett Street, Ste. 4105
Cambridge, MA 02138

TRACIE WASHINGTON
LOUISIANA JUSTICE INSTITUTE
Suite 132
3157 Gentilly Blvd.
New Orleans LA, 70122

DEUEL ROSS
R. JARED EVANS
I. SARA ROHANI
NAACP LEGAL DEFENSE AND
EDUCATIONAL FUND, INC.
700 14th Street N.W. Ste. 600
Washington, DC 20005

JOHN ADCOCK
ADCOCK LAW LLC
3110 Canal Street
New Orleans, LA 70119

NORA AHMED
STEPHANIE WILLIS
ACLU FOUNDATION OF
LOUISIANA
1340 Poydras St., Ste. 2160
New Orleans, LA 70112

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APPENDIX A

ORDER LIST: 597 U.S.

21-1596

(21A814)

ARDOIN, LA SEC. OF STATE, ET AL.

v.

ROBINSON, PRESS, ET AL.

Tuesday, June 28, 2022

CERTIORARI GRANTED

The application for stay presented to Justice Alito and by him referred to the Court is granted. The district court's June 6, 2022 preliminary injunctions in No. 3:22-CV-211 and No. 3:22-CV-214 are stayed. In addition, the application for stay is treated as a petition for a writ of certiorari before judgment, and the petition is granted. The case is held in abeyance pending this Court's decision in *Merrill, AL Sec. of State, et al. v. Milligan, Evan, et al.* (No. 21-1086 and No. 21-1087) or further order of the Court. The stay shall terminate upon the sending down of the judgment of this Court.

Justice Breyer, Justice Sotomayor, and Justice Kagan would deny the application for stay and dissent from the treatment of the application as a petition for a writ of certiorari before judgment and the granting of certiorari before judgment.

APPENDIX B

SUPREME COURT OF THE UNITED STATES

21-1596

KYLE ARDOIN, LOUISIANA SECRETARY OF STATE, ET AL.

Petitioners

v.

ROBINSON, PRESS, ET AL.

June 26, 2023

ON WRIT OF CERTIORARI BEFORE JUDGMENT to the United States Court of Appeals for the Fifth Circuit.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the writ of certiorari before judgment is dismissed as improvidently granted.

[SEAL]

A True copy Scott S. Harris

Clerk of the Supreme Court of the United States

/s/ Scott S. Harris

APPENDIX C

SUPREME COURT OF THE UNITED STATES

No. 23A994

PRESS ROBINSON, ET AL. v. PHILLIP CALLAIS, ET AL.

ON APPLICATION FOR STAY

No. 23A1002

NANCY LANDRY, SECRETARY OF STATE OF LOUISIANA, ET AL. v. PHILLIP CALLAIS, ET AL.

ON APPLICATION FOR STAY

[May 15, 2024]

The applications for stay presented to JUSTICE ALITO and by him referred to the Court are granted. See *Purcell* v. *Gonzalez*, 549 U. S. 1 (2006). The April 30, 2024 order of the United States District Court for the Western District of Louisiana, case No. 3:24–cv–00122, is stayed pending the timely docketing of the appeal in this Court. Should the jurisdictional statement be timely filed, this order shall remain in effect pending this Court's action on the appeal. If the appeal is dismissed, or the judgment affirmed, this order shall terminate automatically. In the event jurisdiction is noted or postponed, this order will remain in effect pending the sending down of the judgment of this Court.

JUSTICE SOTOMAYOR and JUSTICE KAGAN would deny the applications for stay.

JUSTICE JACKSON, dissenting from grant of applications for stay.

These emergency applications arise from a complex series of cases about what district lines Louisiana voters should use to select their Congressional Representatives. Over more than two years of litigation, separate groups of voters have challenged Louisiana's congressional maps, first for violating §2 of the Voting Rights Act and now for violating the Equal Protection Clause of the Constitution. The Louisiana Legislature, two Governors, civil rights organizations, voters, and jurists at every level of our federal system have weighed in on these challenges. That careful scrutiny is fitting: The question of how to elect representatives consistent with our shared commitment to racial equality is among the most consequential we face as a democracy.

The question before us today, though, is far more quotidian: When does Louisiana need a new map for the November 2024 election? Redistricting raises unique and unusual timeliness concerns, with important deadlines weeks and even months before an election. The three-judge District Court in this action, after holding a full merits trial and finding the current map unconstitutional, scheduled the imposition of a remedial map for no later than June 4. In doing so, it rejected the State's argument that the real deadline for settling on a map is May 15. The State now renews those arguments before us, asserting that waiting any longer will result in irreparable harm, namely, "election chaos." Emergency Application in No. 23A1002, p. 19. The Court appears to credit the State's arguments, relying on the so-called *Purcell* principle that courts making

changes to election procedures close to an election must consider the possibility of "voter confusion." *Purcell* v. *Gonzalez*, 549 U. S. 1, 4–5 (2006) (*per curiam*).

In my view, *Purcell* has no role to play here. There is little risk of voter confusion from a new map being imposed this far out from the November election. In fact, we have often denied stays of redistricting orders issued as close or closer to an election. See *Merrill* v. *Milligan*, 595 U. S. ___, ___–___ (2022) (KAGAN, J., dissenting from grant of applications for stays) (slip op., at 10–11) (collecting cases). Of course, administrative difficulties may occur if a new map is imposed late in an election cycle. But, as the Fifth Circuit noted in rejecting similar *Purcell* arguments by the State in advance of the 2022 election, "'[i]f time presses too seriously, the District Court has the power appropriately to extend' . . . deadline[s] and other 'time limitations imposed by state law.'" *Robinson* v. *Ardoin*, 37 F. 4th 208, 230 (2022) (*per curiam*) (quoting *Sixty-seventh Minnesota State Senate* v. *Beens*, 406 U. S. 187, 201, n. 11 (1972) (*per curiam*)).

Rather than wading in now, I would have let the District Court's remedial process run its course before considering whether our emergency intervention was warranted.* Therefore, I respectfully dissent.

---

* In a separate application, intervenors from the earlier Voting Rights Act litigation allege that they will face irreparable harm if subjected to another election under a map that likely violates §2. See Emergency Application in No. 23A994, p. 40. That harm is serious, but it was, at the time of these emergency filings, highly contingent. The District Court has not yet selected a remedial map, and, were it not for this Court's intervention, it may have selected a map that complies with both §2 and the Equal Protection Clause. I would have waited until after the remedial process concluded (when it would have been clearer if the intervenors' faced irreparable harm) to consider their arguments.

APPENDIX D

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Case No. 3:24-CV-00122

PHILLIP CALLAIS ET AL

versus

NANCY LANDRY

JUDGE DAVID C. JOSEPH

MAG. JUDGE KAYLA D. MCCLUSKY

ORDER CONSTITUTING THREE-JUDGE COURT

This suit challenges the constitutionality of the apportionment of congressional districts in the State of Louisiana. Judge David C. Joseph has requested, pursuant to 28 U.S.C. § 2284, that a three-judge court be convened. I hereby designate a Circuit Judge and a District Judge to serve with Judge Joseph. The members of the three-judge district court convened under 28 U.S.C. § 2284 are:

Judge Carl E. Stewart
Circuit Judge
United States Court of Appeals for the Fifth Circuit

Judge Robert R. Summerhays
United States District Judge
Western District of Louisiana

Judge David C. Joseph
United States District Judge
Western District of Louisiana

SIGNED on February 2, 2024.

/s/ Priscilla Richman
PRISCILLA RICHMAN
CHIEF JUDGE
UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

APPENDIX E

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

No.: 3:24-CV-00122-DCJ-CES-RRS

PHILLIP CALLAIS ET AL

versus

NANCY LANDRY

THREE-JUDGE COURT

SCHEDULING ORDER

The following case-specific deadlines are hereby set in accordance with Fed. R. Civ. P. 16(b). If you have any questions about the rules or deadlines fixed by this order or otherwise wish to contact chambers, you may reach Judge Joseph's chambers by calling (337) 593-5050. You may also reach the Magistrate Judge's chambers by dialing the main line for those chambers.

PRELIMINARY INJUNCTION HEARING
CONSOLIDATED WITH TRIAL ON MERITS:

April 8-9, 2024, at 9:00 a.m. in
Shreveport, Courtroom 1,
before Circuit Judge Carl E. Stewart,
Judge Robert R. Summerhays, and
Judge David C. Joseph

PRE-TRIAL DEADLINES:		FOR:
2/23/2024	1.	Answer to Plaintiffs' Complaint due
2/27/2024	2.	Defendant's Response to Plaintiffs' Preliminary Injunction Motion due
03/08/2024	3.	Reply in Support of Preliminary Injunction Motion due
03/22/2024	4.	Expert designation and reports shall be exchanged among the parties
04/1/2024	5.	Exhibit and Witness Lists shall be exchanged among the parties and provided to the Court
4/1/2024	6.	Trial Depositions. Depositions authorized by the Court for use at trial, if any (see below), shall be edited to remove nonessential, repetitious, and unnecessary material, as well as objections and colloquy of counsel. A copy of edited trial deposition transcripts shall be included in the bench books. All objections thereto must be filed and briefed by this deadline. Objections to deposition testimony will be waived unless submitted along with the deposition transcripts.
4/1/2024	7.	Bench Books. The parties shall deliver one bench book to each of

the judge's chambers for use by the judges at trial. The bench books should be tabbed and indexed with a cover sheet on which each party is to state all objections to the admissibility of exhibits. A fourth copy of the bench book shall be placed at the witness stand on the morning of the trial for use by testifying witnesses. In addition, the parties will provide a digital copy of the bench book to the judges' law clerks. The original exhibits must be entered into evidence at trial. After trial, the exhibits actually admitted into evidence must also be submitted on a flash drive or DVD.

4/1/2024 8. Real Time Glossary. The real time glossary shall be delivered to the Clerk of Court in Lafayette by this date, for transmittal to the court reporter. The glossary shall contain all "key word indexes" from all depositions taken in the case, all witness lists, all exhibit lists, and copies of all expert reports, as well as any other technical, scientific, medical, or otherwise uncommon terms that are likely to be stated on the record during trial.

Real-Time. Real-time is available, and arrangements must be made with the court reporter at least one week prior to trial.

Trial Testimony: Testimonial evidence offered as part of a party's case-in-chief shall be presented by live testimony of the witness(es) absent leave of Court. Deposition testimony is disfavored by the Court and will only be authorized for good cause shown.

Continuances: Motions to continue a trial date, even if agreed upon by the parties, are disfavored by the Court absent compelling circumstances. See also Standing Order in Civil and Criminal Cases. True conflicts in counsel's trial calendars may be addressed with the Court at the pre-trial conference.

Filing Instructions: E-Filing is mandatory in the Western District of Louisiana. In an emergency, printed materials may be filed with the Clerk of Court's Office in any division of the Western District.

Extensions: No Scheduling Order deadline will be extended unless for good cause and only in the interest of justice.

Communicating with the Court: Notwithstanding mandatory e-filing here in the Western District of Louisiana, the parties are welcome to contact the Court by telephone, mail, or e-mail at joseph_motions@lawd.uscourts.gov. All written communication must be copied to opposing counsel and any telephone conference must include all parties involved.

A copy of any dispositive motions, *Daubert* motions, or Motions in Limine (with all required attachments) shall be e-mailed to joseph motions@lawd.uscourts.gov in Word format and sent via hard copy to each judge's chambers.

All matters that must be exchanged among counsel must be exchanged by hand delivery or certified mail,

unless all counsel agree otherwise, IN WRITING, or unless this Court orders otherwise.

All deadlines in this Order are case specific and override any deadlines for the same matter found in an applicable rule of civil procedure. All other deadlines in the Federal Rules of Civil Procedure shall govern this case and shall be enforced by this Court. Counsel should note Rule 26 and Rule 37(c)(1).

This Court will enforce Fed. R. Civ. P. 30, particularly Rule 30(a)(2)(A) (the ten-deposition rule), and Rule 30(d)(1) (the rule limiting depositions to one day/seven hours), absent written stipulation of the parties or court order. This Court shall enforce Rule 26 unless changed by case-specific order or by subsequent court order.

THUS, DONE AND SIGNED in chambers on this 21st day of February, 2024.

Carl E. Stewart, Circuit Judge
Robert R. Summerhays, U. S. District Judge
David C. Joseph, U. S. District Judge

APPENDIX F

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Civil Docket No. 3:24-CV-00122-DCJ-CES-RRS

PHILLIP CALLAIS, ET AL

versus

NANCY LANDRY, in her official capacity as Louisiana Secretary of State

---

THREE-JUDGE COURT

ORDER

Before the Court is a MOTION TO INTERVENE [Doc. 10] filed by Edward Galmon, Sr., Ciara Hart, Norris Henderson, and Tramelle Howard (collectively, the "*Galmon* movants") on February 6, 2024, and a MOTION TO INTERVENE AS DEFENDANTS AND TRANSFER[1] [Doc. 18] filed by Press Robinson, Edgar Cage, Dorothy Nairne, Edwin Rene Soule, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, the National Association for the Advancement of Colored People Louisiana State Conference ("LA NAACP"), and the Power Coalition for Equity and Justice (collectively, the "*Robinson* movants") on

[1] In their Reply brief, the *Robinson* movants respectfully withdrew their Motion to Transfer. [Doc. 76, p. 2].

February 7, 2024.[2] Plaintiffs, Phillip Callais, Lloyd Price, Bruce Odell, Elizabeth Ersoff, Albert Caissie, Daniel Weir, Joyce LaCour, Candy Carroll Peavy, Tanya Whitney, Mike Johnson, Grover Joseph Rees, and Rolfe McCollister (collectively, the "*Callais* plaintiffs") oppose the Motions. [Doc. 33].

Additionally, before the Court is an unopposed Motion to Intervene filed by the State of Louisiana, by and through its Attorney General, Elizabeth Murrill, on February 20, 2024. [Doc. 53].

I. Motions to Intervene

a. Legal Standard

All movants claim that intervention as a matter of right is proper under Federal Rule of Civil Procedure 24(a) or in the alternative, permissive intervention under Federal Rule of Civil Procedure 24(b) is appropriate.

Federal Rule of Civil Procedure 24(a) provides that on "timely motion" the court must permit intervention by anyone who is either: (1) given an unconditional right to intervene by federal statute; or (2) "claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant's ability to protect its interest, unless existing parties adequately represent that interest." To intervene as a matter of right under

[2] Both sets of movants were parties to a suit in the Middle District, *Robinson v. Ardoin*, No. 3:22-cv-02111-SDD-SDJ, in which parties litigated whether HB1, a prior iteration of Louisiana's Congressional districting map, violated Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301.

Rule 24(a)(2), a proposed intervenor must meet the following four requirements:

> (1) The application for intervention must be timely; (2) the applicant must have an interest relating to the property or transaction which is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede his ability to protect that interest; (4) the applicant's interest must be inadequately represented by the existing parties to the suit.

New Orleans Public Service, Inc. v. United Gas Pipe Line Co., 732 F.2d 452, 463 (5th Cir. 1984) (quoting *International Tank Terminals, Ltd. v. M/V Acadia Forest*, 579 F.2d 964, 967 (5th Cir. 1978). The applicant must satisfy each factor in order to show a right to intervene. *Guenther v. BP Retirement Accumulation Plan*, 50 F.4th 536, 542-43 (5th Cir. 2022). The inquiry under Rule 24(a)(2) "is a flexible one, which focuses on the particular facts and circumstances surrounding each application," and "intervention of right must be measured by a practical rather than technical yardstick." *Edwards v. City of Hous.*, 78 F.3d 983, 999 (5th Cir.1996).

Federal Rule of Civil Procedure Rule 24(b) provides that a "court may permit anyone to intervene who: ... has a claim or defense that shares with the main action a common question of law or fact." Permissive intervention is "wholly discretionary with the [district] court ... even though there is a common question of law or fact, or the requirements for Rule 24(b) are otherwise satisfied. *Kneeland v. Nat'l Collegiate Athletic Ass'n*, 806 F.2d 1285, 1289 (5th Cir. 1987); s*ee also United States v. Texas E. Transmission Corp.*, 923 F.2d 410, 416 (5th Cir. 1991); s*ee also New Orleans Pub.*

Serv., Inc. v. United Gas Pipe Line Co., 732 F.2d 452, 471 (5th Cir.1984) (en banc) (quoting Wright & Miller, Federal Practice and Procedure: Civil § 1913 at 551 (1972)), *cert. denied*, 469 U.S. 1019, 105 S. Ct. 434, 83 L.Ed.2d 360 (1984). In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights. Fed. R. Civ. P. 24(b)(3). In reviewing a motion for permissive intervention, a court can weigh, among other things, "whether the intervenors' interests are adequately represented by other parties" and whether they "will significantly contribute to full development of the underlying factual issues in the suit." *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 472 (5th Cir. 1984).

b. Analysis

i. *Robinson* Movants

In regard to the *Robinson* movants, the Court finds that the first three factors required for intervention as a matter of right are met and that the only factor at issue is the fourth factor – the adequacy of representation. "The applicant has the burden of demonstrating inadequate representation, but this burden is 'minimal.'" *Brumfield v. Dodd*, 749 F.3d 339, 345 (5th Cir.2014) (quoting *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir.1994)). The applicant's burden is satisfied if he shows that the existing representation "may be inadequate;" the showing "need not amount to certainty." *Guenther v. BP Ret. Accumulation Plan*, 50 F.4th 535, 543 (5th Cir. 2022).

However, the burden "cannot be treated as so minimal as to write the requirement completely out of the rule." *Haspel & Davis Milling & Planting Co. v. Bd.*

Of Levee Commissioners of The Orleans Levee Dist. & State of Louisiana, 493 F.3d 570, 578 (5th Cir. 2007). A movant must overcome two presumptions so that this requirement "ha[s] some teeth." *Brumfield*, 749 F.3d at 345. The first only arises if "one party is a representative of the absentee by law" — which is inapplicable to this case. *Id.* The second "arises when the would-be intervenor has the same ultimate objective as a party to the lawsuit." *Id.* To overcome this presumption, the movant must establish "adversity of interest, collusion, or nonfeasance on the part of the existing party." *Id.* An intervenor shows adversity of interest if it demonstrates that its interests "diverge from the putative representative's interests in a manner germane to the case." *Guenther,* 50 F.4th at 543. Differences of opinion regarding an existing party's litigation strategy or tactics used in pursuit thereof, without more, do not rise to an adversity of interest. *Lamar v. Lynaugh*, 12 F.3d 1099, 1099 n.4 (5th Cir. 1993) (per curiam); *accord SEC v. LBRY, Inc.*, 26 F.4th 96, 99–100 (1st Cir. 2022) ("A proposed intervenor's desire to present an additional argument or a variation on an argument does not establish inadequate representation."); *United States v. City of New York*, 198 F.3d 360, 367 (2d Cir. 1999); *United States v. Territory of Virgin Islands*, 748 F.3d 514, 522 (3d Cir. 2014); *Bradley v. Milliken*, 828 F.2d 1186, 1192 (6th Cir. 1987); *Jenkins by Jenkins v. Missouri*, 78 F.3d 1270, 1275 (8th Cir. 1996) ("A difference of opinion concerning litigation strategy or individual aspects of a remedy does not overcome the presumption of adequate representation.")

Here, the second presumption applies. In this case, the Secretary of State is sued in her official capacity, thus the State through the Attorney General is implicated as well. Broadly, the Attorney General's job

is to represent the State of Louisiana in lawsuits and defend the laws of the state – that is the oath she made to the state and what she was elected by the citizens of Louisiana to do. In this case, the State must defend SB8 as a constitutionally drawn Congressional redistricting map. This is the same ultimate objective movants would have and interest they would defend at this stage of the proceedings. Further, at this time, the Court finds no indication of the likelihood of collusion or nonfeasance on behalf of the State. Because they failed to establish adversity of interest, collusion, or nonfeasance on the part of the State at this time, movants have not overcome the second presumption of adequate representation. Therefore, the Court does not find grounds for intervention as a matter of right under Rule 24(a) and turns to whether the *Robinson* movants may intervene under Rule 24(b) permissive intervention.

Permissive intervention is a two-stage process. First, the district court must decide whether "the applicant's claim or defense and the main action have a question of law or fact in common." Fed. R. Civ. P. 24(b)(2). If this threshold requirement is met, the court must then exercise its discretion in deciding whether intervention should be allowed. *Stallworth v. Monsanto Co.*, 558 F.2d 257, 269 (5th Cir. 1977).

To be clear – SB8 is not the Congressional districting map of the proposed *Robinson* and *Galmon* intervenors. It is the Congressional districting map of the State of Louisiana – passed by both Houses of the Louisiana Legislature and signed into law by the Governor. The *Robinson* and *Galmon* movants have neither a greater nor lesser interest in ensuring that this map does not run afoul of the 14th Amendment to the United States Constitution than any other citizen of the State of

Louisiana. However, the Court does agree with movants' contention that they have an interest in furthering their litigation objectives when, or if, the litigation enters any remedial phase. A remedial phase would implicate the main objective movants fought for in the *Robinson* case, two Black-majority Congressional districts as they allege is required by the Voting Rights Act and provide an opportunity to introduce the same or similar evidence and maps as in that case.

Imposing reasonable conditions on intervention is a "firmly established principle" in the federal courts. *Beauregard, Inc. v. Sword Servs., LLC*, 107 F.3d 351, 352-53 (5th Cir. 1997); s*ee also Stringfellow*, 480 U.S. at 378 (limitations upon intervention do not constitute a denial of the right to participate). It is undisputed that virtually any condition may be attached to a grant of permissive intervention. *Beauregard, Inc.,* 107 F.3d at 353 (5th Cir. 1997); *cf. United Nuclear Corp. v. Cranford Ins. Co.,* 905 F.2d 1424 (10th Cir.1990); *Fox v. Glickman Corp.,* 355 F.2d 161, 164 (2d Cir.1965); Wright, Miller & Kane, Federal Practice & Procedure: Civil 2d, § 1913, § 1922 (1986) ("Since the court has discretion to refuse intervention altogether, it also may specify the conditions on which it will allow the applicant to become a party."). Thus, the Court grants the *Robinson* movants' motion to intervene for the limited purpose of partaking in the remedial phase of trial, should the case advance to such stage. The Court will allow the *Robinson* movants to be present at all hearings, and movants may seek reconsideration of this ruling if they can establish adversity or collusion by the State.

ii. *Galmon* Movants

The *Galmon* movants' motion merits the same analysis as the *Robinson* movants. However, since the

Court is allowing the *Robinson* movants to intervene, albeit in a limited role, the Court does not find it necessary to also allow the *Galmon* movants to intervene. Their interests and objectives will be adequately represented by the *Robinson* movants. Further, the *Robinson* movants constitute the plaintiffs in the lead case of *Robinson v. Ardoin*, No. 3:22-cv-02111-SDD-SDJ, with which the suit filed by the *Galmon* plaintiffs was consolidated. Ultimately, because their interests will be adequately represented by the *Robinson* intervenors in any remedial phase, the Court denies the *Galmon* movants' motion to intervene.

iii. State of Louisiana

Lastly, as stated above, SB8, the map challenged by plaintiffs in this suit, was formulated and passed by the Louisiana Legislature and signed into law by the Governor. The State of Louisiana clearly has a compelling interest in defending the Congressional redistricting map formulated and passed by its own legislators, alongside its Secretary of State, in her official capacity. Therefore, the State's unopposed Motion to Intervene is granted. The Secretary of State and the State of Louisiana, as defendants, shall confer with each other to consolidate their briefings so as to avoid duplicative arguments. *See WildEarth Guardians v. Jewell*, 320 F.R.D. 1,6, 96 Fed. R. Serv. 3d 1469 (D.D.C. 2017) (allowing Colorado, Wyoming, and Utah to intervene as defendants in an action regarding the approval of oil and gas leases on public lands, but limiting the length of Colorado and Utah's briefing in phase of litigation involving leases in Wyoming, and directing the states to "confer with one another to consolidate their briefing and avoid duplicative arguments"); s*ee also Fisher-Borne v. Smith*, 14 F. Supp. 3d 699, 710, 89

Fed. R. Serv. 3d 1676 (M.D. N.C. 2014 (limiting potential pleadings of proposed intervenors).

II. Conclusion

Accordingly,

IT IS HEREBY ORDERED that the *Robinson* movants' Motion to Intervene [Doc. 18] is GRANTED but limited only to the remedial phase, if one is needed, later in this suit, and the *Galmon* movants' Motion to Intervene [Doc. 10] is DENIED.

IT IS FURTHER ORDERED that the State of Louisiana's Motion to Intervene [Doc. 53] is GRANTED.

THUS, DONE AND SIGNED on this 26th day of February 2024.

/s/ Carl E. Stewart
CARL E. STEWART
CIRCUIT JUDGE
UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

/s/ Robert S. Summerhays
ROBERT S. SUMMERHAYS
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

/s/ David C. Joseph
DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

APPENDIX G

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Civil Docket No. 3:24-CV-00122-DCJ-CES-RRS

PHILLIP CALLAIS, ET AL

versus

NANCY LANDRY, in her official capacity as Louisiana Secretary of State

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THREE-JUDGE COURT

ORDER

Before the Court are the following: (1) MOTION TO RECONSIDER ORDER DENYING INTERVENTION [Doc. 96], (2) MOTION TO EXPEDITE BRIEFING ON THEIR MOTION TO RECONSIDER [Doc. 100]; and (3) MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF THEIR MOTION TO RECONSIDER ORDER DENYING INTERVENTION [Doc. 108], all filed by the *Galmon*[1] movants; (4) MOTION TO RECONSIDER INTERVENTION ORDER AND TO EXPEDITE BRIEFING [Doc. 103]; and (5) MOTION FOR LEAVE TO FILE A REPLY IN SUPPORT OF THEIR MOTION TO RECONSIDER ORDER DENYING INTERVENTION [Doc. 112], both filed by the *Robinson*[2] movants; and (6) MOTION FOR

---

[1] The *Galmon* movants include Edward Galmon, Sr., Ciara Hart, Norris Henderson, and Tramelle Howard.

[2] The Robinson movants include Press Robinson, Edgar Cage, Dorothy Nairne, Edwin Rene Soule, Alice Washington, Clee

LEAVE TO FILE A RESPONSE IN OPPOSITION TO MOTION FOR RECONSIDERATION [Doc. 105]; and (7) MOTION FOR LEAVE TO FILE A RESPONSE IN OPPOSITION TO ROBINSON MOTION FOR RECONSIDERATION [Doc. 111], both filed by Plaintiffs.

The Court previously ruled that the *Robinson* movants could participate in the remedial phase of the case. The *Robinson* movants now seek reconsideration to be permitted to participate in the initial phase of the case. The Court has reviewed the pleadings and will permit the proposed briefs to be filed. No further briefing is necessary.

The Court finds that the *Robinson* movants have demonstrated that the existing representation of their interests may be inadequate for the initial phase of the case, specific to the issues of: (1) whether race was the predominant factor in the creation of SB 8; and (2) if so, whether SB 8 can pass strict scrutiny review. The Court will therefore grant reconsideration and permit the *Robinson* movants to participate in the initial phase of the case in addition to any remedial phase but will limit their role in the initial phase to presenting evidence and argument as to: (1) whether race was the predominant factor in the creation of SB 8; and (2) if so, whether SB 8 can pass strict scrutiny review.

As to the *Galmon* movants, the Court's analysis that their interest is adequately represented by the *Robinson* movants has not changed. Therefore, the Court will not grant reconsideration as to the *Galmon* movants.

Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, the National Association for the Advancement of Colored People Louisiana State Conference ("LA NAACP"), and the Power Coalition for Equity and Justice.

CONCLUSION

Accordingly,

IT IS HEREBY ORDERED that the *Galmon* Movants' Motion to Expedite Briefing, [Doc. 100], is DENIED AS MOOT;

IT IS FURTHER ORDERED that the Motions for Leave to File Responses and/or Replies filed by the *Galmon* Movants [Doc. 108], the *Robinson* Movants [Doc. 112], and the Plaintiffs [Docs. 105, 111], are all GRANTED;

IT IS FURTHER ORDERED that the *Galmon* Movants' Motion to Reconsider Order Denying Intervention, [Doc. 96], is DENIED; and

IT IS FURTHER ORDERED that the *Robinson* Movants' Motion to Reconsider Intervention Order and to Expedite Briefing, [Doc. 103], is GRANTED. The Court will permit the *Robinson* movants to participate in the initial phase of the case but will limit their role to presenting evidence and argument as to: (1) whether race was the predominant factor in the creation of SB8; and (2) if so, whether SB 8 can pass strict scrutiny review.

IT IS FURTHER ORDERED that all parties to the suit will attend a status conference on Friday, March 22, 2024, to be held via Zoom at 10:00 a.m. CST.

THUS, DONE AND SIGNED on this 15th day of March 2024.

/s/ Carl E. Stewart
CARL E. STEWART
CIRCUIT JUDGE
UNITED STATES COURT OF APPEALS
FIFTH CIRCUIT

/s/ Robert S. Summerhays
ROBERT S. SUMMERHAYS
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

/s/ David C. Joseph
DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

APPENDIX H

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Case No. 3:24-CV-00122

PHILLIP CALLAIS, ET AL

versus

NANCY LANDRY, ET AL

CIRCUIT JUDGE: CARL E. STEWART
DISTRICT JUDGES: ROBERT R. SUMMERHAYS,
DAVID C. JOSEPH
MAG. JUDGE KAYLA D. MCCLUSKY

MINUTES OF COURT:

STATUS CONFERENCE

Date:	March 22, 2024
Court Opened:	10:05 AM
Court Adjourned:	10:45 AM
Statistical Time:	40 Minutes
Presiding:	Judges Carl E. Stewart, Robert R. Summerhays and David C. Joseph
Courtroom Deputy:	Lisa LaCombe/Chrissy Craig
Court Reporter:	Zoom Recording
Courtroom:	Zoom Video Conference

APPEARANCES

Paul L. Hurd	For	Phillip Callais, All Plaintiffs Edward D. Greim
John N. Adcock Adam P. Savitt Daniel Hessel Sarah E. Brannon T. Alora Thomas I. Sara Rohani Colin Burke Stuart Naifeh Kathryn C. Sandasivan Victoria Wenger Sarah Brannon Megan C. Keenan	For	Press Robinson, All Intervenor Plaintiffs
Morgan Elizabeth Brungard Carey T. Jones Brennan Bowen Phillip M. Gordon Zachary D. Henson Jason B. Torchinsky	For	State of Louisiana, Intervenor Defendant
John Carroll Walsh Alyssa M. Riggins Phillip J. Strach	For	Nancy Landry, In her official capacity as Secretary of State, Defendant

PROCEEDINGS

The Court held a Status Conference via Zoom Video Conference.

The parties discussed ongoing discovery issues and potential pretrial motion practice.

Bench trial remains set to begin April 8, 2024, at 9:00 a.m. Courtroom 1 in Shreveport.

The Court will set aside three (3) days for trial.

Trial will begin promptly at 9:00 a.m. each day and will conclude at 5:30 p.m. or 6:00 p.m, at the latest.

The Court set a Final Pretrial Conference via Zoom Video on April 4, 2024, at 9:00 a.m.

A Zoom link will be forwarded to all counsel of record.

Motions in Limine due on or before April 2, 2024.

Daubert Motions may be filed prior to trial or raised at trial. They will be addressed and ruled on during the course of trial.

Bench books due April 3, 2024, by 12:00 p.m.

Requests for witnesses to testify remotely shall be filed in the record on or before April 2, 2024.

Each party will have ten (10) minutes for opening statements.

Each side will have eight (8) hours to complete their case. Defendant and Intervenors shall attempt to agree on an allocation of their time. If those parties are unable to do so, parties are instructed to contact the Court who will allocate the time.

The parties may contact Scott Breite at 318-934-4715 to arrange times to test electronic equipment in Shreveport.

APPENDIX I

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

———

Case No. 3:24-CV-00122

———

PHILLIP CALLAIS et al

versus

NANCY LANDRY, et al

———

CIRCUIT JUDGE: CARL E. STEWART
DISTRICT JUDGES: ROBERT R. SUMMERHAYS
AND DAVID C. JOSEPH
MAG. JUDGE KAYLA D. MCCLUSKY

———

MINUTES OF COURT:

PRETRIAL CONFERENCE/MOTIONS HEARING

Date:	April 4, 2024
Court Opened:	9:00 AM
Court Adjourned:	9:45 AM
Statistical Time:	45 Minutes
Presiding:	Judges Carl E. Stewart, Robert R. Summerhays, David C. Joseph
Courtroom Deputy:	Lisa LaCombe/Chrissy Craig
Court Reporter:	DD Juranka
Courtroom:	Zoom Video Conference

APPEARANCES

Edward D Greim	For	Phillip Callais, et al, Plaintiffs
Adam P Savitt	For	Press Robinson, et al, Intervenor Defendants
Stuart Naifeh		
Amitav Chakraborty		
Daniel Hessel I Sara Rohani		
Jonathan Hurwitz		
Victoria Wenger		
T. Alora Thomas		
Colin Burke		
Morgan Elizabeth Brungard	For	State of Louisiana, Intervenor Defendant
Brennan Bowen		
Jason Brett Torchinsky		
Carey Jones		
Phillip Michael Gordon		
Zachary D. Henson		
John Carroll Walsh	For	Nancy Landry, In her official capacity as Secretary of State
Alyssa M. Riggins		
Cassie A. Holt		

PROCEEDINGS

The Court held a Final Pretrial Conference and Motions Hearing via Zoom Video Conference.

After considering oral argument, motions and memoranda submitted and the applicable law, the Court ruled as follows:

1 – [142] Motion for Leave to Allow Anthony Fairfax and Royce Duplessis to Testify at Trial Remotely via Videoconferencing by Edgar Cage, Martha Davis, Davante Lewis, Clee Earnest Lowe, Dorothy Nairne, National Association for the Advancement of Colored People Louisiana State Conference, Power Coalition for Equity & Justice, Press Robinson, Ambrose Sims,

Edwin Rene Soule, Alice Washington is GRANTED IN PART AND DENIED IN PART. The Court will allow Anthony Fairfax to testify remotely. The Court declined to allow Royce Duplessis to testify remotely.

2 – [144] Motion in Limine by Clee Earnest Lowe, Dorothy Nairne, National Association for the Advancement of Colored People Louisiana State Conference, Power Coalition for Equity & Justice, Press Robinson, Ambrose Sims, Edwin Rene Soule, Alice Washington was DENIED WITHOUT PREJUDICE for the reasons stated on the record.

3 – [145] MOTION to Strike *Improper Rebuttal Expert Testimony of Dr. Ben Overholt* by Edgar Cage, Martha Davis, Davante Lewis, Clee Earnest Lowe, Dorothy Nairne, National Association for the Advancement of Colored People Louisiana State Conference, Power Coalition for Equity & Justice, Press Robinson, Ambrose Sims, Edwin Rene Soule, Alice Washington was DEFERRED/CARRIED OVER to trial.

ORAL motion by the Robinson Intervenors for an additional two hours for presentation of evidence. The motion was opposed by the Plaintiffs. After careful consideration, the Court declined to allow additional time; however, upon completion of each case-in-chief and for good cause shown, the Court may revisit this issue and consider awarding additional time. The Court will also award and designate a time allotment for closing arguments.

At the conclusion of trial, the Court will allow post-trial briefs to be submitted within *seven (7)* days. Briefs are limited to *twenty-five (25) pages.*

APPENDIX J

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION
(Held in Shreveport)

Case No. 3:24-CV-00122

PHILLIP CALLAIS et al

versus

NANCY LANDRY

JUDGES CARL E. STEWART, ROBERT R. SUMMERHAYS, DAVID C. JOSEPH
MAG. JUDGE KAYLA D. MCCLUSKY

MINUTES OF COURT:
BENCH TRIAL

Date:	April 8, 2024
Court Opened:	9:02 AM
Court Adjourned:	5:30 PM
Statistical Time:	6:26
Presiding:	Judges Carl E. Stewart, Robert R. Summerhays, David C. Joseph
Courtroom Deputy:	Lisa LaCombe/Chrissy Craig
Court Reporter:	Diana Cavenah
Courtroom:	Courtroom 1

APPEARANCES

Edward D. Greim	For	Phillip Callais, All Plaintiffs
Katherine Graves	For	Phillip Callais, All Plaintiffs
Jackson Tyler	For	Phillip Callais, All Plaintiffs
Paul L Hurd	For	Phillip Callais, All Plaintiffs
A. Bradley Bodamer	For	Phillip Callais, All Plaintiffs
Amitav Chakraborty	For	Robinson, All Intervenor Defendants
T Alora Thomas	For	Robinson, All Intervenor Defendants
Jonathan Hurwitz	For	Robinson, All Intervenor Defendants
Robert Klein	For	Robinson, All Intervenor Defendants
I Sara Rohani	For	Robinson, All Intervenor Defendants
Arielle McTootle	For	Robinson, All Intervenor Defendants
Colin Burke	For	Robinson, All Intervenor Defendants
Victoria Wenger	For	Robinson, All Intervenor Defendants
R. Jared Evans	For	Robinson, All Intervenor Defendants
Sarah Brannon	For	Robinson, All Intervenor Defendants
Garrett Muscatel	For	Robinson, All Intervenor Defendants

Daniel Hessel	For	Robinson, All Intervenor Defendants
Stuart Naifeh	For	Robinson, All Intervenor Defendants
Casey T. Jones	For	State of Louisiana, Attorney General
Morgan Brungard	For	State of Louisiana, Attorney General
Drew C. Ensign	For	State of Louisiana
Jason Torchinsky	For	State of Louisiana
Brennan Bowen	For	State of Louisiana
Phillip Gordon	For	State of Louisiana
Phillip J. Stracer	For	Nancy Landry, Secretary of State
John C. Walsh	For	Nancy Landry, Secretary of State

PROCEEDINGS

Case called for Bench Trial regarding [1] Complaint Seeking Declaratory Judgement and Injunctive Relief and [17] Motion for Preliminary Injunction by all Plaintiffs.

For the reasons stated on the record, the Court DENIED [161] Motion to Continue Trial with Opposition and Motion to Deconsolidate Preliminary Hearing from the merits trial.

The Court GRANTED IN PART and DENIED IN PART [155] Motion for Reconsideration / Motion to Reconsider Denial of Leave to Present Responsive Expert Testimony. The Court will allow rebuttal expert testimony of Dr. Ben Overholt for the limited purposes discussed on the record.

Opening statements by all parties.

Evidence and testimony for the Plaintiffs began.

Evidence and testimony for the Robinson Intervenors began.

Case laid over to Tuesday, April 9, 2024, at 9:00 a.m.

COMMENTS:

The Court qualified Dr. Stephen Voss as an expert in the field of:

(i) racial gerrymandering

(ii) compactness

(iii) simulations

Without objections, the Court accepted Dr. Cory McCartan as an expert in the field of redistricting and simulations.

APPENDIX K

UNITED STATES DISTRICT COURT WESTERN
DISTRICT OF LOUISIANA
MONROE DIVISION

Civil Action
No. 3:24-cv-00122

PHILLIP CALLAIS, LLOYD PRICE, BRUCE ODELL, ELIZABETH ERSOFF, ALBERT CAISSIE, DANIEL WEIR, JOYCE LACOUR, CANDY CARROLL PEAVY, TANYA WHITNEY, MIKE JOHNSON, GROVER JOSEPH REES, ROLFE MCCOLLISTER,

Plaintiffs,

vs.

NANCY LANDRY, in her official capacity as Secretary of State,

Defendant.

April 8, 2024
Shreveport, Louisiana

PRELIMINARY INJUNCTION HEARING CONSOLIDATED WITH BENCH TRIAL OFFICIAL TRANSCRIPT OF PROCEEDINGS, VOLUME I BEFORE THE HONORABLE CIRCUIT JUDGE CARL E. STEWART THE HONORABLE DISTRICT JUDGE DAVID C. JOSEPH AND THE HONORABLE DISTRICT JUDGE ROBERT R. SUMMERHAYS

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[59] referring to creating a second majority-black district, one with national implications, without going to trial, right?

A. Correct. That's what I said earlier. I would like to have gone to trial on the 2022 districts because I don't think they were bad.

Q. So you would have voted against any bill that created two majority-black districts without going to trial, right?

A. In 2024, yes, I would have. Because, again, I will stand by the 2022 district. I still think it was good.

Q. So in two decades of redistricting, you have never voted in favor of a map that would create two majority-black districts, right?

A. If somebody could show me one that didn't violate the Fourteenth Amendment, I would.

MS. SADASIVAN: Nothing further.

CROSS-EXAMINATION

BY MR. GORDON:

Q. Good morning, Senator.

A. Good morning.

Q. My name is Phillip Gordon. I represent the State of Louisiana. How are you doing today?

A. I'm good.

Q. Sort of dovetailing on the question of national [60] implications that Counsel just mentioned. Do you know what parish the United States Speaker of the House Mike Johnson lives in?

A. He lives in Bossier now.

Q. Do you know what parish the Majority Leader Scalise lives in?

A. Jefferson, I believe.

Q. Would you consider it important to Louisiana that the Speaker and the Majority Leader of the U.S. House of Representatives are from Louisiana?

A. Yes.

Q. Yeah. In fact, it's beneficial to Louisiana that certain high-ranking members of the majority of the U.S. House of Representatives are from Louisiana.

A. Sure.

Q. And, you know, to lose either of those members would then, therefore, be bad for Louisiana.

A. Well, yes. Whether they're the Speaker or -- I mean Speaker and Majority Leader are kind of a big deal, so yes.

Q. Agreed. Do you know what parish Representative Letlow lives in?

A. I believe she's in Ouachita.

Q. Are you aware that Representative Letlow is on the Appropriations Committee?

[61] A. I am.

Q. Are you aware that the Appropriations Committee is a very important committee of the U.S. House of Representatives?

A. I am.

Q. And, you know, it would be also important to the State of Louisiana that Representative Letlow maintain her seat so she can continue her work on the Appropriations Committee; is that right?

A. Less important than the other two, but yes. Q. And would you say that protecting the three members I just discussed -- Speaker Johnson, Majority Leader Scalise, and Representative Letlow -- is an important consideration when drawing a congressional map?

A. Yes.

Q. And, in fact, that would be a political consideration; is that true?

A. Yes.

Q. And political considerations are the day-to-day work of a senator such as yourself?

A. We don't do this very often. It's not a big part of being a senator, but when you're discussing redistricting, yes.

Q. Sure. But I mean -

A. In general, political considerations, yes.

[62] Q. Right. I mean, you mentioned a minute ago that you had had a caucus meeting about this regarding the congressional map.

A. Yes.

Q. And I'm sure you have meetings with the caucus about a great many other issues; is that right?

A. Yes.

Q. And I'm sure politics is discussed at those meetings?

A. Yes.

Q. Are you aware of the still-pending litigation in the Middle District of Louisiana over HB1, the map that preceded SB8?

A. Are you talking about the 2022 map?

Q. Yes, sir.

A. Yes, I am aware of it.

Q. What is your understanding of that case?

A. That it has not gone to trial yet, but that Judge Dick has signaled through some preliminary proceedings that they had, that she has kind of told everybody how she was going to rule, and ordered us to draw a second majority-minority district or she was going to do it. Q. And just on a related point, we saw the map of the current senate districts on there. You're aware that that map has also been enjoined?

A. Yes. I don't agree with her about that either.

[63] Q. And so going back to the Representative Letlow. It was important that Representative Letlow be -- her district be protected in the SB8 map; is that right?

A. It was a consideration that -- it was certainly important to Senator Womack. I don't know how important it was to everybody else, but yes.

Q. But as we covered, it is important that she maintain her work on the Appropriations Committee?

A. Sure.

Q. And you can't very well do that if you're not a member of the U.S. House of Representatives.

A. Well, that's true. But somebody else could be appointed. I mean, it's not -- you know, it's -- the Speaker and Majority Leader are not on the same level as a member of Appropriations.

Q. Was it also important in the creation of SB8, the map we're here about today, that Louisiana maintain two members from Northern Louisiana?

A. That was something that I preferred, yes.

Q. And surfing back really quick to the political point we made earlier. You would say it's part of your job to make certain political decisions when you're deciding to vote for or against certain laws.

A. Of course.

Q. And that's perfectly fine for a sitting senator to [64] do.

A. It's part of the job, yes.

Q. Do you know if federal judges are supposed to consider politics in making their considerations?

A. I don't believe they are.

Q. Then something like protecting Majority Leader Scalise, Speaker Mike Johnson, or Representative Letlow wouldn't necessarily be a consideration for, say, the Middle District of Louisiana, would it?

A. That's probably true.

MR. GORDON: Thank you. No further questions.

JUDGE JOSEPH: All right. Any redirect?

MR. GREIM: No, Your Honor.

MR. STRACH: No questions.

MR. GREIM: We are ready to call our next – we have no further questions.

JUDGE JOSEPH: You have no redirect?

MR. GREIM: No.

JUDGE JOSEPH: All right, Senator. You may step down. Thank you for your testimony.

MR. GREIM: Your Honor, our next witness is going to be Tom Pressly.

JUDGE JOSEPH: And I'll just ask, generally speaking, please, please go at a cadence so our court reporter can follow the questions and the answers. [70] that was the main tenet that we needed to look at and ensure that we were able to draw the court -- draw the maps; otherwise, the court was going to draw the maps for us.

Q. And who told the Legislature that? Do you recall?

A. Judge Dick is the one that ultimately told the Legislature. Governor Landry stated that when he opened the committee -- I'm sorry -- the Special Session and we heard it from Attorney General Murrill as well.

Q. Now, different versions of two majority-minority seat maps were considered, right?

A. I believe that's correct. But this was the main bill that was being considered.

Q. What was the partisan impact of all of the different two majority-minority maps, if any? In other words, what was the -- let me rephrase that.

What was the impact on the partisan split of the congressional delegation of all of the two majority-minority maps?

A. So like what would the ultimate impact of partisan Republican/Democrat split be?

Q. Yes.

A. So, ultimately, we'd go from 5-1 Republican/Democrat to 4-2, more than likely with the way that it was drawn.

Q. And so, in other words, a Republican would lose a seat?

A. That's correct.

Q. Was there -

A. Most likely.

Q. Most likely. Was there a discussion within the caucus about if that was going to happen which Republicans ought to be protected?

A. And when say "caucus," you're talking the Republican delegation, right?

Q. That's right.

A. There were certainly discussions on ensuring -- you know, we've got leadership in Washington. You have the Speaker of the House that's from the Fourth Congressional District and we certainly wanted to protect Speaker Johnson. The House Majority Leader, we wanted to make sure that we protected, Steve Scalise. Julia Letlow is on Appropriations. That was also very important that we tried to keep her seat as well.

Q. I just want to be very clear: Did anybody discuss creating a second majority-minority seat in order to protect any incumbent?

A. I'm sorry. Can you reask the question?

Q. Sure. Did any Republican legislator at any time suggest creating a second majority-minority seat in order to protect any congressional incumbent?

[72] A. No. The conversation was that we would -- that we were being told we had to draw a second majority-minority seat. And the question then was, okay, who -- how do we do this in a way to ensure that we're not getting rid of the Speaker of the House, the Majority Leader, and Senator Womack spoke on the floor about wanting to protect Julia Letlow as well.

Q. Earlier you discussed that one issue that's considered by the Legislature is communities of interest. If we could put the map up again as a demonstrative. I'm going to show you your parish again. I mean, I don't think you need to see it. That's really all for our benefit.

A. Sure.

Q. Let me ask you, which parish do you generally cover?

A. So about 85 percent of my district is in Caddo Parish, the southern portion of Caddo Parish and western portions of Caddo Parish. And then I represent the western side of DeSoto Parish, and the northern portion kind of splits in a 45-degree angle between Senator Seabaugh and my district in DeSoto Parish.

Q. And do you believe your own senate district is in a community of interest?

A. I do.

Q. How would you describe it?

[73] A. So certainly -- you know, it's the northwest corner of the State. So when you're dividing by about 120,000 people, you know, I represent a large portion of the city of Shreveport. I represent folks in DeSoto Parish, the northern portion of DeSoto Parish. A lot of those kids go to school in South Shreveport as well. I represent folks that are -- you know, it's generally the urban area of Shreveport as well as some rural outskirts of the third largest city in our state.

Q. Do you consider any part of your district to share a community of interest, for example, with Lafayette?

A. I don't. I think there is a large divide between North and South Louisiana. You know, when you're looking at natural diasters, for example, we're concerned about tornadoes and ice storms; they are concerned about hurricanes.

When you're looking at educational needs, you know, our community has two satellite public universities being -- actually three -- being LSU-Shreveport, Northwestern State University's Nursing School is up here, as well as having, you know, Southern University at Shreveport; whereas Lafayette has a Tier 1 research institution in University of Louisiana Lafayette.

Q. Same question, but what about Baton Rouge? Do you believe any part of your district shares communities of

* * *

[78] You consider it important to Louisiana that the current United States Speaker of the House of Representatives and the Majority Leader are from Louisiana?

A. Are what?

Q. Are from Louisiana?

A. Yes. I think that's a huge benefit to our state and our region.

Q. Right. And then losing either of those members would therefore be bad for Louisiana?

A. Absolutely.

Q. And I think you mentioned this earlier as well: Representative Letlow is on the Appropriations Committee.

A. That's correct.

Q. And are you aware that's a very important and influential committee of the U.S. House of Representatives?

A. So I've heard.

Q. And so you would say that keeping Representative Letlow on the Appropriations Committee would be important to the state of Louisiana as well?

A. Absolutely.

Q. And sort of following from that, then, you would say protecting Speaker Johnson, Representatives Scalise and Letlow would be an important consideration when drawing a congressional map?

[79] A. Certainly it would be important to keep our leadership in Washington and our power base for the state in Washington, yes, I would agree with that fundamentally. Yes.

Q. And that's fundamentally a political consideration, isn't it?

A. Yeah. It's a political consideration to ensure that we keep those that are in power up there. But I think that you -- also, again, going back to the fundamental what we were told we had to do was create two minority districts, right? That's issue one that we were asked to do.

Issue two was: Okay, now what? Right? And that's where that secondary decision of okay, how do we draw this in a way that we are keeping Speaker Johnson, Leader Scalise, and Julia -- and Representative Letlow in power.

Q. And to the point you were just making that it was the primary consideration, are you aware of the ongoing litigation right now in the Middle District of

Louisiana over House Bill 1, the previous congressional map?

A. I am familiar with that.

Q. What do you understand that litigation to be about?

A. That there were challenges made to the way that we redrew the maps in 2022, and that the plaintiffs asked for a trial on the merits of whether or not the maps were [80] racially gerrymandered in a way that limited the African American ability to draw a map.

Q. All right.

A. Influence in electing their member of Congress rather.

Q. Understood. And are you aware that the Middle District Court preliminarily enjoined HB1?

A. Yes. And that's why we were called to the First Special Session. Again, we were told that essentially we were being forced to draw a second majority-minority district prior to any other consideration.

Q. And, similarly, you are aware that the same Middle District Court enjoined the current senate map that you sit in; is that right?

A. I am familiar with that, yes.

Q. And just touching again on the issue of politics, sort of as a sitting state senator, politics is part of your job; is that right?

A. It is.

Q. It's sort of the day-to-day root and branch thing you do?

A. Day to day, when I'm not in session, I try to practice a little bit of law. I'm having a harder and harder time with all of these special sessions, though.

Q. Understood. And do know if federal -- I mean, you're [81] an attorney. Do you know if federal judges are supposed to consider politics when rendering their decisions?

A. They're not.

Q. And then so therefore protecting Representative Scalise, Speaker Johnson, Representative Letlow wouldn't be something the Middle District Court would consider, would it?

A. They're not supposed to get into politics, that is correct. I can't tell you how that would -- as far as the individuality of a case, I can't speak on behalf of a federal judge. Even -- even during my time clerking for a federal judge, I wasn't able to speak on their behalf.

Q. Nor am I trying to do any of that either. I am just really trying to make the point that based on your previous answer, the Middle District Court isn't supposed to?

A. That's correct. I mean, certainly, you know -- and I think that was my understanding of what we were essentially being told to do. I think Senator Stine said the federal judge basically had a gun to our head and we were being forced to draw two majority-minority districts. I wouldn't put it in that -- in that terminology, but I certainly think that this was the one last chance prior to having trial where all indications seemed to be that, again, we would have two majority-minority districts and [82] it would be drawn as the judge wished to do so.

Q. Thank you, Senator. A couple of additional questions. About how many people are in a state senate district in Louisiana?

A. I believe it's about 120,000.

Q. And about how many people are in a congressional district in the state of Louisiana?

A. You're putting me on the spot, but I want to say it's somewhere in the 770,000 range.

Q. Something like 776 -

THE REPORTER: Can you slow down?

MR. GORDON: Oh, I'm so sorry.

Q. (BY MR. GORDON) I have something like 776?

A. Sure.

Q. So that sounds close enough to me. So by necessity, a congressional district is going to have to cover more geographical area than a state senate seat; is that right?

A. That's correct.

Q. Thank you. No more questions.

JUDGE JOSEPH: All right. Secretary?

MR. STRACH: None from us, Your Honor.

JUDGE JOSEPH: All right. Any redirect?

MR. GREIM: A little bit.

JUDGE JOSEPH: Okay.

* * *

APPENDIX L

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Civil Action
No. 3:24-cv-00122

PHILLIP CALLAIS, LLOYD PRICE, BRUCE ODELL, ELIZABETH ERSOFF, ALBERT CAISSIE, DANIEL WEIR, JOYCE LACOUR, CANDY CARROLL PEAVY, TANYA WHITNEY, MIKE JOHNSON, GROVER JOSEPH REES, ROLFE MCCOLLISTER,

Plaintiffs,

vs.

NANCY LANDRY, in her official capacity as secretary of state,

Defendant.

April 9, 2024
Shreveport, Louisiana

PRELIMINARY INJUNCTION HEARING CONSOLIDATED WITH BENCH TRIAL OFFICIAL TRANSCRIPT OF PROCEEDINGS, VOLUME II BEFORE THE HONORABLE CIRCUIT JUDGE CARL E. STEWART THE HONORABLE DISTRICT JUDGE DAVID C. JOSEPH AND THE HONORABLE DISTRICT JUDGE ROBERT R. SUMMERHAYS

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* * *

[351] on the exhibit list.

JUDGE SUMMERHAYS: Counsel?

MR. GREIM: Yes, Your Honor, we don't have any objection to those either, to the amendments.

JUDGE SUMMERHAYS: They're admitted. Those are 31 through 46.

MR. NAIFEH: All right. And then we have Robinson Exhibits 114 to 124. Those are expert reports that were admitted into evidence in the Robinson litigation. And they have been -- they have objected to them on hearsay, relevance and prejudice. We are not offering them for the truth of the matter, so I don't think the hearsay objection applies. We were offering them as information that was part of the court record that the Legislature had before them when they adopted SB8.

MR. GREIM: Well, Your Honor, we do object. I mean I think there has to be a foundation laid that the Legislature actually believed the VRA, you know, required these districts and that they relied on these. That they're in the court record is one thing. It might get us past judicial notice on the fact of these, but I don't think the contents all just come into this case.

JUDGE SUMMERHAYS: So your argument is that there is no foundation that they relied on these specific expert reports that saying to introduce?

[352] MR. GREIM: That's right. And I mean I take it that the contents are not going to come in as substantive evidence of what they're testifying to. But I don't think we even have the other ground either, so...

JUDGE SUMMERHAYS: Counsel?

MR. NAIFEH: There were -- legislative leadership were intervenors in that case. They were aware -- leadership were aware of these documents. I think -- I don't have the transcript from yesterday in front of me, but I believe that some of the legislators who testified here yesterday were aware of those documents -- testified that they were aware of those documents in the court record -

JUDGE SUMMERHAYS: That they reviewed the expert reports?

JUDGE JOSEPH: No one testified to that.

JUDGE SUMMERHAYS: I don't recall that either.

R. NAIFEH: Okay. Then we can potentially move these in through one of our other witnesses.

JUDGE SUMMERHAYS: I'll leave it open if you wish to, if you wish to try to -- again, it would be admissible if you were to do that. Only first you would have to establish foundation that it was relied upon by those witnesses, that the Legislature relied upon it in connection with the passage of Senate Bill 8. But it [353] would only be admissible for the limited purpose that this was something that they reviewed and relied on.

Any dissents from -

JUDGE JOSEPH: No. That's correct.

JUDGE SUMMERHAYS: All right. You may proceed. At this point I am going to reserve -

JUDGE STEWART: The only question I have with respect to that, not putting cart before the horse because of the order going, but just sort of one allowed given the State's answer to the lawsuit and some other aspect that it's adverted to about the Robinson case.

Just sort of a little curious as to whether this piece was something the State was going to be -- you follow my -- based on the answers in the State's answer, i.e., Robinson lawsuit, et cetera, et cetera, there are some other things coming out. I guess I am circling back to where we were earlier about pieces of this coming in for one person and pieces for something else, and we're kind of doing it on the front end before anybody's testified.

So it's a little awkward trying to get a real grasp on where it fits in. You know what I'm saying? I mean, we're just starting this case and then we have got documents, they're not joint, we've got objections.

The other stuff they did, they were all agreed to.

So I am just wondering. But anyway, this is your [354] offer; it's not a joint with the State, correct?

MR. GORDON: Your Honor, I mean, we have slightly different take on some of these documents and I was going to raise that after Mr. Naifeh finished.

JUDGE STEWART: Okay. Got you. But I don't have any dissent with what the Court has said. I merely was trying to get clarity simply because looking at the answers filed, there's a lot in there in the State's answer about the Robinson case, et cetera, et cetera. And so given that, and there being other testimony, whether this -- was this prepared, something the State was putting in? So we need all that foundation. That was just a clarification, not a suggestion about what should or shouldn't. But basically just leaving it open subject to foundation.

JUDGE SUMMERHAYS: Did the State want to make a statement or take a position at this point?

MR. GORDON: So I think the State's position -- and we can refer to the State's exhibit list if you'd like. But we believe these -- the separate list of what we have labeled as exhibits that are in reference to certain expert reports and the Robinson preliminary injunction decision, as well as the Fifth Circuit's decision upholding that in part, are material to which the Court can take judicial notice of and should take judicial [355] notice of because it's not offered for its truth or really for any of the content or fact-finding therein, just for its mere existence.

JUDGE SUMMERHAYS: Counsel?

MR. GREIM: Sure. And they cited a case on judicial notice but that only gets us past one hurdle.

I think the problem is this. The State -- just going to the evidence we've heard so far, the State -- we've heard nobody from the State saying that we have a belief that the VRA requires it. Here is where it came from, these materials in this other case, but we reviewed them and we think that they made a pretty good case. Instead, testimony has been something different.

And so I don't think it can come in even for that limited purpose unless there is somebody who can say that. And we have -- not to go too far now, but in discovery we asked the State for, you know, the purposes behind the bill, et cetera, et cetera, and the State said, well, that's something that the Legislature has. We don't have access to that. I don't think the State can take that position in discovery but then come in here and say, well, we offer this. It's something the Legislature considered. I mean, there has to be a person who can say that.

JUDGE SUMMERHAYS: Yeah. And again, I think this goes to foundation. I'm going to reserve, subject to [356] dissent from my colleagues, reserve ruling on the admissibility of those documents until a foundation has been laid. And that includes consideration of judicial notice, which is the State's alternative approach.

MR. GORDON: If I could be heard just one more moment, Your Honor -

JUDGE SUMMERHAYS: Yes.

MR. GORDON: -- on this issue and then we can certainly take it up later. Is that the rules state that the Court must take judicial notice if it's properly offered. And I will refer to a case from the Fifth Circuit: That a court may take judicial of a document filed in another court, not for the truth of the matter as asserted in the other litigation, but rather to establish the fact that such litigation and related filings.

And that's merely what we wish to do here, Your Honor.

JUDGE JOSEPH: Is there an objection to just to -- to admitting it for the purpose of saying it exists?

MR. GREIM: Well, the problem is, you know, saying it exists has to be relevant in this case.

JUDGE JOSEPH: Okay.

JUDGE SUMMERHAYS: It's not relevant without a foundation.

MR. GREIM: That's right. I mean, judicial [358] and 126, which are hearing transcripts from the Robinson preliminary injunction hearing. I gather the objection is going to be the same, although there is no

hearsay objection to those for obvious reasons. There is a relevance objection.

JUDGE JOSEPH: There is no hearsay objection for what reason?

MR. NAIFEH: Well, I think because it's a court record. It's a -

JUDGE JOSEPH: The plaintiffs were in that case.

MR. NAIFEH: They were not in that case.

JUDGE JOSEPH: So that matters.

MR. NAIFEH: They didn't raise a hearsay objection.

JUDGE SUMMERHAYS: Counsel?

MR. GREIM: My notes show that we did raise a hearsay objection and there would be hearsay within hearsay as well. But unless I -- my notes say that we've raised hearsay, relevance, and prejudice.

JUDGE STEWART: Yeah. I mean, I think the comfort level is reserving the ruling on it despite you've worked well, but, you know, with all trials obviously you're not agree on everything. So we're not pointing to that. Although we have the threshold on this. You fleshed out sort of where you're coming from and [359] you've alerted to that. You know, my preference would be: Whatever we can get started doing, turn to testimony and so on and so forth, that would do that and not bog down here on evidentiary stuff without anybody being prejudiced to your position. It may well be that you'll need to burn some midnight oil in terms of providing a basis for whatever your proposed offer is for us to do something different. Now that you've been alerted to it, weave it in. If you've got some case or cases that support what you want to

do, you or somebody may have to burn some oil in terms of that so we're not just dealing with argument of counsel. We got the rule books up here, but this is a nuanced case and everybody realizes that. So just know that that's an issue there. We can proceed with some testimony. We get to the end of the day and that's an issue. Since we know we're going to be here tomorrow, you'll know what you got to do or whenever, we can get around to it. Then, you know, we can rule on it.

JUDGE SUMMERHAYS: We will reserve judgment on 125 to 126.

MR. NAIFEH: Shall I proceed or is it Your Honor's suggestion that we go ahead with witnesses and take that -

JUDGE STEWART: No. I was only suggesting if you continue down, you know, testimony, transcript, that [360] kind of thing. I don't know what else...

MR. NAIFEH: Well, we definitely got some other -

JUDGE JOSEPH: Let's go ahead and admit the ones that are going to be agreed to and then save argument for when a witness is on the testimony and the exhibits have been offered into evidence for those that just not agreed to.

JUDGE SUMMERHAYS: Because I think our concerns are going to be the same on all of the documents that are related to the Robinson Middle District case.

MR. NAIFEH: That's all I have for that category of documents, so...

JUDGE SUMMERHAYS: Okay.

MR. NAIFEH: Next I have 127 through 150, and 194 and 195. Those are bills and amendments containing congressional maps with two majority black districts that were introduced and considered in the 2022 First Extraordinary Session, which is when HB1 was adopted. That's the prior congressional map that SB8 replaced. The plaintiffs have objected to those on relevance and prejudice grounds.

Our position -- well, shall I -

JUDGE SUMMERHAYS: You can finish. You can finish.

* * *

[366] Q. when were you first elected to the state House?

A. I was elected in November 2019 and sworn in January of 2020.

Q. Have you faced reelection since then?

A. Yes. I was reelected in October and sworn in this January.

Q. Are you familiar with the case that was filed in 2022 challenging HB1?

A. Yes.

Q. what is your understanding of the nature of that case?

MR. TYLER: Objection, Your Honor. This is exactly what we were referring to with the evidence.

JUDGE SUMMERHAYS: Sustained.

Q. (BY MR. HESSEL) Representative, when were you sworn in for your second term?

A. January 8th.

Q. Of which year?

A. This year.

Q. What was the first legislative item of your second term?

A. We had a special session on redistricting about a week later.

Q. Are you familiar with senate Bill 8?

A. Yes.

[367] Q. When did you first see senate Bill 8?

A. Either the first day of session or the day before.

Q. was that the day that Governor Landry addressed chambers?

A. The first day of session, yes, was the day he addressed chambers.

Q. Did you attend that address?

A. Yes.

Q. What did you understand the Governor's goals to be for the special session?

A. To make sure we passed a new congressional bill that would be accepted by the courts.

Q. Did you ever have an impression of why the Governor wanted to pass this bill?

A. A few reasons -

MR. TYLER: objection. Foundation.

JUDGE SUMMERHAYS: overruled.

Q. (BY MR. HESSEL) Did you form an impression of why the Governor had this call?

A. Yes. so after two years, it was time to put this to rest after so much litigation. There was fear among Republicans that if they didn't do this the court -

MR. TYLER: Objection. Foundation.

JUDGE SUMMERHAYS: Overruled.

MR. TYLER: And hearsay. sorry.

[368] MR. HESSEL: The witness is testifying her impression that she had that led her to cast her vote on senate Bill 8 and not for the truth of the matter asserted.

JUDGE SUMMERHAYS: All right. overruled.

Q. (BY MR. HESSEL) Did you have an impression of why the Governor wanted to pass the map?

A. Yeah. So as I said, Republicans were afraid that if they didn't, that the court would draw one that wouldn't be as politically advantageous for them. They kind of wanted to put this to rest and the Governor wanted congressman Graves out.

Q. At some point during the special session, did you have a sense of which bill the Governor preferred?

A. We all knew from the beginning that the bill that was going to be passed was senate Bill 8.

Q. And do you know how many majority black districts there are in senate Bill 8?

A. Two.

Q. And did you think that senate Bill 8 would bring an end to the litigation?

A. Most likely. It's impossible to predict, but all of our understanding was that it was very likely to meet the requirements of the voting Rights Act.

Q. Do you have an understanding if one of the incumbents -- current congressional incumbents was drawn out of his or her seat, so to speak, in senate Bill 8?

A. Yes. Congressman Graves.

MR. TYLER: Object to foundation.

JUDGE SUMMERHAYS: Overruled.

Q. (BY MR. HESSEL) Let me ask that again. Do you have an understanding if one of the current congressional incumbents was drawn out of his or her seat, so to speak, in senate Bill 8?

A. Congressman Graves was targeted in the map, correct.

Q. And were you surprised that congressman Graves was targeted in the map?

A. No. Everyone -- everyone knew that. All the legislators, the media reported it. They have had a long-standing contentious relationship.

Q. And when you say "they," who are you referring to?

A. The Governor and Congressman Graves.

Q. Did you support senate Bill 8?

A. Yes, I voted for it.

Q. why did you support senate Bill 8?

A. As I said, the understanding was that it was very likely to be approved under the voting Rights Act.

Q. And did you think that senate Bill 8 could pass the Legislature?

A. Yes.

[370] Q. Why did you conclude that senate Bill 8 could pass the Legislature?

A. It was the Governor's bill. All of leadership was behind it. It was the one bill that we all understood was going to go through. No other bill even made it out of committee regarding the congressional districts.

Q. You testified earlier that you formed an impression that Governor Landry supported the bill because of his relationship with congressman Graves; is that right?

A. Yes

Q. What formed that impression for you?

A. I mean, there's a 144 of us constantly talking and meeting -

MR. TYLER: Objection. Hearsay.

MR. HESSEL: Your Honor, again, it's not for the truth of the matter asserted, but the -

JUDGE SUMMERHAYS: Overruled.

MR. HESSEL: Thank you.

Q. (BY MR. HESSEL) SO let me just ask that again. What formed your impression that SB8 was viable because of the relationship between Governor Landry and congressman Graves?

A. Yeah. So this had been -- this discussion of the new districts had been going on since the Governor was elected among us and the media. It increased as we got closer to

* * *

[380] was the predominant motive of the Legislature in drawing the SB8 plan?

A. No, I was not.

Q. Let's turn to your methodology. How did you go about reviewing and offering opinions on the reports of Mr. Hefner and Dr. Voss?

A. I first began to obtain the appropriate data. I downloaded the plans that were on the legislative websites, including HB1, SB8, the Plan A3. I also included or accessed data that I had previously created, for example, CVAP data, socioeconomic aspects or indicators that I used previously in court. And there was one plan that I forgot. That's why I hesitated. The sell points plan. I couldn't think of that. I downloaded that as well. I also was sent the plan from Mr. Hefner, the Illustrative Plan 1. I apologize for the brain fog.

MR. GORDON: I'm sorry to interpret, Your Honors. I notice that on the monitor there is a projection of the courtroom that has one of the -- I believe of Your Honors' monitors on it. I don't believe it's readable at all, but I just wanted to bring that to the court's attention in case that was a concern for anybody.

JUDGE SUMMERHAYS: I think the -- which one is it?

[381] JUDGE JOSEPH: I think it's got your monitor on it.

MR. GORDON: Perhaps it's the court reporter's. I'm sorry. Okay. I'm sorry.

(off the record.)

JUDGE SUMMERHAYS: All right. You may proceed.

MS. SADASIVAN: Thank you, Your Honor. Can you please pull up what I am going to ask – what I will call Robinson Exhibit 294?

Q. (BY MS. SADASIVAN) Mr. Fairfax, are you familiar with the two figures hopefully before you?

A. Yes, I am.

Q. And how are you familiar with them.

A. one of them on the left is the Illustrative Plan 2023 that I developed and submitted in a report in December of 2023. The other is a plan that I referred to before, Plan A3. That was developed in 2021. It was submitted or presented during that period of time where the state legislature was requesting input from the community and anyone else. so the Power coalition and LDF submitted this as a proposed plan during that time.

Q. And where did the Robinson Illustrative 2023 Plan 2 described in your report come from?

A. It was a modification of the previous plan, Illustrative Plan, 4 that was submitted during the [382] Robinson litigation. Made some slight changes.

Q. And are you aware of whether any of these -- either of these plans was introduced in the Louisiana legislature?

A. There was a very similar plan, an HB12 plan that was similar to the Robinson plan that was submitted.

Q. Do you know when it would have been considered by the Louisiana legislature?

A. In 2024. Excuse me, in 2021. I apologize.

Q. So just to clarify, which figure, Figure 3 or Figure 4 from your report in Exhibit 294 would have been considered by the Louisiana legislature in 2021?

A. Plan A3.

Q. Okay. And that's Figure 4.

A. I'm sorry. I'm sorry. The HB12 plan I believe was -- check that. Yes. I'm sorry. I apologize. continue, please.

Q. Ask you again? when was the -- do you know which of these plans was introduced in the Louisiana legislature?

A. Yes. Plan HB12 similar to Plan A3.

Q. Okay. And when was HB12 introduced in the Louisiana legislature?

A. In 2021.

Q. And is this -- did Robinson Illustrative 2023 Plan 2 and Figure 3 and the A3 plan and Figure 4 that you drew

* * *

[456] to the Legislature taking initiative and actually doing it itself.

Q. And during the redistricting process, had you ever seen a congressional map with a similar configuration of districts?

A. Yes, I did, on two occasions. one, that I, myself, drafted and considered offering and one that was actually offered by Representative Marcus Bryant.

Q. Thank you. And are you familiar with senator Pressly?

A. Yes, I am.

Q. And if we could go to the next slide, please. Mayor Glover, I would like to read you a quote from senator Pressly and I would like to get your reaction. This is from the senate floor debate. And do you see it on the screen?

A. I do.

Q. What I am concerned with the important part of this state, northwest Louisiana not having the same member of congress. with having two members of congress, that has the potential to split our community even further along the line that's purely based purely on race and I am concerned about that; therefore, I am voting no and I urge you to do the same.

Mayor Glover, what is your reaction to this [457] statement?

A. I respect this, but I disagree. I think it's a -- not necessarily a bad thing. I think it was a great thing to be able to have two different members of congress representing this region, especially one of those members being the speaker of the House and the other member more largely probably being a member of the democratic caucus. That's where you have both of those -- both sides of the congressional equation represented within one region, one area I think would be a definite positive for us.

Q. Thank you. And if we could turn back to slide one, please. So in your experience as an elected official and a community leader, does congressional District 6 in SB 8 reflect common communities of interest?

A. Yes, it does.

Q. And how so?

A. Well, I think the two that come most quickly to mind would be the I-49 corridor and the Red River.

obviously, Shreveport itself was founded by the clearing of the Red River. one of the big things that helped make this area grow was navigation thereof. we had leadership over the course of the last 50 years that's worked very hard towards trying to bring that back. You now have a series of lock and dams, five of them, between here and where the river flows into the Mississippi. That essentially [458] mirrors the eastern side of that district. when you add to it, the connecting factor of I-49, that essentially makes Shreveport, Mansfield, Natchitoches, all one general commuting area, all of those are connecting factors. You layer on top of that the higher education connections where you have campuses of Northwestern state university, both in Shreveport and in Natchitoches. You have campuses in southern Shreveport and Southern University, Baton Rouge, the main campus being Baton Rouge aCconnecting factors. And then when you put -- and wrap all of that around the health-care component in that you have a series of hospitals between Willis Knighton, the CHRISTUS system, but most specifically the Ochsner/Lsu system which has a presence here in Shreveport, Natchitoches, and even has a residency program that's in Alexandria. All of those are connections and commonalties that represent communities of interests from my perspective.

Q. Thank you. And are there other shared communities of interest that you can think of that unite the area?

A. From an economic development standpoint?

Q. Correct.

A. You have the North Louisiana Economic Partnership which is based here in Shreveport that just last week announced a huge job announcement

down in Desoto Parish. [459] So you have an actual Shreveport-based entity that is in partnership with economic leaders from the south of us, all the way down to Natchitoches working to retain and grow jobs, all of those represent commonalities and communities of interest.

Q. Thank you. And, Mayor Glover, did you and other people from Shreveport articulate these ties earlier in the redistricting process?

A. Yes.

Q. And can you tell me a little bit more about that?

MR. GREIM: objection. I object. It calls for hearsay, talking about what he heard other people say.

JUDGE SUMMERHAYS: counsel, can you rephrase?

Q. (BY MS. ROHANI) Mayor Glover, did you articulate these ties earlier in the redistricting process?

A. Yes.

Q. And can you tell me a little more about your experiences?

A. Basically, that it was necessary to ensure that we ended up with a fair and balanced representation throughout the state, but especially, if possible, through -- for Northwest Louisiana. The idea of ending up with a set of circumstances where you could have two members of congress, based from this area, ending up representing not just a fair distribution of congressional [460] districts throughout the state, but an opportunity to be able to really elevate and advance this particular region. since we know obviously the southern part of the state has benefited New Orleans,

Baton Rouge being the capital. so more representation in this area ends up representing greater opportunity and potential for us.

Q. And without getting into the substance of the other conversations, were there other individuals attesting to these ties as well during the redistricting process?

MR. GREIM: Your Honor, I object. It, again, calls for hearsay, just in an indirect way, asking if other people said the same thing.

JUDGE SUMMERHAYS: counsel?

MR. ROHANI: You can strike that question.

Q. (BY MS. ROHANI) SO, Mayor Glover, lastly, what would the impact on your community would be if this map was taken away?

A. It would mean that you would have the ability to be able to look to two members of congress to represent, advance and elevate the interests of this region, whether you're talking about higher education, whether you're talking about research dollars, whether you're talking about infrastructure funding, whether you're talking about workforce development, to be able to have two individuals representing both caucuses of the congress representing

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[480] JUDGE SUMMERHAYS: Counsel?

MS. THOMAS: As of right now, she is not testifying to any statements that were made by anyone else. she is testifying to things that -- actions that occurred that she witnessed herself.

JUDGE SUMMERHAYS: If you'd limit the question to those actions and not to statements, I'll

allow the question. If we limit it that way, I'll overrule the objection. You may proceed.

Q. (BY MS. THOMAS) To state my question again, what was the outcome of the 2022 redistricting process?

A. We -- there was -- the process ensued, people testified, and our legislators ultimately approved a map that only had one African American district even though there was -- yeah, even though there was lots of, you know, lots of requests and talk about fair and equitable maps including two districts.

Q. And were you involved in the litigation that ensued after the 2022 redistricting process?

A. Yes.

Q. And why was the Power coalition a part of that litigation?

A. Power coalition is a nonprofit dedicated to building pathways to power for historically-disenfranchised populations, and so black and brown people need support to [481] be able to understand that their vote and their voice actually matter and it actually does have the ability to change outcomes for themselves and their communities.

Q. And was Power coalition involved in the 2024 special legislative session that just happened this past January?

A. We were.

Q. And what was Power coalition's involvement in the special legislative session?

A. It was the same as it has been throughout the redistricting process over the last two and a half years: Education, information, and to support the engage-

ment of anybody in the state who wanted to engage and have their voices heard in the process.

Q. And was there a bill or map that you supported as part of the special legislative session in 2024?

A. Yes, SB4.

Q. And why did you support SB4?

A. Because it was the most compact map. And, you know, the map made sense. It also was drawn by Tony Fairfax, who is one of -- in my opinion, one of the best demographers in the country. And so when I looked at it, that was my opinion of SB4.

Q. And do you know if SB4 contained two black majority districts?

A. Yes, it did.

[482] Q. What happened to SB4?

A. It died in committee.

Q. And are you familiar with senate Bill 8?

A. I am.

Q. And what is senate Bill 8?

A. It was a bill introduced by senator Womack.

Q. And do you know if SB8 included two black majority districts?

A. It did.

Q. And were you present at the legislature when SB8 was debated and voted on?

A. Yes. I was in governmental affairs when it was presented.

Q. And you mentioned in your earlier testimony that there are these things called red cards and green cards. can you just briefly describe those?

A. Yes. Green cards are for support. Anybody that gives testimony must complete one of the cards, whether green for support, red for opposed, white for information.

Q. And did you submit a red card in support of SB8?

A. No, I did not.

Q. I'm sorry. I would just like to rephrase. I think I read two questions together. so just for the record is clear, did you support a red card in opposition to SB8?

A. We did not.

[483] Q. Did you support a green card in support of SB8?

A. No, we did not.

Q. Did you end up supporting SB8 in other ways?

A. Yes. I mean, from the perspective of education and looking at the map from the perspective of creating a new district that actually centered communities that have never been centered in any of the current congressional districts that they are within. And so when you look at the district that's created in SB8, the communities across that district are living in poverty, have poor health outcomes, lack of access to economic opportunity, similar hospitals, similar size airports. Like there is this --there is this opportunity to really center these communities in a way that they have not had the attention in the current districts that they exist within.

Q. And what were the most important factors that you considered in deciding to support SB8?

A. Again, you know, the opportunity to, one, realize a second majority-minority district, a district that makes sense, a district that met the redistricting principles, and also was fair and equitable. And again, as we looked at that map and went through that redistricting process, ultimately that map, it got -- it made it -- it worked. It worked.

Q. Are you aware of amendments to SB8 that would have [484] increased BVAP in both CD-6 and CD-2?

A. Yes.

Q. Did you support those amendments?

A. I did not.

Q. Why?

A. Because, one, it made the map less compact. And then also, the -- you know, like I think that the idea that we were going to make the map less compact, to just pick up, you know, pick up more BVAP didn't really make sense, and so for us, we did not support the amendments.

Q. Do you know what happened to those amendments.

A. Yes. They were voted down on the house floor if I'm not mistaken.

Q. We're going to pull up Joint Exhibit 11. I think we've been looking at this document quite a bit. Do you recognize this document?

A. Yes.

Q. And does this look like an accurate version of SB8?

A. Yes.

Q. What were your impressions about the geography of SB8 when you saw it?

A. That, you know, these are -- these are communities even though, you know, you have north Baton Rouge, which is probably -- well, North Baton Rouge and Shreveport which have, you know, strong population, that these are [485] all, again, poor communities that are not -- that have never benefited from, you know, congressional leadership that was going to vote on the things that they cared about and things that matter to them. And so for me, it was really just an opportunity to see a district that just made sense in comparison to HB1 that packs Baton Rouge and New Orleans into the same district.

Q. Does Power coalition organize in communities throughout CD-6?

A. we do -- we have staff throughout -- throughout the new district before it even was a district. we have always worked in communities throughout cD-6 and also do work in other parts of the state. But we have organized, we have talked to, we have worked with, we have done "Get out to vote." we have done deep listening and we have done policy work in support of the interests and voices of those communities.

Q. And are you familiar with the term "communities of interest"?

A. I am.

Q. And what is your understanding of a community of interest?

A. The things that, you know, bring communities together, the things that define the passions of a community, the things that kind of define, you know, [486] define, to them, you know, for themselves what makes their community unique.

Q. How do you think SB8 compared to HB1 along communities of interest, as you understand them?

A. You know, again, as I said, you know, HB1 packed Baton Rouge and New Orleans into the same district. SB8, one of the things that I'm really clear about is that, you know, outside of New Orleans, certainly African American communities and other communities of color kind of have the same experience in this state as evidenced by the fact that when you look at this particular district, if you look at quality of life indicators, job opportunities, again hospitals, airports, there's a lot more similarities than there are with Baton Rouge and the city of New Orleans. I mean, again, I think that there is, you know, there's kind of, unfortunately a very similar experience being experienced by people in CD-6.

Q. Do you think Baton Rouge has more in common with New Orleans or with Alexandria?

A. Alexandria.

Q. Do you think Baton Rouge has more in common with New Orleans or Monroe?

A. Monroe.

Q. Do you think Baton Rouge has more in common with New Orleans or Lafayette?

[487] A. Lafayette.

Q. Do you think Baton Rouge has more in common with New Orleans or Shreveport?

A. Shreveport.

Q. And why do you give those answers about commonalities between Baton Rouge and these other parts of the state?

A. Because of the -- you know, like, again, for those of us that work in the state and understand the state and its demographics and the issues with folks throughout these communities, again, the issues are the same and their experience is the same. High electricity bills. Again, lack access to healthcare, small airports, et cetera. And New Orleans is much more of a -- you know, it's a historic city. They have a pipeline of leaders. They have the first supreme court justice seat. They have, you know, much more of a history of, you know, of leadership and the ability -- the ability like to hold, you know, to hold what is now cD-2 wholly to themselves.

Q. What was your impression of community sentiment around SB8 when it was first passed?

A. Communities were excited. I mean, I think it was the opportunity to see their voices realized in a map.

MR. TYLER: I'm going to object to hearsay

there.

JUDGE SUMMERHAYS : Counsel?

[488] MS. THOMAS: She didn't testify to any statements. I asked her about her impressions. Her work as an organizer organizing communities. She is here on behalf of an organizing NGO.

JUDGE SUMMERHAYS: As long as we keep it away from the statements of others -

MS. THOMAS: Yes, Your Honor.

JUDGE SUMMERHAYS: Allow it; I will give some leeway on that.

Q. (BY MS. THOMAS) And you mentioned that community was excited about SB8. Why was community excited about SB8?

A. I think after -- again, after kind of moving and watching this process over the last two and a half years, community was really clear that this was an opportunity again to have their voices centered in a congressional district and as well as it establishing a second majority-minority district.

Q. What are the current impressions of the community? what are your impressions about community sentiment around SB8 currently?

A. I think communities are waiting to see. I think, me personally, as well as our organization, we do voter education and voter information. And so as we prepare for the 2024 elections, you know, there are so many questions around like what district do people live in? Is the

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APPENDIX M

UNITED STATES DISTRICT COURT WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

PHILLIP CALLAIS, LLOYD PRICE, BRUCE ODELL, ELIZABETH ERSOFF, ALBERT CAISSIE, DANIEL WEIR, JOYCE LACOUR, CANDY CARROLL PEAVY, TANYA WHITNEY, MIKE JOHNSON, GROVER JOSEPH REES, ROLFE MCCOLLISTER,

Plaintiffs,

vs.

NANCY LANDRY, in her official capacity as secretary of state,

Defendant.

April 10, 2024

Shreveport, Louisiana

PRELIMINARY INJUNCTION HEARING CONSOLIDATED WITH BENCH TRIAL OFFICIAL TRANSCRIPT OF PROCEEDINGS, VOLUME III BEFORE THE HONORABLE CIRCUIT JUDGE CARL E. STEWART THE HONORABLE DISTRICT JUDGE DAVID C. JOSEPH AND THE HONORABLE DISTRICT JUDGE ROBERT R. SUMMERHAYS

* * *

[514] terms of what they wanted to see in the redistricting process. So I was very involved in that. And once we started the special session again, I was in

every committee meeting because I was vice chair of the committee. So every bill that was filed and heard on the House side, I was very involved in that. So a lot of time was spent there.

Q. And going back to the roadshows that you mentioned, what was your reason for attending those roadshows?

A. So the roadshows are something that are done in every redistricting process. It was my first time doing it and it was our opportunity -- it was our -- the purpose of the roadshows was to give the public an opportunity to share their thoughts and what they wanted to see in redistricting. So my job -- I viewed my job as going in and listen, to listen to the people of Louisiana, and what they wanted to see from the redistricting process.

Q. And you also mentioned that you were the vice chair -

A. Yes.

Q. -- of the House and Governmental Affairs committee. And so, could you describe a little bit what role you played as the vice chair?

A. So I was -- I worked very closely with the chairman. I'm a -- you know, because things are partisan, I guess [515] you could say, in the Legislature, you know, I'm a registered Democrat, so, I guess, you could say I was a ranking member for the Democrats on that committee. Also a member of the Black caucus, so I had a leading role in that -- in that effort.

Q. And we're still talking about that early 2022 session. what did you hope that the Legislature would do in creating a congressional map?

A. That we would draw a map that was fair, that we would draw a map that would reflect the state, and that we would draw a map that the people of Louisiana wanted to see. And everything that I gathered from the roadshows was that people wanted to see a map that was compliant -- well, not that they wanted to see a map, but that we needed to draw a map that was compliant with the voting Rights Act. That's what I wanted us to do.

Q. Do you recall whether there were bills introduced during that first session that included two majority black districts?

A. Yes.

Q. And were any of those proposed plans with two majority black districts passed by your committee?

A. No, they were all voted down.

Q. And was there a different bill from that session that was adopted by the Legislature?

[516] A. Yes.

Q. And are you okay with us calling that bill "HB1"?

A. Sure. I don't have a problem with it. I just don't remember the bill number.

Q. And do you recall how many majority black districts HB1 had?

A. Just one.

Q. Do you know whether that bill was adopted over a Governor's veto?

A. I believe -- yes. Yes. I believe that that original one that was passed was vetoed by the Governor.

Q. And so the bill was enacted?

A. Yeah, then it was enacted. Yeah. uh-huh.

Q. And the Governor at the time was -- was that Governor Edwards?

A. Yes. uh-huh.

Q. Are you familiar with the Robinson litigation?

A. Somewhat, yes.

Q. And so at a very high level, can you describe what happened in that case?

A. That lawsuit was brought after the map we just talked about was enacted as not being in compliance with the voting Rights Act. So the judge -- the court in that litigation ruled that the map was not compliant with the voting Rights Act and eventually, after a lot of [517] litigation, ordered us back to the Legislature to draw a map that was compliant with the voting Rights Act.

Q. So going back in time, after the first district court decision, do you recall whether there was a special session that was called to address redistricting around June 2022?

A. Yes.

Q. And did that session adopt a new map?

A. No.

Q. And do you have an understanding of why not?

A. Well, I remember we were there for a limited number of days. we had a limited number of days in which to do it. Ultimately no map was adopted from what I recall and I don't know the reason as to why we did not adopt a map, but we didn't.

Q. Were any of the maps proposed during that session maps that contained two majority black districts?

A. Yes.

Q. But none of those maps were adopted?

A. That's correct. I actually filed one, but none of those maps were adopted.

Q. So the bill that you filed, did that have two majority black districts?

A. Yes, it did.

Q. And did you believe at the time that your bill [518] complied with traditional redistricting principles?

A. Yes. Based on what I knew of redistricting principles and its compliance with the voting Rights Act, yes, I do believe that.

Q. And so could you describe a little bit about what you knew about redistricting principles?

A. Yes. So one of the biggest takeaways that I learned as it relates to the voting Rights Act was that if we, as a legislature could show or had the opportunity to draw a map where black voters could elect the candidate of their choice, then we had -- then we had an obligation to do that under the voting Rights Act. And then there were other principles that were also pretty critical around compactness, contiguity, the number of split parishes, et cetera. so -- and the main driving force was communities of interest, so those were the factors that we all took into consideration.

Q. So moving forward to 2024, were you a member of the legislature during this most recent 2024 special session on redistricting?

A. Yes, I was.

Q. And were you in the senate at that point?

A. Yes.

Q. And what, if anything, did you hope that the Legislature would do during that session?

A. My hope was that we would finally do what we was supposed to do from the beginning, which was to adopt a map that was compliant with the voting Rights Act, to adopt a map that was fair, and to finally put an end to this litigation.

Q. Now, of your colleagues that were in the senate during the 2024 special session, do you have a general sense of how many had been in the Legislature for the first redistricting session in January 2022?

A. I don't know the number, but I am pretty confident that it was the majority of members.

Q. What about that June 2022 session?

A. I would say the majority of the members who were there during the June session were also there during the original session, but I don't know the number.

Q. Did you attend Governor Landry's address to convene the 2024 session?

A. Yes, I did.

Q. And based on what you heard from the Governor, what did you understand to be his goal for that special session?

A. It was to put an end to the litigation and adopt a map that was compliant with the Judge's order.

Q. And Governor Landry represented -- strike that. Governor Landry was the Attorney General before he was [520] Governor; is that your understanding?

A. Yes.

Q. And do you know if he had any involvement in the Robinson litigation?

A. As Attorney General, my understanding is that he defended the state during that litigation, or represented the state, defended the state.

Q. So what role did you play in the 2024 redistricting session?

A. So my role was a little different in the 2024 redistricting session because I was not a member of the redistricting committee, just one of 39 members. I had an opportunity to vote, like the rest of my colleagues, but I wasn't a member of the committee.

Q. Would you say that you were an active participant in the session?

A. Active to the extent that I did co-author a map and I did present on that map in the senate Governmental Affairs committee. so, yeah, I would say I was probably more active than any other colleagues who didn't file a map, yeah.

Q. So you mentioned that you introduced a bill during the 2024 session. Is it okay if I refer to that bill as "SB4"?

A. Yes.

* * *

[522] Q. Did you get an impression, based on those conversations, of why they supported your bill?

A. Because they don't -

MR. GREIM: objection, Your Honor. I don't think we have -- I think we got hearsay here. We haven't laid a foundation that it's being used for anything other than the truth of the matter.

JUDGE JOSEPH: Can you rephrase the question?

MS. McTOOTLE: Sure.

Q. (BY MS. McTOOTLE) You mentioned that you spoke with legislators who supported your bill; is that correct?

A. Yes.

Q. And do you have any belief about why they supported your bill?

MR. GREIM: Your Honor, I think, again, I am going to object. It's calling for hearsay.

JUDGE JOSEPH: I do want to give some latitude for this witness to discuss what -- his view of what happened in the senate was during this process, but is there any -- other than the fact that what other legislators told us as true, what's the relevance of that, of those discussions?

MS. McTOOTLE: It goes to just his general state of mind throughout the legislative process. It goes to his -- it's relevant his background for the process of [523] leading up to.

JUDGE JOSEPH: I'll allow it. Go ahead, Mr. Senator.

THE WITNESS: what I can say is that there were conversations, both informal and formal. Because

during the presentation of the bill in committee, that was an opportunity for those who supported the map to actually take a vote on it. so I took their vote yes -- those who voted yes for the map as a sign of support. Although it didn't get enough votes to get out of committee, those members who voted yes for the bill was an indication to me that they supported the map.

MS. McTOOTLE: Thank you.

Q. (BY MS. McTOOTLE) And so what ultimately happened with SB4?

A. SB4 was voted down in committee.

Q. Was there a bill that ultimately was enacted?

A. Yes.

Q. And what bill was that?

A. That was a bill that was authored by senator Glen Womack.

Q. And are you okay if I refer to that bill as uSB8"?

A. Yes.

Q. Great. were there any differences between your bill and SB8?

[524] A. There were.

Q. Can you talk a little bit about those differences?

A. So with each bill that gets drafted and filed, there is a lot of -- a lot of information, a lot of data, that describes each District 1 through 6. A lot of information on parishes, precincts, race, gender, party registration, you name it. I mean, it's a lot of information.

I recall the numbers being very similar. The main difference between the two maps, that I recall, was just the geographic design of the map, if you will. The map that I co-authored with senator Price, the second majority black district went from Baton Rouge up to northeast Louisiana, the Monroe area. The map that senator Womack authored went from Baton Rouge to the northwest area of the state up to the Shreveport area. And that was the only difference that I could point out or remember in the two maps.

Q. Did you have any opinion about whether SB8 would pass, whether it would be enacted?

A. I believed that it would.

Q. And why was that?

A. So as a member of the Legislature and sometimes just as a member of the general public, if you are listening to conversations, or if you are just paying attention, it was common knowledge in the Legislature that that was the map [525] that Governor Landry would support. He clearly expressed that he was going to support a map to resolve the litigation. And then senator Womack filed a map and that -- it became clear that that was the map that Governor Landry would support and that the majority --not all, but the majority of the Legislature would also support.

Q. How much influence did you understand the Governor to have with respect to the passage of SB8?

A. Newly-elected Governor, first session, literally his first session after coming off of an election with no runoff, pretty strong politically, in a legislature where two-thirds of vote chambers share his party affiliation, I would say that his support would have a lot of influence on what does and doesn't get passed.

Q. And so you mentioned the difference in configuration between your Bill SB4 and SB8. Did you have any impression about any rationale behind those different configurations?

A. So during the whole time I spent in redistricting, you don't have to be a redistricting expert to know that any time a new map is drawn, it's kind of like playing musical chairs. There is going to be someone who is negatively impacted from an incumbency standpoint. And of the six congressional districts, the question was always [526] if there was going to be a second majority black district drawn, who would be negative -- who would be most negatively impacted by this if we are -- again, we have --a new map has to be drawn. So I believe that ultimately played into what map the Legislature chose to support.

Q. Did you hear anything based on your experience during the redistricting sessions about Representative Graves' seat in relation to support or not for SB8?

MR. GREIM: Your Honor, I object. This is calling for hearsay without the proper foundation for how it impacted this witness's actions.

JUDGE JOSEPH: Can you lay a foundation?

MS. McTOOTLE: Yes. I'll rephrase.

Q. (BY MS. McTOOTLE) SO I would like to read you something that you said on -- during one of the legislative debates. Is that all right?

A. Yes.

MR. GREIM: Your Honor, I object to this. I think we have to first lay a foundation that the witness can't remember something before we start reading the witness's own words back to them on direct.

JUDGE JOSEPH: Well, I think it's fine to read a public statement that he made in the Legislature and then ask him follow-up questions on that, on what he meant by that. That's fine.

[527] MS. McTOOTLE: Thank you.

Q. (BY MS. McTOOTLE) You stated -

MS. McTOOTLE: And, Your Honors, I'm referring to RI 15, page 9, which has already been admitted into evidence.

Q. (BY MS. McTOOTLE) You stated, "we've heard a lot from chairman Womack and my colleague Senator Stine about the importance of protecting certain elected officials." Do you recall making that statement?

A. Yes.

Q. What were you referring to when you said "the importance of protecting certain elected officials"?

A. Right. So going back to my earlier comment about the redistricting process and as it relates to incumbency, there will be someone who is negatively impacted, so the choice had to be made -- the political decision was made to protect certain members of congress and to not protect one member of congress and it was clear that that member was going to be congressman Garret Graves.

Q. Thank you. Did you ultimately vote in favor of SB8?

A. Yes.

Q. And why did you vote in favor of SB8?

A. Because as I mentioned earlier -- when I looked at the numbers, I thought they were pretty similar,

and I believe that it actually complied with the voting Rights [528] Act. I believe that it met the criteria that we were ordered to meet by the court. And I believe that it was a fair map, that the people of Louisiana would be satisfied with, based on all the time I spent on the road and people saying repeatedly that they wanted to see a map that gave voters the opportunity to elect their candidate of choice. And I believe we had a map, although it wasn't the map that I introduced, it still met the principles of what we were there to do.

Q. And so you mentioned earlier that after the January 2022 session and after the June 2022 session, that the Legislature did not adopt any maps with two majority black districts; is that correct?

A. June 2022?

Q. Yeah.

A. Correct. we did not -- we did not adopt a map during that special session.

Q. So what was your understanding of the shift and --strike that. What was your understanding of why the Legislature was likely to pass a map with two majority black districts?

A. To me it appeared as though the majority of the Legislature and the newly-elected governor realized we had come to the end of the road, that based on litigation that was going on at the U.S. Supreme Court, litigation at the [529] U.S. Fifth Circuit Court of Appeals, that there was -- we had to draw a map that was compliant with the voting Rights Act, and that is what basically forced members who previously did not support that and may not still want to see that, but they knew we had to comply with the voting Rights Act.

Q. So we've talked a little bit about compliance with the voting Rights Act. would you say that was one of your reasons for supporting SB8?

A. Yes.

Q. And did your belief about SB8 and the voting Rights Act, in part, rely on your prior experience as the vice chair of the House and Governmental Affairs committee dealing with redistricting issues?

A. Yes.

Q. Was it based on anything else?

A. It was based on -- you know, my understanding of what I was able to learn about the voting Rights Act and what's required under section 2, it was based upon just my life experience, you know. It was based on what I heard traveling the state, where people showed up to those roadshows and consistently said that they wanted to see fair maps drawn. They wanted to see maps that they felt they could elect somebody that shared their values, that shared their -- that shared their interests on a multitude [530] of issues, and I believe that that's -- that's what we were doing. So that's what largely influenced my thinking and my decision-making as it pertains to the redistricting process.

Q. At the time that you voted for SB8, did you believe that it would give black voters the opportunity to elect their candidate of choice?

A. Yes.

Q. And as a public leader, what did it mean to you that the Legislature enacted SB8?

A. It was an incredibly proud moment. Of course, I wish it didn't take as much time as it did. I wish we

didn't have to be forced to do it by the federal government or the federal courts rather. But it was also a sign, an indication, that we can do the right thing. And it was always very clear that a map with two majority black districts was the right thing. It wasn't the only thing, but it was a major component to why we were sent there to redraw a map. So that voters in Lake Charles or voters in Alexandria or voters in Monroe, Shreveport, wherever they live, feel like there is a map that's fair based upon the diversity and the makeup of this state. Again, not just racial diversity, but the diversity of interests that we share, and congressional representation is a big part of that. So I think it was a big deal for our state to make

* * *

[536] on the -- I wasn't on the committee as a member in the senate, but I tried to watch the hearings as much as possible. I did -- I did bring a bill, so I spent some time in the committee. But most of the public input that I can recall, most was all the support of this map. If there was any opposition, it was -- it just seemed to be real disconnected. I just recall it being overwhelming support.

Q. (BY MR. GORDON) And would public support for a bill be part of your consideration to whether to vote for or against a bill?

A. Absolutely.

Q. And would that also inform your political calculus as to vote for or against a bill?

A. Yes.

Q. Because, I mean, these would be your constituents -

A. Yes.

Q. -- essentially? You made several references to litigation sort of driving the process. Do I remember that correctly?

A. Well, litigation was a big piece of all this. I believe litigation is what led us back to all the special sessions that we ended up having after the first session.

Q. And are you referring to the Robinson litigation when you make those comments?

[537] A. Yes.

Q. And what was your understanding of the Robinson litigation?

A. Plaintiffs filed suit contesting the original map that was adopted, that it was not compliant with the voting Rights Act. And then we were ordered by the court to go back and draw a fair map that was compliant with the voting Rights Act, a map that had two majority black districts and a map that gave black voters in the state of Louisiana the opportunity to elect their candidate of choice.

Q. And are you aware of the process that courts use when they're evaluating these maps?

A. No, not -- not -- Court's process? I can't -- I'm not sure I can speak to that.

Q. Fair enough. And then sort of just the final -- your final button on this, you voted for SB8; is that right?

A. Yes.

Q. And do you support SB8?

A. Yes.

Q. And you would like to see the current map remain the current map?

A. Yes.

Q. Thank you.

* * *

[538] JUDGE JOSEPH: Cross-examination.

CROSS-EXAMINATION

BY MR. GREIM:

Q. Good morning -

A. Good morning.

Q. -- Senator. My name is Eddie Greim and I represent the Plaintiffs in this case. Nice to meet you.

A. Good morning. Nice to meet you.

Q. You testified a few moments ago that Lake Charles and Monroe would now be represented with the new map. Do you recall that testimony?

A. Yes. And I was speaking just generally --Ms. McTOOTLE: Objection.

A. -- but yes, I was just kind of speaking in

generalities about it.

JUDGE JOSEPH: what's the objection?

MS. McTOOTLE: objection. It mischaracterizes

his testimony.

JUDGE JOSEPH: I think he said that. He is

explaining what he said. overruled.

THE WITNESS: Yeah. Can I explain what I meant?

Q. (BY MR. GREIM) Sure.

A. I remember being in Lake Charles on the Roadshow and I remember a gentleman -- they had been hit really, really bad by a hurricane several years ago. And I remember a

* * *

[547] delegation? Any familiarity with them?

A. I know just about all of them.

Q. Can you walk me through each? Let's start with District 1.

A. Yes. I met Congressman Scalise when he was in the state senate and I was advocating in the early 2000s. have known Senator -- excuse me -- Congressman Carter since he was in the state senate. we have worked on bills together. We have had social gatherings together many occasions. congressman Higgins represents most of my family since I'm from Calcasieu Parish in southwest Louisiana and so we've had a few interactions in meetings with his office and with him. I met congressman Johnson or speaker Johnson, I should say, when he was elected to the state House of Representatives. I have known congresswoman Letlow from her time working at the university of Louisiana Monroe while I worked at the --served on the board at the university of Louisiana system, which governs and oversees the university of Louisiana Monroe and I was friends with her late husband, congressman Luke Letlow. And then congressman Graves, have known since he was at CPRA and he is a neighbor, so see him every once in a while walking the dogs in the morning.

Q. Have you followed the redistricting process since the [548] 2020 census at all?

A. I have.

Q. Have you been involved in any redistricting processes prior?

A. Yes. I advocated in the 2010 redistricting process.

Q. And can you expand upon the nature of your involvement in that redistricting process?

A. Yes. I was an advocate at the time, just advocating and researching. I was still in undergrad, and so I wrote some papers specifically on redistricting and that process that was going on at the Louisiana Legislature.

Q. For this more recent process, were you at the capitol for any of the sessions regarding redistricting following the 2020 census?

A. I was at all of them.

Q. In the First Extraordinary session of 2022, do you recall any maps filed that created an additional

majority black district?

A. I do.

Q. Do you have a ballpark estimate of how many?

A. There were many. I would say at least six plus.

Q. And do you recall any amendments to the bill that was ultimately enacted that would have also created a second majority black district?

A. I do.

[549] Q. Did you form any impressions of those maps?

A. Yes.

Q. What rubric did you use to form your impressions?

A. I looked at a variety of things. I tried to ground myself in, as a nerd, in the rules of the Legislature and the voting Rights Act, looking at what redistricting should be, so I studied a lot using Dave's Redistricting and following the process in other states and how they did so. But I particularly was interested in compactness, communities of interest, ensuring that we weren't packing and cracking certain districts to achieve certain goals. And so it was kind of a variety of places and information that I had gathered over the years that I kind of brought into my evaluation.

Q. Do you believe any of those maps introduced in that 2020 session complied with the voting Rights Act?

MR. TYLER: Judge, we're going to object to this line of questioning. This is expert testimony that we have heard a lot of through this case and the witness has not been established as an expert.

JUDGE STEWART: He hadn't been asked an opinion yet.

JUDGE JOSEPH: I think he is being asked a legal opinion, isn't he?

MR. TYLER: Asking for his legal opinion, yes.

* * *

[552] A. It was the concluding day or better known as sine die, so we still had some bills to be passed. And as we were waiting for some of the final bills -- I can't remember if it was the budget or capital outlay bill -- we had received notice of the supreme court's ruling.

Q. And what was your impression of what that ruling meant for the path forward here in Louisiana?

MR. TYLER: Objection. Calls for a legal conclusion.

JUDGE JOSEPH: Sustained.

Q. (BY MS. WENGER) what were your sentiments that day?

A. I was happy. I mean, I had seen, as an observer and I like to say a lay lawyer since I'm not a lawyer, but I like to read case law and follow the supreme court, it was a very joyous and happy moment to see that the court had did something that I thought it should have done and I agreed with their ruling.

Q. Were you the only one celebrating that day?

A. Oh, no.

Q. Who else was?

A. I mean, multiple people. I mean, legislators, advocates. As I said, we were all at the capitol for the conclusion of the day, and there is typically a legislative sine die party where both parties and all advocates and lobbyists come together. It was a day of a [553] lot of social interaction and so a lot of happy faces around the capitol.

Q. Any not-so-happy faces?

A. I don't think so. I think there was some confused faces, but I wouldn't say some people were -- were frowning.

Q. All right. Let's talk about the January 2024 First Extraordinary session. Did you engage in any lobbying during that session?

A. Yes.

Q. And what was the purpose of that session?

A. That was a redistricting session following the court.

Q. was there any bill that you supported most during that session?

A. Yes. Senate Bill 4.

Q. Why was that?

A. Senate Bill 4 was a map that had been in existence since the start or a version of a map that had been in existence since redistricting. And looking at it with all the criteria that I have studied and talking with fellow Plaintiffs, it was the map that I thought was the most viable path to accomplish the goal that we had set out.

Q. And what about SB4, if anything else, made you feel like it was the most viable map?

MR. TYLER: objection. calls for a legal [554] conclusion.

JUDGE JOSEPH: can you rephrase the question?

MS. WENGER: I don't mean "viable" legally. I mean viable in the political process at the Legislature.

JUDGE JOSEPH: overruled.

THE WITNESS: Well, one, it did the least disruption to the existing congressional district. So when you looked at -- I mean, just the eyeball test, it did not fundamentally alter the congressional map in such a way. It also provided, I thought, keeping communities of interest, that had already been together, a part of it, and it just followed all of the principles that we had identified and outlined that we wanted to see in redistricting.

Q. (BY MS. WENGER) Did you sign on to any written testimony in support of SB4?

A. I did.

Q. I would like to pull up Robinson Exhibit 275. commissioner Lewis, do you recognize this letter?

A. I do.

Q. What is it?

A. It is a letter that was sent to the committee of senate Governmental Affairs right at the beginning of the special session about our support for senate Bill 4 or any map that created two minority-majority districts.

* * *

[559] page 4. In the last paragraph, if we can zoom in, it states, "The federal courts have been clear that the Robinson Plaintiffs' section 2 claims are well supported, and resolution is necessary this year. Passing SB4 or another VRA-compliant map would ensure that nearly two years of costly, taxpayer-financed litigation can finally conclude." Do you recall that representation, Commissioner Lewis?

A. I do.

MS. WENGER: At this time I would like to move for the admission of Robinson Exhibit 276.

MR. TYLER: Same objection.

MR. BOWEN: No objection.

JUDGE JOSEPH: Let me confer with my colleagues on that as well. Hold on.

The one difference I think in this letter and the other one is this one is actually signed by counsel for the

Robinson intervenors, and it is advocating their position in the Robinson litigation. However, we will admit it into evidence and give it the weight it deserves.

MS. WENGER: Thank you, Your Honors.

Q. (BY MS. WENGER) Commissioner Lewis, what was your recollection of the reactions you received from legislatures to that letter from plaintiffs like yourself?

A. That they were interested to hear where the [560] plaintiffs stood as most took the impression that we were only in the special session because of litigation, and so they were really interested to see what our thoughts would be on potentially ending that litigation.

Q. Did that inform your perceptions of how they felt about senate Bill 4 or, quote, "another VRA-compliant map"?

A. Yes.

MS. WENGER: we can take that one down.

Q. (BY MS. WENGER) who sponsored Senate Bill 4?

A. It was sponsored by senator Ed Price and senator Royce Duplessis.

Q. Did any House member sponsor a similar version of that same map?

A. Yes. Representative Denise Marcelle had a map on the House side.

Q. How many majority black districts were in the map?

A. Two.

Q. Who currently represents those districts?

A. It would be congressman carter and congresswoman Letlow.

Q. Did you offer any oral testimony in support of SB4?

A. I did.

Q. What or who prompted you to testify when you did?

A. After the bill was presented by the authors, [561] Senator Fields, as the chairman, recognized the plaintiffs who were present. There was about four of us. And he called us to the witness table to make statements and there gave testimony in support of senate Bill 4.

Q. Do you remember who those other plaintiffs were?

A. I believe it was Dr. Nairne and Mr. Robinson and I believe Mr. Cage.

Q. When did that meeting take place? Do you recall?

A. That took place on Tuesday. so, I guess, that would have been January 16th. I vividly remember it, because it was an ice storm and all the state government and state buildings had closed for the day. And I was, as a utility commissioner, really worried about power outages, and so I kind of very much remember that day.

Q. Do you recall if Ashley Shelton was there with you?

A. She was.

Q. Do you recall if she testified?

A. I believe she did, yes.

Q. C else was in the room?

A. Yeah. I would say for a day where all state buildings were closed, it was a pretty packed committee hearing. About 50 to 60 people. There were advocates from across the state that had been present that I knew of. Quite a lot of journalists were in the room. A few of the lobbyists. So for a cold and icy Tuesday morning, it was a very packed room.

Q. And any familiar faces on the committee?

A. Yes, I knew the entire committee.

Q. And why was that?

A. I had worked with them, because they all either served in the Legislature or previously served in the Legislature.

Q. Any former House members?

A. Yes. Senator Miguez, senator Jenkins were two House members who are now on senate Governmental Affairs that I had worked with for over eight years on the House side.

Q. Do you recall if either of them had also served on House and Governmental Affairs?

A. Senator Jenkins did.

Q. Had you testified in front of members of the senate and Governmental Affairs committee meeting? And I mean those individual members in that room that day before?

A. Yes.

Q. During the prior redistricting processes?

A. Yes.

Q. And had you been present when they received any briefing on redistricting principles in the past?

A. Yes.

Q. How about the voting Rights Act?

[563] A. Yes.

Q. Who did they receive that briefing from?

A. Typically it was from Trish Lowrey, who is one of the staff attorneys on House Governmental Affairs, and then Dr. Bill Blair, who is the senate demographer.

Q. About how much experience do you understand Ms. Lowrey to have?

A. Years. she had been there when I started as a young child, so, I mean, I would say at least 15 years plus.

Q. Did that include any prior redistricting processes?

A. Yes.

Q. Did SB4 make it out of committee that day?

A. No.

Q. How did the vote come down?

A. It came down on party lines. So all Democrats voted for it. All Republicans voted against it.

Q. Did any congressional redistricting bills get out of committee that day?

A. Yes. Senate Bill 8.

Q. All right. Let's shift and talk about senate Bill 8. When did you first see senate Bill 8?

A. Senate Bill 8 was released publicly after the Governor's state of the state Address on January 15th.

Typically, we see bills prefiled before the gaveling in of the session, but this was one of the rare occasions where [564] the bill dropped after the session had started.

Q. Let's pull up that original version of the bill, Joint Exhibit 11. Can we go to page 16.

Is this your recollection of the map as filed?

A. Yes.

Q. From your understanding, how many majority black districts were in SB8?

A. Two.

Q. And do you recall any amendments being adopted on the map in senate and Governmental Affairs that day?

A. I do.

Q. And what do you recall of those amendments?

A. It was an amendment by senator Heather cloud. She represents a part of central Louisiana, and she had some concerns, I want to say, about Avoyelles Parish that she represents in the state senate and their continuous representation in Congresswoman Letlow's district, and so she was offering an amendment to fix those concerns from her constituents.

JUDGE JOSEPH: You had -

MR. TYLER: Objection. Hearsay.

JUDGE JOSEPH: -- a hearsay objection? I don't think it's being offered for the truth of those words as much as that was why she was offering the amendment. Correct?

[565] THE WITNESS: Yes, sir.

JUDGE JOSEPH: All right. overruled.

Q. (BY MS. WENGER) And would her statements end up in the official video recorded of that meeting?

A. Yes.

Q. And any transcription of it?

A. Yes.

Q. Let's pull up Robinson Exhibit 42. This I believe was admitted yesterday. Do you understand this to be the amendment that senator cloud supported in committee?

A. Yes.

Q. What was the impact of this amendment?

A. As I stated, the impact was to shift some voters outside, out of Avoyelles Parish, from District 6 into District 5.

Q. Did it increase any parish splits?

A. I believe it did one.

Q. what did you understand as the driving function of that split?

A. It was to have her constituents be represented by congresswoman Letlow.

Q. why did you understand congressman Letlow to be important to senator cloud?

MR. TYLER: objection. calls for speculation and hearsay.

[566] JUDGE JOSEPH: Sustained.

MS. WENGER: We can move along.

Q. (BY MS. WENGER) was this amendment adopted in committee?

A. It was.

Q. And was it reflected in the engrossed version of the map that crossed over to the House?

A. It was.

Q. Which congress members currently represent the majority black districts contained in any of the versions of SB8?

A. It would have been congressman carter and congressman Graves.

Q. Do you recollect any other bills that had previously been introduced during the earlier redistricting processes or this one that created a new majority black district in District 6 where congressman Graves serves?

A. I think only one.

Q. Did the configuration of senate Bill 8 surprise you at all?

A. I had a mixed view of it. I was interested to see what the Governor was proposing once he said he had a map and that senator Womack would carry it, but once I started to really drill into the bill and look at it, as us legislative nerds do when bills drop, it did not surprise [567] me when I especially looked at East Baton Rouge Parish and what had been done there.

Q. What had been done there?

A. Well, in East Baton Rouge Parish, you have seen that there were some changes, especially around my neighborhood in the Garden District or Mid City, as we call it. As I mentioned earlier, congressman Graves

and I live just a few blocks away from each other. He lives on the northern side of the Garden District. I lived on the southern side of the Garden District. And the northern side traditionally and historically has always been one going away from Terrace Avenue to Kleinert to Dalrymple and LSU Lakes, including the main campus of LSU, while the south side of the district traditionally fell with congressional District 2 going down towards Ascension, Assumption Parish and Orleans Parish. But there was now a split in Mid city with parts of Kleinert and Terrace neighborhood associations moving in to the blacker areas of the district which started on the south side.

Q. So those areas that were moved in, is it your understanding that they were majority black or majority white?

A. Predominantly white.

Q. And where do you understand Representative Graves to live within that scenario?

[568] A. He would have lived in District 6 with me.

Q. What about your experience working in Louisiana politics informed your impressions of this configuration of SB8?

MR. TYLER: objection. It calls for expert testimony. The witness has, again, not been qualified as an expert in this area.

MS. WENGER: He is speaking to his personal basis of knowledge that Your Honors can provide the proper weight to that.

JUDGE JOSEPH: I think we can qualify this as lay opinion testimony based on his experience dealing with these issues as an observer and sometime participant in the redistricting session.

THE WITNESS: Can you repeat the question for me again?

MS. WENGER: Certainly.

Q. (BY MS. WENGER) what, if anything, about your experience working in Louisiana politics informed your impressions of this configuration of SB8?

A. Well, Louisiana, I mean, as a studier of history and a participant in multiple legislative events, political retribution has been really used, I mean. And so, knowing that congressman Graves had flirted with running openly against Governor Landry, did not endorse Governor [569] Landry after he decided not to run for the race, and there was known tension between supporters of congressman Graves and Governor Landry that this just seemed to be a traditional Louisiana tactic that once you got some power you went after your enemies.

MR. TYLER: objection, Judge. This is substantially similar to testimony that we excluded yesterday on the history of a few months ago.

JUDGE JOSEPH: well, the big difference is the witness yesterday was relying on newspaper articles. This witness is relying on his experience at the legislative -- during the legislative sessions and around the capitol, so he can form an opinion on that.

Q. (BY MS. WENGER) Have there ever been, in your lifetime, any other instances you're aware of when co-partisans have put their partisan ties aside for the purposes of political retribution?

A. Yes. I mean I think 2015 is one of the most recent examples. Senator Vitter had been running the conservative majority pack that was directly targeting

Republicans in trying to build a stronger coalition and had really created odds within the Republican party and after the primary election in 2015 when state Representative John Bel Edwards advanced along with united states Senator Vitter, we saw active Republicans, [570] the current sitting Lieutenant Governor and secretary of state Jay Dardenne publicly endorsed Governor Edwards along with former PSC Commissioner Scott Angelle, some Republican sheriffs. And so the tension showcased there was particular in Baton Rouge. In 2008 when Former state Representative Woody Jenkins was running for congress after the retirement of congressman Jim Baker you saw a significant amount of Baton Rouge Republicans support state Representative Don Cazayoux in that election which flipped a seat in the united states House of Representatives. Mr. Jenkins also had some history when he ran for united states senator against Mary Landrieu in 2002. And so there has been quite a -- quite often a bit of if you had an odd with somebody in your party -- you've also seen it the opposite way where Democrats have endorsed Republicans over sitting democratic elected officials. So this is, in my experience, very common in the state of Louisiana.

Q. Did this insight inform your perception or thoughts around the number of safe or unsafe Republican seats in SB8?

A. Yes.

Q. What, if anything, about the overall geography of the districts informed your impressions of SB8?

A. Can you say that again?

[571] Q. I can move along. To confirm, which district do you live in under SB8?

A. District 6.

Q. Is that the same district you lived in before?

A. No.

Q. Were you at the House and Governmental Affairs committee meeting the day that the committee considered SB8 on January 18, 2024?

A. I was.

Q. Do you recall any amendment offered by Representative Farnum that day?

A. I do.

Q. Let's pull up House committee Amendment No. 74. This was introduced into evidence as Robinson Exhibit 45 yesterday. I would like to turn to page 11 of that exhibit. Is this the amendment you recall being introduced and debated on in House and Governmental Affairs that day?

A. I do.

Q. Do you understand anyone else beyond Representative Farnum to be involved in the crafting of this amendment?

A. Yes. Senator Gary Carter.

Q. What did this amendment do?

A. This amendment, as Representative Farnum presented it, was to fix -- under senate Bill 8 there was a parish [572] split in our hometown, in our home parish of Calcasieu Parish, and he was attempting to make Calcasieu whole since we had never been a split parish before and had also joined up with an

amendment that senator carter had previously offered in senate Governmental Affairs that would move some black precincts around in District 2 and in District 6.

Q. And for folks in the room not familiar like yourself with the geography of Louisiana, where is Calcasieu?

A. Calcasieu would be in the southwest corner of the state and so it's the last place you hit before you cross over to Texas.

Q. All right. So I understand it to be the blue parish right above Cameron Parish in the bottom green of the -

A. That is correct.

Q. -- southwest of the state. All right. And which congressional district was that in?

A. In the amendment or the map?

Q. In the amendment.

A. In the amendment it would have been District 4.

Q. All right. Can we turn to page 15 of the exhibit? Do you understand this to be a rendering of the amendment's treatment of East Baton Rouge Parish?

A. I do.

Q. And how did this compare to the original version of [573] SB8?

A. It now brought East Baton Rouge Parish into three different congressional districts instead of two.

Q. How about the version of SB8 that crossed over from the senate?

A. It was two.

Q. How do you feel about the amendment?

A. I did not like this amendment at all. I mean, one of my main objections was East Baton Rouge Parish and so I live in the place where you see the three different colors. That's where we would call the Garden District or Mid city. And when I looked at it, I realized every morning when I would walk my dog through the park, I would walk through three different congressional districts.

Q. Did you lobby around the amendment at all?

A. I did.

Q. Why were you so passionate about lobbying against this amendment?

A. I, one, did not like what it did to East Baton Rouge Parish. Secondly, I didn't see any strong justifications for this amendment. while I appreciated Representative Farnum's desire for Calcasieu Parish where I am from, it did a lot of harm in my eyes to the map and I was worried that it would also potentially create litigation.

Q. What did this amendment do in regards to racial [574] demographics in the districts?

A. It increased the BVAP in both District 2 and District 6 slightly.

Q. And what was your perception on that effort?

A. My perception was that was a direct push by some to make both districts blacker.

Q. When you lobbied around this amendment, who did you reach out to?

A. I reached out to members of the House since it was on the House side so I talked to just about every

member that I personally knew or could. So I made calls. I sent texts. I spoke to them on the floor of the House about my opposition to this amendment.

Q. Any other government officials?

A. I talked to the Governor's staff as well about my opposition to this amendment.

Q. Did you understand your grievances to be heard by the folks that you spoke to?

A. I did.

Q. And did this amendment end up on the final version of SB8 enacted?

A. No. There was an amendment offered on the House floor and it was strucken down in a bipartisan vote.

Q. Have you made your views on the amendment available to anyone outside of the state capitol?

[575] A. I'm a very vocal Tweeter and I Tweeted about this amendment quite a bit.

Q. Did you talk to the press at all?

A. I did talk to the press about this amendment.

Q. So was there any confusion in the political circles that you operate in in your perception about whether or not you supported this type of amendment?

A. No. I'm -- I'm a pretty vocal advocate and have been for quite some time in this state, so when I speak, I tend to make sure everybody hears that I have a view to share.

Q. And how about your views on how this amendment treated black voters on the basis of their race?

A. I made that very clear that I felt this was just moving black precincts around for no particular reason other than to do so.

Q. And so when this amendment was taken off of SB8 on the House floor, how did that vote go down?

A. That vote, I want to say, was a strong over two-thirds vote in the House. I want to say maybe 12 or 16 members voted against it out of the 105.

Q. And did that version of SB8, now stripped of this amendment, but still containing the one from senator cloud, did that have an opportunity to cross over to the senate for final ultimate passage of senate Bill 8 as we know it enacted today?

[576] A. I don't think it did. I think because there had been no amendments now at that point on the House side and both bodies had now passed a bill, it was considered now to be enrolled and sent to the governor.

Q. Did any final procedural steps occur to ensure that this could move along to the Governor on the senate side?

A. No.

Q. were you happy about the ultimate passage of senate Bill 8?

A. I was.

Q. And why is that?

A. At this point we had been dealing with redistricting for quite some time and we now had passed a map. While this was not my preferred map, this was not the map. Had I been in charge of the Legislature, I would have tried to usher through the body, but it accomplishes the goals that I wanted to see

which was complying with the rule of law as well as creating a second black-majority district.

Q. How did you feel it measured up to the rubric that you had established for yourself based off of your prior experiences with redistricting or this 2024 process?

A. I felt it sufficed. I'm a former elementary

schoolteacher, so I'm big at making rubrics and it got a passing grade even though it wasn't the perfect score I wanted.

[577] Q. what has been the impact of the passage of SB8 on the political climate that you operate in?

A. It has been a changing force. I mean, I think when we talk about the reaction to it, there has been multiple actions that have demonstrated how we feel. I was recently at the capital Press (sic) Association's Gridiron dinner, which is an SNL skit fundraiser for journalist scholarships where they produce skits about politicians. I was really happy that I finally got a skit this year.

But they had one skit that I think summarizes this entire session which was called the "Graves Graveyard." And it had congressman Graves lying there with a knife in him and they had all of the other members of congress surrounding him, playing a game of clue, and asking where each congressman or congressperson was. And at the end of the skit, here comes somebody playing Governor Landry and says, "It was me on the fourth floor with a pen signing senate Bill 8." And that was kind of how people took what senate Bill 8 did to the political dynamics in Louisiana.

Q. were there any other political leaders at that dinner?

A. Yeah. we had the chief Justice of the supreme court, Judge Weimer, was there. The Agricultural commissioner, Mike strain, was there. Members of the Legislature and the Republican leadership. Appropriations chair, Jack [578] McFarland. ways and Means chair, Julie Emerson. Representative Dixon McMakin and congressman Graves was there himself.

Q. Did you observe any of his reactions to the skit?

A. I did.

Q. And what were they?

A. He just laughed and nodded his head.

Q. All right. As a voter, now living in congressional District 6 in Baton Rouge, do you feel you share any common interests with voters living in the rest of District 6 under SB8?

A. I do.

Q. How so?

A. I mean, when you look at, one, our economies. I mean, both have significant gaming and industrial shift that exist there. when you talk about your civic organizations, like Junior League or Links or 100 Black Men, those are typically in the same regions with each other. Parts of the southern part of this area is heavily Protestant, even though the vast majority of south Louisiana is considered heavily Catholicism and that Protestant faith kind of runs up and down the Red River. When you think about the educational system, the programs that are offered at Northwestern and offered at Southern A&M are very similar. Agriculture is another place where [579] I particularly looked at

because of my role as commissioner in what we were doing with energy production and plant and manufacturing. And so there was a lot of things from also the same style of music that made me feel comfortable having commonality with people elsewhere in the district.

Q. How about your role as a public service commissioner? Does that provide any perception on the shared needs of people in District 6?

A. Absolutely. District 6 in senate Bill 8 would be in a congressional district that is almost entirely served by, what we would call in the utility regulation space, an mu, an investor owned utility. That means there is very few municipality-run electric systems, very few electric co-ops run by kind of more rural places.

And so when it comes to the engagement with our federal delegation around transmission planning, generation buildup, the energy transition, we would be --this one would be well served because of the electric providers that exist within this district.

Q. Are any of those projects eligible for federal grants or appropriations?

A. Yes.

Q. Do you have to coordinate with Representative Letlow at all because of her role on Appropriations?

[580] A. Yes. So part of the appropriation process that's important to me is affordability when it comes to utility services. And so LIHEAP, as it is known, which is the heating and cooling assistance that is given to those who may not be able to afford their utility bills, has been a very important conversation for me, as Louisiana traditionally has gotten

underfunded. Right now about 60,000 Louisianans receive assistance, while 600,000 actually qualify for heating and cooling assistance, so I have raised that issue significantly.

Recently after the passage of the IRA, there was the Low connectivity Program, which provided a rebate of $30 to individuals for access to broadband and that funding was running out, and so we -- I sent a letter to her and Congressman Scalise and I believe also congressman Johnson about the importance of renewing this program and the recent spending package to ensure that Louisianans had access to affordable broadband. So there was a host of issues that required ensuring funding for multiple projects that have been part of the DOE or EPA or Department of Transportation or HUD through the IIJA or the IRA bills that passed congress earlier in the term.

Q. Has Representative Mike Johnson's ascension to speaker of the house, now speaker Johnson, had any impact on your ability as Public service commissioner to serve [581] your constituents and other Louisianans statewide?

A. Absolutely. The Public service commission uses the administrative law judge process before we make decisions and we have been having cases regarding, for instance, transmission siting, building a transmission line through portions of North Louisiana. And we had to deal with procedural hurdles from some of the intervenors because they were receiving or being invited to meetings with speaker Johnson and we had to evaluate whether or not we would take that as a legitimate delay in our trial process. And so his ascension there has made that extremely important as part of applying for a bunch of the federal grant programs that have been offered under the IRA. So I

think about the grid resiliency program. We have a project that is being funded at Beauregard Electric for a transmission line that fell down during Hurricane Laura. So these conversations and his involvement has significantly changed our interaction, especially when it comes to permitting reform, transmission buildup, the admission standards for power plants. There is a lot of issues that are now circling around, especially at the commission level.

Q. Are you in the same political party as speaker Johnson?

A. I am not.

[582] Q. Do you have any stake in his proximity to power in DC or even ascension to the presidency still?

A. I do not.

Q. Do you have any understanding of where Louisiana ranks among states on quality of life and opportunity indicators?

A. Yes. At Invest in Louisiana or formerly known as Louisiana Budget Project, as I mentioned, we are a nonprofit, nonpartisan policy think tank that advocates and researches on issues that affect low and moderate income families, and so every year we publish what we call the census fact check which includes the American community survey results, and so when we look at Louisiana, we are the second poorest state in the nation. We have the third highest child poverty rate in the nation. We have the sixth highest income and equality in the nation. And so when we look at statistics around poverty or food access, we are at 49th. And so all of my years, I've -- it's been sad to see that Louisiana typically falls at the top

of every list that is bad and falls at the bottom part of every list that is good.

Q. And in your sense, what does power and representation in congress mean for making changes on these measures?

A. Well, Louisiana's state budget is primarily federal funds. About 60 percent of our state budget is federal [583] funds that we receive. So ensuring that our congressional delegation is fighting for FITAP or CHIP or WIC or food stamps assistance is extremely important. I mean, when I think about the Department of Health's budget, for every dollar that is put into the state's budget by our self-generated revenue, we get about five dollars from the federal government. And so having a congressional delegation that reflects Louisiana and the needs of Louisiana is extremely important since we are one of the most dependent states on federal funds not only for our state budget but in terms of all of the programs that are offered through the various agencies.

Q. What would it mean to you if this current map under SB8 was taken away?

A. Well, this was the start of a new legislative session. I think, if my memory serves me correctly, this would have been my 33rd legislative session. So I now have a session just for about every year of my life. And it started off with a bipartisan endeavor, which I think is extremely hard in this new political reality that we live in of divisive politics, of parties being at odd, and to see not only a governor that I didn't support and advocated and worked against, along with the Legislature combing forces and doing something together really signified that when we put our differences aside and work [584] for the common good

that we can achieve policy objectives and it was really pleasing to see that we had done so. And I'm afraid if senate Bill 8 disappears, it only enhances the divisiveness that too much has taken over our politics and continues the division among class, among race, among regions, among political affiliations, and just continues to toxic our environment.

MS. WENGER: If I may have a moment, Your Honors.

Q. (BY MS. WENGER) Commissioner Lewis, as one of the Robinson intervenors, why was it important to you to be heard in this court?

A. It was extremely important to me to be heard because this is something that I have been working on for a while. Like I said, redistricting is not something that sparked my interest after the census of 2020. It has been something since being in high school and learning about it in my AP civics course. And so I felt it was extremely important to share my experience in this process over the last 20 years what has happened and what it really means about how we were able to get senate Bill 8 accomplished.

MS. WENGER: I'll pass the witness.

MR. BOWEN: Nothing from the State.

JUDGE JOSEPH: Let's take our morning 15-minute break and then we'll come back for cross-examination.

[585] (Recess.)

CROSS-EXAMINATION

BY MR. TYLER:

Q. Mr. Lewis, this is a map of the Louisiana PCS districts?

A. Correct.

Q. And District 6 in 5B8 crosses through how many different PSC districts?

A. It would cross through -- it would cross through four in this current map, yes.

Q. So four different PSC districts out of how many total?

A. Five.

MR. TYLER: No more questions.

JUDGE JOSEPH: Any redirect?

MS. WENGER: No redirect.

JUDGE JOSEPH: State? Nothing?

MR. BOWEN: Nothing from the State, Your Honor.

JUDGE JOSEPH: Secretary?

MR. STRACH: None, Your Honor.

JUDGE JOSEPH: All right. Commissioner, you are free to go. Thank you for your testimony.

MR. NAIFEH: Your Honors, the Robinson

intervenors have no further witnesses.

JUDGE JOSEPH: And all the exhibits I think have

* * *

[587] interference) or not taken our case. They took our --they stayed our case last summer, while the Alabama case went forward and was litigated. They said you just wait. They thought we had made a good case for a stay and so they paused our case while they decided that one.

But they did something -- and this is kind of a term of art, but I mean they granted cert in advance of judgment. That means they actually took our case and then after they decided the *Merrill* case, the Alabama case, they just vacated their own grant and sent it back to us.

So in a way they took our case and then they vacated their own decision to take our case and they sent it back down to the Fifth circuit and to Judge Dick. And so it's back in the hands of the district court judge who is supervised by the Fifth Circuit Court of Appeals.

And so there has been some litigation between August and really through the summer since the *Merrill* case came out all the way through the time that the opinion was issued in November, I think, from the Fifth circuit where a panel of the Fifth circuit said you need to go draw a map by February 15th. So they actually suggested we should have done this before -- before we legally really or -- I think it was practically possible to even get it done.

But, you know, here you are. I think the Governor [588] heeded that call, that demand. I mean, we've had it reviewed by a number of judges. They have had nothing to say about our arguments. It's been radio silence.

And so the only decision that remains in front of us right now is Judge Dick's and so Judge Dick has set a timeline for us to have a trial. They did say we get to have a trial. But we don't get to have that trial until after you go through this exercise and, you know, she will do it for you. The job of (audio interference) it's not mine and I -- what I believed have been a defensible map and if you draw a new map, I will defend that map. Judge Dick has put us in a position and the Fifth

circuit, the panel that reviewed that decision, and the whole court, when I asked them to go en banc, by declining to go on en banc, have put us in a position pus of where we are today where we need to draw a map. So I'm here to tell -- I'm not here to you to tell don't draw a map. I mean, I think we do have to draw a map and I will defend that map. we (audio interference) a fact-finding mission. That's what's always happens and made fact-findings regarding the map. she issued an injunction. That injunction is not currently in effect for reasons that I can explain to you, but I think the bottom line is it is not currently in effect because the deadlines for the election that it enjoined are over.

[589] The courts, never the less, have told us to draw a new map. And they have indicated that we have a deadline to do that or Judge Dick will draw the map for us. So you have an opportunity now to go back and draw the map again and I think that it is not an easy task because the united states supreme court is not made it an easy task. They have given you some directives that seem to be -- to not give you a lot of clear lines for doing your job. I apologize on their behalf, but, you know, we tried. I mine I am defending that map, and so you won't hear me say that I believe that that map violated the redistricting criteria. I am defend -

GOVERNOR LANDRY: It is time to stop averting the issue and confront it head-on. We are here today because the federal courts have ordered us to perform our job. our job which is not finished. our job that are own laws direct us to complete and our job that our individuals promise we would perform.

To that end, I ask you to join me in adopting the redistricting maps that are proposed. These maps will satisfy the court and ensure that the congressional

districts of our state are made right here in this legislature and not by some heavy-handed federal judge. We do not need a federal judge to do for us what the people of Louisiana have elected you to do for them.

[590] You are the voice of the people and it is time that you use that voice. The people have sent us here to solve problems, not exacerbate them. To heal divisions, not to widen them. To be fair and to be reasonable. The people of this state expect us to operate government officially and to act within the compliance of the laws of our nation and of our courts even when we disagree with both of them. And let me say this, I know that many of you in this Legislature have worked hard and endured the -- and tried your very best to get this right. As Attorney General, I did everything I could to dispose of this litigation. I defended the redistricting plan adopted by this body as the will of the people. we sought a stay in the Fifth circuit. we successfully stayed the case at the United States Supreme Court for more than a year allowing the 2022 elections to proceed.

Last October we filed for a writ of mandamus which was granted in the Fifth circuit which would again allow us one more chance to take care of our business. However, when the Fifth circuit panel ruled against us later in the fall we filed for an en Banc hearing which they denied. we have exhausted all legal remedies and we have labored with this issue for far too long. I recognize the difficulty of getting 144 people to agree on anything. My wife and I don't agree on everything. she has kept me [591] for 21 years. But I sincerely commend you for the work you have done so far. But now, once and for all, I think it's time that we put this to bed. Let us make the necessary adjustments to heed

the instructions of the court, take the pen out of the hand of a nonelected judge and place it in your hands. In the hands of the people. It's really that simple. I would beg you, help me make this a reality in this special session for this special purpose on this special date.

MR. GORDON: That concludes the presentation, Your Honor. The state rests.

JUDGE JOSEPH: state rests. okay. Thank you, counsel.

MR. STRACH: No witnesses for the Secretary. The secretary rests.

JUDGE JOSEPH: No evidence heater?

MR. STRACH: No. No, Your Honor.

JUDGE JOSEPH: All right. Have the plaintiffs made a decision about whether to call their rebuttal expert?

MR. GREIM: We have. We are not going to call him.

JUDGE JOSEPH: Okay. So the plaintiffs rest their entire case then?

MR. GREIM: We do.

* * *

APPENDIX N

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

Civil Docket No. 3:24-CV-00122-DCJ-CES-RRS

PHILLIP CALLAIS, ET AL

versus

NANCY LANDRY, in her official capacity as
Louisiana Secretary of State

THREE-JUDGE COURT

INJUNCTION AND REASONS FOR JUDGMENT

Opinion of the Court by David C. Joseph and Robert R. Summerhays, District Judges.

The present case involves a challenge to the current congressional redistricting map enacted in Louisiana on the grounds that one of the congressional districts created by the Louisiana State Legislature — District 6 — is an impermissible racial gerrymander in violation of the Equal Protection Clause of the Fourteenth Amendment. This challenge reflects the tension between Section 2 of the Voting Rights Act and the Equal Protection Clause. The Voting Rights Act protects minority voters against dilution resulting from redistricting maps that "crack" or "pack" a large and "geographically compact" minority population. On the other hand, the Equal Protection Clause applies strict

scrutiny to redistricting that is grounded predominately on race.

The challenged Louisiana redistricting scheme originated in response to litigation brought under Section 2 of the Voting Rights Act in a separate suit filed in the United States District Court for the Middle District of Louisiana, challenging Louisiana's prior redistricting scheme under Section 2 of the Voting Rights Act. *Robinson, et al v. Ardoin*, No. 3:22-cv-211; consolidated with *Galmon et al v. Ardoin*, No. 3:22-cv-214 (M.D. La.) ("*Robinson* Docket"). There, the district court concluded that the *Robinson* plaintiffs were likely to succeed on the merits of their claim that Louisiana's prior redistricting plan violated Section 2 of the Voting Rights Act. In response, the Legislature adopted the present redistricting map (created by Senate Bill 8) ("SB8"), which established a second majority–Black congressional district to resolve the *Robinson* litigation. The plaintiffs here then filed the present case challenging this new congressional map on the grounds that the second majority–Black district created by the Legislature violates the Equal Protection Clause.

This matter was tried before the three-judge panel from April 8-10, 2024. Having considered the testimony and evidence at trial, the arguments of counsel, and the applicable law, we conclude that District 6 of SB8 violates the Equal Protection Clause. Accordingly, the State is enjoined from using SB8 in any future elections. The Court's Opinion below constitutes its findings of fact and conclusions of law. The Court sets a status conference with all parties to discuss the appropriate remedy.

I.

PROCEDURAL AND HISTORICAL BACKGROUND

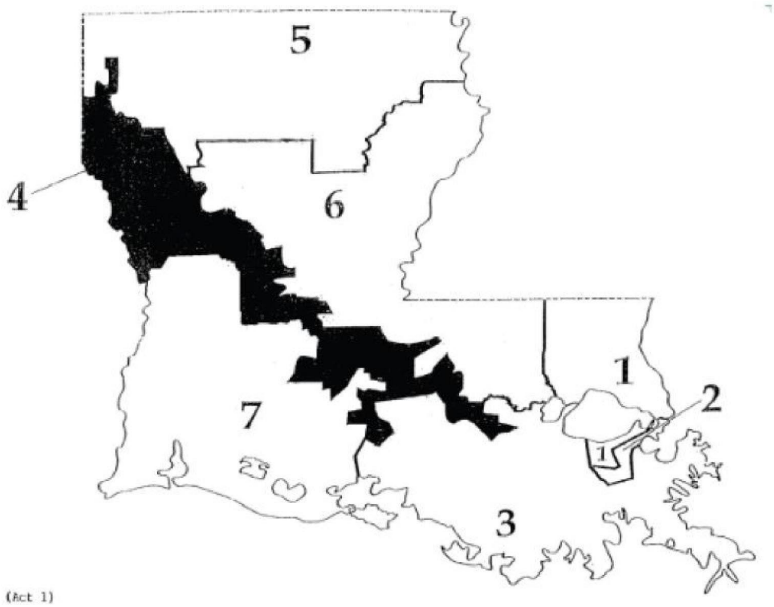
A. The *Hays* Litigation

"Those that fail to learn from history are doomed to repeat it." - Winston Churchill

Following the 1990 census, the Louisiana State Legislature (the "Legislature") enacted Act 42 of 1992, which created a new congressional voting map. Prior to the Act 42 map, Louisiana had seven congressional districts, one of which included a majority-Black voting population. Act 42 created a second majority-Black district. The existing majority-Black district encircled New Orleans, and the other, new one, "[l]ike the fictional swordsman Zorro, when making his signature mark, ... slash[ed] a giant but somewhat shaky 'Z' across the state." *Hays v. State of La.*, 839 F. Supp. 1188, 1199 (W.D. La. 1993), *vacated sub nom. Louisiana v. Hays*, 512 U.S. 1230, 114 S. Ct. 2731, 129 L.Ed.2d 853 (1994) ("*Hays T*").

Several voters challenged the scheme. After a trial, a three-judge panel of the Western District of Louisiana concluded that Act 42's plan violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution, and accordingly enjoined the use of that plan in any future elections. *Id*. In 1993, while an appeal of the district court's findings in *Hays I* was pending before the Supreme Court of the United States, the Legislature repealed Act 42 and passed Act 1, creating a new map. *Hays v. State of La.*, 862 F. Supp. 119, 125 (W.D. La. 1994), *aff'd sub nom. St. Cyr v. Hays*, 513 U.S. 1054, 115 S. Ct. 687, 130 L.Ed.2d 595 (1994), *and vacated sub nom. United States v. Hays*, 515 U.S. 737, 115 S. Ct. 2431, 132 L.Ed.2d 635 (1995) ("*Hays II*").

The 1993 map, like the 1992 map, had two majority-African American districts. *Id.* One encircled New Orleans, while the other was long and narrow and slashed 250 miles in a southeasterly direction from Shreveport down to Baton Rouge. This district was described as resembling "an inkblot which has spread indiscriminately across the Louisiana map." *Id.*



PE22 (Map from *Hays II*).

The Supreme Court vacated *Hays I* and remanded the case for further proceedings in light of the passage of Act 1. *See Louisiana v. Hays*, 512 U.S. 1230, 114 S. Ct. 2731, 129 L.Ed.2d 853 (1994). The panel of our colleagues making up that three-judge court determined that the Legislature had once again allowed race to predominant in the map's creation and declared Act 1 unconstitutional. *Hays II* at 121. The case was again appealed to the Supreme Court. Without addressing the merits of the case, the Supreme Court

determined that the plaintiffs lacked standing to challenge Act 1 as they did not reside in the challenged district. *United States v. Hays*, 515 U.S. 737, 115 S. Ct. 2431, 132 L.Ed.2d 635 (1995).

On remand, the three-judge panel permitted an amended complaint to address the standing issue. The court then reiterated its findings from *Hays II* that Act 1 constituted a racial gerrymander and was not narrowly tailored to further a compelling state interest. The court therefore found that Act 1 violated the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution and ordered the state to implement a redistricting plan drawn by the court. *Hays v. Louisiana*, 936 F. Supp. 360 (W.D. La. 1996) ("*Hays III*").

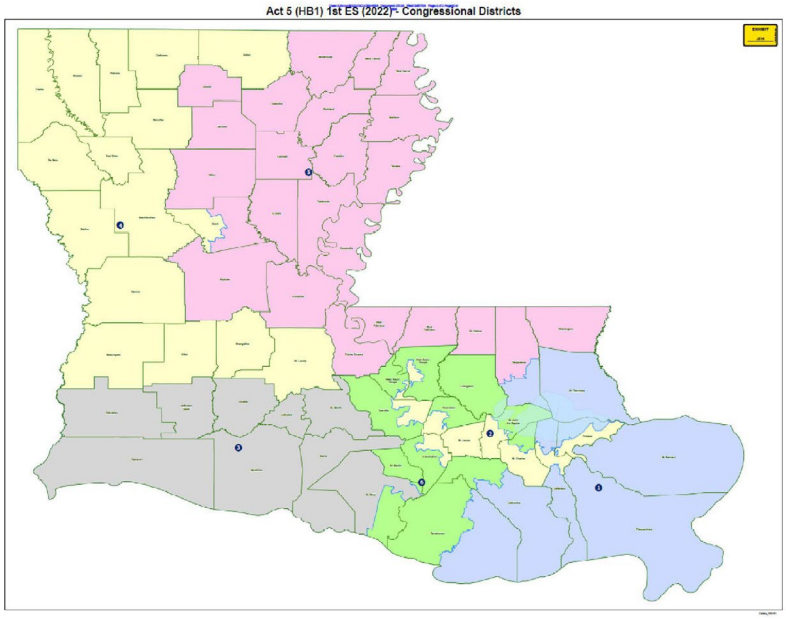
B. 2020 Census and Events Leading up to the *Robinson* Litigation

Based on the 2020 Census, Louisiana's population stood at 4,657,757 with a voting-age population of 3,570,548. JE6; JE15. As a result, the state qualified for six congressional districts — one less district than it had during the *Hays* litigation, but the same number it was allotted after the 2010 Census. JE15. Prior to the start of the legislative session on redistricting, members of the Legislature traveled across the state conducting public hearings, called "roadshows," to give the public the opportunity to voice their views on the redistricting process. *See* JE-3; *see also* Tr., Vol. III, 513:14–514:17. The roadshows were "designed to share information about redistricting and solicit public comment and testimony." *Robinson v. Ardoin*, 605 F.Supp.3d 759, 767 (M.D. La. 2022), *cert. granted before judgment,* 142 S. Ct. 2892, 213 L.Ed.2d 1107 (2022), *and cert. dismissed as improvidently granted,* 143 S. Ct. 2654, 216 L.Ed.2d 1233 (2023), *and vacated and*

remanded, 86 F.4th 574 (5th Cir. 2023) ("*Robinson* Injunction Ruling").

The Louisiana Senate Governmental Affairs and House Governmental Affairs conducted ten hearings as part of the roadshow across the state. Tr., Vol. II, 476:18–25; Tr., Vol. III, 513:18–514:7. These hearings allowed citizens to testify on their redistricting preferences. *Id.* Senator Royce Duplessis, who served as Vice Chair of the House and Governmental Affairs Committee at the time, attended the roadshows and testified that "the purpose of the road shows was to give the public the opportunity to share their thoughts and what they wanted to see in redistricting." Tr., Vol. III, 514:8–17.

Louisiana ultimately enacted a new congressional map, created by House Bill 1 ("HB1"), on March 31, 2022. JE1. As with Louisiana's prior congressional map, HB1 had one majority-Black district. Louisiana Governor John Bel Edwards vetoed HB1, but the Legislature overrode that veto. *Robinson* Injunction Ruling *at* 767.



2022 Enacted Map (JE16

C. The *Robinson* Litigation

On the same day that HB1 was enacted, a group of plaintiffs led by Press Robinson[1] (the "*Robinson* Plaintiffs"), and a second group of plaintiffs led by Edward Galmon, Sr.[2] (the "*Galmon* Plaintiffs"), filed suit against the Louisiana Secretary of State in the United States District Court for the Middle District of Louisiana. *Robinson* Injunction Ruling at 768. The Middle District consolidated the *Robinson* and *Galmon*

[1] Press Robinson, Edgar Cage, Dorothy Nairne, Edwin Rene Soule, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, National Association for the Advancement of Colored People ("NAACP") Louisiana State Conference, and Power Coalition for Equity and Justice.

[2] Edward Galmon, Sr., Ciara Hart, Norris Henderson, and Tramelle Howard.

suits and allowed intervention by the President of the Louisiana State Senate, the Speaker of the Louisiana House of Representatives, and the Louisiana Attorney General. *Id.* at 768-69.

The *Robinson* and *Galmon* Plaintiffs alleged that the congressional map created by HB1 diluted the votes of Black Louisianians in violation of Section 2 of the Voting Rights Act of 1965, 52 U.S.C. § 10301. *Robinson* Injunction Ruling at 768. This dilution was purportedly accomplished through "'packing' large numbers of Black voters into a single majority-Black congressional district...and 'cracking' the remaining Black voters among the other five districts...to ensure they [would be] unable to participate equally in the electoral process." *Id.* at 768. Both sets of plaintiffs sought a preliminary injunction that would prohibit the Secretary of State from using the HB1 map in the 2022 congressional elections, give the Legislature a deadline to enact a map that complied with the Voting Rights Act, and order the use of a map proposed by the plaintiffs in the event the Legislature failed to enact a compliant map. *Id.* at 769.

The Middle District held an evidentiary hearing in the *Robinson* matter, beginning May 9, 2022. *Robinson* Injunction Ruling at 769. On June 6, 2022, the court issued a preliminary injunction finding that the *Robinson* and *Galmon* Plaintiffs were likely to prevail on their Section 2 vote dilution claims. *Id.* at 851-52. The Middle District further determined that a new compliant voting map could be drawn without disrupting the 2022 election. *Id*. at 856.

Accordingly, the Middle District entered an order enjoining the Secretary of State from conducting elections using the HB1 map, ordered the Legislature to enact a new voting map that included a second

majority-Black voting district by June 20, 2022, and stayed the state's nominating petition deadline until July 8, 2022. *Robinson* Injunction Ruling at 858. In the event the Legislature failed to enact a new map before the deadline, the Middle District set an evidentiary hearing for June 29, 2022, regarding which map should be used in its place. *Robinson* Docket, [Doc. 206].

On June 9, 2022, the Middle District denied a motion to stay the injunction pending appeal. *Robinson v. Ardoin*, No. CV 22-211-SDD-SDJ, 2022 WL 2092551 (M.D. La. June 9, 2022). While the United States Court of Appeals for the Fifth Circuit initially stayed the injunction review on the same day, *Robinson v. Ardoin*, No. 22-30333, 2022 WL 2092862 (5th Cir. June 9, 2022), it vacated the stay a few days later. *Robinson v. Ardoin*, 37 F.4th 208, 232 (5th Cir. 2022). On June 28, 2022, the Supreme Court of the United States again stayed the Middle District's injunction. *Ardoin v. Robinson*, 142 S. Ct. 2892, 213 L.Ed.2d 1107 (2022). On June 26, 2023, after the Supreme Court issued its decision in *Alabama v Milligan*, 599 U.S. 1, 143 S. Ct. 1487, 216 L.Ed.2d 60 (2023), the court vacated the stay in *Robinson* as improvidently granted, allowing review of the matter to continue before the Fifth Circuit. *Ardoin v. Robinson*, 143 S. Ct. 2654, 216 L.Ed.2d 1233 (2023).

In response to the Supreme Court's action in vacating the stay, the Middle District reset the remedial evidentiary hearing to begin October 3, 2023. *Robinson* Docket, [Doc. 250]. The Louisiana Attorney General sought mandamus from the Fifth Circuit, which vacated the evidentiary hearing. *In re Landry*, 83 F.4th 300, 308 (5th Cir. 2023).

On November 10, 2023, the Fifth Circuit issued its decision on the Secretary of State's appeal of the

Middle District's preliminary injunction. *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023) ("*Robinson* Appeal Ruling"). Although noting that the *Robinson* Plaintiffs' arguments were "not without weaknesses," the Circuit Court found no clear error with the Middle District's factual findings, nor with its conclusion that the HB1 map likely violated Section 2, and held that the preliminary injunction was valid when it was issued. *Robinson* Appeal Ruling at 599. However, because the 2022 election had already occurred and because the Legislature had time to enact a new map without disrupting the 2024 election, the Fifth Circuit concluded that the district court's preliminary injunction was no longer necessary. *Id*. Accordingly, the Fifth Circuit vacated the injunction to give the Legislature the opportunity, if it desired, to enact a new redistricting plan before January 15, 2024. *Id*. at 601. The Fifth Circuit opinion did not provide any parameters or specific direction as to how the Legislature was to accomplish this task. *Id.* If no new re-districting plan was enacted before January 15, 2024, the Fifth Circuit directed the district court, "to conduct a trial and any other necessary proceedings to decide the validity of the HB1 map, and, if necessary, to adopt a different districting plan for the 2024 elections." *Id*.

The Middle District thereafter set a remedial evidentiary hearing for February 5, 2024. Prior to that date, and as detailed below, the Legislature enacted SB8, creating a new congressional districting map. Upon notice of SB8's enactment, the Middle District cancelled the remedial hearing. *Robinson* Docket, [Doc. 343].

D. Legislative Response

Among the first actions of newly inaugurated Governor Jeff Landry was to call the 2024 First

Extraordinary Session on Monday, January 8, 2024 (the "Special Session"). JE8. This call directed the Legislature to, among other things, "legislate relative to the redistricting of the Congressional districts of Louisiana." *Id.* On the first day of the Special Session, Governor Landry addressed the joint chambers. After detailing his extensive efforts in *Robinson* to defend the congressional map enacted in 2022, he stated: "we have exhausted all legal remedies and we have labored with this issue for far too long." JE35 at 11. "[N]ow, once and for all," he continued, "I think it's time that we put this to bed. Let us make the necessary adjustments to heed the instructions of the court. Take the pen out of the hand of a non-elected judge and place it in your hands. In the hands of the people. It's really that simple. I would beg you, help me make this a reality in this special session, for this special purpose, on this special day." *Id.*

The product of the Special Session was SB8, which was passed on January 22, 2024. JE10. The Court has reviewed the entire legislative record, including the January 15 Joint Session, the January 15 House and Governmental Affairs Committee hearing, the January 16 Senate and Governmental Affairs Committee hearing, the January 17 Senate floor debate, the January 17 House and Governmental Affairs Committee hearing, the January 18 House floor hearing, the January 18 House and Governmental Affairs Committee hearing, the January 19 House of Representatives floor debate, and the January 19 Senate floor debate. PE23-29. Numerous comments during the Special Session highlight the intent of the Legislature in passing SB8.

Senator Glen Womack, the Senate sponsor of SB8, stated at the legislative session that redistricting must occur because of the litigation occurring in the Middle

District of Louisiana. PE41, at 18. Specifically because of that litigation, Senator Womack opined that "we had to draw two majority minority districts." PE41, at 20. Later in the Special Session, Senator Womack, in addressing the odd shape of SB8's District 6 (shown below), admitted that creating two majority-Black districts is "the reason why District 2 is drawn around the Orleans Parish and why District 6 includes the Black population of East Baton Rouge Parish and travels up I-49 corridor to include Black population in Shreveport." PE41, at 26. Senator Womack also professed: "we all know why we're here. We were ordered to draw a new black district, and that's what I've done." JE31, 121:21-22

Likewise, in the House of Representatives, Representative Beau Beaullieu was asked during his presentation of SB8 by Representative Beryl Amedee, "is this bill intended to create another Black district?" and Representative Beaullieu responded, "yes, ma'am, and to comply with the judge's order." JE33, 9:3-8. . Representative Josh Carlson stated, even in his support of SB8, that "the overarching argument that I've heard from nearly everyone over the last four days has been race first" and that "race seems to be, at least based on the conversations, the driving force" behind the redistricting plan. *Id.* at 97:18-19, 21-24.

But, Representative Carlson acknowledged that racial integration made drawing a second majority-Black district difficult:

> And so the reason why this is so difficult is because we are moving in the right direction. We don't have concentrated populations of – of certain minorities or populations of white folks in certain areas. It is spread out throughout the state. Compared to Alabama,

> Alabama has 17 counties that are minority-majority, and they're all contiguous. Louisiana has seven parishes that are minority-majority and only three are contiguous. That's why this process is so difficult, but here we are without any other options to move forward.

Id. at 98:2-12.

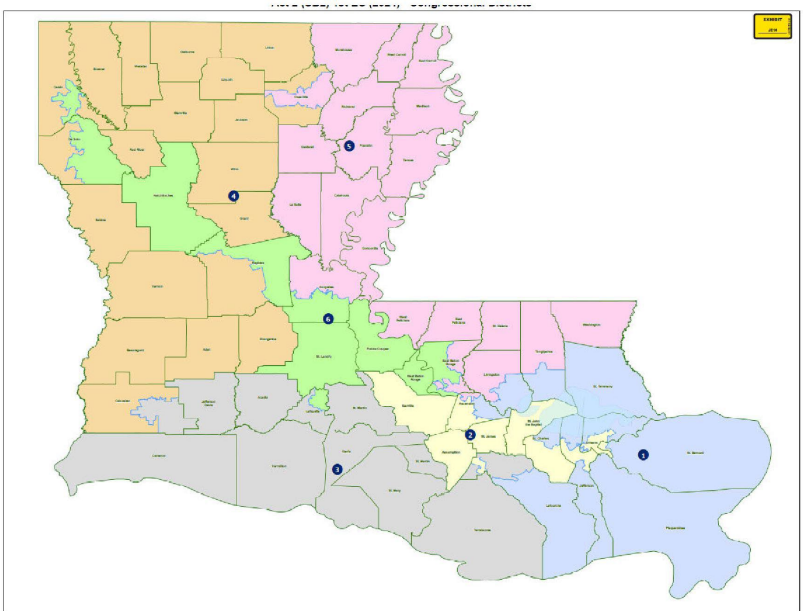
Representative Rodney Lyons, Vice Chairman of the House and Governmental Affairs Committee, stated that the "mission that we have here is that we have to create two majority-Black districts." JE31, 75:24-76:1. Senator Jay Morris also remarked that "[i]t looks to me we primarily considered race." JE34, 7:2-3. Senator Gary Carter went on to express his support for SB8 and read a statement from Congressman Troy Carter on the Senate floor:

> My dear friends and colleagues, as I said on the steps of the capital, I will work with anyone who wants to create two majority-minority districts. I am not married to any one map. I have worked tirelessly to help create two majority-minority districts that perform. That's how I know that there may be better ways to create – to craft both of these districts. There are multiple maps that haven't been reviewed at all. However, the Womack map creates two majority-minority districts, and therefore I am supportive of it. And I urge my former colleagues and friends to vote for it while trying to make both districts stronger with appropriate amendment. We do not want to jeopardize this rare opportunity to give African American voters the equal representation they rightly deserve.

JE30, 16:10-25.

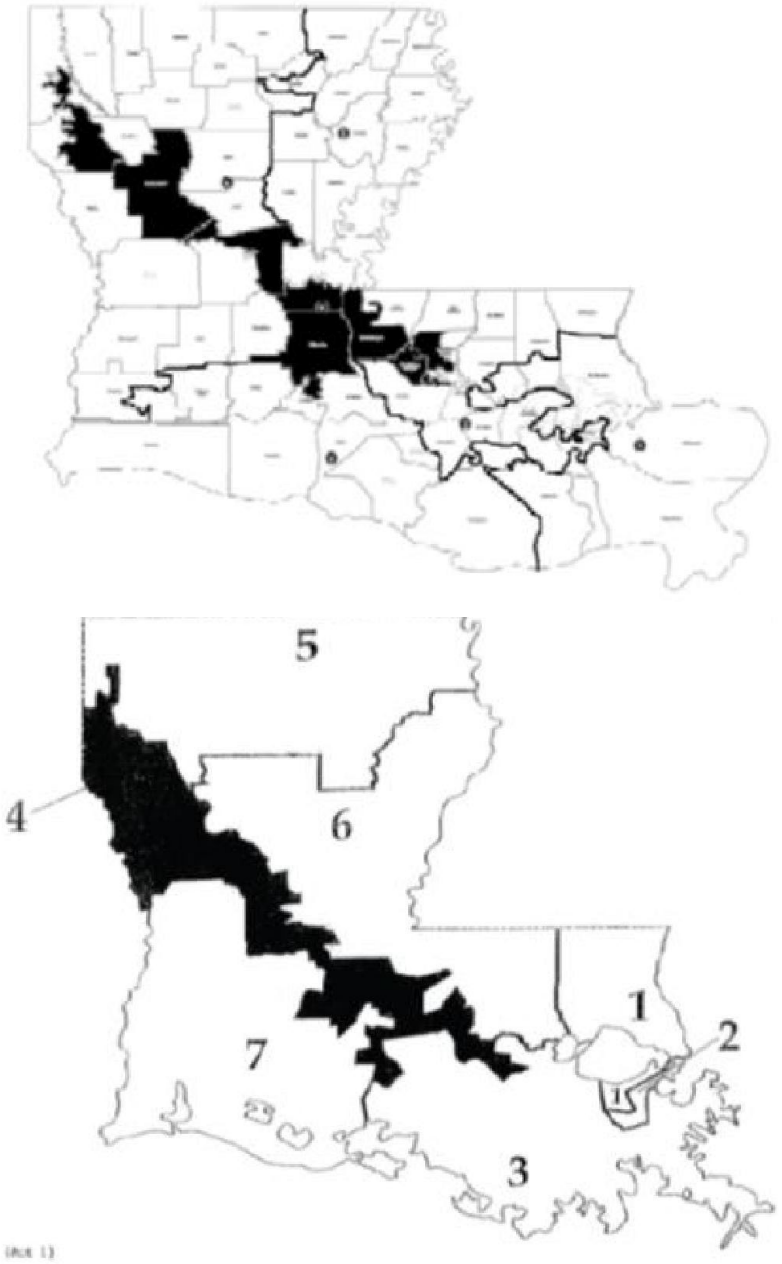
Louisiana Attorney General Murrill also gave the legislators advice during the Special Session. She told them that the 2022 enacted map, HB1, was a defensible and lawful map. JE28, 36:24-37:1. She stated, "I am defending that map, and so you won't hear me say that I believe that that map violated the redistricting criteria," *Id.* at 42:23, and "I am defending it now." *Id.* at 46:3-4. She further declared "I am defending what I believe to have been a defensible map." *Id.* at 53:2. She also informed legislators that the *Robinson* litigation had not led to a fair or reliable result. *Id.* at 61:20-62:12, 62:24-63:3, 63:6-17.

SB8 was the only congressional map to advance out of committee and through the legislative process. The map was passed on Friday, January 19, 2024, and signed by the Governor as Act 2 on January 22, 2024. JE10. SB8's second majority-minority district, District 6, stretches some 250 miles from Shreveport in the northwest corner of the state to Baton Rouge in southeast Louisiana, slicing through metropolitan areas to scoop up pockets of predominantly Black populations from Shreveport, Alexandria, Lafayette, and Baton Rouge. The figure below, which shows the map enacted by SB8, demonstrates the highly irregular shape of Congressional District 6.



PE14.

When converted to a black and white map and placed next to the *Hays II* map, the similarities of the two maps become obvious.



Black and White Version of PE14 (left) and PE22 (right).

E. The Parties and Their Claims

The Plaintiffs, Philip Callais, Lloyd Price, Bruce Odell, Elizabeth Ersoff, Albert Caissie, Daniel Weir, Joyce LaCour, Candy Carroll Peavy, Tanya Whitney, Mike Johnson, Grover Joseph Rees, and Rolfe McCollister, challenge SB8. [Doc. 156]. Plaintiff Philip Callais is a registered voter of District 6. *Id*. Plaintiff Albert Caissie, Jr. is a registered voter of District 5. *Id*. Plaintiff Elizabeth Ersoff is a registered voter of District 6. *Id*. Plaintiff Grover Joseph Rees is a registered voter of District 6. *Id*. Plaintiff Lloyd Price is a registered voter of District 6. *Id*. Plaintiff Rolfe McCollister is a registered voter of District 5. *Id*. Plaintiff Candy Carroll Peavy is a registered voter of District 4. *Id*. Plaintiff Mike Johnson is a registered voter of District 4. *Id*. Plaintiff Bruce Odell is a registered voter of District 3. *Id*. Plaintiff Joyce LaCour is a registered voter of District 2. *Id*. Plaintiff Tanya Whitney is a registered voter of in District 1. *Id*. Plaintiff Danny Weir, Jr., is a registered voter of District 1. *Id*. Each of the Plaintiffs is described as a "non-Black voter." [Doc. 1].

The State Defendants are Secretary of State Nancy Landry, in her official capacity, and the State of Louisiana, represented by Attorney General Elizabeth Murrill. [Doc. 156]. The State intervened as a defendant on February 26, 2024. [Doc. 79].

Press Robinson, Edgar Cage, Dorothy Nairne, Edwin Rene Soule, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, National Association for the Advancement of Colored People Louisiana State Conference, and Power Coalition for Equity and Justice (collectively "*Robinson* Intervenors") are African American Louisiana voters and civil rights organizations. [Doc. 156]. They were Plaintiffs in

Robinson, et al v. Landry, No. 3:22-cv-0211-SDD- SDJ (M.D. La.) and intervened here as defendants to defend SB8. [Doc. 156]. They intervened permissively in the remedial phase of this litigation on February 26, 2024, and permissively in the liability phase on March 15, 2024. [Docs. 79, 114]. Davante Lewis lives in District 6. Tr., Vol. III, 567:23–568:1. The voting districts for the other individual *Robinson* Intervenors was not established in the record.

Plaintiffs assert that: (1) the State has violated the Equal Protection Clause of the Fourteenth Amendment by enacting a racially gerrymandered district; and (2) the State has violated the Fourteenth and Fifteenth Amendments by intentionally discriminating against voters and abridging their votes based on racial classifications across the State of Louisiana. [Doc. 1, ¶ 5]. The Plaintiffs request that the Court issue a declaratory judgment that SB8 is unconstitutional under the Fourteenth and Fifteenth Amendments, issue an injunction barring the State of Louisiana from using SB8's map of congressional districts for any election, and institute a congressional districting map that remedies these violations. *Id*., p. 31.

F. The Three-Judge Panel and Trial

On February 2, 2024, Priscilla Richman, the Chief Judge of the Fifth Circuit Court of Appeals, issued an Order Constituting Three-Judge Court. [Doc. 5]. Chief Judge Richman designated Judge Carl E. Stewart, of the Fifth Circuit Court of Appeals, Judge Robert R. Summerhays, of the Western District of Louisiana, and Judge David C. Joseph, of the Western District of Louisiana, to serve on the three-judge district court convened under 28 U.S.C. § 2284. *Id*. On February 17, 2024, Plaintiffs filed a Motion for Preliminary Injunction. [Doc. 17]. On February 21, 2024, the Court issued a

Scheduling Order setting the hearing on the Preliminary Injunction—consolidated with trial on the merits—to commence on April 8, 2024, in Shreveport, Louisiana. [Doc. 63]. The hearing commenced on April 8, 2024, and ended on April 10, 2024. Collectively, the parties introduced thirteen (13) witnesses and one hundred ten (110) exhibits.

II.

EVIDENTIARY RECORD

A. Fact Witnesses

1. Legislators

a. Alan Seabaugh

Alan Thomas Seabaugh is a Louisiana State Senator for District 31, located in northwest Louisiana. Senator Seabaugh took office in January 2024. He had previously served as a Louisiana State Representative for thirteen years. Tr. Vol. I, 42:16-17. Senator Seabaugh testified that the only reason the Legislature was attempting to pass a redistricting plan during the Special Session was the litigation pending in the Middle District of Louisiana, and specifically "Judge Dick saying that she – if we didn't draw the second minority district, she was going to. I think that's the only reason we were there." *Id.* at 47:22-48:1. When asked if having a second majority-Black district was the one thing that could not be compromised in the plans being considered, Senator Seabaugh testified "that's why we were there." *Id.* at 50:2. Senator Seabaugh ultimately voted no to SB8 and indicated that he believed the 2022 map (HB1) was a good map. *Id.* at 52:19-22. On cross examination, Senator Seabaugh acknowledged that, in determining how to draw the new districts, protecting the districts of Mike

Johnson and Stephen Scalise – two of Louisiana's representatives in the United States House of Representatives, serving as Speaker and Majority Leader, respectively – were important considerations. *Id.* at 60:8-20.

b. Thomas Pressly

Thomas Pressly is a Louisiana State Senator for District 38, which is located in the northwest corner of Louisiana. Senator Pressly took office in January 2024. He had previously served as a Louisiana State Representative for four years. Tr., Vol. I, 66:1-6. Senator Pressly testified that during the Special Session, "the racial component in making sure that we had two performing African American districts was the fundamental tenet that we were looking at. Everything else was secondary to that discussion." *Id.* at 69:16-19. Senator Pressly acknowledged that political considerations were also factored into the ultimate redistricting plan, stating:

> [t]he conversation was that we would – that we were being told we had to draw a second majority-minority seat. And the question then was, okay, who – how do we do this in a way to ensure that we're not getting rid of the Speaker of the House, the Majority Leader, and Senator Womack spoke on the floor about wanting to protect Julia Letlow as well.

Id. at 72:1-7. Senator Pressly testified that he did not believe that his district in the northwest corner of Louisiana shares a community of interest with either Lafayette or Baton Rouge, both located in the southern half of Louisiana, based on either natural disaster concerns or educational needs. *Id.* at 73:1-23. Senator Pressly spoke against SB8 during the Special Session

and testified that he believed the 2022 map should be retained. *Id.* at 77:6-8.

c. Mandie Landry

Mandie Landry is a Louisiana State Representative for House District 91, located in New Orleans. She took office in January 2020. Tr., Vol. II, 366:2-3. Representative Landry testified that the Special Session was convened because the Republicans were afraid that if they did not draw a map which satisfied the court, then the court would draw a map that would not be as politically advantageous for them. *Id.* at 368:8-10. Representative Landry indicated that she understood Governor Jeff Landry to favor the map created by SB8, in part because he believed the map would resolve the *Robinson* litigation in the Middle District, and in part because the new map would cause Congressman Garrett Graves – a Republican incumbent with whom Landry was believed to have a contentious relationship – to lose his seat. *Id.* at 369:10-15.

d. Royce Duplessis

Royce Duplessis is a Louisiana State Senator representing Senate District 5, which is located in the New Orleans area. He took office in December 2022 and previously served as a Louisiana State Representative for over four years. Tr. Vol. III, 512:21-24. Senator Duplessis testified that his understanding of the reason for the Special Session was "to put an end to the litigation and adopt a map that was compliant with the Judge's order." *Id.* at 519:22-23. Though he was not a member of the Senate's redistricting committee, Senator Duplessis co-sponsored a separate bill during the Special Session, namely SB4, which also created two majority-Black districts. *Id.* at 521:1-2. SB4 was ultimately voted down in committee in

favor of SB8. *Id.* at 523:14-23. Senator Duplessis testified that he believed SB8 passed because Governor Landry supported SB8 for political reasons. *Id.* at 525:1-7. Senator Duplessis voted in favor of SB8 because he believed it complied with the Voting Rights Act, it met the criteria ordered by the court, and was a fair map which would satisfy the people of Louisiana. *Id.* at 527:23 -528:9. Senator Duplessis testified that he was very proud of the passage of SB8 because:

> It was always very clear that a map with two majority black districts was the right thing. It wasn't the only thing, but it was a major component to why we were sent there to redraw a map.

Id. at 530:15-19.

2. Community Members

a. Cedric Bradford Glover

Cedric Bradford Glover is a resident of Shreveport, Louisiana, who previously served a total of five terms in the Louisiana House of Representatives, and two terms as mayor of Shreveport. Tr., Vol. II, 454:12-20. Mayor Glover testified that he believes SB8's District 6 reflects common communities of interest, specifically the I49 corridor, the communities along the Red River, higher education campuses, healthcare systems, and areas of economic development. *Id.* at 457:17–458:21.

b. Pastor Steven Harris, Sr.

Steven Harris, Sr. resides in Natchitoches, Louisiana, where he serves as a full-time pastor and a member of the Natchitoches Parish School Board. Tr., Vol. II, 463:5-6. Pastor Harris' ministerial duties require him to travel to Alexandria, Shreveport, Lafayette, Baton Rouge, and places in between. *Id.* at 463:18-20. Pastor

Harris, who lives and works in District 6, testified that there are communities of interest among the areas in which he regularly travels, specifically churches and educational institutions. *Id.* at 466:24 – 467:16. Pastor Harris testified that he believes Baton Rouge has more in common with Alexandria and Shreveport than with New Orleans, due to the different culture, foods, and music. *Id.* at 467:20-468:14.

c. Ashley Kennedy Shelton

Ashley Kennedy Shelton resides in Baton Rouge and founded and runs the Power Coalition for Equity and Justice (the "Coalition"), one of the *Robinson* Intervenors. Tr., Vol. II, p. 474:8-11. The Coalition is a 501(c)(3) civic engagement organization which seeks to create "pathways to power for historically disenfranchised communities." *Id.* at 474:24-475:1. She testified that the Coalition has been involved with the redistricting process since the 2020 census by educating the community about the redistricting process, as well as encouraging community involvement in that process. *Id.* at 475:21. Ms. Shelton initially supported SB4, another map offered in the Special Session which also contained two majority-minority districts, but that map did not move out of committee. *Id.* at 482:1-2. Ms. Shelton, along with the Coalition, went on to support SB8 because it:

> centered communities that have never been centered in any of the current congressional districts that they are within. And so when you look at the district that's created in SB8, the communities across that district are living in poverty, have poor health outcomes, lack of access to economic opportunity, similar hospitals, similar size airports. Like there is this – there is this opportunity to really center

> these communities in a way that they have not had the attention in the current districts that they exist within.

Id. at 483:6-15.

d. Davante Lewis

Davante Lewis, one of the *Robinson* Intervenors, is a resident of Baton Rouge, Louisiana, and currently serves as a commissioner for the Louisiana Public Service Commission and chief strategy officer of Invest in Louisiana. Tr., Vol. III, 542:23-25. Commissioner Lewis testified that he has been involved in politics since he was a teenager and has taken part in the redistricting process on numerous occasions as a lobbyist. *Id.* at 548:3-15. During the Special Session, Commissioner Lewis initially supported SB4, another bill which also included two majority-minority districts but failed to pass out of committee. *Id.* at 553:15-22. Commissioner Lewis, who is now a resident in District 6, testified that he was happy with the passage of SB8 because "it accomplishes the goals that I wanted to see which was complying with the rule of law as well as creating a second [B]lack-majority district." *Id.* at 576:16-18. Commissioner Lewis believes that he shares common interests with voters living in other areas within District 6, namely economies, civic organizations, religious organizations, educational systems, and agriculture. *Id.* at 578:14-25. On cross-examination, Commissioner Lewis admitted that District 6 intersects four of the five public service commission districts in the state.

B. Expert Witnesses

a. Dr. Stephen Voss

The Court accepted Plaintiffs' witness Dr. Stephen Voss as an expert in the fields of: (i) racial gerrymandering; (ii) compactness; and (iii) simulations.[3] Tr., Vol. I, 92:13-25; 93:1-19; 111:6-7; 123:7-9. Dr. Voss was born in Louisiana, lived most of his life in Jefferson Parish, and earned his Ph.D. in political science at Harvard University, where his field of focus was quantitative analysis of political methodology. *Id.* at 85:12-13; 87:8-21.

Dr. Voss began his testimony by comparing the districts created by SB8 to past enacted congressional maps in Louisiana and other proposals that the Legislature considered during the Special Session. Tr., Vol. I, 97:19-98:2. Dr. Voss described District 6 as a district:

> that stretches, or I guess the term is "slashes," across the state of Louisiana to target four metropolitan areas, which is the majority of the larger cities in the state. It then scoops out from each of those predominant – the majority black and predominantly black precincts from each of those cities.

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[3] Plaintiffs retained Dr. Stephen Voss to answer three questions: (1) whether SB8 represents an impermissible racial gerrymander, where race was the predominant factor in the drawing of district lines; (2) whether SB8 sacrificed traditional redistricting criteria in order to create two majority-minority districts; and (3) whether the Black population in Louisiana is sufficiently large and compact to support two majority-minority districts that conform to traditional redistricting criteria. Tr., Vol. I, 91:3-25 (Voss).

Id. at 93:25; 94:1-5. Dr. Voss explained that the borders of District 6, which include portions of the distant parishes of Lafayette and East Baton Rouge, track along Black communities, including precincts with larger Black population percentages while avoiding communities with large numbers of white voters. *Id.* at 94:18-95:10. Dr. Voss reiterated that the boundaries of District 6 were drawn specifically to contain heavily Black-populated portions of cities while leaving more white-populated areas in the neighboring districts. *Id.* at 96:7-16; PE3; PE4. Dr. Voss also testified that, compared to other maps proposed during the Special Session and other past congressional maps, SB8 split a total of 18 of Louisiana's 64 parishes, Tr., Vol. I, 97:19-99:11, and, at 62.9 percent of Louisiana's population, had the highest percentage of individuals affected by parish splits. *Id.* 98:3-99:11; PE6.

Dr. Voss also studied the compactness of SB8 under three generally accepted metrics: (i) Reock Score; (ii) Polsby-Popper score; and (iii) Know It When You See It ("KIWYSI").[4] Tr., Vol. I, 100:22-103:5. Dr. Voss found that across all three measures of compactness, SB8 performed worse than either HB1 (the map that was enacted in 2022) or the map that HB1 replaced

[4] According to Dr. Voss, a district's "Reock score" quantifies its compactness by measuring how close the district is to being a circle. Tr., Vol. 1, 100:23-6. A district's "Polsby-Popper" score is intended to take into account a district's jagged edges and "tendrils." *Id*., 101:25-102:19. Finally, the "Know It When You See It" method uses a metric derived by panels of judges and lawyers and a representative sample of people looking at the shape of a district and giving their quantification of compactness. *Id.*, 102:20-104:2. The KIWYSI method originated from individuals' subjective judgments, but the metric itself is standardized and uses specific software to compute a numerical figure representing compactness. *Id.*, 103:15-104:2.

from the previous decade. *Id.* at 104:25-105:4; PE7. Thus, SB8 did not produce compact maps when judged in comparison to other real-life congressional maps of Louisiana. Tr., Vol. I, 107:16-21. Dr. Voss also found that SB8's majority-Black districts were especially non-compact compared to other plans that also included two majority-minority districts. *Id.* at 106:17-24. According to Dr. Voss, SB8's District 6 scored worse on the Polsby-Popper test than the second majority-Black districts in other proposed plans that created a second majority-Black district. *Id.* at 106:17-24.

Dr. Voss further testified that SB8's and District 6's uniquely poor compactness was not necessary if the goal was to accomplish purely political goals. "If you're not trying to draw a second black majority district, it is very easy to protect Representative Julia Letlow. Even if you are, it's not super difficult to protect Representative Julia Letlow," he testified. Tr., Vol. I, 108:17-21. Additionally, according to Dr. Voss, the Legislature did not need to enact a map with two majority-minority districts in order to protect Representative Letlow's congressional seat: "[Representative Letlow] is in what historically is called the Macon Ridge...[a]nd given where she is located, it is not hard to get her into a heavily Republican, heavily white district." *Id.* at 111:15-23. Dr. Voss testified similarly with respect to Representative Garrett Graves, concluding that the Legislature did not need to enact a second majority-minority district in order to put Representative Garrett Graves in a majority-Black district. *Id.* at 112:2-16. Thus, Dr. Voss concluded that neither the goal of protecting Representative Letlow's district, nor the goal of targeting Representative Graves, would have been difficult to accomplish while still retaining compact districts. *Id.* at 110:15-22.

Dr. Voss testified extensively about simulations, explaining that he used the Redist simulation package ("Redist") to analyze the statistical probability of the Legislature creating SB8 without race predominating its action.[5] *Id.* at 113:14-115:6. Using Redist, Dr. Voss compared "lab-grown" simulations of possible maps to SB8 in order to analyze the decisions the Legislature made during the redistricting process, *Id.* at 114:2-23, so that he could judge whether the parameters or constraints under which he created the simulations could explain the deviations evident in SB8. *Id.* at 118:15-23. Dr. Voss testified that he performed tens of thousands of both "race-conscious" and "race-neutral" simulations, and that none of these simulations randomly produced a map with two Democratic districts. *Id*. at 138:9-14. On that basis, Dr. Voss opined that the non-compact features of SB8 are predominantly explained by racial considerations. *Id.* at 139:17-23.

Concluding that District 6 performs worse on the Polsby-Popper score than the second majority-Black district in the other plans; worse on the Reock score than the other plans that created a second majority-Black district, with a very low score; and worse on the KIWYSI method than the other plans and the majority-Black districts they proposed, *Id.* at 106:18-24, Dr. Voss ultimately opined that SB8 represents an impermissible racial gerrymander. *Id.* at 92:23-24.

b. Dr. Cory McCartan

Dr. Cory McCartan was proffered by the *Robinson* Intervenors in rebuttal to Dr. Voss and was qualified

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[5] According to Dr. Voss, Redist uses Sequential Monte Carlo ("SMC") simulation in order to generate a representative sample of districts that could have been drawn under certain parameters. *Id.*, 113:8-114:10.

by the Court as an expert in the fields of redistricting and the use of simulations. Tr., Vol. I, 187:5-14. Though Dr. McCartan criticized Dr. Voss for a number of his methodologies, the Court notes that Dr. McCartan conducted no tests or simulations of his own, *Id.* at 215:18-21, and his testimony was often undercut by his own previous analysis.

First, Dr. McCartan criticized Dr. Voss's simulations on grounds that Dr. Voss did not incorporate the relevant redistricting criteria used by actual mapmakers. *Id.* at 198:10-24. Dr. McCartan also questioned the efficacy of simulations in detecting racial gerrymandering. *Id.* at 196:13-25; 197:1-12. Yet Dr. McCartan had previously led the Algorithm Assisted Redistricting Methodology ("ALARM") Project team, which traversed the country simulating multiple districts in multiple states, including Louisiana, and authored a paper which declared that simulations are well-suited to assess what types of racial outcomes could have happened under alternative plans in a given state. *Id.* at 227:9-21. Dr. McCartan also testified that he himself used the ALARM project to detect partisan, or political gerrymandering – ultimately finding that Louisiana had only one plausible district favoring the Democratic party. *Id.* at 216:23-25. And on cross-examination, Dr. Voss confirmed that Professor Kosuke Imai, who helped develop the Redist software, applied these same simulation techniques in the racial gerrymandering context. *Id.* at 150:18-151:1. On this point, therefore, the Court finds Dr. McCartan's testimony unpersuasive.

Dr. McCartan also criticized Dr. Voss for not imposing a constraint in his simulations for natural or geographic boundaries. *Id.* at 200:1-6. Yet Dr. McCartan acknowledged that in his work with ALARM to

generate Louisiana congressional map simulations, his team did not impose any kind of requirement for natural or geographic boundaries. *Id.* at 230:24-231:1. Dr. McCartan also criticized Dr. Voss for not adding incumbent protection as a constraint in the simulations, but when pressed, could not testify that this extra constraint would trigger the creation of a second majority-minority district. *Id.* at 238:11-16 (McCartan).

Similarly, Dr. McCartan could not give a convincing reason why it was appropriate for his own team to use a compactness constraint of 1.0, while testifying that this same criterion made Dr. Voss's simulations unrepresentative. *Id.* at 231:5 16. Dr. Voss, on the other hand, explained why adjustments to the compactness criterion made the simulation results less reliable. *Id.* at 162:22-24, 163:21-165:19. Finally, Dr. McCartan confirmed that both his simulations on Louisiana congressional maps and Dr. Voss's simulations generated plans that were more compact than the enacted version of SB8, which was far worse than the Polsby-Popper compactness scores of both Dr. McCartan's and Dr. Voss's simulations. *Id.* at 233:20-24 (McCartan). Dr. McCartan also acknowledged that his own partisan gerrymandering simulations yielded no more than 10 out of 5,000 maps with a second Democratic seat. *Id.* at 235:4-236:12.

In evaluating the testimony of Dr. Voss and Dr. McCartan, the Court finds Dr. Voss's testimony to be credible circumstantial evidence that race was the predominant factor in crafting SB8. Though Dr. McCartan provided some insight into the uses of simulations in detecting the presence of racial gerrymandering, his testimony indicated that his own team had performed simulations under conditions not unlike Dr. Voss's, and with conclusions that supported

Dr. Voss. Dr. McCartan's other criticisms of Dr. Voss were either not well-founded or rebutted.

c. Michael Hefner

Plaintiffs proffered Michael Hefner as an expert demographer, and he was qualified by the Court as such. Tr., Vol. II, 270:23-15; 271:1-5. Mr. Hefner is from Louisiana and has lived his whole life in various parts of the state. *Id.* at 258:3-6; [Doc. 182-8]. Having worked in the field of demography for 34 years, most of Mr. Hefner's work consists of creating redistricting plans for governmental entities, including municipalities and school boards, throughout the State of Louisiana after decennial censuses; conducting precinct management work for Louisiana parish governments; working on school desegregation cases in Louisiana; and conducting site-location analyses in Louisiana. Tr., Vol. II, 257:9-22; Doc. 182-8. Mr. Hefner testified that he came to the following conclusions during his analysis for this case: (1) given the geographic distribution and concentration of the Black population in Louisiana, it is impossible to create a second majority-minority district and still adhere to traditional redistricting criteria, Tr., Vol. II, 271:11-22, 282:21-283:6; and (2) race predominated in the drafting of SB8. *Id.* at 271:23; 272:1-14.

Mr. Hefner explained that the Black population in Louisiana is highly dispersed across the State and is concentrated in specific urban areas, including New Orleans, Baton Rouge, Alexandria, Lafayette, and Shreveport.[6] Tr., Vol. II, 281:7-15; 283:19-285:1; 339:20-

[6] According to Mr. Hefner, the highest concentration of African American voters is in New Orleans; the second highest concentration is in East Baton Rouge; and the third highest concentration is in Shreveport. Tr., Vol. II, 281:4-15.

340:4 (Hefner); *see also* Mr. Hefner's Heat Map, [Docs. 182-9, 182-10]. Using a heat map he created based on data representing the Black voting age population ("BVAP") across the State from the 2020 census, Mr. Hefner testified that outside the New Orleans and East Baton Rouge areas, the Black population is highly dispersed across the state. Tr., Vol. II, 281:4-15. Mr. Hefner opined that, given this dispersion, it is impossible to draw a second majority-minority congressional district without violating traditional redistricting criteria. *Id.* at 282:22-283:6.

Focusing on SB8, Mr. Hefner testified that SB8 is drawn to trace the areas of the state with a high BVAP to create a second majority-minority district, Tr., Vol. II, 283:15-285:1, echoing the testimony of Dr. Voss. Specifically, Mr. Hefner stated that District 6's borders include the concentrated Black populations in East Baton Rouge, Alexandria, Opelousas, Natchitoches, Mansfield, Stonewall, and up to Shreveport, *Id.* at 283:15-285:1, but carved concentrated precincts out of the remainder of the parishes to avoid picking up too much population of non-Black voters. *Id.* at 283:15-285:1. Taking Lafayette Parish as an example, Mr. Hefner testified that District 6 includes the northeast part of the parish, where voting precincts contain a majority of Black voters, while excluding the remainder of the parish, in which the precincts are not inhabited by predominantly Black voters. *Id.* at 283:22-284:4. Likewise, in Rapides Parish, District 6 splits Rapides Parish to include only the precincts in which there is a high concentration of Black voters, for the purpose of including the overall BVAP in the district. *Id.* at 284:4-8.

Mr. Hefner also testified that SB8's compactness score is extremely small. In fact, it is so low on the Polsby-Popper and Reock metrics that it is almost not

compact at all.[7] *Id.* at 302:21-303:2; PE21. Explaining that District 6 is extremely long and extremely strung out, Tr., Vol. II, 303:18-20, Mr. Hefner testified that SB8 scored lower than HB1 on both the Polsby-Popper and Reock tests. *Id.* at 302:16-303:25; PE21. Mr. Hefner testified that District 6 is not reasonably compact, Tr., Vol. II, 304:11-14; its shape is awkward and bizarre, *Id.* at 304:23-305:6; it is extremely narrow at points, *Id.* at 305:18-306:2; its contiguity is tenuous, *Id.* at 293:23-24; and it splits many parishes and municipalities, including four of the largest parishes in the State (Caddo, Rapides, Lafayette, and East Baton Rouge), each of which are communities of interest. *Id.* at 295:7-8. Finally, Mr. Hefner testified that the Plaintiffs' redistricting plan, introduced as Illustrative Plan 1, was a reasonable plan that can be drawn in a race-neutral manner; adheres to the use of traditional redistricting principles; preserves more communities of interest; provides more compact election districts; preserves the core election districts; and balances the population within each district. *Id.* at 272:17-25; 273:1-2.

a. Anthony Fairfax

Mr. Anthony Fairfax testified on behalf of the *Robinson* Intervenors to rebut the testimony of Mr. Hefner, and was qualified by the Court as an expert in redistricting and demography. Tr., Vol. II, 379:6-15. Contradicting Mr. Hefner, Mr. Fairfax testified that traditional redistricting principles could be used to create maps with a second majority-Black district. *Id.* at 381-383:24. But on rebuttal, Mr. Fairfax admitted

[7] The Polsby-Popper scale goes from 0 (no compactness) to 1 (total compactness). Mr. Hefner testified that District 6 had a Polsby-Popper score of 0.05. *Id.,* 303:13-20.

that the map he used did not account for where people lived within parishes, and his map therefore failed to take account of where Black voters are located in each parish. *Id.* at 407:4-125; 408:1-12. Therefore, on the issue of parish splitting, Mr. Fairfax's testimony was unpersuasive. Rather, as Mr. Hefner testified, Fairfax's analysis fails to show the Court whether District 6 specifically targeted those pockets of high populations of Black voters. *Id.* at 292:13-293:3. Tellingly, in discussing preservation of communities of interests, parishes, and municipalities, Mr. Fairfax agreed with Mr. Hefner that SB8 split more parishes and municipalities than HB1, *Id.* at 385:14-18; 389:5-9, and that SB8 split more parishes and municipalities than the previously enacted plan. *Id.* at 385:11-15; 389:2-9.

III.

APPLICABLE LAW

To obtain permanent injunctive relief, the plaintiffs must establish by a preponderance of the evidence: "(1) actual success on the merits; (2) that it is likely to suffer irreparable harm in the absence of injunctive relief; (3) that the balance of equities tip in that party's favor; and (4) that an injunction is in the public interest."[8] *Crown Castle Fiber, L.L.C. v. City of Pasadena, Texas*, 76 F.4th 425, 441 (5th Cir. 2023), *cert. denied*, 144 S. Ct. 820 (2024); *see also Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20, 32, 129 S. Ct. 365, 172 L.Ed.2d 249 (2008).

The Equal Protection Clause of the Fourteenth Amendment provides that: "[N]o state shall ... deny to

[8] The Court consolidated the preliminary injunction hearing with the full trial on the merits. *See* [Doc. 63].

any person within its jurisdiction the equal protection of the laws." U.S. CONST. AMEND. XIV, § 1. The intent of the provision is "to prevent the States from purposefully discriminating between individuals on the basis of race." *Shaw v. Reno*, 509 U.S. 630, 642, 113 S. Ct. 2816, 2824, 125 L.Ed.2d 511 (1993) (*"Shaw I"*). As applied to redistricting, the Equal Protection Clause bars "a State, without sufficient justification, from 'separat[ing] its citizens into different voting districts on the basis of race." *Bethune–Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 187, 137 S. Ct. 788, 797, 197 L.Ed.2d 85 (2017) (citing *Miller v. Johnson*, 515 U.S. 900, 911, 115 S. Ct. 2475, 132 L.Ed.2d 762 (1995)). Thus, the Equal Protection Clause prohibits the creation and implementation of districting plans that include racial gerrymanders, with few exceptions. "A racial gerrymander [is] the deliberate and arbitrary distortion of district boundaries ... for [racial] purposes." *Shaw I*, 509 U.S. at 640 (citing *Davis v. Bandemer*, 478 U.S. 109, 164, 106 S. Ct. 2797, 2826, 92 L.Ed.2d 85 (1986) (Powell, J. concurring in part and dissenting in part), *abrogated on other grounds by Rucho v. Common Cause*, 588 U.S. 684, 139 S. Ct. 2484, 204 L.Ed.2d 931 (2019)). Courts analyze racial gerrymandering challenges under a two-part burden-shifting framework.

First, a plaintiff bears the burden to prove that "race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *Miller,* 515 U.S. at 916. This requires a plaintiff to show that "the legislature 'subordinated' other factors – compactness, respect for political subdivisions, partisan advantage, what have you – to 'racial considerations.'" *Cooper v. Harris*, 581 U.S. 285, 291, 137 S. Ct. 1455, 1464, 197 L.Ed.2d 837 (2017) (citing *Miller*, 515 U.S. at 916). The plaintiff may make the requisite showing "either through

circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's decision...." *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 267, 135 S. Ct. 1257, 1267, 191 L.Ed.2d 314 (2015) (citing *Miller*, 515 U.S. at 916).

If Plaintiff meets the burden of showing race played the predominant factor in the design of a district, the district must then survive strict scrutiny. *Cooper*, 581 U.S. at 292. At this point, the burden of proof "shifts to the State to prove that its race-based sorting of voters serves a 'compelling interest' and is 'narrowly tailored' to that end." *Cooper*, 581 U.S. at 285 (citing *Bethune-Hill,* 580 U.S. at 193). "Racial gerrymandering, even for remedial purposes" is still subject to strict scrutiny. *Shaw I*, 509 U.S. at 657. Where the state seeks to draw a congressional district by race for remedial purposes under Section 2, the state must have a "strong basis in evidence" for "finding that the threshold conditions for section 2 liability are present" under *Gingles*. And, to survive strict scrutiny, "the district drawn in order to satisfy § 2 must not subordinate traditional districting principles to race substantially more than is 'reasonably necessary' to avoid § 2 liability." *Bush v. Vera*, 517 U.S. 952, 979, 116 S. Ct. 1941, 1961, 135 L.Ed.2d 248 (1996).

IV.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

A. Racial Predominance

The Court first addresses whether Plaintiffs have met their burden of showing that race predominated in drawing District 6. Racial *awareness* in redistricting does not necessarily mean that race *predominated* in the Legislature's decision to create a second majority-

minority district. *Shaw I*, 509 U.S. at 646. When redistricting, a legislature may be aware of race when it draws district lines, just as it is aware of other demographic information such as age, economic status, religion, and political affiliation. *Shaw I*, 509 U.S. at 646. Race consciousness, on its own, does not make a district an unconstitutional racial gerrymander or an act of impermissible race discrimination. *Id.* But while districts may be drawn for remedial purposes, Section 2 of the Voting Rights "never require[s] adoption of districts that violate traditional redistricting principles." *Allen v. Milligan*, 599 U.S. 1, 29 – 30, 143 S. Ct. 1487, 1492, 216 L.Ed.2d 60 (2023) (internal citations omitted). Indeed, to survive strict scrutiny, "the district drawn in order to satisfy § 2 must not subordinate traditional districting principles to race substantially more than is 'reasonably necessary' to avoid § 2 liability." *Vera*, 517 U.S. at 979. As discussed above, racial predominance may be shown through either circumstantial evidence, direct evidence, or both. *Ala. Legis. Black Caucus*, 135 S. Ct. at 1267.

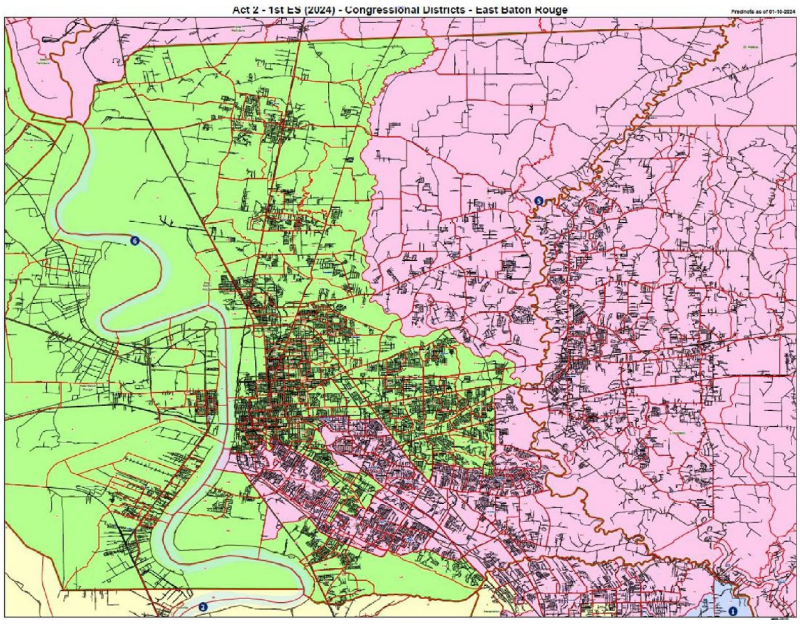
Here, the *Robinson* Intervenors and the State argue that political considerations predominated in drawing the boundaries of District 6. They argue that the State had to create a second majority-minority district based on the district court's ruling in the *Robinson* litigation and that District 6 was drawn with the primary purpose of protecting key Republican incumbents, such as Speaker Mike Johnson, Majority Leader Steve Scalise, and Representative Julia Letlow. It is clear from the record and undisputed that political considerations – the protection of incumbents – played a role in how District 6 was drawn. Plaintiffs, however, contend that considerations of race played a qualitatively greater role in how the State drew the contours of District 6 than these political considerations.

1. Circumstantial Evidence

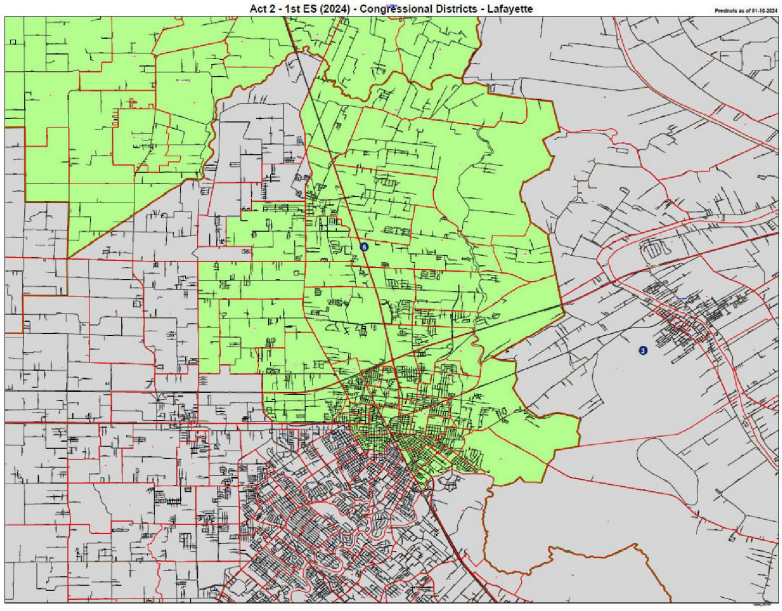
In the redistricting realm, appearances matter. A district's shape can provide circumstantial evidence of a racial gerrymander. *Shaw I*, 509 U.S. at 647. In the past, the Supreme Court has relied on irregular district shapes and demographic data to find racial gerrymandering.[9] *See Shaw v. Hunt*, 517 U.S. 899, 910-16 (1996) ("*Shaw II*"); *Miller*, 515 U.S. 900; *Vera*, 517 U.S. 952.

Here, as described by Dr. Voss, District 6 " 'slashes' across the state of Louisiana" and includes portions of four disparate metropolitan areas. But – critical to our analysis – District 6 only encompasses the parts of those cities that are inhabited by majority-Black voting populations, while excluding neighboring non-minority voting populations. Tr., Vol. I, 93:25; 94:1-5; 94:18-95:10; 96:7-16; PE3; PE4. His description encapsulates what the following maps show on their face:

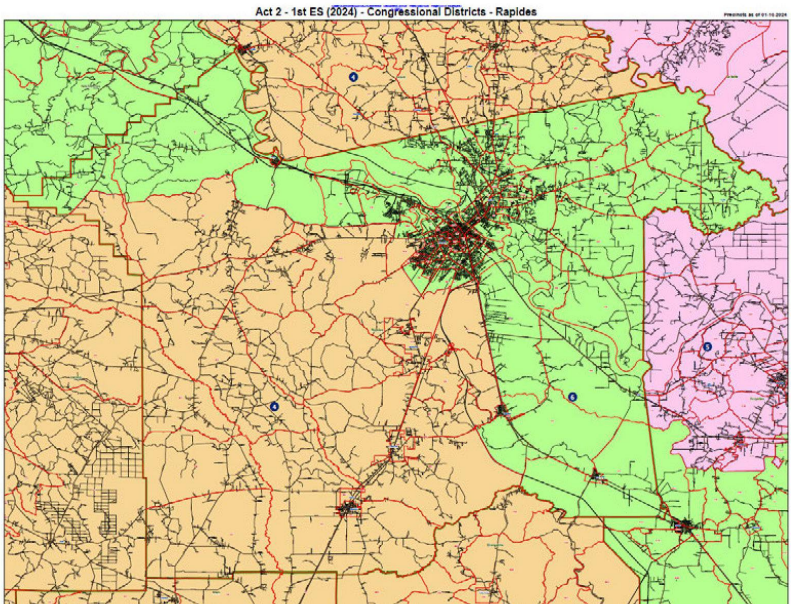
[9] Significantly, "[s]hape is relevant not because bizarreness is a necessary element of the constitutional wrong or a threshold requirement of proof, but because it may be persuasive circumstantial evidence that race for its own sake, and not other districting principles, was the legislature's dominant and controlling rationale in drawing its district lines." *Miller*, 515 U.S. at 912-913; *See Shaw v. Hunt,* 861 F. Supp. 408, 431 (E.D.N.C. 1994); *Hays I*; but see *DeWitt v. Wilson,* 856 F. Supp. 1409, 1413 (E.D. Cal.1994). Thus, a district's bizarre shape is not the only type of circumstantial evidence on which parties may rely. *Id.*



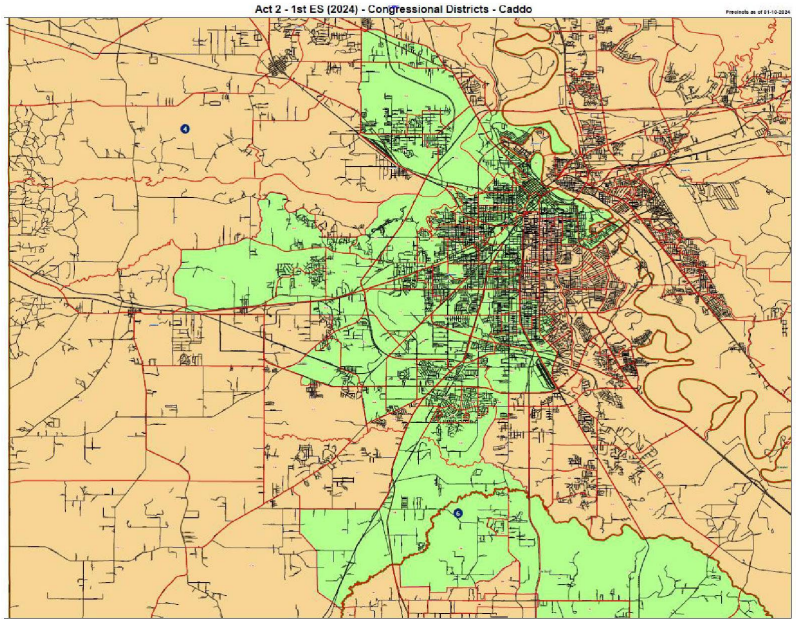
Baton Rouge Close Up of 2024 Enacted Map (JE17).



Lafayette Close Up of 2024 Enacted Map (JE17).



Alexandria Close Up of 2024 Enacted Map (JE17).

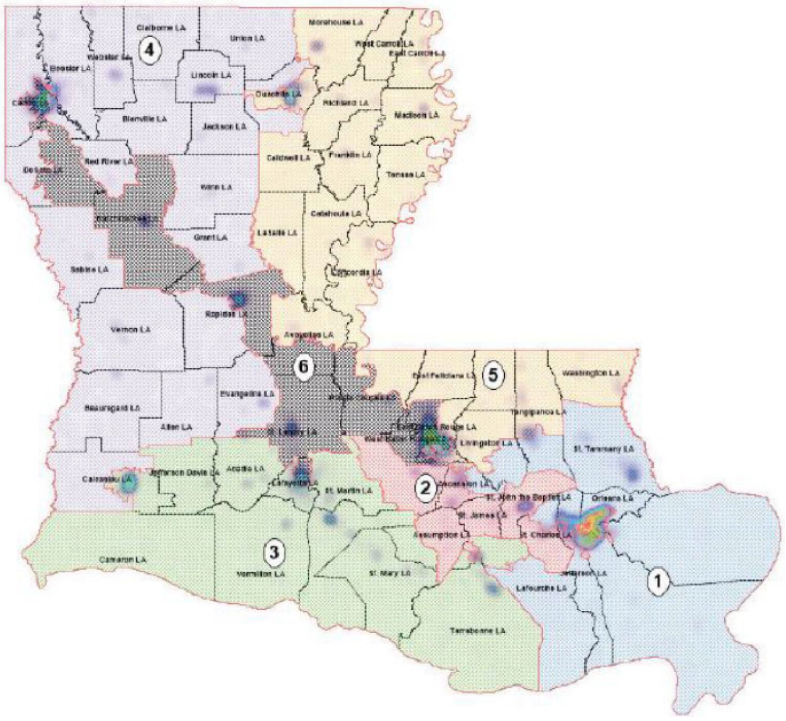


Shreveport Close Up of 2024 Enacted Map (JE17).

Like *Shaw II* and *Vera*, this case presents evidence of "mixed motives" in creating District 6 – motives based on race and political considerations. Unlike a single motive case, any circumstantial evidence tending to show neglect of traditional districting principles, such as compactness and respect for parish lines, caused District 6's bizarre shape could seemingly arise from a "political motivation as well as a racial one." *Cooper v. Harris*, 581 U.S. at 308 (citing *Hunt v. Cromartie*, 526 U.S. 541, 547 n.3, 119 S. Ct. 1545, 1549, 143 L.Ed.2d 731 (1999)). In mixed motive cases such as this one, the Supreme Court has noted that "political and racial reasons are capable of yielding similar oddities in a district's boundaries." *Id.* Accordingly, this Court faces "a formidable task: It must make 'a sensitive inquiry' into all 'circumstantial and direct evidence of intent' to assess whether the plaintiffs have managed to disentangle race from politics and prove that the former drove a district's lines." *Id.*

Turning to the record, Mr. Hefner's "heat map" is particularly helpful as circumstantial evidence of the motives driving the decisions as to where to draw the boundaries of District 6. The "heat map" shows that outside of the New Orleans and East Baton Rouge areas, the state's Black population is highly dispersed across the state. Tr., Vol. II 281:4-15. Mr. Hefner opined that District 6 was designed as such to collect these highly dispersed BVAP areas in order to create a second majority-minority district. *Id.,* 283:15-285:1.

Map 15 – SB 8 Plan with African American Populations

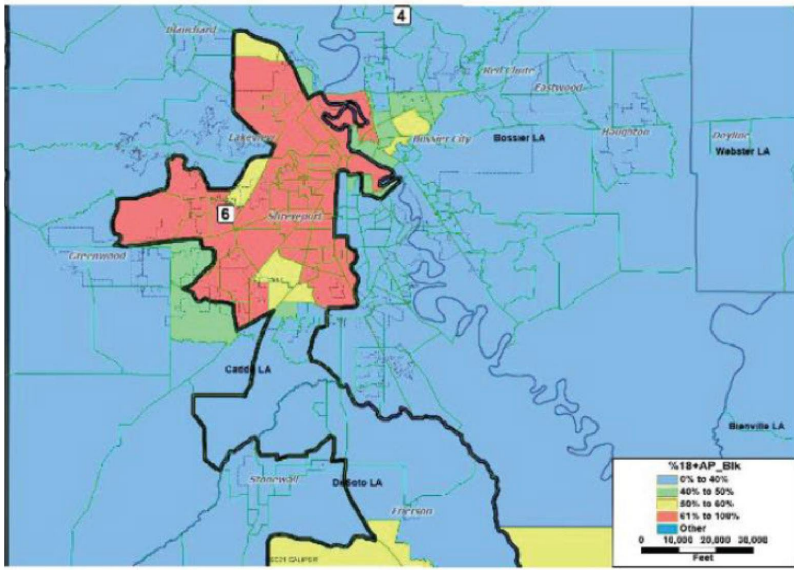


PE 16.

When Mr. Hefner's heat map is superimposed on SB8, the "story of racial gerrymandering" becomes evident. *See Miller,* 515 U.S. at 917 ("... when [the district's] shape is considered in conjunction with its racial and population densities, the story of racial gerrymandering ... becomes much clearer"). That exhibit shows that District 6 sweeps across the state to include the heavily concentrated Black population neighborhoods in East Baton Rouge, Alexandria, Opelousas, Natchitoches, and Mansfield. Most telling, District 6 juts up at its northern end to carve out the Black neighborhoods of Shreveport and separates those neighborhoods from the majority white neighborhoods

of Shreveport and Bossier City ("Shreveport-Bossier"). Tr., Vol. II, 283:15-285:1.

Map 21 - Shreveport Area In Caddo Parish



District 6 also dips down from its northwest trajectory and splits the majority of Black neighborhoods of Lafayette from the rest of the city and parish. Specifically, District 6 includes Lafayette's northeast neighborhoods, which contain a predominantly Black population, while leaving the rest of the city and parish in neighboring District 3. *Id.* at 283:22-284:4. In sum, the "heat maps" and demographic data in evidence tell the true story – that race was the predominate factor driving decisions made by the State in drawing the contours of District 6. This evidence shows that the unusual shape of the district reflects an effort to incorporate as much of the dispersed Black population as was necessary to create a majority-Black district.

2. Direct Evidence

The Court next looks to the direct evidence of the Legislature's motive in creating District 6 – in other words, what was actually said by the individuals who had a hand in promulgating, drafting, and voting on SB8. The direct evidence buttresses the Court's conclusion that race was the predominant factor the legislators relied upon in drawing District 6.

The record includes audio and video recordings, as well as transcripts, of statements made by key political figures such as the Governor of Louisiana, the Louisiana Attorney General, and Louisiana legislators, all of whom expressed that the primary purpose guiding SB8 was to create a second majority-Black district due to the *Robinson* litigation. As discussed *supra*, the Middle District, after the preliminary injunction hearing in *Robinson*, found a likelihood of success on the merits of the *Robinson* Plaintiffs' claim that a second majority-minority district was required by Section 2 of the Voting Rights. Although the preliminary injunction was vacated by the Fifth Circuit to allow the Legislature to enact a new map, legislators chose to draw a map with a second majority-Black district in order to avoid a trial on the merits in the *Robinson* litigation. *See, e.g.,* Tr. Vol. III, 588:11-17 ("Judge Dick has put us in a position and the Fifth Circuit, the panel that reviewed that decision, and the whole court, when I asked them to go *en banc*, by declining to go on *en banc*, have put us in a position pus [sic] of where we are today where we need to draw a map."); JE28, 46:5-101 (same); *see also* Tr. Vol. III, 589:1-3 ("The courts, never the less, have told us to draw a new map. And they have indicated that we have a deadline to do that or Judge Dick will draw the map for us."); JE28 at 36:14-17 (same); JE36 at 33

(Senator Price: "Regardless of what you heard, we are on a court order and we need to move forward. We would not be here if we were not under a court order to get this done."); JE36 at 1 (Senator Fields: "[B]oth the district and the appeals court have said we need to do something before the next congressional elections."); JE31, 26:12–24 (Chairman Beaullieu: "Senator Womack, why are we here today? What – what brought us all to this special session as it – as it relates to, you know, what we're discussing here today?"; Senator Womack: "The middle courts of the district courts brought us here from the Middle District, and said, 'Draw a map, or I'll draw a map.'"; Chairman Beaullieu: "Okay."; Senator Womack: "So that's what we've done."; Chairman Beaullieu: "And – and were you – does – does this map achieve that middle court's orders?"; Senator Womack: "It does."); PE41, 75:24-76:2 (Representative Lyons, Chairman of the House and Governmental Affairs Committee, stating "[T]he mission we have here is that we have to create two majority-Black districts."); PE41, 121:19–22 (Senator Womack stating that "... we all know why we're here. We were ordered to – to draw a new Black district, and that's what I've done."); PE41, 9:3-8 (Representative Amedee: "Is this bill intended to create another black district?" Representative Beaullieu: "Yes, ma'am, and to comply with the judge's order."); JE31, 97:17-19, 21-24 (Representative Carlson: "the overarching argument that I've heard from nearly everyone over the last four days has been race first ... race seems to be, at least based on the conversations, the driving force...."). SB 8's sponsor, Senator Womack, also explicitly admitted that creating two majority-Black districts was "the reason why District 2 is drawn around the Orleans Parish and why District 6 includes the Black population of East

Baton Rouge Parish and travels up the I-49 corridor to include Black population in Shreveport." PE41 at 26.

The Court also acknowledges that the record includes evidence that race-neutral considerations factored into the Legislature's decisions, such as the protection of incumbent representatives. *See* JE29 at 2-3 (Senator Womack discussing that SB8 protects Congresswoman Julia Letlow, U.S. Speaker of the House Mike Johnson, and U.S. House Majority Leader Steve Scalise); Tr. Vol. I, 71:11-18, 79:1-4 (Senator Pressley testifying that "[w]e certainly wanted to protect Speaker Johnson ... We wanted to make sure that we protected Steve Scalise. Julia Letlow is on Appropriations. That was also very important that we try to keep her seat as well."); *Id.* at 60:8-61:15 (Senator Seabaugh testifying that the fact that the Speaker and Majority Leader are from Louisiana is "kind of a big deal" and that protecting Speaker Johnson, Majority Leader Scalise, and Representative Letlow was "an important consideration when drawing a congressional map.").[10]

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[10] At bottom, it is not credible that Louisiana's majority-Republican Legislature would choose to draw a map that eliminated a Republican-performing district for predominantly political purposes. The Defendants highlight the purported animosity between Governor Jeff Landry and Representative Garrett Graves to support their contention that political considerations served as the predominant motivating factor behind SB8. However, given the slim majority Republicans hold in the United States House of Representatives, even if such personal or intra-party animosity did or does exist, it is difficult to fathom that Louisiana Republicans would intentionally concede a seat to a Democratic candidate on those bases. Rather, the Court finds that District 6 was drawn primarily to create a second majority-Black district that they predicted would be ordered in the Robinson litigation after a trial on the merits. Thus, it is clear that race was

However, considering the circumstantial and the direct evidence of motive in the creation of District 6, the Court finds that "racially motivated gerrymandering had a qualitatively greater influence on the drawing of the district lines than politically motivated gerrymandering." *Vera*, 517 U.S. at 953. As in *Shaw II* and *Vera*, the State first made the decision to create a majority-Black district and, only then, did political considerations factor into the State's creation of District 6. The predominate role of race in the State's decisions is reflected in the statements of legislative decision-makers, the division of cities and parishes along racial lines, the unusual shape of the district, and the evidence that the contours of the district were drawn to absorb sufficient numbers of Black-majority neighborhoods to achieve the goal of a functioning majority-Black district. If the State's primary goal was to protect congressional incumbents, the evidence in the record does not show that District 6 in its current form was the only way to achieve that objective. As explained by the Supreme Court:

> One, often highly persuasive way to disprove a States contention that politics drove a district's lines is to show that the legislature had the capacity to accomplish all its partisan goals without moving so many members of a minority group into the district. If you were really sorting by political behavior instead of skin color (so the argument goes) you would have done – or, at least, could just as well have done – this. Such would-have, could-have, and (to round out the set) should-have arguments are a familiar means of undermining a claim

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the driving force and predominant factor behind the creation of District 6.

> that an action was based on a permissible, rather than a prohibited, ground.

Cooper, 581 U.S. at 317. In the present case, the record reflects that the State could have achieved its political goals in ways other than by carving up and sorting by race the citizens of Baton Rouge, Lafayette, Alexandria, and Shreveport. Put another way, the Legislature's decision to increase the BVAP of District 6 to over 50 percent was not required to protect incumbents and supports the Plaintiffs' contention that race was the predominate factor in drawing the district's boundaries. In sum, Plaintiffs have met their initial burden, and the burden now shifts to the State to prove that District 6 survives strict scrutiny.

B. Strict Scrutiny

When a Plaintiff succeeds in proving racial predominance, the burden shifts to the State to "demonstrate that its districting legislation [was] narrowly tailored to achieve a compelling interest." *Bethune-Hill*, 580 U.S. at 193 (citing *Miller*, 515 U.S. at 920).

1. Compelling State Interest

The State argues that compliance with Section 2 of the Voting Rights Act is a compelling state interest. The Supreme Court has repeatedly assumed without deciding that compliance with the Voting Rights Act is a compelling interest. *See Shaw II*, 517 U.S. at 915; *Cooper*, 581 U.S. at 292; *Bethune-Hill*, 580 U.S. at 193. To show that the districting legislation satisfies the "narrow tailoring" requirement "the state must establish that it had 'good reasons' to think that it would transgress the act if it did not draw race-based district lines." This "strong basis (or 'good reasons') standard" provides "breathing room" to the State "to adopt *reasonable* compliance measures that may

prove, in perfect hindsight not to have been needed." *Cooper*, 581 U.S. at 293 (quoting *Bethune–Hill*, 581 U.S. at 293) (emphasis added). Moreover, the Supreme Court has often remarked that "redistricting is primarily the duty and responsibility of the State," not of the courts. *Abbott v. Perez*, 585 U.S. 579, 603, 138 S. Ct. 2305, 2324, 201 L.Ed.2d 714 (2018) (citing *Miller*, 515 U.S. at 915).

Turning to the present case, the State argues that it had a "strong basis" in evidence to believe that the district court for the Middle District was likely, after a trial on the merits in *Robinson*, to rule that Louisiana's congressional map violated Section 2 of the Voting Rights Act and order the creation of a second majority-Black district. *See Robinson* Appeal Ruling at 583 (vacating the district court's preliminary injunction and granting the Legislature the opportunity to draw a new map instead of advancing to a trial on the merits of HB1); *See also Robinson* Docket, [Doc. 315] ("If the Defendant/Intervenors fail to produce a new enacted map on or before [January 30, 2024], this matter will proceed to a trial on the merits on [February 5, 2024], which shall continue daily until complete"); *see, e.g.,* JE36 at 4 (Senator Price: "We all know that we've been ordered by the court that we draw congressional districts with two minority districts. This map will comply with the order of both the Fifth Circuit Court of Appeals and the district court. They have said that the Legislature must pass a map that has two majority black districts."); JE33, 5:1-7 (Representative Beaullieu: "As Senator Stine said earlier in this week, 'It's with a heavy heart that I present to you this other map,' but we have to. It's that clear. A federal judge has ordered us to draw an additional minority seat in the State of Louisiana."); JE34, 11:3–7 (Senator Carter: "[W]e came together in an effort to comply with a federal judge's

order that Louisiana provide equal representation to the African Americans in the State of Louisiana, and we have an opportunity to do that."); JE36 at 18 (Representative Marcelle: "Let's not let Judge Dick have to do what our job is, which is to create a second minority-majority district."); JE30, 20:22–21:4 (Senator Duplessis: "It's about a federal law called the Voting Rights Act that has not been interpreted just by one judge in the Middle District of Louisiana who was appointed by former president Barack Obama, but also a U.S. Fifth Circuit Court of Appeals that's made up of judges that were appointed by predominantly Republican presidents, and a United States Supreme Court that has already made rulings."); Tr. Vol. I, 47:22-48:1 (Senator Seabaugh: "Well, the – really, the only reason we were there was because of the other litigation; and Judge Dick saying that she – if we didn't draw the second minority district, she was going to. I think that's the only reason we were there."); Tr. Vol. I, 69:24-70:4 (Senator Pressly: "We were told that we had to have two performing African American districts. And that we were – that that was the main tenet that we needed to look at and ensure that we were able to draw the court – draw the maps; otherwise, the Court was going to draw the maps for us").

The Court assumes, without deciding, that compliance with Section 2 was a compelling interest for the State to attempt to create a second majority-Black district in the present case. However, even assuming that the Voting Rights Act is a compelling state interest in this case, that compelling interest does not support the creation of a district that does not comply with the factors set forth in *Gingles* or traditional districting principles. *See e.g., Shaw II*, 517 U.S. at 915 ("We assume, arguendo, for the purpose of resolving this suit, that compliance with Section 2 could be a

compelling interest" but hold that the remedy is not narrowly tailored to the asserted end); *Vera*, 517 U.S. at 977 (plurality opinion) ("[W]e assume without deciding that compliance with [the Voting Rights Act], as interpreted by our precedents, can be a compelling state interest" but hold that the districts at issue are not "narrowly tailored" to achieve that interest (citation omitted)); *Ala. Legis. Black Caucus*, 575 U.S. at 279 ("[W]e do not here decide whether ... continued compliance with § 5 [of the Voting Rights Act] remains a compelling interest" because "we conclude that the District Court and the legislature asked the wrong question with respect to narrow tailoring.").

Indeed, the Supreme Court has made clear that, in the context of a constitutional challenge to a districting scheme, "unless each of the three *Gingles* prerequisites is established, "'there neither has been a wrong nor can be a remedy'" and the districting scheme does not pass muster under strict scrutiny. *Cooper v. Harris*, 581 U.S. at 306 (quoting *Growe v. Emison*, 507 U.S. 25, 41, 113 S. Ct. 1075, 1084, 122 L.Ed.2d 388 (1993)). With respect to traditional districting requirements, the Supreme Court has consistently warned that, "§ 2 never require[s] adoption of districts that violate traditional redistricting principles. Its exacting requirements, instead, limit judicial intervention to 'those instances of intensive racial politics' where the 'excessive role [of race] in the electoral process ... den[ies] minority voters equal opportunity to participate.'" *Allen v. Milligan*, 599 U.S. at 29–30 (internal citations omitted).[11]

[11] The concern that Section 2 may impermissibly elevate race in the allocation of political power within the states is, of course, not new. *See, e.g., Shaw I*, 509 U.S. at 657 ("Racial gerrymandering, even for remedial purposes, may balkanize us into competing racial factions; it threatens to carry us further from the goal of a

Accordingly, whether District 6, as drawn, is "narrowly tailored" requires the Court to address the *Gingles* factors as well as traditional districting criteria.

a. Consideration of the *Gingles* Factors

The Supreme Court in *Gingles* set out how courts must evaluate claims alleging a Section 2 violation of the Voting Rights Act. *Gingles* involved a challenge to North Carolina's districting scheme, which purportedly diluted the vote of its Black citizens. *Gingles*, 478 U.S. at 34–36.

Gingles emphasized precisely what Section 2 guards against. "The essence of a § 2 claim," the Court explained, "is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by black and white voters." *Id.* at 47. This inequality occurs where an "electoral structure operates to minimize or cancel out" minority voters' "ability to elect their preferred candidates." *Id.* at 48. This risk is greatest "where minority and majority voters consistently prefer different candidates" and where minority voters are submerged in a majority voting population that "regularly defeat[s]" their choices. *Ibid.*

But Section 2 of the Voting Rights Act explicitly states that, "nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population." 52 U.S.C. § 10301. And the Supreme Court has repeatedly admonished that *Gingles* does not mandate

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political system in which race no longer matters."); *Allen v. Milligan*, 599 U.S. at 41–42. To ensure that *Gingles* does not improperly morph into a proportionality mandate, courts must rigorously apply the "geographically compact" and "reasonably configured" requirements. *Id.* at 44 (Kavanaugh concurrence, n. 2).

a proportional number of majority-minority districts. Indeed, "[i]f *Gingles* demanded a proportional number of majority-minority districts, States would be forced to group together geographically dispersed minority voters into unusually shaped districts, without concern for traditional districting criteria such as county, city, and town lines. But *Gingles* and this Court's later decisions have flatly rejected that approach." *Allen v. Milligan*, 599 U.S. at 43–44 (Kavanaugh concurring) (citing *Abbott*, 585 U.S. at 615; *Vera*, 517 U.S. at 979; *Gingles*, 478 U.S. at 50; *Miller*, 515 U.S. at 917–920; and *Shaw I*, 509 U.S. at 644–649).

Instead, *Gingles* requires the creation of a majority-minority district only when, among other things: (i) a State's redistricting map cracks or packs a large and "geographically compact" minority population and (ii) a plaintiff's proposed alternative map and proposed majority-minority district are "reasonably configured" – namely, by respecting compactness principles and other traditional districting criteria such as county, city, and town lines. *Allen v. Milligan*, 599 U.S. at 43 (Kavanaugh concurring) (citing *Cooper*, 581 U.S. at 301–302; *Voinovich v. Quilter*, 507 U.S. 146, 153–154, 113 S. Ct. 1149, 122 L.Ed.2d 500 (1993)).

In order to succeed in proving a Section 2 violation under *Gingles*, Plaintiffs must satisfy three specific "preconditions." *Gingles*, 478 U.S. at 50. First, the "minority group must be sufficiently large and [geographically] compact to constitute a majority in a reasonably configured district." *Wisconsin Legislature v. Wisconsin Elections Comm'n*, 595 U.S. 398, 402, 142 S. Ct. 1245, 1248, 212 L.Ed.2d 251 (2022) (per curiam) (citing *Gingles*, 478 U.S. at 46–51). Case law explains that a district will be reasonably configured if it comports with traditional districting criteria, such as

being contiguous and reasonably compact. *See Ala. Legis. Black Caucus*, 575 U.S. at 272. "Second, the minority group must be able to show that it is politically cohesive." *Gingles*, 478 U.S. at 51. Third, "the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it ... to defeat the minority's preferred candidate." *Ibid.* Finally, a plaintiff who demonstrates the three preconditions must also show, under the "totality of circumstances," that the political process is not "equally open" to minority voters. *Id.* at 38-38 and 45-46 (identifying several factors relevant to the totality of circumstances inquiry, including "the extent of any history of official discrimination in the state ... that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process.").

Each of the three *Gingles* preconditions serves a different purpose. The first, which focused on geographical compactness and numerosity, is "needed to establish that the minority has the potential to elect a representative of its own choice in some [reasonably configured] single-member district." *Growe*, 507 U.S. at 40. The second, which concerns the political cohesiveness of the minority group, shows that a representative of its choice would in fact be elected. *Ibid*. The third precondition, which focuses on racially polarized voting, "establish[es] that the challenged districting thwarts a distinctive minority vote" at least plausibly on account of race. *Ibid.* Finally, the totality of circumstances inquiry recognizes that application of the *Gingles* factors is "peculiarly dependent upon the facts of each case." 478 U.S. at 79. Before a court can find a violation of Section 2, therefore, they must conduct "an intensely local appraisal" of the electoral

mechanism at issue, as well as "searching practical evaluation of the 'past and present reality.' " *Ibid.*

In the present case, the State simply has not met its burden of showing that District 6 satisfies the first *Gingles* factor – that the "minority group [is] sufficiently large and [geographically] compact to constitute a majority in a reasonably configured district." The record reflects that, outside of southeast Louisiana, the State's Black population is dispersed. That required the State to draw District 6 as a "bizarre" 250-mile-long slash-shaped district that functions as a majority-minority district only because it severs and absorbs majority-minority neighborhoods from cities and parishes all the way from Baton Rouge to Shreveport. As discussed below, this fails to comport with traditional districting principles.

b. Traditional Districting Principles

The first *Gingles* factor requires that a minority population be "[geographically] compact to constitute a majority in a reasonably configured district." *Allen v. Milligan*, 599 U.S. at 18 (quoting *Wisconsin*, 595 U.S. at 402). This requires consideration of traditional districting principles.

Traditional districting principles consist of six criteria that arose from case law. The first three are geographic in nature and are as follows: (1) compactness, (2) contiguity, and (3) preservation of parishes and respect for political subdivisions. *Shaw I*, 509 U.S. at 647. The Supreme Court has emphasized that "these criteria are important not because they are constitutionally required – they are not, *cf. Gaffney v. Cummings*, 412 U.S. 735, 752, n. 18, 93 S. Ct. 2321, 2331, n. 18, 37 L.Ed.2d 298 (1973) – but because they are objective factors that may serve to defeat a claim

that a district has been gerrymandered on racial lines." *Id*. The other three include preservation of communities of interest, preservation of cores of prior districts, and protection of incumbents. *See Miller*, 515 U.S. at 916; *Karcher v. Daggett*, 462 U.S. 725, 740 (1983).

Joint Rule 21 – enacted by the Legislature in 2021 – contains criteria that must be satisfied by any redistricting plan created by the Legislature, separate and apart from compliance with the Voting Rights Act and Equal Protection Clause. JE2. Joint Rule 21 states, relevantly, that "each district within a redistricting plan ... shall contain whole election precincts as those are represented as Voting Districts (VTDs)" and "[i]f a VTD must be divided, it shall be divided into as few districts as possible." *Id.* at (G)(1)-(2). Joint Rule 21 further requires the Legislature to "respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable." *Id.* at (H). However, this requirement does not take precedence over the preservation of communities of interest and "shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable." *Id.*

The Supreme Court case of *Miller v. Johnson* demonstrates how traditional districting criteria applies to a racial gerrymandering claim. 515 U.S. at 910–911. There, the Supreme Court upheld a district court's finding that one of Georgia's ten congressional districts was the product of an impermissible racial gerrymander. *Id*. At the time, Georgia's BVAP was 27 percent, but there was only one majority-minority district. *Id.* at 906. To comply with the Voting Rights Act, Georgia's government thought it necessary to create two more

majority-minority districts – thereby achieving proportionality. *Id.* at 920–921. But like North Carolina in *Shaw I*, Georgia could not create the districts without flouting traditional criteria. Instead, the unconstitutional district "centered around four discrete, widely spaced urban centers that ha[d] absolutely nothing to do with each other, and stretch[ed] the district hundreds of miles across rural counties and narrow swamp corridors." *Miller*, 515 U.S. at 908. The Court called the district a geographic "monstrosity." *Allen v. Milligan*, 599 U.S. at 27–28 (citing *Miller*, 515 U.S. at 909).

c. Communities of Interest

Perhaps more than any other state of its size, the State of Louisiana is fortunate to have a rich cultural heritage, including diverse ethnicities, customs, economic drivers, types of agriculture, and religious affiliations. While the Court is not bound by the decisions in the *Hays* litigation – made some thirty years ago and involving a different though similar map, and different Census numbers – much of the "local appraisal" analysis from *Hays I* remains relevant to an analysis of SB8. There, the *Hays* court concluded that the distinct and diverse economic interests encapsulated in the challenged district, namely

> cotton and soybean plantations, centers of petrochemical production, urban manufacturing complexes, timberlands, sawmills and paper mills, river barge depots, and rice and sugarcane fields are strung together to form the eclectic and incoherent industrial base of District 4. These diverse segments of the State economy have little in common. Indeed, their interests more often conflict than harmonize.

Hays I, 839 F. Supp. at 1201. Though this was written 30 years ago, the same is true today. And like the predecessor districts drawn in *Hays*, it is readily apparent to anyone familiar with Louisiana history and culture that Congressional District 6 also

> violates the traditional north-south ethno-religious division of the State. Along its circuitous route, this new district combines English–Scotch–Irish, mainline Protestants, traditional rural Black Protestants, South Louisiana Black Catholics, Continental French–Spanish–German Roman Catholics, sui generis Creoles, and thoroughly mixed polyglots, each from an historically discrete and distinctive region of Louisiana, as never heretofore so extensively agglomerated.

Id.

Indeed as succinctly stated by the *Hays* court, the differences between North Louisiana, Baton Rouge, and Acadiana in term of culture, economic drivers, types of agriculture, and religious affiliations are pronounced.[12] This is so well known that any

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[12] Among other strong cultural and ethnic groups divided by SB8, the French Acadian ("Cajun") and Creole communities in Southwest Louisiana have a strong identity and a shared history of adversity. The Acadians, for their part, were expelled from Nova Scotia by the British and Anglo-Americans during the French and Indian War, and some settled into the southwestern parishes of Louisiana ("Acadiana"). See Carl A. Brasseaux, *The Founding of New Acadia: The Beginning of Acadian Life in Louisiana, 1765-1803* (Chapter 5) (Louisiana State University Press 1987). This historical event is well-known in Louisiana and referred to as *Le Grand Dérangement*. *See* William Faulker Rushton, *The Cajuns From Acadia to Louisiana* (Farrar Straus Giroux 1979). The Acadian refugees made their homes in the foreign swamps and bayous of southern Louisiana and from there, built a rich and

Louisiana politician seeking statewide office must first develop a strategy to bridge the regional cultural and religious differences in Louisiana.[13]

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persisting culture – marked by their distinct dialect of French, and their cuisine, music, folklore, and Catholic faith. *See* Brasseaux, *The Founding of New Acadia*.

In 1921, Louisiana's Constitution eliminated any reference to the French language and instead required only English to be taught, used, and spoken in Louisiana schools, which detrimentally affected the continuation of Cajun French. Roger K. Ward, The French Language in Louisiana Law and Legal Education: A Requiem, 57 La. L. Rev. 1299 (1997). https://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=5694&context=lalrev.

Remarkably, after years of cultural suppression, the late 1960s/early 1970s witnessed collective activism to revive Cajun French and culture in the area. *Id*. at 1299; *see also* https://www.nationalgeographic.com/culture/article/reviving-the-cajun-dialect. Thankfully, Louisiana's 1974 Constitution safeguarded efforts by Cajun cultural groups to "ensure [their] preservation and proliferation." *Id*. at 1300. To this day, Acadiana celebrates its Francophone ties with festivals such as Festival International de Louisiane, which features Francophone musicians and artisans from around the world, and Festival Acadiens and Créoles, the largest Cajun and Creole festival in the world. Further, to preserve the language, organizations such as CODOFIL support the preservation of the French language in Louisiana, and on a smaller scale, many community members form "French tables" where only French is allowed to be spoken. The unique community of Acadiana, among many others in Louisiana, with a deep connection and awareness of its past, certainly constitutes a community of interest. Race predominating, SB8 fails to take into account Louisiana's diverse cultural, religious, and social landscape in any meaningful way.

[13] Attempting to bridge the north-south religious divide, one of Louisiana's most famous politicians, Huey Long, began his stump speech by claiming, that, "when I was a boy, I would get up at six o'clock in the morning on Sunday, and I would take my Catholic grandparents to mass. I would bring them home, and at ten o'clock I would hitch the old horse up again, and I would take my

There is no doubt that District 6 divides some established communities of interest from one another while collecting parts of disparate communities of interest into one voting district. Among other things, District 6 in SB8 splits six of the ten parishes that it touches. As the Court succinctly states in *Hays*, "there is no more fundamental unit of societal organization in the history of Louisiana than the parish." *Hays I*, 839 F. Supp. at 1200.

District 6 also divides the four largest cities and metropolitan areas in its path along clearly racial lines. Among these are three of the four largest cities in Louisiana — *i.e.,* Baton Rouge, Lafayette, and Shreveport. And the maps in the record are clear that the division of these communities is based predominantly on the location of majority-Black voting precincts. Indeed, SB8, just like the congressional districts in *Hays I*, "violates the boundaries of nearly all major municipalities in the State." *Hays I*, 839 F. Supp. at 1201. The law is crystal clear on this point. As the Supreme Court held in *Allen v. Milligan*, it is unlawful to "concentrate[] a dispersed minority population in a single district by disregarding traditional districting principles such as compactness, contiguity, and respect for political subdivisions," reaffirming that "[a] reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise separated by geographical and political boundaries," raises serious constitutional concerns. 599 U.S. at 27 (citing *Shaw I,* 509 U.S. at 647). Based upon the foregoing, the Court finds that SB8's District

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Baptist parents to church." A colleague later said, "I didn't know you had any Catholic grandparents." To which he replied, "Don't be a damned fool. We didn't even have a horse."

6 does not satisfy the "geographically compact" and "reasonably configured" *Gingles* requirement.

d. Respect for Political Subdivisions and Natural Boundaries

Nor does SB8 take into account natural boundaries such as the Atchafalaya Basin, the Mississippi River, or the Red River. Just as in *Miller*, District 6 of SB8 "centers around four discrete, widely spaced urban centers that have absolutely nothing to do with each other, and stretches the district hundreds of miles across rural counties and narrow swamp corridors." 515 U.S. at 908; *Allen v. Milligan*, 599 U.S. at 27–28 (citing *Miller v. Johnson*). Specifically, District 6's population centers around the widely-spaced urban centers of Shreveport, Alexandria, Lafayette, and Baton Rouge – each of which is an independent metropolitan area – and are connected to one another only by rural parishes having relatively low populations. Importantly, none of these four cities or the parishes in which they are located are, by themselves, large enough to require that they be divided to comply with the "one person, one vote" requirement of the Fourteenth Amendment. *Reynolds v. Sims*, 377 U.S. 533, 566, 84 S. Ct. 1362, 1384, 12 L.Ed.2d 506 (1964).

e. Compactness

The record also includes statistical evidence showing that District 6 is not "compact" as required by traditional districting principles. Specifically, Dr. Voss testified that, based on three measures of compactness — (i) the Reock Score; (ii) the Polsby-Popper score; and (iii) the Know It When You See It ("KIWYSI") score — the current form of District 6 in SB8 performs worse than the districts in either HB1 (the map that was enacted in 2022) or the map that HB1 replaced from

the previous decade. Tr., Vol. I, 100:22-103:5; 104:25-105:4; PE7. Thus, SB8 does not produce compact maps when judged in comparison to other real-life congressional maps of Louisiana. Tr., Vol. I, 107:16-21. Dr. Voss also opined that SB8's majority-Black districts were especially non-compact compared to other plans that also included two majority-minority districts. *Id.* at 106:17-24. According to Dr. Voss, SB8's District 6 scored worse on the Polsby-Popper test than the second majority-Black districts in other proposed plans that created a second majority-Black district. *Id.* at 106:17-24.

In sum, District 6 does not satisfy the first *Gingles* precondition nor does it comply with traditional districting principles. Accordingly, SB8 and, more specifically, District 6 cannot withstand strict scrutiny. That being said, while the record is clear that Louisiana's Black population has become more dispersed and integrated in the thirty years since the *Hays* litigation (and Louisiana now has only six rather than the seven Congressional districts it had at that time), this Court does not decide on the record before us whether it is feasible to create a second majority-Black district in Louisiana that would comply with the Equal Protection Clause of the Fourteenth Amendment. However, we do emphasize that Section 2 of the Voting Rights Act never requires race to predominate in drawing Congressional districts at the sacrifice of traditional districting principles. *Allen v. Milligan*, 599 U.S. at 29–30 (internal citations omitted).

V.

REMEDIAL PHASE

The Court will hold a status conference to discuss the remedial stage of this trial on May 6, 2024, at 10:30 a.m. CST.

VI.

CONCLUSION

As our colleagues so elegantly stated in *Hays II*, the long struggle for civil rights and equal protection under the law that has taken place in Louisiana and throughout our country, includes:

> countless towns across the South, at schools and lunch counters, at voter registrar's offices. They stood there, black and white, certain in the knowledge that the Dream was coming; determined that no threat, no spittle, no blow, no gun, no noose, no law could separate us because of the color of our skin. To say now: "Separate!" "Divide!" "Segregate!" is to negate their sacrifice, mock their dream, deny that self-evident truth that all men are created equal and that no government may deny them the equal protection of its laws.

Hays II at 125. The Court agrees and finds that SB8 violates the Equal Protection Clause as an impermissible racial gerrymander.

In light of the foregoing, the Court GRANTS PLAINTIFFS' REQUEST FOR INJUNCTIVE RELIEF. The State of Louisiana is prohibited from using SB8's map of congressional districts for any election.

A status conference is hereby set on May 6, 2024, at 10:30 a.m. CST to discuss the remedial stage of this trial. Representatives for each party must attend.

THUS, DONE AND SIGNED on this 30th day of April 2024.

/s/ Robert R. Summerhays
ROBERT R. SUMMERHAYS
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

/s/ Davd C. Joseph
DAVID C. JOSEPH
UNITED STATES DISTRICT JUDGE
WESTERN DISTRICT OF LOUISIANA

Carl E. Stewart, *Circuit Judge*, dissenting:

Contrary to my panel colleagues, I am not persuaded that Plaintiffs have met their burden of establishing that S.B. 8 is an unconstitutional racial gerrymander. The totality of the record demonstrates that the Louisiana Legislature weighed various political concerns—including protecting of particular incumbents—alongside race, with no factor predominating over the other. The panel majority's determination that S.B. 8 is unconstitutional is incredibly striking where, as here, Plaintiffs did not even attempt to address or disentangle the various political currents that motivated District 6's lines in S.B. 8.[1] While this inquiry should end at racial predominance, I would further hold that S.B. 8 satisfies strict scrutiny because the Supreme Court has never imposed the aggressive incursion on state sovereignty that the panel majority advocates for here. Indeed, the panel majority's requirements for permissible electoral map trades in the substantial "breathing room" afforded state legislatures in reapportionment for a tightly wrapped straight-jacket. Therefore, I respectfully dissent.

I. Factual Background

The Supreme Court has undoubtedly recognized that in a "more usual case," alleging racial gerrymandering, a trial court "can make real headway by

[1] Notably, none of the plaintiffs in this case demonstrated that S.B. 8 had a discriminatory effect on them based on their race. None of them testified or otherwise entered any evidence into the record of their racial identity, which conflicts with the well-recognized principle that actionable intentional discrimination must be against an "identifiable group." *See Fusilier v. Landry*, 963 F.3d 447, 463 (5th Cir. 2020). As an aside, nearly all of the plaintiffs in this case lack standing to allege this racial gerrymandering claim because they do not reside in District 6. *See United States v. Hays*, 515 U.S. 737, 744–45 (1996).

exploring the challenged district's conformity to traditional districting principles, such as compactness and respect for county lines." *Cooper v. Harris*, 581 U.S. 285, 308 (2017). Notably, the panel majority has proceeded full steam ahead in this direction without proper regard for the atypical nature of this case and trial record. Because of this, the panel majority has mis-stepped with regard to their approach, resulting in numerous errors and omissions in both their reasoning and holding.

One such omission derives from the fact that none of the prior redistricting cases arrive from the same genesis as this one. This case involves important distinctions, worth noting, that make it anything but a "usual" racial gerrymandering case. *See Cooper*, 581 U.S. at 308. First, the State has made no concessions to racial predominance.[2] Second, the State affirmatively invokes a political motivation defense.[3] Third, the State constructively points—not to a Justice Department demand letter as "a strong basis in evidence" but—to the findings of an Article III judge.[4] The panel majority has failed to adequately grapple

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[2] *See Miller v. Johnson*, 515 U.S. 900, 918 (1995) ("The court supported its conclusion not just with the testimony . . . but also with the State's own concessions.").

[3] *E.g.*, *Cooper*, 581 U.S. at 308 (2017) (citing *Hunt v. Cromartie*, 526 U.S. 541, 547 n.3 (1999) ("*Cromartie I*")) (emphasizing the importance of inquiries into asserted political or partisanship defenses since bizarrely shaped districts "can arise from a 'political motivation' as well as a racial one").

[4] *See Miller*, 515 U.S. at 918 ("Hence the trial court had little difficulty concluding that the Justice Department spent months demanding purely race-based revisions to Georgia's redistricting plans, and that Georgia spent months attempting to comply.") (internal citation and quotation marks omitted).

with each of these relevant factors, I will address them herein.

I start with the 2020 Census because understanding the setting is necessary in deciding this nuanced and context-specific case. The Supreme Court has said as much. It has held that the "historical background of the decision is one evidentiary source, particularly if it reveals a series of official actions taken for invidious purposes. The specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker's purposes." *Village of Arlington Heights v. Metro. Hous. Dev. Corp.*, 429 U.S. 252, 267 (1977) (internal citations omitted). Effectually, it is a mistake to view this case in a vacuum—as if the Louisiana Legislature's redistricting efforts and duties burgeon in January 2024. Instead, viewing the case within the lens of the appropriate backdrop—the United States and Louisiana Constitutions, *Robinson v. Ardoin*,[5] and Governor Landry's call to open the 2024 Extraordinary Legislative Session—the Legislature had an obligation to reapportion.

The U.S. Constitution sets out that "[t]he House of Representatives shall be composed of Members chosen every second Year by the People of the several States." It further vests state legislatures with the primary responsibility to craft federal congressional districts, namely through the Election Clause. U.S. Const. art. I, § 4, cl. 1. Article III, § 6 of the Louisiana Constitution charges the Louisiana Legislature with the duty to reapportion the single-member districts for the U.S.

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[5] *Robinson v. Ardoin*, 605 F. Supp. 3d 759, 767 (M.D. La. 2022) ("*Robinson I*"), *cert. granted before judgment*, 142 S. Ct. 2892 (2022), and *cert. dismissed as improvidently granted*, 143 S. Ct. 2654 (2023), and *vacated and remanded*, 86 F.4th 574 (5th Cir. 2023).

House of Representatives after each decennial census. La. Const. art. III, § 6. In April 2021, the results of the 2020 Census were delivered to Louisiana and the state's congressional apportionment remained six seats in the U.S. House of Representatives. Robinson Interv. FOF, ECF 189-1, 11 (citing *Robinson I*, 605 F. Supp. 3d 767). The 2020 Census data would drive the state of Louisiana's redistricting process. *See* La. Const. art. III, § 6; *Robinson I*, 605 F. Supp. 3d at 767.

"Leading up to their redistricting session, legislators held a series of 'roadshow' meetings across the state, designed to share information about redistricting and solicit public comment and testimony, which lawmakers described as absolutely vital to this process." *Id.* "The drawing of new maps was guided in part by Joint Rule No. 21, passed by the Louisiana Legislature in 2021 to establish criteria that would 'promote the development of constitutionally and legally acceptable redistricting plans.'" *Robinson I*, 605 F. Supp. 3d at 767. "The Legislature convened on February 1, 2022 to begin the redistricting process; on February 18, 2022, H.B. 1 and S.B. 5, the bills setting forth new maps for the 2022 election cycle, passed the Legislature." *Id.* at 767–68.

Following the promulgation of H.B. 1, a select group of Black voters brought a claim under § 2 of the Voting Rights Act of 1965 ("VRA") to invalidate the congressional maps. *See id.* at 760. The events of that litigation as it proceeded through in the Middle District of Louisiana and the Fifth Circuit propelled the newly elected Governor Jeff Landry to call an Extraordinary Legislative Session in January 2024. *See* JE 35 at 10–14. Ultimately, S.B. 8 "was chosen over other plans with two majority-Black districts that were more compact and split fewer parishes and municipalities because those plans failed to achieve the overriding

goal of protecting the seats of United States House Speaker Mike Johnson, Majority Leader Steve Scalise, and Representative Julia Letlow at the expense of Representative Garret Graves." Robinson Interv. Post-trial Memo, ECF 189 at 1; Robinson Interv. FOF, ECF 189-1, at 33–35, ¶¶ 135–142.

While the panel majority repeatedly concedes that the *Hays* litigation is three decades old and relies on now-antiquated data, its opinion nevertheless presses forward by drawing parallels and making conclusions that are devoid of crucial context. The panel majority avers that "much of the 'local appraisal' analysis from *Hays I* remains relevant to an analysis of S.B.8," claiming that S.B. 8's District 6 succumbs to the same violations of the "traditional north-south ethno-religious division of the State." Majority Op. 53-54. Unlike *Hays*, where the cartographer tasked with drawing the map *conceded* that he "concentrated virtually exclusively on racial demographics and considered essentially no other factor except the ubiquitous constitutional 'one person-one vote' requirement,"[6] the record before this court is filled with evidence that political factors were paramount in the drawing of S.B. 8. Additionally, the racial makeup of the state has changed *drastically* over the past three decades. As the Middle District of Louisiana adeptly concluded:

> By every measure, the Black population in Louisiana has increased significantly since the 1990 census that informed the *Hays* map. According to the Census Bureau, the Black population of Louisiana in 1990 was 1,299,281.285. At the time, the Census Bureau did not provide an option to identify

[6] *Hays v. State*, 936 F. Supp. 360, 368 (W.D. La. 1996).

> as more than one race. The 2020 Census results indicate a current Black population in Louisiana of 1,464,023 using the single-race Black metric, and 1,542,119 using the Any Part Black metric. So, by the Court's calculations, the Black population in Louisiana has increased by at least 164,742 and as many as 242,838 since the *Hays* litigation. Hays, decided on census data and demographics 30 years ago, is not a magical incantation with the power to freeze Louisiana's congressional maps in perpetuity. *Hays* is distinguishable and inapplicable.

Robinson I, 605 F. Supp. 3d at 834. Given this pivotal context, I deem it a grievous error for the panel majority to place the *Hays* map and S.B. 8 map side-by-side and imply that the similarities in district shape alone are dispositive. The panel majority is correct, however, that "[this] Court is not bound by the decisions in the *Hays* litigation." Majority Op. 53.

II. Racial Predominance

Because of the interminable interplay between satisfying the Fourteenth Amendment and complying with § 2 of the VRA, it is axiomatic that electoral districting involves some racial awareness. Redistricting violates the Equal Protection Clause of the Fourteenth Amendment when race is the "predominant" consideration in deciding "to place a significant number of voters within or without a particular district." *Miller*, 515 U.S. at 913, 916. However, the Supreme Court has highlighted that:

> [Electoral] districting differs from other kinds of state decision-making in that the legislature always is aware of race when it draws

> district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness does not lead inevitably to impermissible race discrimination.

Shaw v. Reno, 509 U.S. 630, 646 (1993) ("*Shaw I*"); *see also Miller*, 515 U.S. at 915–16 ("Redistricting legislatures will . . . almost always be aware of racial demographics; but it does not follow that race predominates in the redistricting process."). The Court again reemphasized in *Easley v. Cromartie* that "race must not simply have been a motivation for the drawing of a majority-minority district but the predominant factor motivating the legislature's districting decision." 532 U.S. 234, 241 (2001) ("*Cromartie II*") (internal citations and quotation marks omitted). Consequently, in my view, the panel majority has not properly assessed "predominance" under the relevant caselaw.

Specifically, the Supreme Court has directed "courts, in assessing the sufficiency of a challenge to a districting plan, [to] be sensitive to the complex interplay of forces that enter a legislature's redistricting calculus." *Miller*, 515 U.S. at 915–16. This sensitive inquiry requires a careful balancing of the legislative record and evidence adduced at trial to unpack the motivations behind the lines on the map. The Court in *Miller* explained that:

> The distinction between being aware of racial considerations and being motivated by them may be difficult to make. This evidentiary difficulty, together with the sensitive nature of redistricting and the presumption of good faith that must be accorded legislative enactments, requires courts to exercise extraordinary

> caution in adjudicating claims that a State has drawn district lines on the basis of race.

Id. at 916. The Supreme Court in *Alabama Legislative Black Caucus v. Alabama* reaffirmed the characterizations of "predominance" and the associated burden of proof. 575 U.S. 254, 272 (2015) Plainly, "a plaintiff pursuing a racial gerrymandering claim must show that race was the predominant factor motivating the legislature's decision to place a significant number of voters within or without a particular district." *Id*. (quoting *Miller*, 515 U.S. at 916) (internal quotation marks omitted). Here, Plaintiffs have shown racial awareness—to be sure. But identifying awareness is not the end of the inquiry.

To prove racial predominance, a "plaintiff must prove that the legislature subordinated traditional race-neutral districting principles . . . to racial considerations." *Miller*, 515 U.S. at 916. The relevant "traditional race-neutral districting principles," which the Court has listed many times, include "compactness, contiguity, respect for political subdivisions or communities defined by actual shared interests," incumbency protection, and political affiliation. *Miller*, 515 U.S. at 901; *Bush v. Vera*, 517 U.S. 952, 964, 968 (1996). A plaintiff's burden in a racial gerrymandering case is "to show, either through circumstantial evidence of a district's shape and demographics or more direct evidence going to legislative purpose, that race was the predominant factor motivating the legislature's decision." *Miller*, 515 U.S. at 916. Plaintiffs have failed to show racial predominance through either direct or circumstantial evidence or any combination thereof.

A. Circumstantial Evidence

Like the plaintiffs in *Cromartie I*, Plaintiffs here seek to prove their racial gerrymandering claim through circumstantial evidence—*e.g.*, maps showing the district's size, shape, an alleged lack of continuity, and statistical and demographic evidence. *See* 526 U.S. at 541–43. In their post-trial memorandum, Plaintiffs maintain that the "bizarre shape of District 6 reveals racial predominance." ECF 190 at 15. In opposition, the State raises its "political motivation" defense by alleging that: (1) "the Governor and the Legislature made a political judgment to reclaim the State's sovereign right to draw congressional maps rather than cede that responsibility to the federal courts" and (2) "the contours of the S.B. 8 map were themselves motivated by serious political calculations." State's Post Trial Memo at 5–6. Because "political and racial reasons are capable of yielding similar oddities in a district's boundaries," the Court in *Cooper* entrusted trial courts with "a formidable task: [to] make 'a sensitive inquiry' into all 'circumstantial and direct evidence of intent' to assess whether the plaintiffs have managed to disentangle race from politics and prove that the former drove a district's lines." *Cooper*, 581 U.S. at 308 (quoting *Cromartie I*, 526 U.S. at 546). Here, the trial record underscores that Plaintiffs have made no effort to disentangle race consciousness from the political factors motivating District 6's precise lines. Therefore, the panel majority cannot undertake the "sensitive inquiry" required. Because Plaintiffs have fallen short, the panel majority takes a myopic view of the record and pieces together slithers of circumstantial evidence without comprehensively analyzing all pieces of evidence to the contrary to craft a "story of racial gerrymandering." *See* Majority Op. at 39 (citing *Miller*, 515 U.S. at 917).

First, I begin by explaining how the panel majority's narrow perspective incorporates no evidence that District 6's lines were drawn solely based on race. Second, I address how Plaintiffs' inconsistent demographic testimony is deficiently limited in scope to support the conclusion that race predominated. Third, I discuss how Plaintiffs' similarly impaired simulation data fails to meet the demanding burden as required by binding precedent.

i. The Shape of District 6

A point of agreement amongst the panel in this case is that "[a] district's shape can provide circumstantial evidence of a racial gerrymander." Majority Op. 35. However, we diverge based on how we apply this significant point, as the panel majority confuses evidence that the Legislature sought to create a second majority-Black district with evidence that race was the "dominant and controlling" factor in the drawing of S.B. 8's contours.

The Supreme Court has acknowledged that notwithstanding the fact that circumstantial evidence—like a district's unusual shape—can give rise to an inference of an "impermissible racial motive," such a bizarre shape "can arise from a 'political motivation' as well as a racial one." *Cooper*, 581 U.S. at 308; *Cromartie I*, 526 U.S. at 547 n.3.[7] As such, the inquiry does not stop at a rudimentary examination of the district's lines in

[7] *See also Shaw v. Hunt*, 517 U.S. 899, 905 (1996) ("*Shaw II*") (acknowledging that "serpentine district" was "highly irregular and geographically non-compact by any objective standard"); *Miller v. Johnson*, 515 U.S. 900, 913 (1995) ("Shape is relevant . . . because it may be persuasive circumstantial evidence that race for its own sake, and not other districting principles, was the legislature's dominant and controlling rationale in drawing its district lines.").

some precincts. In *Cooper*, the Court further clarified this point by articulating that "such evidence [of a 'highly irregular' shape] loses much of its value when the State asserts partisanship as a defense, because a bizarre shape" may be attributed best to political or personal considerations for a legislator instead of racial considerations. *See* 581 U.S. at 308. The panel majority's and Plaintiffs' inability to coherently parse these considerations is particularly striking as there have been several instances in Louisiana "where legislators wanted a precinct in their district because their grandmother lived there." *See, e.g.*, Trial Tr. 177 (testimony of Dr. Voss). Nonetheless, the panel majority ignores this crucial step of the circumstantial evidence analysis, eliding to other "mixed motive" cases. Majority Op. 38.

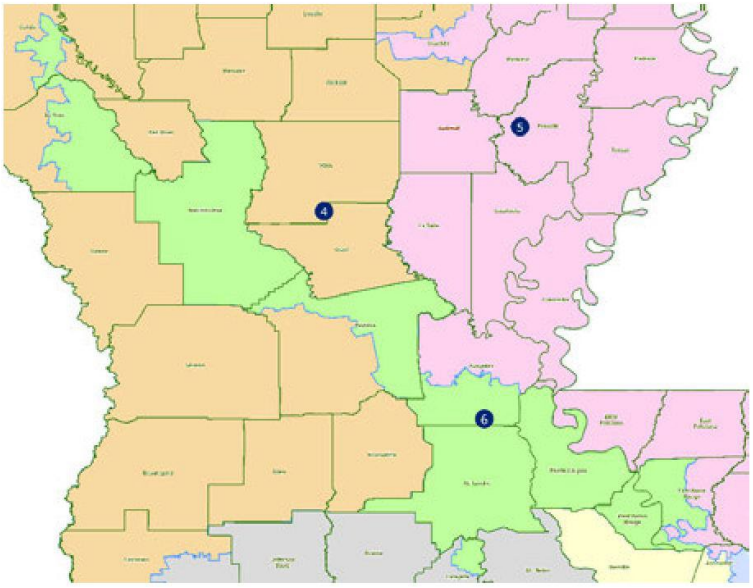
However, a closer comparison between the instant case and those prior "mixed motive" cases reveals how inapt these comparisons are. In *Shaw I*, the Court stated that in "exceptional cases," a congressional district may be drawn in a "highly irregular" manner such that it facially cannot be "understood as anything other than an effort to segregate voters on the basis of race." *Shaw I*, 509 U.S. at 646–47 (internal citation and quotation marks omitted); *see also* Richard H. Pildes, Richard Niemi, *Expressive Harms, "Bizarre Districts," and Voting Rights: Evaluating Election-District Appearances After* Shaw v. Reno, 92 Mich. L. Rev. 483 (1993). Since that utterance in *Shaw I*, the Court has never struck down a map based on its shape alone. Nonetheless, the panel majority functionally does so here on the basis of severely cabined analyses of select precincts in the metropolitan areas within the district. *See* Plaintiffs' Br. 9–10; Majority Op. 38.

The panel majority cites to *Vera* as a basis for its conclusion that the circumstantial evidence in this case is sufficient to show racial predominance. A closer look at that case demonstrates how inapt that comparison is. In *Vera*, the Court considered a challenge to three districts in Texas's reapportionment plan following the 1990 census. 517 U.S. at 956. There, as here, the Texas Legislature admitted that it intentionally sought to draw three districts "for the purpose of enhancing the opportunity of minority voters to elect minority representatives to Congress." *See Vera v. Richards*, 861 F. Supp. 1304, 1337 (S.D. Tex. 1994). However, the record there was replete with specific, direct evidence that several members of the Texas Legislature were moving around Black neighborhoods and precincts into the new Congressional districts that they then hoped to run for. *Id.* at 1338–40. The Court noted that the Texas Legislature used a computer program called "REDAPPL" to aid in drawing district lines. 517 U.S. at 961. The software incorporated racial composition statistics for the proposed districts as they were drawn on a "block-by-block" level. *Id.* (noting that the "availability and use of block-by-block racial data was unprecedented"). With all of this in mind, the Court then rejected the state's incumbency protection defense because the district court's "findings amply demonstrate[d] that such influences were overwhelmed in the determination of the districts' bizarre shaped *by the State's efforts to maximize racial divisions*." 517 U.S. at 975.

None of that is present in this case. This is not a case like *Vera*, where the political motives of self-interested electoral hopefuls directly attributed to the precise placement of the electoral map lines that comprised those racially gerrymandered districts. There is no § 5 preclearance letter in which the state legislature,

speaking with one voice, explains that the odd shapes in the map result solely from "the maximization of minority voting strength." *See id.* The panel majority is correct in noting that this is a mixed motive case. But to note this and then to subsequently make a conclusory determination as to racial predominance is hard to comprehend. Particularly so where broad swaths of the record are not addressed. In fact, a quick comparison of District 6 (depicted in lime green below) to the "highly irregular" districts from *Vera* (depicted in black outlines) underscores how the district's shape alone is insufficient evidence to prove racial predominance.[8] Simply put, one of these is not like the others.

[8] While the following images are not at a 1:1 scale, the striking visible differences between District 6 in S.B. 8 and the districts in *Vera*—which more clearly evince an intent to carve up communities and neighborhoods under the guise of invidious racial segregation—show how just examining a few portions of the district is insufficient to parse out whether race predominated. *See* 861 F. Supp. at 1336 (noting the borders "change from block to block, from one side of the street to the other, and traverse streets, bodies of water, and commercially developed areas in seemingly arbitrary fashion").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District 6's shape is not meaningfully comparable to the series of substantially thinner, sprawling, salamander-like districts that have been deemed impermissible racial gerrymanders. In spite of these glaring differences, the panel majority erroneously concludes that a racial gerrymander occurred here in spite of several inconsistencies in Plaintiffs' expert testimony and a limited review of the legislative and trial records. *See Cromartie II*, 532 U.S. at 242–43. It ignores the Court's explicit determinations that evidence of race-consciousness considered in conjunction with other redistricting principles "says little or nothing about whether race played a *predominant* role" in the reapportionment process. *Id.* at 253–54 (emphasis in original); *Miller*, 515 U.S. at 916 (legislatures "will . . . almost always be aware of racial demographics" in the reapportionment process); *Shaw I*, 509 U.S. at 646 (holding same). It also ignores the well-established principles that "[p]olitics and political considerations *are inseparable* from districting and apportionment . . .

[and] that districting inevitably has and is intended to have substantial political consequences." *Gaffney v. Cummings*, 412 U.S. 735, 753 (1973); *see also Vieth v. Jubelirer*, 541 U.S. 267, 285 (2004) (plurality opinion) (acknowledging that districting is "root-and-branch a matter of politics"); Trial Tr. 80 (testimony of Sen. Pressly) (admitting that adjudging political considerations of competing prospective legislative actions are "root and branch"). Where there is a "partisanship" or "political motivation" defense, more is required.

The panel majority errs in its analysis of the metropolitan areas in District 6 because it relies solely on the fact that the Legislature created a second majority-Black district[9] to show racial predominance. In *Shaw I*, the Court declined to adopt the view that the panel majority offers here—that evidence of "the intentional creation of majority-minority districts, without more, always gives rise to an equal protection claim." 509 U.S. at 649 (cleaned up). *Compare id.* (expressing no view as to whether this action constitutes a de facto equal protection violation), *with id.* at 664 (White, J., dissenting) ("[T]hat should not detract attention from the rejection by a majority [of the Court] of the claim that the State's intentional creation of majority-minority districts transgressed constitutional norms."); *see also United Jewish Orgs. of Williamsburgh, Inc. v. Carey* ("*UJO*"), 430 U.S. 144, 165 (1977) ("It is true that New York deliberately increased the nonwhite majorities in certain districts in order to enhance the opportunity for election of nonwhite representatives from those districts. Nevertheless, there was no" equal protection violation); *cf. Vera*, 517 U.S. at 959 ("We thus differ from Justice Thomas, who

[9] *Vera*, 517 U.S. at 958.

would apparently hold that it suffices that racial considerations be *a* motivation for the drawing of a majority-minority district" for strict scrutiny to apply) (emphasis in original). In *Bethune-Hill v. Virginia State Board of Elections*, the Court explained that "[e]ven where a challenger alleges a conflict [with traditional redistricting principles], or succeeds in showing one, the court should not confine" its racial predominance "inquiry to the conflicting portions of the lines." 580 U.S. 178, 191 (2017).

Here, the panel majority makes the mistake of stopping at the district's contours in the major metropolitan areas in the state without fully considering or crediting the abundance of evidence demonstrating these choices were political. *See* Majority Op. 40 ("In sum, the 'heat maps' and demographic data in evidence tell the true story–that race was the predominate factor driving decisions made by the State in drawing the contours of District" Six). Because the panel majority's plain eye examination loses much of its value in the face of the state's "political motivation" defense, I now will contextualize the relevant circumstantial evidence of legislative intent in this case, including claims of political motivation.

ii. Expert Testimony

Plaintiffs' circumstantial evidence elicited through expert testimony fails to demonstrate that race was the Legislature's controlling motive in drawing S.B. 8. The panel majority makes much ado of Mr. Michael Hefner's dot density map[10] and testimony that the districting decisions shaping District 6 in Lafayette, Alexandria, Baton Rouge, and Shreveport could only be explained by racial considerations. While the Court

[10] Majority Op. 38–39.

has accepted evidence of a district's shape and demographics to prove racial predominance, it has required the plaintiff to disentangle race from political considerations. *See Cromartie I*, 526 U.S. at 546. Here, Plaintiffs' expert testimony fails to account for several valid, non-racial considerations that explain the district's shape to impermissibly conclude that race predominated. *Cf. Chen v. City of Houston*, 206 F.3d 502, 506 (5th Cir. 2000) ("[T]he plaintiffs' burden in establishing racial predominance is a heavy one.").

Plaintiffs point to the district's low compactness scores and testimony from two experts opining that the Legislature subordinated traditional redistricting criteria to prove their case via circumstantial evidence. Plaintiffs' Br. 8–12. Notwithstanding my own evidentiary determination that several traditional principles of redistricting do explain District 6's shape in S.B. 8,[11] I now explain that Plaintiffs' offered circumstantial evidence is insufficient to prove the predominance of race. *See Chen*, 206 F.3d at 506.

a. Demographic Evidence

The legislative record in this case is inundated with both direct and circumstantial evidence that political considerations predominated in the drafting and passing of S.B. 8.[12] Plaintiffs assert that their demographer, Mr. Hefner, provided testimony that the "awkward and bizarre shape" of the district suggests that race predominated over traditional redistricting criteria. Trial Tr. 304–05. He testified that the district was "very elongated," "contorted," and narrow at points to attach two centers of high BVAP together in one

[11] *See infra* Part I.B.i–ii.

[12] *See id.*

district. Trial Tr. 286. However, Mr. Hefner also acknowledged that incumbency and compliance with the VRA are also important traditional redistricting criteria.[13] Trial Tr. 293. He also explained that political dynamics frequently factor into redistricting. Trial Tr. 321. Ultimately, he concluded that the Louisiana Legislature "can't create a second majority-minority district and still adhere to traditional redistricting criteria" and that "race predominated in the drafting" of S.B. 8. Trial Tr. 271– 72. Put another way, no permissible redistricting factor could explain S.B. 8's configuration.

But there are several logical gaps in Mr. Hefner's testimony. Mr. Hefner limited his examination of S.B. 8 to the factors of communities of interest, compactness, and preservation of core districts. Thus, he "did not review incumbency." Trial Tr. 272. When asked about the importance of incumbency on redistricting, he opined that a legislature should avoid pitting incumbents against each other to prevent very contentious and unproductive political bodies that fail to "serve the needs of the people." Trial Tr. 335. Mr. Hefner's failure to consider the other politically motived incumbency

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[13] Q. Are there additional criteria that can be considered?

A. Yes. Incumbency can be considered as to not putting incumbents against each other. Preservation of political entities. It's similar to communities of interest but some specified as political entries, which would be parishes, precincts, municipalities, those that have political boundaries. Also, too, race plays a factor as well, because that's part of what the Voting Rights Act calls attention to for consideration. *So those are some of the other criteria that we generally take a look at as we're drafting redistricting plans*.

Trial Tr. 293 (emphasis added).

protection rationales provided by S.B. 8's sponsor[14] demonstrates the unreliability of his testimony. He further constrained his analysis to S.B. 8, H.B. 1, and Plaintiffs' Illustrative Plan 1. He did not review any "of the other plans with two majority black districts" proposed in the 2024 redistricting session, nor did he review "any of the amendments that were offered on [S.B. 8] in the 2024 redistricting session." Trial Tr. 317–18.

The gaps in Mr. Hefner's analysis severely undercut his opinion that race predominated over respecting communities of interests and political subdivisions. It strains credulity to say that one factor was controlling over all others while simultaneously ignoring several overriding factors. While Mr. Hefner criticized S.B. 8 for the number of parish and community splits it contained, he did not criticize the other maps he examined for that purpose. For instance, his opinion that race predominated in the drafting of S.B. 8 was based in part on the amount of parish splits and divisions of cultural subdivisions tracked by the Louisiana Folklife Program as compared to prior maps. Trial Tr. 337. However, on cross-examination, Mr. Hefner conceded that a district in H.B. 1 split the same number of folklife areas as District 6 in S.B. 8. Trial Tr. 337–38. Additionally, Intervenors' expert, Mr. Fairfax, provided credible testimony that showed that S.B. 8 distributed its parish and municipal splits amongst the districts more equitably in comparison to H.B. 1. Trial Tr. 385–89. Mr. Hefner did not account for such distinguishing factors, which tended to challenge his broad conclusion that two majority-minority

[14] *See supra* Part II.B.i.a.

districts could not be drawn in Louisiana while adhering to traditional redistricting principles.

Further inconsistencies persisted in his testimony. Mr. Hefner did not offer the same critiques of the shapes of districts in Plaintiffs' Illustrative Plan 1. In fact, he opined that that map "adhered to traditional redistricting principles."[15] Notwithstanding this point, Mr. Hefner agreed that District 5 of Illustrative Plan 1 spanned approximately 230 miles from end to end.[16] By Mr. Hefner's own calculus, District 5 of the plan is a district that is virtually not compact at all. District 6 of S.B. 8 ranges nearly the same length, but he did not agree that S.B. 8 "adhered to traditional redistricting principles." These shifting goalposts based upon whether Plaintiffs or the Intervenors posited the question further demonstrates that little to no weight can be placed on his testimony. Thus, the obvious tension

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[15] Q. Let me just ask it this way. What does Plaintiffs' Illustrative Plan Number 1, Exhibit PE-14, what does that represent?

A. That plan is a congressional plan that preserves District 2 as a traditional majority-minority district. It generally follows what has been in place for the past couple of census cycles. And the division of the rest of the state into districts largely follows. It's somewhat similar to the traditional boundaries that have been used in the past. Some deviations, but generally overall it follows that general configuration.

Q. Based on your review of this map, does it adhere to traditional redistricting principles?

A. In my opinion it does.

Trial Tr. 275–76.

[16] The Plan's District Five contained a district spanning roughly 230 miles from Washington Parish in the Southeastern tip of the state all the way up to the Northern portion of the state, with Ouachita Parish serving as a main population center. *See* Trial Tr. 341.

between his opinions based on which party it benefits substantially diminishes its weight here, but the panel majority erroneously accepts portions of his testimony to justify its conclusion. It does so even though none of Mr. Hefner's testimony attempts to unpack the entanglement of the two factors of race and politics plainly present in this case.

Mr. Hefner testified that he did not speak to any legislators from the 2024 session or consult any sources within the Legislature informing him of the legislative imperatives underlying S.B. 8. *See* Trial Tr. 321 ("Q. And do you have any other basis for knowing what any particular legislator thought about the district lines in [S.B. 8] or why they supported them? A. I did see some [television] interviews of some legislators after [S.B. 8] was approved."). Thus, his ultimate conclusion that race predominated over any permissible factor is factually unsupported because he failed to examine several traditionally accepted factors of redistricting. Most glaring is his failure to examine, analyze, or otherwise critique S.B. 8's incumbency protection considerations or the Legislature's rejection of amendments that solely sought to increase BVAP within the district and added additional parish splits. RI 42; Trial Tr. 573–74 (describing how the legislature struck down an amendment "increased the BVAP in both District 2 and District 6" in a bipartisan vote because it added additional parish splits to the map); Trial Tr. 575 (noting the Legislature's bipartisan rejection of efforts to just "mov[e] black precincts around for no particular reason other than to do so").

The legislative history of S.B. 8 demonstrates that the Legislature took great consideration to avoid merely lumping enough Black Voting Age Population ("BVAP") into two districts to satisfy the *Robinson I*

court. Mr. Hefner's failure to account for the history of amendments to S.B. 8 demonstrates how his narrative of racial predominance in the Legislature disintegrates upon review of the record. The Legislature rejected amendments that solely sought to increase BVAP in specific districts and were voted down and discouraged by the bill's proponents and author. *See* Trial Tr. 317–18. As the legislative record shows, Senator Heather Cloud of Avoyelles Parish introduced an amendment that introduced an additional split in District 6, increasing the number of parish splits in S.B. 8 to sixteen, one more split than H.B. 1. Although Mr. Hefner criticizes the number of parish splits in S.B. 8 to serve as evidence that the Legislature racially gerrymandered here, he admittedly did not know that Senator Cloud's amendment was offered to further protect Congresswoman Letlow's seat by moving her own constituents into Letlow's district. JE 29 at 5–6. This extra parish split also narrows District 6 before it traverses through Alexandria. It also explains why the district is narrower at that point and—in Mr. Hefner's view—bears tenuous contiguity.[17] *See* Trial Tr. 293–94.

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[17] On a related note, the legislative record also established that Rapides Parish is accustomed to split representation in a single-member district capacity. Senator Luneau of Rapides Parish noted that in the reapportionment process for State Senate districts, his home parish answered to "six different [state] senators." JE 34 at 9–10. Prior jurisprudence demonstrates that further segmentation of parishes accustomed to splitting to achieve partisan goals. In *Theriot v. Parish of Jefferson*, the Fifth Circuit held that no racial gerrymander occurred where "the Parish was not unaccustomed to splitting districts in order to achieve political goals." 185 F.3d 477, 483 (5th Cir. 1999). Thus, the contours of the Rapides Parish area in S.B. 8 cannot seriously

Senator Cloud described her amendment at the Senate and Governmental Affairs Committee hearing as an amendment seeking to protect the only Republican Congresswoman in Louisiana's Congressional Delegation. JE 29 at 13–14. Senator Cloud's amendment was the only one made during the legislative process that withstood detailed examination by both houses of the Louisiana Legislature. RE 42; JE 29 at 5–6. The only other amendment that passed in committee was offered by Representative Les Farnum of Calcasieu Parish. Trial Tr. 571–72. Representative Farnum introduced an amendment before the House and Governmental Affairs Committee that sought to make his constituents in Calcasieu Parish in one whole district. Trial Tr. 572. While the amendment advanced out of committee, it was removed from the bill after substantial bipartisan opposition prompted a floor vote to strip the amendment from S.B. 8. Trial Tr. 573–74. Particularly revealing is that S.B. 8's legislative history demonstrates how the Legislature actively sought to prevent the gross contravention of traditional redistricting principles in favor of just getting specific districts to certain BVAP concentrations. *See id.* (detailing the Legislature's denial of amendment to subdivide Baton Rouge into three congressional districts in favor of increasing BVAP in District 2 by some amount).

The history of amendments to the bill do not fit the creative narrative that Mr. Hefner paints in this case to show racial predominance. In the light of all this information publicly available in the legislative record, Mr. Hefner cabined his analysis to just the final enacted version of S.B. 8 and two other maps, without

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be considered to be the product of racial gerrymandering—as Plaintiffs allege—without more evidence than mere conjecture.

seeking to get the full scope of the legislative environment that created S.B. 8. Notably, the Court said in *Cooper* that where political concerns are raised in defense of a map, evidence of non-compactness "loses much of its value . . . because a bizarre shape . . . can arise from a 'political motivation' as well as a racial one." 581 U.S. at 308. Furthermore, "political and racial reasons are capable of yielding similar oddities in a district's boundaries." *Id.* Here, Senator Glen Womack of Catahoula Parish, the author of S.B. 8, addressed those reasons at numerous points during the legislative session. His intent was clear and consistent. JE 31 at 121–22 (statement of Sen. Womack) ("We were ordered to draw a [second majority-Black] district, and that's what I've done. *At the same time*, I tried to protect Speaker Johnson, Minority Leader Scalise, and my representative Congresswoman Letlow."). He stated that he sought to draw "boundaries in th[e] bill" to "ensure that Congresswoman Letlow remains both unimpaired with any other incumbents and in a congressional district that should continue to elect a Republican to Congress for the remainder of this decade." JE 29 at 2 (Sen. Womack's Remarks Before January 16, 2024 Senate Governmental Affairs Committee Hearing). Based on this strong evidence of legislative will directed at preserving political and personal interests during the redistricting process, I would hold that Plaintiffs' circumstantial demographic evidence cannot be taken in whole or in part to satisfy its burden of showing that race predominated in the drafting of S.B. 8.

b. Simulation Evidence

Neither does Plaintiffs' simulation evidence move the needle for them toward satisfying their stringent burden of proof.. The panel majority likewise credits

the marginally relevant testimony of Plaintiffs' other expert, Dr. Stephen Voss. Dr. Voss opined that simulation techniques demonstrate that (1) S.B. 8 constitutes an impermissible racial gerrymander because no other legislative imperatives would create districts in those forms; (2) the Louisiana Legislature "compromised" various "traditional redistricting criteria" in drawing S.B. 8, and; (3) there "is not a sufficiently large and compact African American population to allow [two majority-Black] districts that would conform to traditional redistricting criteria." Trial Tr. 91.

When posed with the question of S.B. 8's political goals, Dr. Voss opined that "[i]f you're not trying to draw a second Black majority district, it is very easy to protect Representative Julia Letlow." Trial Tr. 108. This commentary misses the mark entirely. Neither through simulations nor testimony, Dr. Voss did not demonstrate that it is possible to achieve *all* of S.B. 8's main political goals *and* generate extremely compact districts. On cross-examination, he admitted that he did not "explore" directing the software to prevent "double bunking" or pairing of two specific incumbents. *See* Trial Tr. 175 (cross–examination of Dr. Voss).

As such, Dr. Voss's conclusion that only racial considerations account for District 6's shape flies in the face of his testimony that permissible considerations include regional representation, incumbency protection, and various other personally politicized considerations held by legislators in redistricting. *Compare* Trial Tr. 177–78 (admitting that the Legislature's rationales given ordinarily constitute valid reasons justifying a map's shape), *with* Trial Tr. 180 (attempting to distinguish those factors' application in this case). At most, Dr. Voss only measured or weighed two political motives at the same time:

(1) "sacrificing" Congressman Graves and (2) protecting Congresswoman Letlow. Trial Tr. 110 (stating that the Legislature could have complied with these two specific goals and presented a map that is less offensive to traditional redistricting principles); Trial Tr. 111–12 (stating same). With the aid of his simulations, he argued that it would be easy to protect Congresswoman Letlow by pulling her westward into a North Louisiana district even if a second majority-Black district stretched up the Mississippi River into Northeast Louisiana. But pulling her district westward draws her closer to the population bases supporting Speaker Johnson's prominence in his district Northwest Louisiana based district.

Dr. Voss neglected to address protecting the Speaker of the House and Majority Leader *at the same time* as protecting Congresswoman Letlow and cutting out Congressman Graves. *See id.* On direct, Dr. Voss stated that out of his 20,000 simulations, he did have difficulty with securing Congresswoman Letlow and Speaker Johnson without risking Majority Leader Scalise's seat. Trial Tr. 140. Then on cross examination, Dr. Voss conceded that his simulations could not consistently guarantee safe seats for Speaker Johnson, Majority Leader Scalise, and Congresswoman Letlow. Trial Tr. 140 (conceding that many simulations jeopardized Scalise's seat and others pitted the Speaker against Letlow). Attempting to rationalize why he could not account for these valid considerations, Dr. Voss testified on redirect that some unknown number of simulations generated plans without two majority-Black districts that also achieved these political goals.

This testimony, while sensible in the abstract, is nonsensical when applied to the appropriate legislative and constitutional context. Article III, § 6 of the

Louisiana Constitution specifies that "the legislature shall reapportion the representation in each house as equally as practicable on the basis of population shown by the census." It is indelibly clear—seemingly to everyone except Plaintiffs' experts—that redistricting is a "root-and-branch" political matter. *See Vieth*, 541 U.S. at 285; *Shaw*, 509 U.S. at 662 (White, J., dissenting) ("[D]istricting inevitably is the expression of interest group politics."). We are tasked with evaluating legislation that is the product of the legislative body's choice resulting from a political process. For this reason, failing to evaluate a politically charged defense that frequently yields oddly shaped districts for personal and political goals of the legislators involved cannot be adequate proof that meets the demanding standard required of Plaintiffs.

Numerous current and former elected officials from both major political parties testified that the legislative aims raised in the 2024 session were (1) satisfying the VRA, (2) protecting senior incumbents with influential national positions, and (3) maintaining the sovereign prerogative of the legislature. *See, e.g.*, JE 31 (Rep. Carlson) ("I can assure you this . . . we're not here today because we're caving to any kind of political pressure. The fact of the matter is, like it or not, Judge Dick has said, 'Either you do your job and draw the map, or I'll draw the map for you,' period."); Trial Tr. 47–48 ("[T]he only reason we were there was because of the other litigation; and Judge Dick saying that she —if we didn't" comply with the VRA "she was going to" draw the State's map for them); Trial Tr. 81–82 (testimony of Sen. Pressly) (stating that Judge Dick would draw the maps if the Legislature did not, and would not consider political benefits to any party or persons); Trial Tr. 368. In my view, Intervenor's expert, Dr. Cory McCartan, credibly demonstrated how the

limitations of Dr. Voss's purported race-conscious simulations actually failed to account for race in any meaningful manner. Trial Tr. 196–97. Dr. McCartan noted the substantial difference between stating that "a simulation that uses a tiny bit of racial information doesn't produce black districts, and the extrapolating from there to say that if you produce two black districts, it must be extreme racial gerrymandering." Trial Tr. 196–97. The panel majority avoids this potent adverse testimony by distinguishing Dr. McCartan's work with his

The panel majority's brief discussion of the limitations on Dr. Voss's simulation evidence is in tension with the nature of the pivotal inquiry that this panel was convened to undertake: To evaluate whether the *Legislature*—and not a rebuttal witness's own team—had subjugated all traditional redistricting principles to yield a certain result—i.e., the challenged district. Dr. McCartan's testimony credibly shows that simulations cannot prove the "impossibility" that Dr. Voss sought to prove,[18] and that Dr. Voss's simulation methods added additional restraints that in turn stopped generating results which would more closely resemble the factors that the Legislature actually considered in this case. Trial Tr. 196.

Setting aside the panel majority's attempts to justify the relevance of Dr. Voss's simulations,[19] the simulation evidence in this case is precisely the type of

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[18] Dr. Voss even acknowledged this, stating that in Louisiana "the number of plans that meet all [traditional redistricting principles] is probably bigger than the number of atoms in the entire universe." Trial Tr. 200–201; *see also* Trial Tr. 130.

[19] Trial Tr. 179 (redirect examination of Dr. Voss); Majority Op. at 28.

inconclusive evidence that insufficiently pits S.B. 8 in "endless beauty contests" with other potential maps the Legislature could have drawn but never would have realistically considered for a myriad of reasons other than race. *See Vera*, 517 U.S. at 977. Absent from the panel majority's analysis of Dr. Voss's simulation testimony was his admission that "the population tolerances required from real maps without splitting precincts," as required by Joint Rule 21,[20] "may not be achievable with a simulation method" and likely does not yield "feasible maps" in "many cases." Trial Tr. 152–53. This admission again demonstrates how this evidence fails to encapsulate the pressing factors that the Legislature actually considered. In sum, this evidence does not satisfy Plaintiffs' burden.

Through Voss's and Hefner's testimony, Plaintiffs present a simple syllogism. (A) An unconstitutional racial gerrymander occurs where traditional redistricting criteria and other permissible factors cannot account for the shape of the offending district. (B) District 6's shape in S.B. 8 cannot be explained by any permissible reapportionment factors. (C) Thus, S.B. 8 constitutes an unconstitutional racial gerrymander. The glaring gap in the expert testimony results from the fact that both Voss and Hefner did not account for numerous valid justifications for District 6's shape. Thus, it is disingenuous to conclude that no permissi

[20] The Louisiana Legislature passed Joint Rule 21 in 2021 to establish criteria that would "promote the development of constitutionally and legally acceptable redistricting plans." Joint Rule 21 (2021), https://www.legis.la.gov/legis/Law.aspx?d=1238755.

ble factors—such as protecting incumbents,[21] eliminating the Governor's political opponents,[22] connected ethno-

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[21] Q. And so you mentioned the difference in configuration between your Bill S.B. 4 and S.B. 8. Did you have any impression about any rationale behind those different configurations?

A. So during the whole time I spent in redistricting, you don't have to be a redistricting expert to know that any time a new map is drawn, it's kind of like playing musical chairs. There is going to be someone who is negatively impacted from an incumbency standpoint. And of the six congressional districts, the question was always if there was going to be a second majority black district drawn, who would be negative -- who would be most negatively impacted by this if we are -- again, we have --a new map has to be drawn. So I believe that ultimately played into what map the Legislature chose to support.

Trial Tr. 525–26; *see also* Trial Tr. 71 (testimony of Sen. Pressly) ("There were certainly discussions on ensuring — you know, we've got leadership in Washington. You have the Speaker of the House that's from the Fourth Congressional District and we certainly wanted to protect Speaker Johnson. The Majority Leader, we wanted to make sure that we protected, Steve Scalise. Julia Letlow is on Appropriations. That was also very important that we tried to keep her seat as well."); Trial Tr. 79 (testimony of Sen. Pressly); Trial Tr. 63 (testimony of Sen. Seabaugh) (stating same).

[22] *See, e.g.*, Trial Tr. 527 (testimony of Sen. Duplessis) ("[A]s [redistricting] relates to incumbency, there will be someone who is negatively impacted, so the choice had to be made — *the political decision* was made to protect *certain members of congress* and to *not protect one member of congress* and it was clear that that member was going to be Congressman Garret Graves."); Trial Tr. 369–71 (testimony of Rep. Landry) (stating same); Trial Tr. 60–61 (testimony of Sen. Seabaugh) (agreeing that "protecting" Speaker Johnson, Majority Leader Scalise, and Congresswoman Letlow "is an important [political] consideration when drawing a congressional map").

Q. Let me ask that again. Do you have an understanding if one of the current congressional incumbents was drawn out of his or her seat, so to speak, in Senate Bill 8? A. Congressman Graves

religious networks,[23] the linkage of the District's communities via the I-49 corridor and Red River Basin,[24] veritable cultural similarities,[25] and shared educational and health resources amongst residents of

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was targeted in the map, correct. Q. And were you surprised that Congressman Graves was targeted in the map? *A. No. Everyone -- everyone knew that. All the legislators, the media reported it. They have had a long-standing contentious relationship.* Q. And when you say "they," who are you referring to? A. The Governor and Congressman Graves.

Trial Tr. 369–71 (testimony of Rep. Landry).

[23] Trial Tr. 466–67 (testimony of Pastor Harris).

[24] Q. So in your experience as an elected official and a community leader, does Congressional District 6 in S.B. 8 reflect common communities of interest?

A. Yes, it does.

Q. And how so?

A. Well, I think the two that come most quickly to mind would be the I-49 corridor and the Red River. Obviously, Shreveport itself was founded by the clearing of the Red River. One of the big things that helped make this area grow was navigation thereof. We had leadership over the course of the last 50 years that's worked very hard towards trying to bring that back. You now have a series of lock and dams, five of them, between here and where the river flows into the Mississippi. That essentially mirrors the eastern side of that district. *When you add to it, the connecting factor of I-49, that essentially makes Shreveport, Mansfield, Natchitoches, all one general commuting area*, all of those are connecting factors.

Trial Tr. 457–58 (testimony of former Mayor Glover) (emphasis added).

[25] *See, e.g.*, Trial Tr. 467–68 (testimony of Pastor Harris) (explaining that Baton Rouge, Alexandria, Lafayette, Natchitoches, and Shreveport share far more cultural commonalities than any of those cities and New Orleans).

District 6,[26] among others—justify or explain District 6's shape.

Plaintiffs' position ignores that the record as a whole establishes that incumbency protection was the most often stated motivating factor[27] behind S.B. 8. Instead, they adhere closely to a minority of voices within the Louisiana Legislature.[28] Respectfully, I strongly disagree with the panel majority's narrow reading of the conflicting demographic and statistical opinions offered to fashion its conclusion that race was "the legislature's *dominant and controlling* rationale in drawing its district lines." *See Miller*, 515 U.S. at 913.

iii. Any Allegory to Hays *or Application of its Outdated Rationales is Misguided*

Similarly difficult to comprehend is the panel majority's position that *Hays* provides this court with a helpful allegory to make its determination. In *Hays I* and *Hays II*, the district court invalidated congressional maps with two majority-minority districts as impermissible racial gerrymanders on Equal Protection grounds. *See Hays I*, 839 F. Supp. at 1195; *see also Hays v. Louisiana*, 936 F. Supp. 360, 368 (W.D. La. 1996) (*Hays IV*). In *Hays I*, the district court was

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[26] *See, e.g.*, Trial Tr. 457–58 (testimony of Mayor Glover) (explaining that the shared Willis-Knighton, Ochsner/LSUS, and Christus medical systems within District 6 provide the bulwark of medical care to the persons of the region).

[27] As evidenced by the fact that all other, more compact maps from the 2024 legislative session that also sought to comply with the VRA died in committee. *See, e.g.*, Trial Tr. 482 (testimony of Ms. Thomas).

[28] Trial Tr. 533 (testimony of Sen. Duplessis) ("I think some of the members of the Shreveport delegation may have voted against [S.B. 8], but it passed overwhelmingly.").

confronted with an equal protection challenge to a district bearing similarities to District 6. The panel described the contested district as "an inkblot which has spread indiscriminately across the Louisiana map." 936 F. Supp. at 364. Throughout Mr. Hefner's and Dr. Voss's testimonies, they repeatedly stated, suggested, and opined that Louisiana's configuration of minority populations today does not allow the Legislature to draw a map with two minority-Black districts without violating the Constitution.

But when confronted with these assertions on cross-examination, each quickly equivocated stating that they either "can't offer an opinion on" whether "it's impossible to create a congressional plan with two majority-Black districts that perform well on traditional redistricting principles," Trial Tr. 318–320, or that the simulations could not account for other traditional redistricting principles that the Legislature considered in drafting S.B. 8, Trial Tr. 160–61. Aside from the limited testimony parroting the dated proposition derived from the *Hays* litigation, Plaintiffs ignore the fact that *Hays* does not account for drastic changes in the state's population dynamics that have occurred since the late 1990s.[29] The decennial census has occurred three times since the ink dried on the last iteration of the *Hays* case.

It is for this reason, among others, that the Middle District of Louisiana rejected every formulation of the argument that the "*Hays* maps [were] instructive, applicable, or otherwise persuasive." *See* 605 F. Supp. 3d 759, 852 (M.D. La. 2022); *see also id.* at 834. Not only was this sentiment accepted by the Fifth

[29] *See supra*, p. 4.

Circuit,[30] but it was also accepted by the Louisiana Legislature during the 2024 redistricting session. Members of the House and Governmental Affairs Committee repeatedly rejected the assertion that *Hays* preempts S.B. 8's design of District 6. JE 31 at 117–18. During the testimony of Mr. Paul Hurd, counsel for Plaintiffs in this case, Representative Josh Carlson of Lafayette Parish clarified that *Robinson* presented the Legislature with the "complete opposite scenario than [*Hays*] 20 years ago." *See* JE 31 at 117. Despite several attempts to analogize S.B. 8 to the *Hays* cases, no legislator on the committee bought the argument that the State could not draw a map that included two majority-Black districts. *See* JE 31 at 115–18.

In response to this repudiation of *Hays*-like rationales to abandon S.B. 8, Plaintiffs' own counsel conceded that a congressional map with two majority-minority districts was constitutionally valid during his testimony during the 2024 legislative session. JE 31 at 118. During that same House and Governmental Affairs Committee meeting, Mr. Hurd testified that "I believe that my districting plan that I've handed in and I did it for an — an example is as close as you can get to a non-racially gerrymandered district and get to two majority-minority districts, and it does." JE 31 at 31 (page 118). He further stated that "[t]here are abilities to draw a [second] compact contiguous majority-minority district" in the State of Louisiana. *Id.* This evidence in the record demonstrates precisely how Plaintiffs' circumstantial case fails to meet their burden. Their case is directly rooted to expert demographic and

[30] *See* 86 F.4th at 597 (determining that the Middle District of Louisiana's preliminary injunction holdings were not clearly erroneous).

simulation testimony that merely repackages an outdated and factually unsupported thesis: that any congressional map with two majority-Black districts must be unconstitutional for the reasons derived from data and occurrences from nearly three decades ago. *See Hays I*, 839 F. Supp. at 1195; *Robinson*, 605 F. Supp. 3d at 852. To avoid addressing these inconsistencies apparent from the record, the panel majority blends the circumstantial and direct evidence together to conclude that race played a qualitatively greater role in S.B. 8's drafting. A look at the direct evidence shows how this conclusion is unwarranted based on the totality of the legislative record.

B. Direct Evidence: Legislators' Intent

The panel majority states that it "acknowledges that the record includes evidence that race-neutral considerations factored into the Legislature's decisions." Majority Op. 43. However, it disregards the mountain of direct evidence showing that the political directives "could not be compromised," as each of the other proposed bills that did not achieve those goals were not seriously considered by the Legislature. *See Bethune-Hill*, 580 U.S. at 189. The panel majority embraces only the quotes from the legislative session that refer to the Legislature's decision to exercise its sovereign prerogative to draw its maps under the Louisiana Constitution following *Robinson I*. Majority Op. 41–42. It cites some language from Senator Womack, the bill's sponsor, stating that he drew the map to create two majority-Black districts as direct evidence of racial predominance. It quotes the statements from select members of the Legislature at functionally every time they mention *Robinson I* and the Governor's decision to

place the task of drawing new electoral maps into the hands of the Legislature.[31]

These statements—either alone or crammed together with the circumstantial evidence—are insufficient to show racial predominance. The panel majority's conflation of evidence of race consciousness for the purpose of avoiding successive § 2 violations under the VRA with racial predominance is unprecedented. Its decision to do so after it acknowledges that evidence of race consciousness *does not* constitute evidence of racial predominance is also somewhat hard to comprehend. Majority Op. 34 (citing *Shaw I*, 509 U.S. at 646; *Milligan*, 599 U.S. at 29). Through contextualizing the totality of the legislative record, I will show precisely why those statements referencing *Robinson I* do not prove racial predominance.

i. Legislative Record

Unlike *Cooper*—which turned on "direct evidence of the General Assembly's intent in creating the [challenged district], including many hours of trial

[31] Indeed, it is clear that the district court ordered the Legislature to draw a map consisting of two majority-Black districts. As result, Plaintiffs assert that race was not only the predominant factor, but the *only* factor. Assuming arguendo, how then can we reconcile the assertion that race was the only factor considered when drawing S.B. 8 with the existence of several other maps, including S.B. 4 which contained even more compact districts than the adopted map? How is it possible that each proposed map, and the ensuing amendments, resulted in distinct district renderings? Neither Plaintiffs nor the majority broach this issue because they would be forced to confront what is clear: that factors beyond race, including political considerations, went into the drawing of the maps that included two majority-Black districts, including S.B. 8.

testimony subject to credibility determinations,"[32]—this case involves limited trial testimony regarding legislative intent. Although a "statement from a state official is powerful evidence that the legislature subordinated traditional districting principles to race when it ultimately enacted a plan creating [] majority-black districts," the Court has never expressly accepted statements evincing an intent to create a majority-minority district alone as prima facie evidence that a racial gerrymander occurred. *See Shaw II*, 509 U.S. at 649; *see also Miller*, 515 U.S. at 917–19.

a. Incumbency Protection

First and foremost, it strains credulity to relegate the potent evidence of political considerations and incumbency protection to a minor factor in the Legislature's decisions in this case. The trial record emphatically shows that S.B. 8's sponsor, Senator Womack, spoke continuously and fervently about his aims to protect certain incumbents as well as to encase specific communities of interest within District 6. The record shows that while the Legislature considered race, it only considered it *alongside* other political and geographic considerations. *See Cromartie II*, 532 U.S. at 236. The legislative record reveals that Senator Womack's personal goals necessitated the protection of certain members of Louisiana's Republican delegation in Congress. *See, e.g.*, JE 31 at 25.

On January 16, 2024, the first day of the 2024 legislative session, Senator Womack introduced his bill to the Senate and Governmental Affairs Committee. *See generally* JE 29 (transcript of committee meeting). In his opening statement, Senator Womack averred that "[t]he boundaries in this bill I'm proposing ensure

[32] *Cooper*, 581 U.S. at 322.

that Congresswoman Letlow remains both unimpaired with any other incumbents and in a congressional district that should continue to elect a Republican to Congress for the remainder of this decade." JE 29 at 1. He continued to assert that the bill ensured four safe Republican seats and a "Louisiana Republican presence in the United States Congress [that] has contributed tremendously to the national discourse." JE 29 at 2. He described the personal pride that resulted from the fact that the state's congressional delegation included the Speaker of the U.S. House of Representatives, Mike Johnson, and House Majority Leader Steve Scalise. *Id.* He went on to state that "[]his map ensures that the two of them will have solidly Republican districts at home so that they can focus on the national leadership that we need in Washington, DC." JE 29 at 2.

After the bill passed to the House and Governmental Affairs Committee for a hearing on January 18, 2024, Senator Womack stated that he sought to protect Representatives "Scalise, as well as Johnson, Letlow," and "Higgins." JE 31 at 25. Senator Womack left one "odd man out" of the delegation. He directly stated that one member of the state's Republican delegation that was not part of the "Republican team." *See id.* And that one member was Congressman Garret Graves. *See id.* Thus, it is convincing to credit Senator Womack's unwavering assertions that these political considerations were the "primary driver[s]" of S.B. 8. *See id.*

In that same committee hearing, the line of questioning shifted to comparing S.B. 8 to the rejected S.B. 4 map proposed by Senator Ed Price of Ascension Parish and Senator Royce Duplessis of Orleans Parish. While comparing his map to S.B. 4, Senator Womack agreed that his bill proposed districts that were less compact than S.B. 4. *Id.* But he attributed the less

compact shape of District 4 in S.B. 8—which impacted District 6's compactness—to his attempt to comply with the VRA *while also* protecting Speaker Johnson and Congresswoman Letlow in North Louisiana and Majority Leader Scalise in Southeast Louisiana "[a]t the same time." *See* JE 31 at 22–25; 31. He continued to state that his map diverged from S.B. 4's configuration which he believed to threaten Congresswoman Letlow's chances of remaining in the House of Representatives. *See* JE 31 at 25–26.

This is precisely because S.B. 4 proposed that District Five would constitute a more compact, second majority-minority district that enveloped Congresswoman Letlow's home precinct.[33] Trial Tr. 524 (testimony of Sen. Duplessis) ("The map that I co-authored with Senator Price, the second majority-Black district went from Baton Rouge up to northeast Louisiana, the Monroe area."). Senator Womack agreed with the characterization that while the Legislature's Democratic caucus supported S.B. 4 for a myriad of reasons, he

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[33] Trial Tr. 524 (testimony of Sen. Duplessis) ("I recall the [population] numbers being very similar" between S.B. 4 and S.B. 8, with "[t]he main difference between the two maps . . . [being] just the[ir] geographic design[s]"). Opponents of S.B. 8 suggested that the bill does not actually seek to protect Letlow because it "puts too many votes in the south" or Florida Parishes of District Five. JE 34 at 6 ("I applaud [Sen. Womack] for having stated that [protecting Congresswoman Letlow] is one of the objectives of this bill, but this bill doesn't do that."). These assertions were mere conjecture that: (A) proposed no other reasonable or possible alternative map and sought to risk the probable liability after a full trial in the Middle District of Louisiana; (B) did not consider the fact that the alternative maps introduced in the legislative session placed Congresswoman Letlow in far less favorable positions. *See* Trial Tr. 560 (testimony of Commissioner Lewis) (stating that S.B. 4 and H.B. 5 placed Congresswoman Letlow in the second majority-Black district).

offered this "political map" to protect his personal political interests as well as Louisiana's standing in the national conversation. *See* JE 31 at 26. In an exchange with House and Governmental Affairs Committee Chairman Gerald Beaullieu of Iberia Parish, Senator Womack explained that he sought to protect the national interests of the state's conservative majority leadership through protecting its most established leaders. JE 31 at 26–27. Senator Womack declared that "[i]t's bigger than just us," and that Louisiana's more influential members of Congress should be protected to elevate the state based on his view of the state's "poor position." JE 31 at 27. Before amendments were offered, Senator Womack and Chairman Beaullieu agreed that S.B. 8 was "able to accomplish what the [Middle District of Louisiana] has ordered through [the] map, and also . . . protect[s] the political interest[s]" raised by Senator Womack. *Id.*

The panel majority minimizes the political reasoning behind the map's contours but cites this exact quote from the exchange between Chairman Beaullieu and Senator Womack as direct evidence of racial predominance. Majority Op. 43. The panel majority ignores key pieces of information from the trial record to suggest its conclusion of "racial gerrymandering," where none exists. Regrettably, it subjugates the copious evidence of the overarching political motives in the Legislature. Respectfully, the panel majority ignores wholesale references to partisan politics and incumbent protection in its direct evidence analysis, only to throw it in as an aside before reaching its ultimate conclusion. *See* Majority Op. 43. It "acknowledge[d]" that "race-neutral considerations factored into the Legislature's decisions, such as the protection of incumbent representatives." Majority Op. 43. It then cites trial testimony from Senator Pressly and Senator Seabaugh agreeing that

protecting the Republican leadership in Washington played a part in the legislative session. *Id.* (citing Trial Tr. 60, 71, 69).

This narrow examination of the trial record stops short of corroborating whether Plaintiffs actually satisfied their burden of disentangling race from politics. Furthermore, the evidence the panel majority pieces together from trial is far from the only evidence of political motives adduced from the numerous fact witnesses serving in the Legislature.

Take for instance the trial testimony of Representative Mandie Landry of Orleans Parish, who testified to the "fear among Republicans that if they" failed to pass a map before the *Robinson I* trial "that the [Middle District of Louisiana] would draw one that wouldn't be as politically advantageous for them." Trial Tr. 367–68. She then said the quiet part out loud—that "everyone knew that" Governor Landry "wanted Congressman Graves out." Trial Tr. 370. Her unrefuted testimony demonstrated that S.B. 8 was "the Governor's bill" and that the Republican delegation's leadership supported it. *See id.* Representative Landry also noted that there were "a couple dozen bills [addressing] other issues that we understood were the Governor's bills," each tracking an item addressed in the Governor's call for a special session.[34] Trial Tr. 371 (explaining that the

[34] The relevance of Governor Landry's involvement in S.B. 8 cannot be overstated and is not even mentioned in a footnote by the majority. The best evidence of his involvement can be gleaned from his remarks to the Legislature at the opening of the 2024 Extraordinary Legislative Session. To assert that the Louisiana Legislature confronted this redistricting issue solely at the behest of the district court is plainly unsupported based on the Governor's statements and contradicts the language of Article III, § 6 of the Louisiana Constitution which states that "the legislature shall reapportion the representation in each house as equally as

Legislature was "also discussing the [Louisiana] Supreme Court maps" and a bill to abolish the jungle primary system to move to "closed primaries" limited to registered party voters); *see also* JE 8 at 1–2 (calling for the Legislature to convene to draft new legislation and amendments relative to the election code, Louisiana Supreme Court districts, Congressional districts).

From Representative Landry's time in the House Chamber during prior legislative sessions and the 2024 legislative session, she noted "hundreds" of discussions with House Republicans that made clear that any legislation that contradicted the political dynamics around S.B. 8 were nonstarters. Trial Tr. 375. Representative Landry testified that these political discussions "had been going on since the Governor was elected among us and [in] the media" and "increased [in frequency] as we got closer to [the Governor's] inauguration." Trial Tr. 370–71.

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practicable on the basis of population shown by the census." Governor Landry—a lawyer, a former Congressman of District 3, and the former Attorney General of Louisiana who "did everything [he] could to dispose of [the *Robinson*] litigation," and who was well aware of the redistricting process—seized the initiative and called upon the Legislature to exercise its sovereign prerogative (and the legislative obligation) to draw the map. During his remarks, when he stated that the district court handed down an order, he specified that the order was for the Legislature to "perform our job... our job that our own laws direct us to complete, and our job that our individual oaths promise we would perform." JE 35 at 10. He continued by asserting that "[w]e do not need a federal judge to do for us what the people of Louisiana have elected you to do for them. You are the voice of the people, and it is time that you use that voice. The people have sent us here to solve problems, not to exacerbate them, to heal divisions, not to widen them." JE 35 at 11.

Louisiana Public Service Commissioner Davante Lewis also testified at trial as to the overarching, dominant political objectives of the 2024 legislative redistricting session. With years of experience working in the state capitol as a legislative aide, lobbyist, and elected official, he provided ample evidence of what transpired during the 2024 legislative session. Trial Tr. 562 (stating that he "knew the entire [Senate] committee" because he "had worked with them" in the Legislature for "over eight years"). Commissioner Lewis explained that there were two other redistricting maps that did not advance to the full floor for votes: S.B. 4, sponsored by Senators Price and Duplessis, and H.B. 5, sponsored by Representative Marcelle. Trial Tr. 560. He stated that both of those maps placed Congresswoman Letlow in the second majority-Black congressional district, with Congressman Graves in a safe Republican seat. *See* Trial Tr. 560 ("Q. How many majority black districts were in the map[s]? A. Two. Q. Who currently represents those districts? A. It would be Congressman Carter and *Congresswoman Letlow.*"); Trial Tr. 524 ("The main difference between the two maps . . . was just the geographic design of the map.").

Commissioner Lewis recounted that he testified in favor of S.B. 4 before the Senate and Governmental Affairs Committee on January 16, 2024. Trial Tr. 560–61. He testified that S.B. 4 did not advance out of committee on that day. Trial Tr. 563. He stated that the vote "came down on party lines," and that "[a]ll Republicans voted against it." Trial Tr. 563. From this testimony, it is safe to say that more compact bills that included two majority-Black districts but did not protect the right Republican incumbents were effectively dead on arrival.

A clear example of this sentiment in action in the legislative record comes from Representative Marcelle's statements in front of the House and Governmental Affairs Committee on January 17, 2024. Less than twenty-four hours after S.B. 4 was shot down in committee on purely partisan lines, Representative Marcelle voluntarily pulled H.B. 5 from consideration. She stated that her reasons for doing so were based on "knowing what the politics are at play." JE 37 at 6. She further stated that any "[b]ill that was very similar" to H.B. 5 and S.B. 4 would "probably never make it to the floor." JE 37 at 6.

Senator Duplessis's trial testimony provides even more context dating back to the initial 2022 legislative redistricting session. As a member of the House and Governmental Affairs for that session, Senator Duplessis "traveled for months across the state and conducted roadshows and listened to the community" to assess what they would like to see in the redistricting process.[35] Trial Tr. 513–14. He witnessed countless perspectives from voters across the state that called for fair maps that would reflect the state's population and comply with the VRA. *See* Trial Tr. 515. Recalling the session that followed the roadshow process, Senator Duplessis explained that legislation featuring an electoral map that included two majority-Black districts were "all voted down" in committee. Trial Tr. 515. In spite of the populace's clear expression for the Legislature to pass fair maps[36] the Legislature ulti-

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[35] *See, e.g.*, Power Coalition, *Legislative Redistricting Roadshow Comes to Alexandria on Tuesday, November 9, 2021*, (Nov. 9, 2021), https://powercoalition.org/legislative-redistricting-roadshow-comes-to-alexandria-ontuesday-november-9-2021/.

[36] Indeed, the Legislature's deliberative process was informed by community perspectives that demonstrated the unity of

mately chose H.B. 1. He continued to explain that the Legislature convened for a special redistricting session in June 2022 after the preliminary injunction decision in *Robinson I*. Trial Tr. 517. He testified that several bills introduced in that special session would have complied with the VRA as ordered by the Middle District of Louisiana and adhered to traditional districting principles. Trial Tr. 518. Ultimately, none were adopted in that session for the same reasons that S.B. 4 and H.B. 5 failed; they were not supported by the Governor and the Republican delegation's leadership.

Senator Duplessis further contended that the Governor's influence over S.B. 8 led to its quick passage in the Legislature. Trial Tr. 525. Noting the Governor's position "coming off an election with no runoff," Senator Duplessis testified that "[the Governor's] support would have a lot of influence on what does and doesn't get passed." Trial Tr. 525. He stated that after Senator Womack's bill was filed "it became clear that that was the map that Governor Landry would support." *Id.* He continued to state that one does not "have to be a redistricting expert to know that any time a new map is drawn," that "[t]here is going to be someone who is negatively impacted from an incumbency standpoint." *Id.* On the floor of the Legislature during the 2024 session, Senator Duplessis noted that Senators Womack and Stine consistently talked about "the importance of protecting certain elected officials."

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interests behind an electoral map that included two majority-Black districts. This sharply contrasts with the situation in *Vera*. *See* 861 F. Supp. at 1334 ("The final result seems not one in which the people select their representatives, but in which the representatives have selected the people."). Members of both major political parties in the Legislature attended the nearly dozen roadshows across the state and heard this ubiquitous message.

JE 30 at 20; Trial Tr. 527. When questioned about this statement at trial, he stated that "the political decision was made to protect certain members of Congress and to not protect one member of Congress and that it was clear that that member was going to be Congressman Garret Graves." Trial Tr. 527.

After the floor was open to amendments to S.B. 8 in the House and Governmental Affairs Committee, Senator Womack and Representative Michael Johnson of Rapides Parish noted that S.B. 8 was not drafted "in a vacuum" and that the congressional map would affect people in Senator Womack's own State Senate district. JE 31 at 45–46. Senator Womack accepted that while some Republicans may give him "a lot of heat" for the decision to draw a map that included two majority-minority districts, he agreed with Representative Johnson that S.B. 8 "present[s] a map that achieves all the necessary requirements [of a valid map] and . . . [is] the best instrument that [he] could come up with." JE 31 at 46.

Thus, the legislative record in this case reveals the true "dominant and controlling" factors driving the adopted map's boundaries. *See Miller*, 515 U.S. at 913One such factor was the need to protect every member of Louisiana's Republican delegation in the U.S. House of Representatives *except for Congressman Graves*. That was the criterion that "could not be compromised." *See Bethune-Hill*, 580 U.S. at 189 (quotation omitted). On this point, not even S.B. 8's detractors—either at trial or during the legislative session—attempted to debunk or attack this offered rationale. *See* Trial Tr. 71 (testimony of Sen. Pressly) ("There were certainly discussions [in the Republican Delegation] on ensuring" that Speaker Johnson, Majority Leader Scalise, and Congresswoman Letlow were

protected); Trial Tr. 76–77 (agreeing that a "Republican would be likely to lose in a second majority-Black district" like the other maps proposed in the Legislature); Trial Tr. 61 (testimony of Sen. Seabaugh). With all of this context, it becomes indelibly clear that Governor Landry's and the Republican delegation's decisions to protect Speaker Johnson, Majority Leader Scalise, and Congresswoman Letlow and cut out Congressman Graves shows that political motivations "could not be compromised" during the redistricting process. *See Bethune-Hill*, 580 U.S. at 189. Thus, the overwhelming evidence of the goal of incumbency protection in the legislative record shows that Plaintiffs have failed to meet their burden to prove racial predominance in this "mixed motive" case, as required by Supreme Court precedent.

b. Other Traditional Redistricting Principles Respected in S.B. 8

The evidence in the record as to the communities of interest contained within S.B. 8 substantially undermines the assertion that race predominated in the bill's drafting. The Supreme Court has warned that "where the State assumes from a group of voters' race that they 'think alike, share the same political interests, and will prefer the same candidates at the polls,' it engages in racial stereotyping at odds with equal protection mandates." *Miller*, 515 U.S. at 920. Notably, this record is flush with community of interest evidence that rebuts the allegations of racial stereotyping. *See Theriot*, 185 F.3d at 485.

There are tangible communities of interest spanning District 6. The panel majority cannot plausibly conclude that the evidence compels a determination that there are no tangible communities of interest contained in District 6. Unlike in *Miller* in which the

Court was presented with a comprehensive report illustrating the fractured political, social, and economic interests within the district's Black population, this court was only presented with trial testimony subject to credibility determinations. *Miller*, 515 U.S. at 919.

"A district may lack compactness or contiguity—due, for example, to geographic or demographic reasons—yet still serve the traditional districting goal of joining communities of interest." *Cromartie I*, 526 U.S. at 555 n.l (Stevens, J., concurring). A determination that race played a predominant role—over incumbency protection, communities of interest, compactness, and contiguity—is crucial to Plaintiffs' case. However, the Plaintiffs rely on this court solving every conflict of fact in their favor and accepting their inferences in order to hold that they have satisfied their burden of proof. The Court has advised courts that "[w]here there are such conflicting inferences one group of them cannot, be[] labeled as 'prima facie proof.'" *Wright v. Rockefeller*, 376 U.S. 52, 57 (1964). If one inference were to be "treated as conclusive on the fact finder," it would "deprive him of his responsibility to choose among disputed inferences. And this is true whether the conflicting inferences are drawn from evidence offered by the plaintiff or by the defendant or by both." *Id*. The record does not support the panel majority's view that Plaintiffs' evidence has established a prima facie case compelling this panel, despite conflicting inferences which could be drawn from that evidence, to hold that the State drew S.B. 8 solely on the basis of race. *See id.*

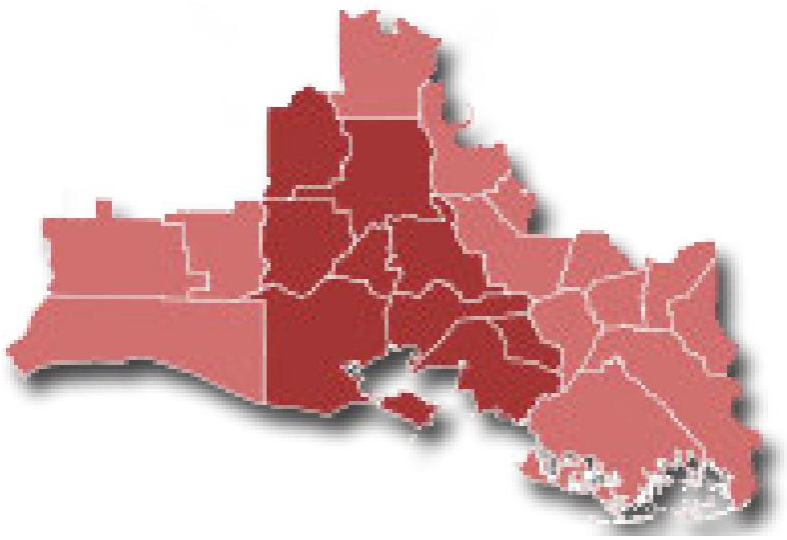
The panel majority clings to rationales from *Hays*, averring that its descriptions of cultural divides are still true today. It bears repeating that considering the

long passage of time and trends of cultural integration over the last few decades—it is unreasonable and untenable for this court to conclude "much of the 'local appraisal' analysis from *Hays I* remains relevant to an analysis of S.B.8." *See* Majority Op. at 53–54. Citing the map's divisions of the Acadiana region, the majority contends that S.B. 8 "fails to take into account Louisiana's diverse cultural, religious, and social landscape in any meaningful way." Majority Op. 55 n.11. But the panel majority's narrow view rooted from its cursory consultation of select cultural historical sources and *Hays* sharply conflicts with decades of electoral history.

Several witnesses that testified in this case stated that Louisiana's political subdivisions and geographical and cultural hotspots are routinely split in different electoral districts. Instead of evaluating it based on the evidence in this case, the panel majority condemns S.B. 8 for its multiple divisions of the "strong cultural and ethnic groups" in the Acadiana area.[37] At first glance, the panel majority's aim is noble and sensible. But the complexity of relationships between populations within the Acadiana area, as well as its geographic composition, do not promote one

[37] The panel majority also paints with a broad brush to describe the region, but its high-level discussion assumes that two distinctive cultures that have learned how to live harmoniously in a large shared geographic region morphs those distinctive communities into a homogenous, unitary community of interest. Cajun and Creole populations have different histories, languages, food, and music. In my view, the intriguing relationship between Cajuns and Creoles may lend itself to noting that they do not neatly fit into a unitary community of interest. Somewhat respecting this notion, the Legislature has consistently segmented the Acadiana area into multiple congressional districts over the past few decades.

unitary community of interest. In 1971, the Louisiana Legislature passed a resolution officially recognizing and protecting the "traditional twenty-two parish Cajun homeland."[38] The Acadiana Delegation in the Legislature provides the following map of Acadiana and segments the often referred-to Cajun Heartland (in darker red) from the rest of Acadiana.[39]



Under the delegation's definition, the Acadiana parishes contain portions of three of the state's five major population centers: Lake Charles, Lafayette,

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[38] Acadiana Legislative Delegation, (last visited April 29, 2024), https://house.louisiana.gov/acadiana/#:~:text=Acadiana%20often%20is%20applied%20only,sometimes%20also%20Evangeline%20and%20St.

[39] *Id.* ("Acadiana often is applied only to Lafayette Parish and several neighboring parishes, usually Acadia, Iberia, St. Landry, St. Martin, and Vermilion parishes, and sometimes also Evandeling and St. Mary; this eight-parish area, however, is actually the 'Cajun Heartland, USA' district, which makes up only about a third of the entire Acadiana region.").

and the outskirts of Baton Rouge.[40] Acadiana stretches from the marsh lands in St. Mary Parish all the way up to Avoyelles Parish in the Red River Basin. Importantly, the majority ignores the fact that the twenty-two parishes that lie within this corner of the state have been segmented into multiple single-member congressional districts since the 1970s.[41]

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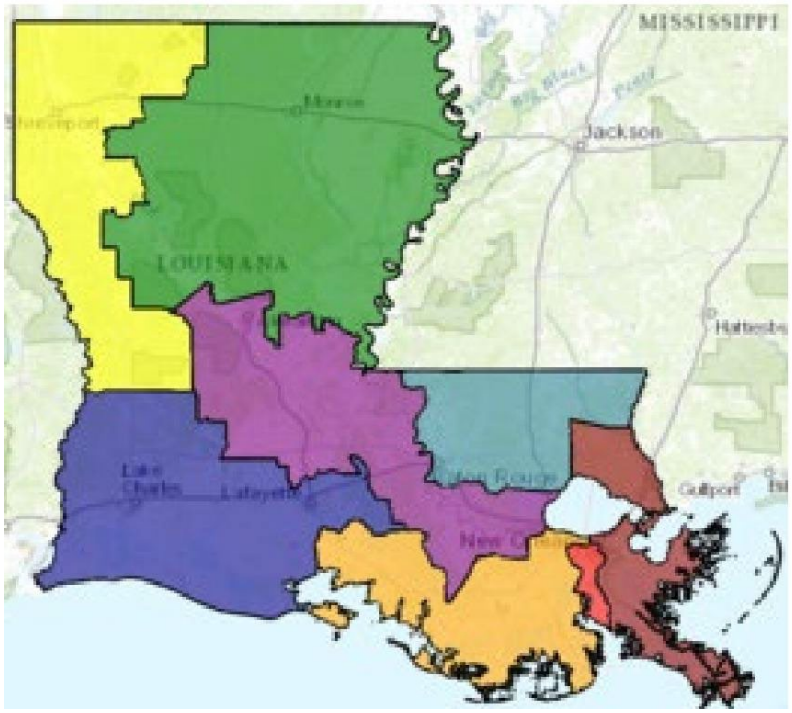
[40] *See id.*

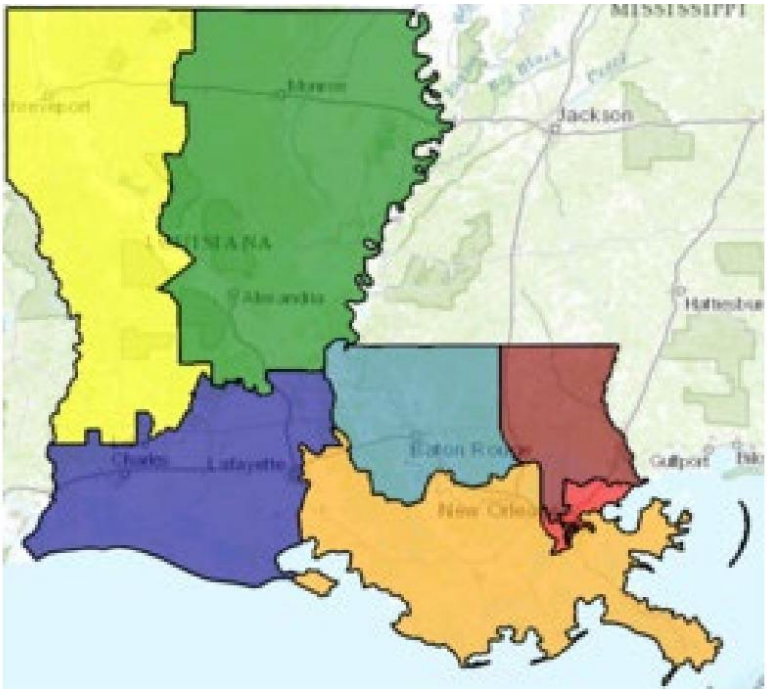
[41] Even if the panel majority restricts its description of Acadiana into the "Cajun Heartland" parishes, *see supra* n.40, it also cannot account for the fact these have been routinely split into multiple congressional districts for decades. The following maps are retrieved from shapefile data compiled and organized by professors from the University of California at Los Angeles. Jeffrey B. Lewis, Brandon DeVine, Lincoln Pitcher, & Kenneth C. Martis, *Digital Boundary Definitions of United States Congressional Districts, 1789-2012* (2013) (datafile and code book generating district overlays), https://cdmaps.polisci.ucla.edu.

The following map demonstrates the congressional districts for the majority of the 1970s. Notably it splits Acadiana into three congressional districts:



Continuing to the 1980s, the Legislature continued to segment Acadiana for another decade:

Even the congressional districts drawn by the *Hays* panel were no different on this front, also splitting up the Acadiana area into multiple districts:[42]

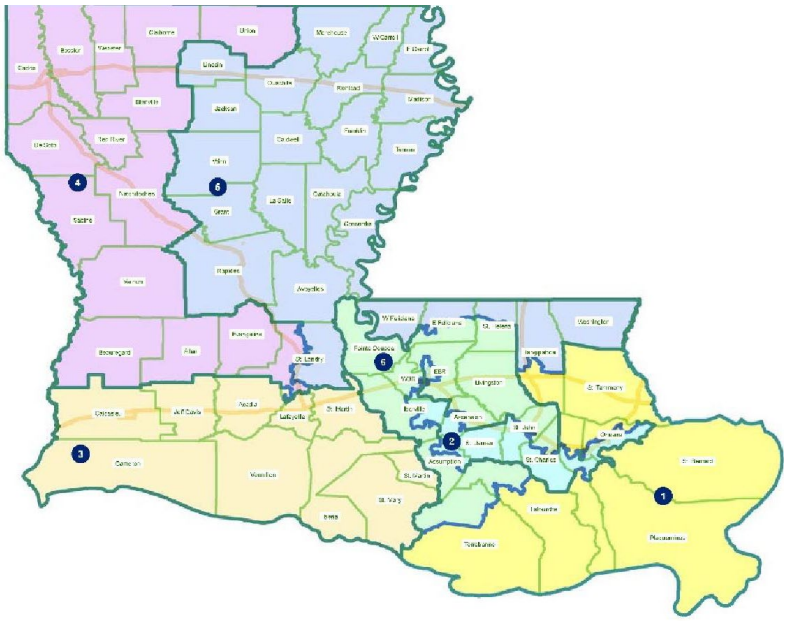


[42] 936 F. Supp. 360, 372 (W.D. La. 1996) ("The State of Louisiana is directed to implement the redistricting plan drawn by this court and ordered implemented in *Hays II*."). The judicially created map split Acadiana into districts 3, 5, 6, and 7.

Neither did the congressional districts enacted after the turn of the millennium keep Acadiana whole:[43]

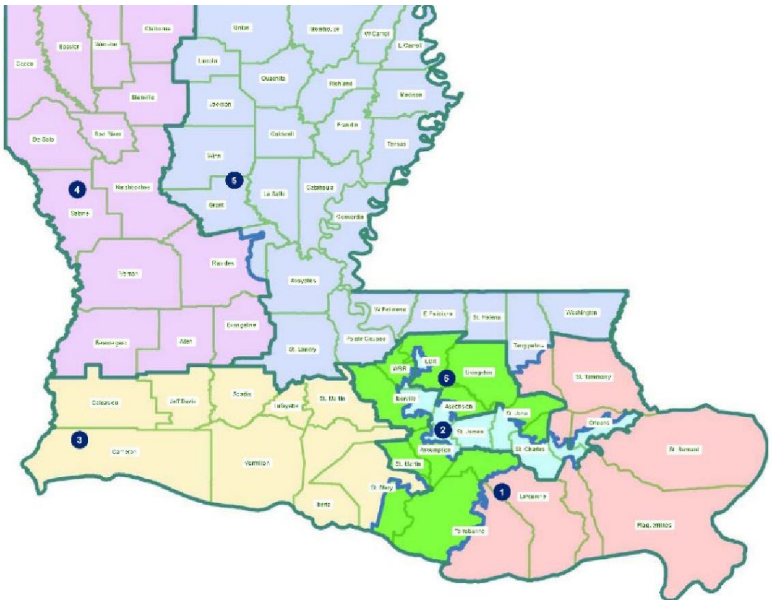
[43] *See* Act 10, H.B. 2 (2001) (splitting Acadiana into four congressional districts).

Another decade passes, and the Legislature carves up Acadiana once more. The Legislature continued this trend after the 2010 census. The electoral map enacted in 2011[44] likewise split Acadiana into four districts:



[44] Act 2, H.B. 6 (2011) (same).

If the majority's formulation is correct, then none of these maps, including H.B. 1 (depicted below),[45] had adequately accounted for Louisiana's diverse cultural landscape in any meaningful way.



Thus, dating back decades, it is safe to say Acadiana has been a community that is "not unaccustomed to splitting" in order to achieve a variety of other goals in Congressional reapportionment. *Cf. Theriot*, 185 F.3d at 483; *Theriot v. Parish of Jefferson*, 966 F. Supp. 1435, 1444 (E.D. La. 1997). For this reason, S.B. 8's division of Acadiana cannot persuasively be interpreted to prove that race predominated in its drafting. *See* H.B. 1, Act 5 (2022) (dividing the Acadiana region into four Congressional districts); H.B. 6, Act 2 (2011) (doing the same). Absent from the majority's analysis is discussion of precedent making clear that an electoral

[45] Act 5, H.B. 1 (2022) (dividing Acadiana into four single-member congressional districts).

map that splits a community of interest is not strong evidence of racial predominance if the community is accustomed to being split into multiple districts. *Cf. Theriot*, 185 F.3d at 485. Furthermore, the legislative record in this case shows that the Legislature considered a number of other communities of interest and apportioned them appropriately into single-member districts.[46]

Here is what the record demonstrates as to the communities of interest factor. In testimony before the House and Governmental Affairs Committee, Senator Womack and numerous other members of the Louisiana House of Representatives noted that District 6 in S.B. 8 contained numerous communities of interest. Representative Larvadain of Rapides Parish noted that District 6 respected regional education and employment interests, noting that Rapides area residents lie within a "community of interest with Natchitoches and Caddo" parishes. JE 31 at 21. He further noted that residents of Point Coupee Parish in District 6, which lies almost midway between Opelousas and Baton Rouge, utilize health systems services and hospitals in Saint Landry Parish's more densely populated seat of Opelousas. JE 31 at 21–22. As another note, S.B. 8's District 4 contains the two major military bases in the state under the watch of the most powerful member of the U.S. House of Representatives, Speaker Johnson. Trial Tr. 384 (noting that assets like military bases, along with colleges or universities are information that legislators and electoral demographers consider as communities of interest).

The majority does not grapple with any of this. Instead, it clings tightly to Mr. Hefner's dot density

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[46] *See also supra* notes 21–26.

map and testimony on the contours of the district's lines in certain areas instead of truly examining whether Plaintiffs had disentangled politics and race to prove that the latter drove District 6's lines. *See Cromartie I*, 526 U.S. at 546; *Theriot*, 185 F.3d at 486 ("Our review of the record leads us to conclude that the inclusion or exclusion of communities was inexorably tied to issues of incumbency."). Thus, the majority cannot convincingly hold that Plaintiffs have met their burden of debunking the State's "political motivation" defense.

III. Strict Scrutiny

In my view, the panel majority adopts an incomplete interpretation of the legislative record and inconsistent circumstantial evidence to hold that S.B. 8 constitutes a racial gerrymander. Following that determination, the panel majority asserts that S.B. 8 fails strict scrutiny. Notwithstanding my writings above that demonstrate that S.B. 8 does not constitute an impermissible racial gerrymander, I now explain how the majority's second major determination also lacks a substantial basis in the record.

A. Compliance with the VRA is a Compelling State Interest

To survive an equal protection challenge to an election redistricting plan which considers race as a factor, the state must show that its redistricting plan was enacted in pursuit of a compelling state interest and that the plan's boundaries are narrowly tailored to achieve that compelling interest. *See Vera*, 517 U.S. at 958–59. In my view, it is clear that the State has satisfied its burden in demonstrating that District 6's boundaries in S.B. 8 were created pursuant to a

compelling state interest and were narrowly tailored to achieve that interest.

It is axiomatic that "compliance with § 2 of the Voting Rights Act constitutes a compelling governmental interest." *See Clark v. Calhoun Cnty.*, 88 F.3d 1393, 1405 (5th Cir. 1996); *Cooper*, 581 U.S. at 301. Furthermore, the Supreme Court has consistently made clear that "a State indisputably has a compelling interest in preserving the integrity of its election process." *Brnovich v. Dem. Nat'l Comm.*, 141 S. Ct. 2321, 2347 (2021) (quoting *Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam) (internal quotation marks omitted)).

In the face of this, Plaintiffs argue that compliance with the VRA is not a compelling governmental interest based on this record. Plaintiffs categorize the State's decision to settle the *Robinson* matter by calling a special session to draw new maps as "pretrial court-watching" insufficient to constitute "a compelling interest to justify race-based line drawing." Plaintiffs' Br. 14. They contend that the State's reliance on the VRA is based on the Attorney General's "calculated guess" on how the Middle District would rule, rather than an independent analysis of H.B. 1's performance under the VRA. Plaintiffs point to the Attorney General's responses to questioning during an information session before the 2024 Legislative Session formally opened in the morning hours of January 16, 2024, to support the theory that the Legislature did not truly consider VRA compliance in deciding to promulgate S.B. 8. Plaintiffs' Br. 15. Alternatively, they assert that the VRA is merely a "*post-hoc* justification[]" offered by the State to avoid liability. *See Bethune-Hill*, 580 U.S. at 190.

None of these arguments are persuasive. The State has pointed to a compelling state interest recognized

by binding Supreme Court precedent. *See Cooper*, 581 U.S. at 292, 301; *Shaw II*, 517 U.S. at 915. I now proceed to address narrow tailoring as the State has sufficiently established a strong basis in evidence underlying its redistricting decisions.

B. Strong Basis In Evidence

The State argues that it had good reasons to believe that it had to draw a majority-minority district to avoid liability for vote dilution under § 2 of the VRA. *See Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015) (holding that legislators "may have a strong basis in evidence to use racial classifications in order to comply with a statute when they have good reasons to believe such use is required, even if a court does not find that the actions were necessary for statutory compliance"); *Cooper*, 581 U.S. at 287 ("If a State has good reason to think that all three of these [*Gingles*] conditions are met, then so too it has good reason to believe that § 2 requires drawing a majority-minority district. But if not, then not."). Moreover, the Court has emphasized that as part of the strict scrutiny inquiry "a court's analysis of the narrow tailoring requirement insists only that the legislature have a 'strong basis in evidence' in support of the (race-based) choice that it has made." *Ala. Legis. Black Caucus*, 575 U.S. at 278. In essence, the Court has indicated that the State must establish a strong basis in evidence for concluding that the threshold *Gingles* conditions for § 2 liability are present, namely:

> First, "that [the minority group] is sufficiently large and geographically compact to constitute a majority in a single member district"; second, "that it is politically cohesive"; and third, "that the white majority votes sufficiently

> as a bloc to enable it . . . usually to defeat the minority's preferred candidate."

Vera, 517 U.S. at 978 (quoting *Thornburg v. Gingles*, 478 U.S. 30, 50–51, (1986)) (internal citation omitted).

The majority errs in asserting that the State has not met its burden here. *See* Majority Op. at 51. Markedly, the majority has incorrectly articulated the State's burden as requiring it to show that the contested district, District 6, satisfies the first *Gingles* factor. The Supreme Court has already directed that the first *Gingles* condition "refers to the compactness of the minority population [in the state], not to the compactness of the contested district." *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 433 (2006) ("*LULAC*") (quoting *Vera*, 517 U.S. at 997 (Kennedy, J., concurring))). As such, the State's actual burden is to show that the first *Gingles* condition—the Black population is sufficiently large and geographically compact to constitute a majority in a single-member district—is *present* so as to establish that it had a strong basis in evidence for concluding that its remedial action to draw a new map was required. *Cooper*, 581 U.S. at 287; *Vera*, 517 U.S. at 978. "If a State has good reason to think that all the *Gingles* preconditions are met, then so too it has good reason to believe that § 2 requires drawing a majority-minority district." *Cooper*, 581 U.S. at 302 (internal quotation marks omitted).

The Black population's numerosity and reasonable compactness within the state must first be established as required by *Gingles*. *Cooper*, 581 U.S. at 301; *Allen v. Milligan*, 599 U.S. 1, 19 (2023). To satisfy the first *Gingles* precondition, plaintiffs often submit illustrative maps to establish reasonable compactness for purposes of the first *Gingles* requirement. *Milligan*,

599 U.S. at 33 ("Plaintiffs adduced at least one illustrative map that comported with our precedents. They were required to do no more to satisfy the first step of *Gingles*."). As such, courts evaluate whether the illustrative plans demonstrate reasonable compactness when viewed through the lens of "traditional districting principles such as maintaining communities of interest and traditional boundaries." *LULAC*, 548 U.S. at 433 (internal quotation marks omitted). With respect to the first *Gingles* precondition, in *Robinson I*, the Middle District of Louisiana found both (1) that Black voters could constitute a majority in a second district in Louisiana and (2) that a second district could be reasonably configured in the state. *Robinson I*, 605 F. Supp. 3d at 820–31; *see Milligan*, 599 U.S. at 19. Following *Milligan*'s lead, the *Robinson I* court analyzed example districting maps that Louisiana could enact—each of which contained two majority-Black districts that comported with traditional districting criteria—to conclude that a second majority-minority district could be formulated from Louisiana's demographics. *Robinson I*, 605 F. Supp. 3d at 822–31; *see Milligan*, 599 U.S. at 20.

Because the Middle District of Louisiana had thoroughly conducted a *Gingles* analysis, the State had good reasons to believe (1) that the *Gingles* threshold conditions for § 2 liability were all present and (2) that it was conceivable to draw two majority-minority congressional districts that satisfy the first prong of *Gingles* while adhering to traditional redistricting principles. The *Robinson I* court's thorough analysis that the plaintiffs were substantially likely to prevail on the merits of their §2 claim provided powerful evidence and analysis supporting the State's strong basis in evidence claim that the VRA requires two majority-Black districts. *Cf. Wisconsin Legis. v.*

Wis. Elections Comm'n, 595 U.S. 398, 403 (2022) (holding that the Governor failed to carry his burden because he "provided almost no other evidence or analysis supporting his claim that the VRA required the seven majority-black districts that he drew"). The majority points to no precedent requiring the State to reestablish or embark on an independent inquiry regarding the numerosity and reasonable compactness of Louisiana's Black population after an Article III judge has already carefully evaluated that evidence in a preliminary injunction proceeding. *Id*. at 410 (Sotomayor, J., dissenting) ("The Court points to no precedent requiring a court conducting a malapportionment analysis to embark on an independent inquiry into matters that the parties have conceded or not contested, like the *Gingles* preconditions here.").

Notably, both the majority and the *Robinson I* court would agree that where the record reflects that the Black population is dispersed then § 2 does not require a majority-minority district. *Compare* 605 F. Supp. 3d at 826 ("If the minority population is too dispersed to create a reasonably configured majority-minority district, [§ 2] does not require such a district.") (internal citation and quotation marks omitted), *with* Majority Op. at 51 ("The record reflects that, outside of southeast Louisiana, the Black population is dispersed."). But it was the *Robinson I* court that was provided with an extensive record—particularly extensive for a preliminary injunction proceeding—regarding the numerosity and geographic compactness of Louisiana's Black population. And this court should not deconstruct or revise that finding. Despite the majority's suggestion that the "[instant] record reflects that, outside of southeast Louisiana, the Black population is dispersed," this record makes no such certitude. *See* Majority Op. at 51.

Likewise, the Supreme Court has been clear that compactness in the equal protection context, "which concerns the shape or boundaries of a district, differs from § 2 compactness, which concerns a minority group's compactness." *LULAC*, 548 U.S. at 433 (quoting *Abrams v. Johnson*, 521 U.S. 74, 111 (1997)). "In the equal protection context, compactness focuses on the contours of district lines to determine whether race was the predominant factor in drawing those lines." *Id.* (citing *Miller*, 515 U.S. at 916–17). The inquiry under § 2 is whether "the minority group is geographically compact." *Id.* (quoting *Shaw II*, 517 U.S. at 916) (internal quotation marks omitted).

The instant case is about an asserted equal protection violation. The fully developed trial record substantiates District 6's compactness as it relates to traditional redistricting factors. Conversely, *Robinson I* and its associated record are about a vote dilution violation. In essence, the record in *Robinson I* is replete with evidence concerning the inquiry under § 2 into whether the minority group is geographically compact. *Robinson I*, 605 F. Supp. 3d at 826. The *Robinson I* court correctly determined that "[t]he relevant question is whether the *population* is sufficiently compact to make up a second majority-minority congressional district in a certain area of the state." *Robinson I*, 605 F. Supp. 3d at 826. And that is the determination that the Middle District of Louisiana made. Equipped with expert testimony regarding the numerosity and reasonable compactness of the Black population in Louisiana, the *Robinson I* court made a finding that the "Black population in Louisiana is heterogeneously distributed." 605 F. Supp. 3d at 826. In *Robinson I*, the court determined that "[p]laintiffs have demonstrated that they are substantially likely to prove that Black voters are

sufficiently 'geographically compact' to constitute a majority in a second congressional district." *Robinson I*, 605 F. Supp. 3d at 822. It would be unreasoned and inappropriate for this court—without the benefit of a record relevant to vote dilution—to now *post hoc* suggest that Black voters are not sufficiently "geographically compact" and thus overrule the *Robinson I* court's finding.

After determining that the previously enacted redistricting plan, H.B. 1, likely violated § 2, the Middle District of Louisiana did not impose a particular map or course of action on the State. *Id.* at 857 ("The State . . . is not required to [use one of plaintiffs' illustrative plans], nor must it 'draw the precise compact district that a court would impose in a successful § 2 challenge.'"). Rather, the *Robinson I* court highlighted that the State retained "broad discretion in drawing districts to comply with the mandate of § 2." *Id.* (quoting *Shaw II*, 517 U.S. at 917 n.9). It emphasized the State's numerous options for a path forward, namely that the State could "elect to use one of Plaintiffs' illustrative plans" or "adopt its own remedial map." The State chose the latter. At the same time, the *Robinson I* court cautioned the State to respect its own traditional districting principles and to remain cognizant of the reasonableness of its fears and efforts to avoid § 2 liability. *Id.* (quoting *Vera*, 517 U.S. at 978).

Although District 6 was not present in any of the illustrative maps submitted to satisfy the first *Gingles* factor in *Robinson I*, the State has shown that as a remedial plan District 6 is reasonably compact when viewed communities of interest and traditional boundaries." *LULAC*, 548 U.S. at 433 (internal

quotation marks omitted).[47] Recall that a "§ 2 district that is reasonably compact and regular, taking into account traditional districting principles such as maintaining communities of interest and traditional boundaries, may pass strict scrutiny without having to defeat rival compact districts designed by plaintiffs' experts in endless beauty contests." *Vera*, 517 U.S. at 977.

Make no mistake—the "special session [called by Governor Landry] was convened as a direct result of [] litigation, *Robinson v. Landry*." JE36 at 6. Certainly, some state legislators colloquially characterized the genesis of the special session by expressing that "we've been ordered by the court that we draw congressional district with two minority districts." JE36 at 4 (Sen. Ed Price). But, while some state legislators conversationally expressed that "we are now in 2024 trying to resolve this matter at the direction of the court," all legislators formally and collectively understood the redistricting process to have begun in the fall of 2021 "where [the Legislature] began [the] process going to every corner of this state on the roadshow, northeast, northwest, southeast, southwest, central Louisiana, all throughout this state." JE36 at 4 (Sen. Royce Duplessis). Most of these senators—with the exception of two newly elected senators—were involved in the redistricting process when it began more than two years before the January 2024 special session, in the fall of 2021. Trial Tr. 545 (noting that except for only two newly-elected state senators to the 2024 Legislature, "the rest of the Senate serv[ed] for the full duration of the redistricting process following the 2020 census").

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[47] *See supra* Part II.A-B.

As mentioned above, the testimony and evidence show that the legislators gave careful thought when identifying and assessing communities of interest; strategizing incumbency protection; calculating how often maps split parishes, census places (or municipalities), and landmarks, and measuring and comparing compactness scores. Although the impetus for the special session was litigation, the record confirms that the legislators considered traditional redistricting criteria in drawing and amending the maps. During the January 2024 special session, the legislators continuously cited "redistricting criteria, including those embodied in the Legislature's Joint Rule 21" as foremost in their minds while promulgating, drafting, and voting on S.B. 8.[48] As discussed, the record illustrates that the legislators balanced all the relevant principles, including those described in Joint Rule 21, without letting any single factor dominate their redistricting process.

To further imprint that the State had a strong basis in evidence for finding that the *Gingles* preconditions for § 2 liability were present, I examine the remainder of the *Gingles* factors. *See Vera*, 517 U.S. at 978.

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[48] Moreover, Patricia Lowrey-Dufour, Senior Legislative Analyst to the House and Governmental Affairs Committee, presented an oral "101" orientation about the redistricting process. Specifically, she provided an overview of redistricting terms, concepts, and law, redistricting criteria, the 2020 census population and population trends, malapportionment statistics, and illustrative maps. Moreover, Ms. Lowrey-Dufour directed legislators to "a plethora of resources available on the redistricting website of the legislature." In other words, the confection of these redistricting plans did not occur in a vacuum. S.B. 8 was adopted as part of a process that began with the decennial and in which legislators were immensely informed of their duties and responsibilities. JE28 at 3–11.

Louisiana electoral history provided evidence to support the remaining *Gingles* prerequisites. The second *Gingles* factor asks whether Black voters are "politically cohesive." The court determines whether Black voters usually support the same candidate in elections irrespective of the contested district. The third *Gingles* factor requires an inquiry into whether White voters in Louisiana vote "sufficiently as a bloc to usually defeat [Black voters'] preferred candidate." Again, the court makes this determination unrelatedly of the contested district. Relying on a record that established racially polarized voting patterns in the state of Louisiana, the State had a strong basis in evidence for finding that the second and third *Gingles* factors were present.

Further, the Middle District of Louisiana court analyzed "the Senate Factors . . . and then turned to the proportionality issue." *Robinson I*, 605 F. Supp. at 844. By evaluating the Senate Factors,[49] the *Robinson I* court determined that the plaintiffs had "established that they are substantially likely to prevail in showing that the totality of the circumstances weighs in their favor." 605 F. Supp. at 844–51. Lastly, when evaluating the proportionality factor, the Middle District of Louisiana concluded that the "Black representation under the enacted plan is not proportional to the Black share of population in Louisiana . . . Although Black Louisianans make up 33.13% of the total population and 31.25% of the voting age population, they comprise a majority in only 17% of Louisiana's congressional

[49] The Senate Report of the Senate Judiciary Committee—which accompanied the 1982 amendments to the VRA—specifies factors ("Senate Factors") that are typically relevant to a § 2 claim and elaborate on the proof required to establish § 2 violations. *See Gingles*, 478 U.S. at 43–44.

districts." *Id.* at 851. Thus, each of the three *Gingles* prerequisites was sufficiently established.

In sum, not only did the State have a strong basis in evidence for believing that it needed a majority-minority district in order to avoid liability under § 2 but—in drafting the remedial plan—it also ensured that its proposed redistricting plan met the traditional redistricting criteria and was geographically compact so as to not offend the VRA. *See Shaw II*, 517 U.S. at 916–17 (rejecting the argument that "once a legislature has a strong basis in evidence for concluding that a § 2 violation exists in the State, it may draw a majority-minority district anywhere, even if the district is in no way coincident with the compact *Gingles* district"). Thus, District 6, as drawn, is "narrowly tailored."

Shaw II recognizes that: (1) the State may not draw a majority-minority district "anywhere [in the state] if there is a strong basis in evidence for concluding that a § 2 violation exists somewhere in the State and (2) "once a violation of the statute is shown[,] States retain broad discretion in drawing districts to comply with the mandate of § 2." *Shaw II*, 517 U.S. at 901, 917 n.9. Citing *Shaw II*, the *Robinson I* court made no determination that a district should be drawn *just anywhere* in the state. 605 F. Supp. 3d at 857–58. Nor did the State seek to embark on such an endeavor. Rather, the *Robinson I* court afforded the State "a reasonable opportunity for the legislature to meet [applicable federal legal] requirements by adopting a substitute measure rather than for the federal court to devise and order into effect its own plan." *Wise v. Lipscomb*, 437 U.S. 535, 540 (1978) (citing *Burns v. Richardson*, 384 U.S. 73, 85 (1966)). Because the Supreme Court has emphasized "[t]ime and again"

that "reapportionment is primarily the duty and responsibility of the State through its legislature or other body, rather than of a federal court," this three-judge panel should not usurp the State's efforts to narrowly tailor its reapportionment scheme. *See Voinovich v. Quilter*, 507 U.S. 146, 156 (1993). Under the *Burns* rule, "a State's freedom of choice to devise substitutes [or remedial plans] for an apportionment plan [that was] found unconstitutional . . . should not be restricted beyond the clear commands of the Equal Protection Clause." *Lipscomb*, 437 U.S. at 536–37; *Burns*, 384 U.S. at 85.

Far from a map "drawn anywhere" in the state simply because "there is a strong basis in evidence for concluding that a § 2 violation exists somewhere in the State," District 6 reasonably remedies potential § 2 violations because (1) the Black population was shown to be "geographically compact" to establish § 2 liability, *Gingles*, 478 U.S. at 50, and (2) District 6 complies with "traditional districting principles such as compactness, contiguity, and respect for political subdivisions," *See Miller*, 515 U.S. at 919. *Shaw II*, 517 U.S. at 900. For the foregoing reasons, I would hold that because S.B. 8 is narrowly tailored to further the State's compelling interests in complying with § 2 of the VRA, it survives strict scrutiny and is therefore constitutional.

IV. Conclusion

The panel's mandate in this case was clear: Plaintiffs needed to prove by a preponderance of the evidence that race predominated in the drawing of the district lines found in S.B. 8. The panel majority, relying on decades-old case law with antiquated observations, and by giving undue disproportionate weight to the testimonies of Plaintiffs' witnesses, concluded that Plaintiffs met their burden. Respectfully, my assessment

of the evidence adduced at trial and my complete review of the entire record in this case convinces me that Plaintiffs failed to disentangle the State's political defense from the consideration of race in the formulation of S.B. 8. Not only is the panel majority's decision particularly jarring here, but it also creates an untenable dilemma for the State and eviscerates the semblance of its sovereign prerogative to draw maps.

The Louisiana Legislature conducted roadshows, held floor debates, had the author of the bill and numerous legislators explicitly state the political impetus for their efforts, and drafted several maps and amendments before finally passing S.B. 8. If, after all of that, the majority still found that race predominated in drawing District 6, are we not essentially telling the State that it is incapable of doing the job it is tasked with under the United States and Louisiana constitutions? While the panel majority states that this court does not decide "whether it is feasible to create a second majority-Black district in Louisiana," the context underlying this case in conjunction with its holding functionally answers that question. Majority Op. 58. I worry that the panel majority's decision fails to properly assess the history that led to S.B. 8 and, consequently, dooms us to repeat this cycle. For the foregoing reasons, I would determine that Plaintiffs have failed to meet their burden showing racial predominance in the drafting of S.B. 8. Alternatively, I would hold that S.B. 8 is constitutional because it is narrowly tailored to further the State's compelling interests in complying with § 2 of the VRA.

APPENDIX O

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUISIANA, MONROE DIVISION

Civil Action No. 3:24-cv-00122

PHILLIP CALLAIS, LLOYD PRICE, BRUCE ODELL, ELIZABETH ERSOFF, ALBERT CAISSIE, DANIEL WEIR, JOYCE LACOUR, CANDY CARROLL PEAVY, TANYA WHITNEY, MIKE JOHNSON, GROVER JOSEPH REES, ROLFE MCCOLLISTER,

Plaintiffs,

v.

NANCY LANDRY, in her official capacity as Secretary of State for Louisiana,

Defendant.

Judge David C. Joseph
Circuit Judge Carl E. Stewart
Judge Robert R. Summerhays

ROBINSON INTERVENOR-DEFENDANTS' NOTICE OF APPEAL

Notice is hereby given that Intervenor-Defendants Press Robinson, Edgar Cage, Dorothy Nairne, Edwin Rene Soule, Alice Washington, Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, National Association for the Advancement of Colored People Louisiana State Conference ("Louisiana NAACP"), and Power Coalition for Equity and Justice appeal to

the Supreme Court of the United States the following orders entered in this case.

- Preliminary Injunction and Reasons for Judgment, April 30, 2024 (ECF No. 198)
- Scheduling Order Consolidating the Preliminary Injunction Hearing With Trial on Merits, February 21, 2024 (ECF No. 63)
- Order on Motion to Intervene as Defendants and Transfer, February 26, 2024 (ECF No. 79)
- Order Denying Motion to Continue Trial with Opposition and Motion to Deconsolidate the Preliminary Injunction Hearing, April 8, 2024 (ECF No. 173, Tr. Transcript: 4/8 7:7-8:19)
- Order Denying Admission of Record of *Robinson* Proceedings, April 9, 2024 (ECF No. 175, Tr. Transcript: 4/9 351:7-360:13) This appeal is taken under 28 U.S.C. § 1253.

DATED: May 1, 2024

Respectfully submitted,

By: /s/ *Tracie L. Washington*
Tracie L. Washington
LA. Bar No. 25925
Louisiana Justice Institute
8004 Belfast Street
New Orleans, LA 70125
Tel: (504) 872-9134
tracie.washington.esq@gmail.com

Counsel for Robinson Intervenors Dorothy Nairne, Martha Davis, Clee Earnest Lowe, and Rene Soulé

By: */s/ Stuart Naifeh*
Stuart Naifeh (admitted pro hac vice)

NAACP Legal Defense and
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
Tel: (212) 965-2200
snaifeh@naacpldf.org

Counsel for the Robinson Intervenors

Victoria Wenger*
Colin Burke*
NAACP Legal Defense and
Educational Fund, Inc.
40 Rector Street, 5th Floor
New York, NY 10006
Tel: (212) 965-2200
ksadasivan@naacpldf.org
vwenger@naacpldf.org
cburke@naacpldf.org

R. Jared Evans
LA. Bar No. 34537 I. Sara Rohani*
NAACP Legal Defense and
Educational Fund, Inc.
700 14th Street N.W. Ste. 600
Washington, DC 20005
Tel: (202) 682-1300
jevans@naacpldf.org
srohani@naacpldf.org

Sarah Brannon*
Megan C. Keenan*
American Civil Liberties Union
Foundation
915 15th St., NW
Washington, DC 20005

sbrannon@aclu.org
mkeenan@aclu.org

Nora Ahmed
NY Bar No. 5092374 (pro hac vice forthcoming)
ACLU Foundation of Louisiana
1340 Poydras St, Ste. 2160
New Orleans, LA 70112
Tel: (504) 522-0628
nahmed@laaclu.org

John Adcock
Adcock Law LLC
3110 Canal Street
New Orleans, LA 70119
Tel: (504) 233-3125
jnadcock@gmail.com

Robert A. Atkins*
Yahonnes Cleary*
Jonathan H. Hurwitz*
Amitav Chakraborty*
Adam P. Savitt*
Arielle B. McTootle*
Robert Klein*
Neil Chitrao*
Paul, Weiss, Rifkind, Wharton & Garrison LLP
1285 Avenue of the Americas
New York, NY 10019
Tel.: (212) 373-3000
Fax: (212) 757-3990
ratkins@paulweiss.com
ycleary@paulweiss.com
jhurwitz@paulweiss.com
achakraborty@paulweiss.com
asavitt@paulweiss.com

amctootle@paulweiss.com
rklein@paulweiss.com
nchitrao@paulweiss.com

Sophia Lin Lakin*
Garrett Muscatel*
Dayton Campbell-Harris**
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
slakin@aclu.org
gmuscatel@aclu.org
dcampbell-harris@aclu.org

T. Alora Thomas-Lundborg*
Daniel Hessel*
Election Law Clinic
Harvard Law School
6 Everett Street, Ste. 4105
Cambridge, MA 02138
(617) 495-5202
tthomaslundborg@law.harvard.edu
dhessel@law.harvard.edu

Additional counsel for the Robinson Intervenors

* Admitted pro hac vice.

**Practice is limited to federal court.

CERTIFICATE OF SERVICE

I hereby certify that I have electronically filed a copy of the foregoing with the Clerk of Court using the CM/ECF system, which provides electronic notice of filing to all counsel of record, on this 1st day of May, 2024.

/s/ Stuart Naifeh
Stuart Naifeh

APPENDIX P

JRULE 21

Joint Rule No. 21. Redistricting criteria

A. To promote the development of constitutionally and legally acceptable redistricting plans, the Legislature of Louisiana adopts the criteria contained in this Joint Rule, declaring the same to constitute minimally acceptable criteria for consideration of redistricting plans in the manner specified in this Joint Rule.

B. Each redistricting plan submitted for consideration shall comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution; Section 2 of the Voting Rights Act of 1965, as amended; and all other applicable federal and state laws.

C. Each redistricting plan submitted for consideration shall provide that each district within the plan is composed of contiguous geography.

D. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the House of Representatives, Senate, Public Service Commission, and Board of Elementary and Secondary Education shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide for districts that are substantially equal in population. Therefore, under no circumstances shall any plan be considered if the plan has an absolute deviation of population which exceeds plus or minus five percent of the ideal district population.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

(4) Due consideration shall be given to traditional district alignments to the extent practicable.

E. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for Congress shall be as follows:

(1) The plan shall provide for single-member districts.

(2) The plan shall provide that each congressional district shall have a population as nearly equal to the ideal district population as practicable.

(3) The plan shall be a whole plan which assigns all of the geography of the state.

F. In addition to the criteria specified in Paragraphs B, C, G, H, I, and J of this Joint Rule, the minimally acceptable criteria for consideration of a redistricting plan for the Supreme Court shall be that the plan shall be a whole plan which assigns all of the geography of the state.

G.(1) To the extent practicable, each district within a redistricting plan submitted for consideration shall contain whole election precincts as those are represented as Voting Districts (VTDs) in the most recent Census Redistricting TIGER/Line Shapefiles for the State of Louisiana which corresponds to the P.L. 94-171 data released by the United States Bureau of the Census for the decade in which the redistricting is to occur. However, if the redistricting plan is submitted after the year in which the legislature is required by Article III, Section 6, of the Constitution of Louisiana to reapportion, then to the extent practicable, the

redistricting plan submitted for consideration shall contain whole election precincts as those are represented as VTDs as validated through the data verification program of the House and Senate in the most recent Shapefiles made available on the website of the legislature.

(2) If a VTD must be divided, it shall be divided into as few districts as practicable using a visible census tabulation boundary or boundaries.

H. All redistricting plans shall respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable. However, this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable.

I. The most recent P.L. 94-171 data released by the United States Bureau of the Census, as validated through the data verification program of the House and Senate, shall be the population data used to establish and for evaluation of proposed redistricting plans.

J. Each redistricting plan submitted to the legislature by the public for consideration shall be submitted electronically in a comma-delimited block equivalency file.

HCR 90, 2021 R.S., eff. June 11, 2021.

APPENDIX Q

HLS 221ES-2 ORIGINAL

2022 First Extraordinary Session

HOUSE BILL NO. 1

BY REPRESENTATIVES SCHEXNAYDER, MAGEE, AND STEFANSKI

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

AN ACT

To enact R.S. 18:1276 and to repeal R.S. 18:1276.1, 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 is hereby enacted to read as follows:

§1276. 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, 125A, 125B, 126, 127, 128, 129, 130, 132, 134, 136, 138, 192, 198, 199, 203, 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-KA, 6-KB, 7-KA, 7-KB, 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 3-3, 3-4, 3-5, 3-6, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 7-4, 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, 11-2, and 11-5 of Lafourche Parish; Precincts 3-20, 4-7, 4-8, 4-9, 4-11, 4-14, 4-15, 4-17, 4-17A, 4-18, 4-20, 4-21, 4-22, 4-23, 5-15, 5-16, 5-17, 5-18, 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, 14-17, 14-18A, 14-19, 14-20, 14-21, 16-1, 16-1A, 16-2, 16-3, 17-1, 17-2, 17-17, 17-18, 17-18A, 17-19, and 17-20 of Orleans Parish; Plaquemines Parish; St. Bernard Parish; St. Tammany Parish; Precincts 70, 70A, 71, 72, 72A, 73, 74, 120, 122, 122A, 122B, 124, 124A, 139, 143, 143A, 145, 147, 149, 149A, and 151 of Tangipahoa Parish; and Precincts 11, 15, 20, 21, 23, 25, 27, 29, 31, 32, 34, 35, 36, 38, 41, 43, 46, 48, 49, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 69, 72, 84, 85, 88, 89, 110, and 111 of Terrebonne Parish.

(2) District 2 is composed of Precincts 30, 36, 37, 39, 42, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 57, and 65 of Ascension Parish; Precincts 1-1, 1-2, 2-2, 4-3, 5-5, 6-1, 6-2, 6-3, and 7-1 of Assumption Parish; Precincts 1-2, 1-3, 1-4, 1-5, 1-6, 1-10, 1-11, 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, 1-50, 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, 3, 6, 7, 9, 10, 11, 12, 13C, 14, 14A, 15, 16, 17, 18, 19, 20, 21, 22, and 23 of Iberville Parish; Precincts 57, 104, 108, 115, 116, 131, 133, 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, 193A, 193B, 194A, 194B, 195, 196, 197A, 197B, 200, 201, 202, 204, 205, 210, 211, 212, 213A, 213B, 213C, 214A, 214B, 215, 216A, 216B, 216C, 217, 225, 226, 227, 228, 229, 230, 231, 232A, 232B, 234, 235, 236, 237, 238A, 238B, 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, 2-4, 2-6, 2-7, 3-1, 3-8, 3-9, 3-12, 3-14, 3-15, 3-18, 3-19, 4-2, 4-3, 4-5, 4-6, 5-1, 5-2, 5-3, 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, 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, 7-35, 7-37, 7-37A, 7-40, 7-41, 7-42, 8-1, 8-2, 8-4, 8-6, 8-7, 8-8, 8-9, 8-12, 8-13, 8-14, 8-15, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-26, 8-27, 8-28, 8-30, 9-1, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 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, 9-26, 9-28, 9-28C, 9-29, 9-30, 9-30A, 9-31, 9-31A, 9-31B, 9-31D, 9-32, 9-33, 9-34A, 9-35, 9-35A, 9-36, 9-36B, 9-37, 9-38, 9-38A, 9-39, 9-39B, 9-40, 9-40A, 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, 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, 10-6, 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, 11-17, 12-1, 12-2, 12-3, 12-4, 12-5, 12-6, 12-7, 12-8, 12-9, 12-10, 12-11, 12-12, 12-

13, 12-14, 12-16, 12-17, 12-19, 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, 13-15, 13-16, 14-1, 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, 16-4, 16-5, 16-6, 16-7, 16-8, 16-9, 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, 4-1, 4-2, 4-3, 4-4, 5-1, 5-3, 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, 3-4, 4-1, 4-2, 4-3, 4-14, 5-1, 5-8, 6-1, 6-3, 6-4, and 7-7 of St. John the Baptist Parish; and Precincts 1A, 1B, 1C, 2B, 6, 7B, 8, 10A, 10B, 11A, 11B, 13A, 13B, 14, and 15 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 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, and 29 of St. Martin Parish; Precincts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, and 44 of St. Mary Parish; and Vermilion Parish.

(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; Precincts C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11-A, C11-B, C13, C14, C15, C17, C18, C19, C20, C21, C22, C23, C24, C25, C26, C27, C28, C30, C31, C32, C33, C34, C35,

C36, C37-A, C37-B, C38-A, C38-B, C39, C40, C41, C42, N1, N2, N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13-A, N13-B, N14-A, N14-B, N15, N18-A, N19, N20, N21, N22, S1, S2, S4, S5, S6A, S6B, S7, S8, S9, S10, S11, S13, S14, S15, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S28, and S29 of Rapides Parish; Red River Parish; Sabine Parish; Vernon Parish; and Webster Parish.

(5) District 5 is composed of Avoyelles Parish; Caldwell Parish; Catahoula Parish; Concordia Parish; East Carroll Parish; East Feliciana Parish; Franklin Parish; Grant Parish; Jackson Parish; La Salle Parish; Lincoln Parish; Madison Parish; Morehouse Parish; Ouachita Parish; Pointe Coupee Parish; Precincts N16, N17, N18-B, N23, N24, N25, N26, N27, N28, N29, and S16 of Rapides Parish; Richland Parish; St. Helena Parish; St. Landry Parish; Precincts 1, 2, 6, 11, 15, 16, 17, 18, 26, 27, 28, 33, 40, 40A, 41, 42, 42A, 43, 44, 45, 45A, 46, 47, 48, 49, 101, 102, 104, 104A, 105, 106, 106A, 107, 108, 109, 110, 111A, 112, 114, 115B, 116, 117, 118, 119, 120A, 120B, 121, 121A, 123, 125, 127, 127A, 129, 129A, 133, 133A, 137, 137A, 137B, 137C, 137D, 141, and 141A of Tangipahoa Parish; Tensas Parish; Union 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, 20, 21, 22, 23, 24, 25, 26, 27, 28, 31, 32, 33, 34, 35, 40, 41, 43, 58, 61, 62, 63, 64, 66, 71, 72, 73, 76, 77, and 78 of Ascension Parish; Precincts 2-1, 2-3, 2-4, 2-5, 3-1, 3-2, 4-1, 4-2, 5-1, 5-2, 5-3, 7-2, 7-3, 8-1, and 9-1 of Assumption Parish; Precincts 1-1, 1-7, 1-8, 1-9, 1-12, 1-20, 1-33, 1-34, 1-35, 1-37, 1-38, 1-39, 1-40, 1-41, 1-42, 1-43, 1-44, 1-45, 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, 1-76, 1-78, 1-79, 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, 2-33, 2-34, 2-35, 2-36, 2-37, 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, 3-18, 3-19, 3-20, 3-21, 3-22, 3-23, 3-24, 3-25, 3-26, 3-27, 3-28, 3-29, 3-30, 3-31, 3-32, 3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-43, 3-44, 3-45, 3-46, 3-47, 3-48, 3-49, 3-50, 3-51, 3-52, 3-53, 3-54, 3-55, 3-56, 3-57, 3-58, 3-59, 3-60, 3-61, 3-62, 3-63, 3-64, 3-65, 3-66, 3-67, 3-68, 3-69, 3-70, 3-71, and 3-72 of East Baton Rouge Parish; Precincts 4, 5, 13, 15B, 24, 25, 26, 27, 28, 29, 31, and 32 of Iberville Parish; Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 2-1, 2-1A, 2-2, 2-3, 2-3A, 2-4, 2-5, 2-6, 2-7, 2-8, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 3-1, 3-2, 5-1, 5-1A, 5-1B, 5-2, 6-1, 6-2, 6-3, 6-4, 6-5, 7-1, 7-2, 7-3, 11-3, and 11-4 of Lafourche Parish; Livingston Parish; Precincts 1-6, 2-6, 3-1, 3-2, 3-3, 5-5, 6-1, 6-2, and 6-4 of St. Charles Parish; Precincts 4-13, 5-4, 5-7, 7-2, 7-3, and 7-5 of St. John the Baptist Parish; Precincts 1 and 2 of St. Martin Parish; Precincts 24, 41, and 45 of St. Mary Parish; Precincts 1, 4, 5, 7, 8, 9, 10, 12, 13, 14, 16, 17, 18, 19, 45, 51, 64, 65, 67, 68, 71, 73, 74, 76, 82, 83, 86, 87, and 90 of Terrebonne Parish; and Precincts 2A, 3, 4, 5, 7A, 9, 12, 16, 17, 18, 19, 20, 21, and 22 of West Baton Rouge Parish.

Section 2. R.S. 18:1276.1 is hereby repealed in its entirety.

Section 3.(A) The precincts referenced in this Act are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the State of Louisiana as validated through the data verification program of the Louisiana House of Representatives and the Louisiana Senate and avail-

able on the legislature's website on the effective date of this Section.

(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.

(C) The territorial limits of the districts as provided in this Act shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Section 4. 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. 18:1276.1. Any position or office that is filled by appointment or election based on a congressional district and that is to be filled after January 3, 2023, shall be appointed or elected from a district as it is described in Section 1 of this Act.

Section 5.(A) Solely for the purposes of qualifying for election and the election of representatives to the United States Congress at the regularly scheduled election for representatives to the congress in 2022, the provisions of Section 1 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the

Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of Section 1 of this Act shall become effective on the day following such approval for the purposes established in this Subsection.

(B) For subsequent elections of representatives to the United States Congress and for all other purposes, the provisions of Section 1 of this Act shall become effective at noon on January 3, 2023.

(C) The provisions of Section 2 of this Act shall become effective at noon on January 3, 2023.

(D) The provisions of this Section and Sections 3 and 4 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of this Section and Sections 3 and 4 of this Act shall become effective on the day following such approval.

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)]

HB 1 Original
2022 First Extraordinary Session
Schexnayder

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 2022 and for all other purposes at noon on Jan. 3, 2023.

Statistical summaries of proposed law, including district variances from the ideal population of 776,292 and the range of those variances, as well as maps illustrating proposed district boundaries accompany this digest. *(Attached to the bill version 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.

Proposed law redraws district boundaries for the six congressional districts, effective upon signature of governor or lapse of time for gubernatorial action for purposes of the 2022 election.

Proposed law retains present districts until noon on Jan. 3, 2023, at which time present law is repealed and proposed districts are effective for all other purposes.

Proposed law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. 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 until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Proposed law specifies that proposed law does 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 Jan. 3, 2023, 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.

Population data in the summaries accompanying this digest are derived from 2020 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 2022; effective for all other purposes at noon on Jan. 3, 2023.

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

285a

Plan Statistics

Plan: HLS 221ES-2 (Schexnayder) Original

Districts:	# of Members	Actual Population	Ideal Population	Absolute Deviation	Relative Deviation
District 1	1	776,288	776,292	-4	-0.001%
District 2	1	776,293	776,292	1	0.000%
District 3	1	776,275	776,292	-17	-0.002%
District 4	1	776,321	776,292	29	0.004%
District 5	1	776,275	776,292	-17	-0.002%
District 6	1	776,305	776,292	13	0.002%
Grand Total:	6	4,657,757	4,657,752		

Ideal Population Per Member:	776292		
Number of Districts for Plan Type:	6		
Range of District Populations:	776,275	to	776,321
Absolute Mean Deviation:	8		
Absolute Range:	-17	to	29
Absolute Overall Range:	46		
Relative Mean Deviation:	0.00%		
Relative Range:	0.00%	to	0.00%
Relative Overall Range:	0.00%		

Ideal - Actual:	***-5***
Remainder:	***5***
Unassigned Population:	***0***

Total Population

Plan: HLS 221ES-2 (Schexnayder) Original

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	Total Hispanic	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	VAP Hispanic Total
District 1	776,288	537,983	116,701	24,434	22,736	74,434	93,062	601,549	432,516	81,775	17,986	16,150	53,122	65,531
	100.000%	69.302%	15.033%	3.148%	2.929%	9.588%	11.991%	100.000%	71.900%	13.594%	2.990%	2.685%	8.831%	10.894%
District 2	776,293	216,067	473,978	23,727	8,188	52,333	67,702	600,015	184,800	352,563	18,931	6,367	37,354	47,363
	100.000%	28.091%	61.057%	3.056%	1.055%	6.741%	8.721%	100.000%	30.799%	58.759%	3.155%	1.061%	6.226%	7.894%
District 3	776,275	508,115	205,820	16,256	11,306	34,778	41,065	586,488	398,253	144,434	11,650	8,287	23,864	27,487
	100.000%	65.456%	26.514%	2.094%	1.456%	4.480%	5.290%	100.000%	67.905%	24.627%	1.986%	1.413%	4.069%	4.687%
District 4	776,321	438,493	276,844	12,936	18,995	29,053	36,371	591,382	348,175	198,057	9,393	14,241	20,516	24,950
	100.000%	56.483%	35.661%	1.666%	2.447%	3.742%	4.685%	100.000%	58.875%	33.660%	1.588%	2.408%	3.469%	4.219%
District 5	776,275	459,595	273,524	7,843	11,918	23,397	28,238	597,284	367,334	197,336	6,102	9,057	17,455	20,613
	100.000%	59.205%	35.235%	1.010%	1.535%	3.014%	3.638%	100.000%	61.501%	33.039%	1.022%	1.516%	2.922%	3.451%
District 6	776,305	495,399	166,252	22,082	13,919	48,643	56,091	593,830	393,433	140,604	16,354	10,138	33,301	37,718
	100.000%	63.815%	25.280%	2.846%	1.793%	6.266%	7.225%	100.000%	66.253%	23.677%	2.754%	1.707%	5.608%	6.352%
Grand Total	4,657,757	2,657,652	1,543,119	107,288	87,060	262,638	322,549	3,570,548	2,124,511	1,115,769	80,416	64,240	185,612	223,662
	100.000%	57.059%	33.130%	2.303%	1.869%	5.639%	6.925%	100.000%	59.501%	31.249%	2.252%	1.799%	5.198%	6.264%

Voter Registration

Plan: HLS 221ES-2 (Schexnayder) Original

	Reg Total Dec 2021	Reg White Dec 2021	Reg Black Dec 2021	Reg Other Dec 2021	Reg Dem Total Dec 2021	Reg Rep Total Dec 2021	Reg Other Total Dec 2021
District 1	489,126	388,604	56,870	43,652	137,925	203,404	147,797
	81.311%	79.449%	11.627%	8.924%	28.198%	41.585%	30.217%
District 2	495,171	151,791	304,309	39,071	313,201	58,654	123,316
	82.526%	30.654%	61.455%	7.890%	63.251%	11.845%	24.904%
District 3	479,827	344,683	114,946	20,198	168,883	180,513	130,431
	81.814%	71.835%	23.956%	4.209%	35.197%	37.620%	27.183%
District 4	470,683	290,476	158,433	21,774	184,700	167,337	118,646
	79.590%	61.714%	33.660%	4.626%	39.241%	35.552%	25.207%
District 5	484,754	309,664	162,222	12,868	197,517	172,071	115,166
	81.160%	63.881%	33.465%	2.655%	40.746%	35.497%	23.758%
District 6	474,785	342,771	105,968	26,046	158,778	186,801	129,206
	79.953%	72.195%	22.319%	5.486%	33.442%	39.344%	27.214%
Grand Total	2,894,346	1,827,989	902,748	163,609	1,161,004	968,780	764,562

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Splits

Plan: NLS 221ES-2 (Schexnayder) Original

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2021	Reg White Dec 2021	Reg Black Dec 2021	Reg Other Dec 2021
District 1																
*Jefferson	240,867	155,928	31,112	11,891	4,421	37,535	192,684	130,249	22,749	8,966	3,340	27,380	143,329	116,351	12,947	19,031
*Lafourche	50,164	38,752	4,617	576	3,219	3,000	38,052	30,550	2,984	425	2,127	1,966	29,354	25,495	2,151	1,708
*Orleans	52,319	41,517	4,426	2,096	616	3,661	43,221	34,590	3,737	1,622	487	2,785	35,637	30,059	1,364	3,894
Plaquemines	23,515	14,287	5,428	1,317	697	1,786	17,334	10,856	3,857	925	500	1,196	13,908	9,513	3,134	1,261
St. Bernard	43,764	24,497	12,309	1,391	947	4,630	31,775	18,962	7,944	982	688	3,169	25,653	18,233	5,497	1,923
St. Tammany	264,570	196,641	36,543	5,774	5,680	17,852	202,228	154,621	26,761	4,075	4,161	12,610	178,779	145,724	21,142	11,913
*Tangipahoa	39,865	28,967	7,279	473	988	2,008	29,975	22,367	4,969	311	696	1,599	23,462	19,013	3,462	987
*Terrebonne	61,374	37,394	12,887	923	6,208	3,962	46,280	30,061	8,774	680	4,148	2,617	34,004	24,216	6,853	3,135
District 1	776,258	537,983	116,701	24,434	22,736	74,434	601,549	432,516	81,775	17,986	16,150	53,122	489,126	368,604	56,870	43,852
	100.000%	69.302%	15.033%	3.148%	2.929%	9.586%	100.000%	71.900%	13.594%	2.990%	2.685%	8.831%	81.311%	79.449%	11.627%	8.924%
District 2																
*Ascension	20,862	5,625	13,842	140	170	1,115	15,426	4,672	9,766	104	113	771	13,180	3,868	8,794	518
*Assumption	6,710	2,870	3,522	23	44	151	5,270	2,334	2,764	15	33	124	4,756	1,997	2,702	57
*East Baton Rouge	94,325	5,624	85,793	433	389	2,056	70,960	5,064	63,632	382	286	1,563	53,983	2,990	54,254	1,739
*Iberville	21,073	8,453	11,316	173	147	984	16,631	7,182	8,363	125	114	847	13,630	5,355	7,965	320
*Jefferson	199,864	65,007	96,105	11,133	3,265	25,384	151,970	53,886	69,426	8,726	2,495	17,437	114,772	43,265	56,929	14,878
*Orleans	331,678	84,945	214,543	10,757	3,050	18,383	262,975	75,962	162,331	8,898	2,461	13,623	220,607	61,927	139,941	19,039
*St. Charles	34,943	21,021	11,091	501	610	1,720	26,288	16,352	7,957	307	457	1,215	23,246	15,046	7,109	1,094
St. James	20,152	9,973	9,762	82	82	315	15,505	7,883	7,297	31	64	230	14,966	7,254	7,301	211
*St. John the Baptist	32,678	8,833	21,557	244	303	1,741	24,826	7,363	15,831	183	235	1,214	22,433	6,282	15,109	1,042
*West Baton Rouge	13,908	5,716	7,347	213	148	484	10,164	4,372	5,196	160	106	330	8,595	3,607	4,815	173
District 2	776,253	218,067	473,978	23,727	8,188	52,333	600,015	184,800	352,563	18,931	6,367	37,554	495,171	151,791	304,309	39,071
	100.000%	28.091%	61.057%	3.056%	1.055%	6.741%	100.000%	30.799%	58.759%	3.155%	1.061%	6.226%	82.526%	30.654%	61.465%	7.890%
District 3																
Acadia	57,576	44,480	10,864	238	573	1,421	42,943	34,071	7,383	173	400	916	37,678	30,555	6,407	716
Calcasieu	216,765	159,772	56,386	4,702	3,536	9,389	163,166	109,789	41,898	3,359	2,604	6,516	120,511	85,659	29,513	5,339
Cameron	5,617	5,232	125	30	75	155	4,358	4,100	79	23	47	109	4,789	4,610	88	91
Iberia	69,929	39,206	24,556	2,123	794	3,250	52,791	31,265	17,069	1,562	581	2,284	44,526	28,287	14,362	1,887
Jefferson Davis	32,250	25,066	5,837	183	472	692	24,039	19,121	4,006	111	325	476	20,013	16,350	3,202	461
Lafayette	241,753	153,363	66,136	6,454	3,210	13,590	163,875	121,908	45,917	4,864	2,387	9,299	153,483	108,645	36,481	8,357
*St. Martin	50,359	31,974	15,908	590	505	1,422	38,250	25,187	11,282	402	383	996	34,127	22,955	10,360	792
*St. Mary	44,667	24,545	15,198	439	1,518	2,857	34,054	19,719	11,013	319	1,072	1,931	27,921	17,117	9,529	1,275
Vermilion	57,359	44,477	8,810	1,447	623	2,002	43,012	34,363	5,787	1,037	488	1,337	35,769	30,505	4,364	1,270
District 3	776,275	508,115	205,820	16,206	11,306	34,778	566,488	399,253	144,434	11,650	8,287	23,664	479,827	344,683	114,946	20,188
	100.000%	65.455%	26.514%	2.088%	1.456%	4.480%	100.000%	67.363%	24.627%	1.986%	1.413%	4.069%	81.814%	71.839%	23.956%	4.206%

Splits

Plan: HLS 221ES-2 (Schexnayder) Original

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2021	Reg White Dec 2021	Reg Black Dec 2021	Reg Other Dec 2021
District 4																
Allen	22,750	16,327	4,460	246	947	740	17,510	12,751	3,275	182	646	656	12,201	9,478	2,217	506
Beauregard	36,549	29,528	4,649	402	1,052	917	27,489	22,304	3,496	269	773	648	22,284	18,771	2,389	1,154
Bienville	12,981	6,950	5,600	57	207	167	10,073	5,488	4,284	30	162	111	8,847	4,843	3,917	87
Bossier	128,746	91,052	32,551	3,492	3,273	6,376	95,676	62,931	22,440	2,448	2,477	5,380	69,743	50,861	14,838	4,044
Caddo	237,848	113,457	119,304	4,034	3,840	7,213	182,407	85,059	86,356	3,008	2,958	5,023	151,296	73,113	71,249	6,934
Claiborne	14,170	7,283	6,360	88	185	274	11,507	5,258	4,824	55	140	230	8,598	4,632	3,820	146
De Soto	26,812	15,294	9,973	117	740	688	20,440	11,909	7,425	86	557	463	18,713	11,330	6,810	573
Evangeline	32,350	21,354	9,235	241	280	1,240	24,408	15,460	6,485	187	217	1,061	20,553	14,566	5,643	344
Natchitoches	37,515	19,351	15,725	255	861	1,313	29,349	15,010	11,416	198	683	1,043	23,107	12,850	9,224	1,033
*Rapides	131,108	80,883	41,700	2,235	2,429	3,861	84,531	48,703	29,841	1,633	1,824	2,727	68,356	41,759	23,394	3,203
Red River	7,620	4,195	3,106	25	171	123	5,774	3,333	2,164	3	116	83	5,631	3,130	2,418	83
Sabine	22,755	15,036	3,861	94	2,723	441	17,064	12,054	2,855	66	1,970	319	14,547	11,023	2,184	1,340
Vernon	48,750	35,097	7,611	1,442	1,600	3,010	36,261	28,765	5,133	1,074	1,160	2,129	24,060	19,182	3,011	1,867
Webster	36,967	22,735	12,679	208	687	658	28,753	18,144	9,464	154	558	433	22,737	14,938	7,339	460
District 4	776,321	438,493	276,844	12,936	18,995	29,053	591,382	348,175	195,057	9,393	14,241	20,516	470,683	290,476	158,433	21,774
	100.000%	56.485%	35.661%	1.665%	2.447%	3.742%	100.000%	58.875%	33.000%	1.588%	2.409%	3.468%	79.590%	61.714%	35.880%	4.626%
District 5																
Avoyelles	39,693	25,825	11,676	434	787	1,169	30,578	20,269	8,311	379	570	1,049	23,426	16,534	6,294	598
Caldwell	9,645	7,946	1,652	51	150	166	7,478	5,969	1,224	46	116	123	6,031	5,124	818	89
Catahoula	8,906	5,776	2,956	46	119	570	6,951	4,557	1,736	33	87	538	6,467	4,639	1,770	58
Concordia	18,687	10,275	7,725	122	233	332	14,217	8,103	5,613	100	167	229	11,964	7,222	4,540	202
East Carroll	7,459	2,054	5,272	29	43	61	5,901	1,773	4,048	19	27	38	4,709	1,306	3,359	44
East Feliciana	19,539	11,516	7,341	91	292	399	16,183	9,740	5,916	61	198	268	13,600	7,959	5,186	455
Franklin	19,774	12,492	6,802	70	205	205	15,028	9,901	4,779	44	153	151	13,159	9,015	4,034	110
Grant	22,769	17,739	3,335	133	644	346	17,527	13,984	2,717	97	507	242	12,688	11,174	1,176	338
Jackson	15,031	9,987	4,166	175	255	468	11,783	7,967	3,125	140	174	377	9,449	6,647	2,610	192
La Salle	14,791	11,348	1,422	283	372	1,366	11,563	9,033	1,085	264	271	1,327	8,792	7,978	637	177
Lincoln	48,396	26,034	19,364	892	652	1,444	38,655	21,305	15,119	744	526	960	25,649	15,672	9,016	961
Madison	10,017	3,475	6,363	20	59	100	7,435	2,905	4,391	9	48	81	7,278	2,494	4,674	110
Morehouse	25,629	12,281	12,484	160	370	334	20,062	10,095	9,300	117	279	271	16,922	8,505	8,131	286
Ouachita	160,368	98,545	61,217	2,788	2,691	5,157	120,200	69,974	42,290	2,118	2,059	3,759	99,752	60,515	35,658	3,579
Pointe Coupee	20,758	12,395	7,504	107	159	593	16,250	10,109	5,502	91	119	430	14,675	9,320	5,121	234
*Rapides	18,915	16,947	852	193	673	510	14,261	12,667	564	153	510	367	11,820	11,073	331	366
Richland	20,043	11,785	7,603	83	258	314	15,383	9,333	5,546	66	203	230	13,662	8,470	4,961	231
St. Helena	10,920	4,527	6,031	39	134	189	8,463	3,805	4,371	28	109	150	8,321	3,628	4,565	128

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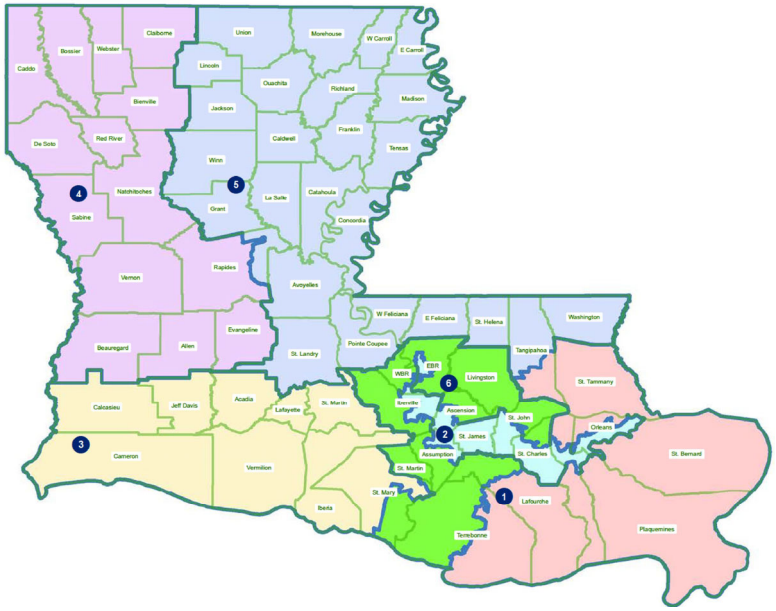
Splits

Plan: HLS 221ES-2 (Schexnayder) Original

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2021	Reg White Dec 2021	Reg Black Dec 2021	Reg Other Dec 2021
District 5																
St. Landry	82,540	43,611	35,836	499	638	1,956	61,611	34,209	25,497	353	451	1,301	54,482	30,093	23,005	1,384
*Tangipahoa	93,462	52,369	34,600	1,001	1,486	4,006	71,516	42,608	24,248	789	1,128	2,743	52,794	33,899	17,063	1,832
Tensas	4,147	1,744	2,312	23	26	42	3,235	1,446	1,728	12	23	26	3,455	1,503	1,917	35
Union	21,107	14,460	5,224	62	338	1,023	16,632	11,807	3,861	39	254	671	15,221	11,066	3,692	463
Washington	45,463	29,943	13,434	216	736	1,134	34,951	23,743	9,732	154	561	761	27,587	18,835	8,102	650
West Carroll	9,751	7,694	1,425	27	180	225	7,532	6,223	1,010	20	136	143	7,038	5,913	1,040	85
West Feliciana	15,310	10,663	3,740	89	225	373	12,783	9,283	2,951	56	174	319	7,407	5,092	2,180	135
Winn	13,755	8,594	3,727	210	283	961	10,906	6,932	2,695	170	207	902	8,406	5,988	2,292	126
District 5	776,275	459,595	273,624	7,843	11,916	23,397	597,264	367,334	197,336	6,102	9,057	17,455	484,754	309,664	162,222	12,868
	100.000%	59.205%	35.255%	1.010%	1.535%	3.014%	100.000%	61.501%	33.039%	1.022%	1.516%	2.922%	81.160%	63.881%	33.465%	2.655%
District 6																
*Ascension	105,608	75,516	18,374	2,160	1,834	7,724	76,531	56,464	12,373	1,410	1,277	5,007	66,737	52,932	10,020	3,785
*Assumption	14,329	10,852	2,598	73	214	592	11,346	8,811	1,943	42	164	386	9,683	7,703	1,808	172
*East Baton Rouge	392,456	190,445	127,605	15,942	4,358	24,106	284,652	158,787	93,158	12,217	3,458	17,032	220,281	135,242	70,421	14,618
*Iberville	9,168	6,380	2,414	29	127	218	7,455	5,280	1,869	24	107	175	6,832	4,777	1,942	113
*Lafourche	47,393	32,958	11,238	449	1,005	1,743	35,567	26,288	8,093	313	650	1,223	28,924	22,972	5,013	939
Livingston	142,282	116,655	12,858	1,697	3,111	7,961	105,141	88,432	8,136	1,099	2,311	5,163	84,568	76,062	5,425	3,081
*St. Charles	17,606	12,528	2,837	336	315	1,589	13,253	9,802	1,933	222	210	1,086	11,736	9,263	1,588	785
*St. John the Baptist	9,799	5,044	3,639	159	162	795	7,677	4,259	2,606	140	115	557	6,480	3,937	2,125	418
*St. Martin	1,368	1,265	13	7	34	29	1,154	1,091	11	5	30	17	993	979	1	13
*St. Mary	4,799	2,404	793	346	152	1,104	3,467	1,875	507	274	101	710	2,288	1,595	362	332
*Terrebonne	48,206	32,540	10,280	820	2,429	2,157	38,225	25,570	7,022	559	1,602	1,472	27,716	21,179	4,913	1,624
*West Baton Rouge	13,291	8,591	3,823	74	178	625	10,362	6,774	2,953	49	113	473	8,546	6,130	2,250	166
District 6	776,305	496,169	196,252	22,092	13,919	48,643	599,830	383,433	140,604	16,354	10,138	33,351	474,785	342,771	105,968	26,046
	100.000%	63.915%	25.280%	2.846%	1.793%	6.266%	100.000%	66.253%	23.677%	2.754%	1.707%	5.908%	79.953%	72.135%	22.319%	5.486%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Red River
Caldwell
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Winn
Natchitoches
Catahoula
Grant
La Salle
Concordia
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Vernon
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St. Helena
Washington
Evangeline
Beauregard
Allen
Pointe Coupee
St. Landry
Tangipahoa
EBR
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Livingston
St. Tammany
Calcasieu
Jeff Davis
Acadia
Lafayette
St. Martin
Iberville
Ascension
St. John
Orleans
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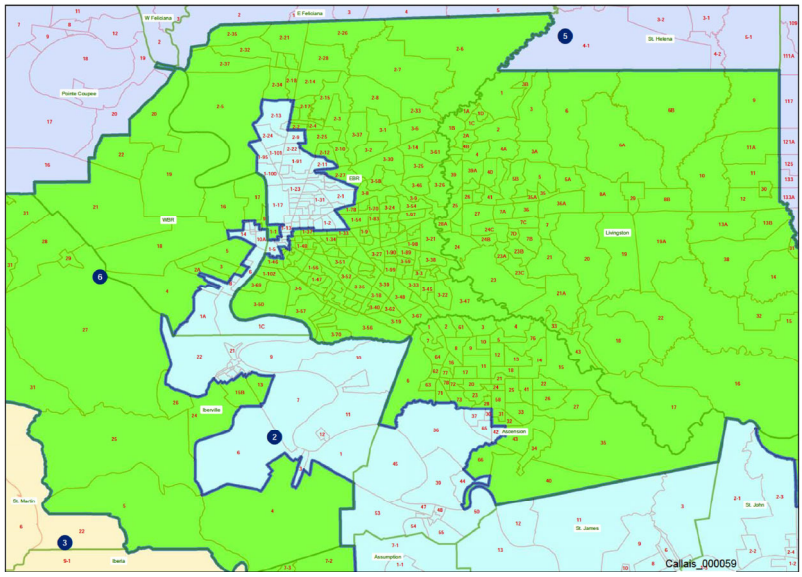
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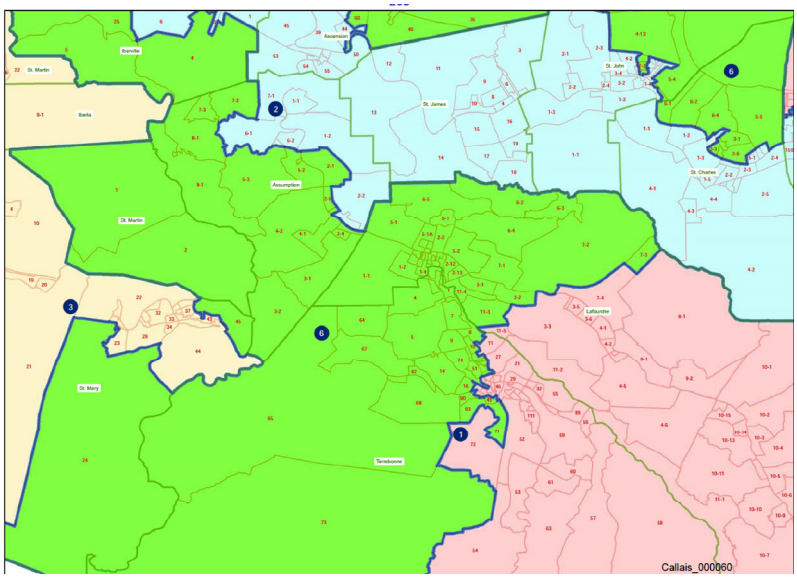
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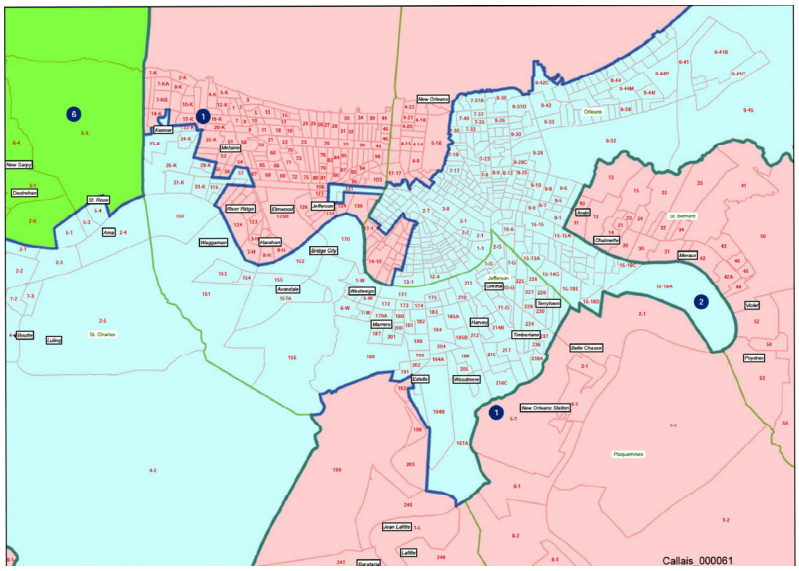
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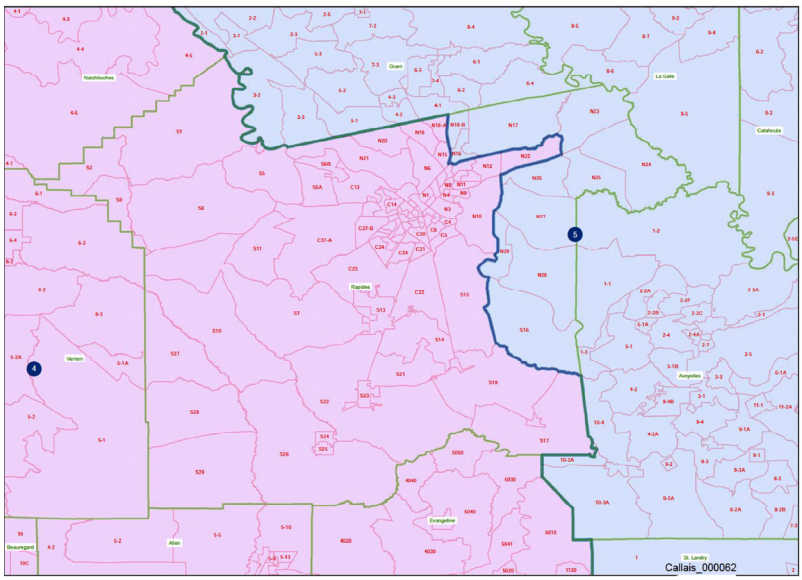
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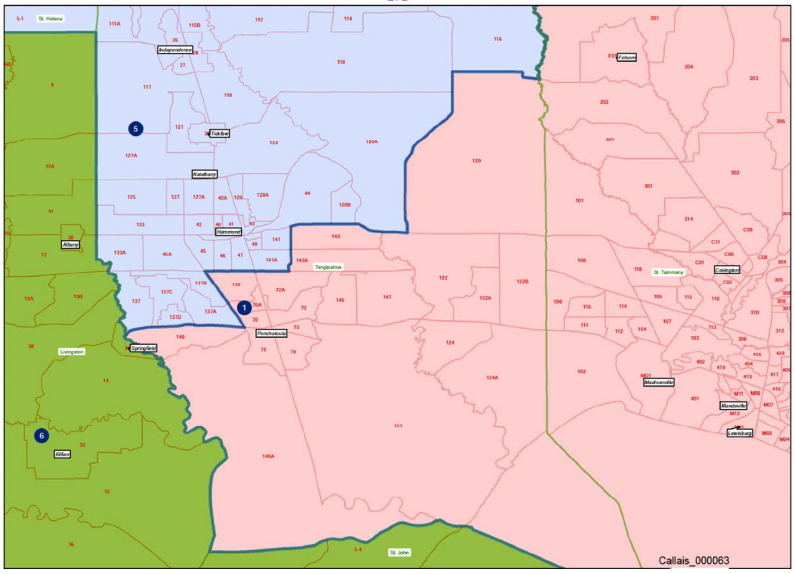
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APPENDIX R

STATE OF LOUISIANA

EXECUTIVE DEPARTMENT
OFFICE OF THE GOVERNOR
PROCLAMATION NUMBER 01 JML 2024

CALL AND CONVENE THE LEGISLATURE OF LOUISIANA INTO EXTRAORDINARY SESSION

By virtue of the authority vested in me by Louisiana Constitution Article III, Section 2(B), I, Jeff Landry, Governor of the State of Louisiana, HEREBY CALL AND CONVENE THE LEGISLATURE OF LOUISIANA INTO EXTRAORDINARY SESSION to convene at the State Capital, in the city of Baton Rouge, Louisiana, during eight calendar days, beginning at 4:00 o'clock p.m. on the 15th day of January, 2024, and ending no later than 6:00 o'clock p.m. on the 23rd day of January 2024. The power to legislate at this session shall be limited, under penalty of nullity, to the consideration of the following enumerated objects.

ITEM 1: To legislate relative to the redistricting of the Congressional districts of Louisiana;

ITEM 2: To legislate relative to amendments to the election code needed for implementation of the redistricting of the Congressional districts of Louisiana;

ITEM 3: To legislate relative to the redistricting and elections of the Supreme Court;

ITEM 4: To legislate relative to amendments to the Constitution relative to the Supreme Court:

a) composition;

b) number of justices;

c) number of districts;

d) method of electing justices to the Supreme Court; and

e) method of selecting the chief justice;

ITEM 5: To legislate relative to amendments to the election code needed for implementation of the redistricting of the Supreme Court;

ITEM 6: To legislate to provide funding, including the use of excess state general fund dollars, for the implementation of changes made to the Supreme Court;

ITEM 7: To legislate relative to the creation of a party primary system for elections;

ITEM 8: To legislate relative to campaign finance laws;

ITEM 9: To legislate relative to campaign qualifying fees for Presidential and Congressional elections;

ITEM 10: To legislate relative to amendments to the election code needed for the implementation of elections;

ITEM 11: To legislate to provide funding, including the use of excess state general fund dollars, for the implementation of the party primary system for elections and corresponding changes to the election laws;

ITEM 12: To legislate relative to amendments to the Constitution relative to the implementation of elections;

ITEM 13: To legislate relative to calling a special statewide election for the purposes of allowing all

voters, registered and qualified, to vote on the Constitutional amendments; and

ITEM 14: To legislate to provide funding, including the use of excess state general fund dollars, for purposes of calling and holding a special election on the Constitutional amendments.

[SEAL]

IN WITNESS WHEREOF, I have set my hand officially and caused to be affixed the Great Seal of Louisiana in the City of Baton Rouge, on this 8th day of January, 2024.

/s/ Jeff Landry
Jeff Landry
GOVERNOR OF LOUISIANA

ATTEST BY THE SECRETARY OF STATE

/s/ Nancy Landry
Nancy Landry
SECRETARY OF STATE

APPENDIX S

SLS 241ES-18 ORIGINAL

2024 First Extraordinary Session

SENATE BILL NO. 8

BY SENATOR WOMACK

CONGRESS. Provides for redistricting of Louisiana congressional districts. (Item #1)(See Act)

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 13, 14, 15, 18, 21, 22, 25, 26, 27, 33, 34, 35, 41, 43 and 69 of Ascension Parish; 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, 125A, 125B, 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-KA, 6-KB, 7-KA, 7-KB, 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, 29-K, 34-K, 35-K and 1-L of Jefferson Parish; Precincts 3-3, 3-6, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 7-4, 8-1, 9-1, 9-2, 10-1, 10-2, 10-3, 10-4, 10-6, 10-8, 10-9, 10-10, 10-11, 10-12, 10-13, 10-14, 10-15, 10-16, 11-1, 11-2, 11-3 and 11-5 of Lafourche Parish; Precincts 13A, 13B, 14, 15, 16, 17, 22, 31, 32 and 38 of Livingston Parish; Precincts 4-7, 4-8, 4-9, 4-11, 4-14, 4-15, 4-17, 4-17A, 4-18, 4-20, 4-21, 4-22, 4-23, 5-12, 5-13, 5-15, 5-16, 5-17, 5-18, 6-9, 7-41, 7-42, 9-45, 9-45A, 11-4, 11-5, 11-8, 11-9, 11-10, 11-11, 12-5, 12-6, 12-7, 12-9, 12-10, 13-5, 13-7, 13-8, 14-1, 14-2, 14-3, 14-4, 14-5, 14-6, 14-7, 14-8, 14-9, 14-10, 14-11, 14-13A, 14-14, 14-15, 14-16, 14-17, 14-18A, 14-20, 14-21, 16-1, 16-1A, 17-1, 17-17, 17-18, 17-18A, 17-19 and 17-20 of Orleans Parish; Plaquemines Parish; Precincts 32, 33, 34, 41, 42A, 43, 44, 45, 46, 50, 51, 52, 53, 54 and 55 of St. Bernard Parish; Precincts 1-6, 2-6, 3-1, 3-2, 3-3, 5-5, 6-1, 6-2, 6-3, 6-4, 6-6 and 6-8 of St. Charles Parish; St. Tammany Parish and Precincts 44, 49, 70, 70A, 71, 72, 72A, 73, 74, 120B, 122A, 122B, 122C, 124, 137, 137A, 137B, 137C, 137D, 139, 141, 141A, 143, 143A, 145, 147, 149, 149A and 151 of Tangipahoa Parish.

(2) District 2 is composed of Precincts 6, 7, 9, 11, 17, 20, 23, 24, 28, 30, 31, 32, 36, 37, 38, 39, 40, 42, 44, 45, 47, 48, 50, 51, 52, 53, 54, 55, 57, 58, 62, 63, 65, 66, 68, 71, 72, 73, 77 and 78 of Ascension Parish; Assumption Parish; Iberville Parish; Precincts 57, 104, 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, 193A, 193B, 194A, 194B, 195, 196, 197A, 197B, 200, 201, 202, 203, 204, 205, 210, 211, 212, 213A, 213B, 213C, 214A, 214B, 215, 216A, 216B, 216C, 217, 225, 226, 227, 228, 229, 230, 231, 232A, 232B, 234, 235, 236, 237, 238A, 238B, 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, 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 1-2, 1-3, 1-4, 1-5, 1-6, 2-1, 2-1A, 2-3, 2-5, 2-7, 2-9, 2-10, 2-11, 2-16, 5-1, 5-1A and 5-3 of Lafourche Parish; Precincts 1-1, 1-2, 1-5, 1-6, 2-1, 2-2, 2-4, 2-6, 2-7, 3-1, 3-8, 3-9, 3-12, 3-14, 3-15, 3-18, 3-19, 3-20, 4-2, 4-3, 4-6, 5-1, 5-2, 5-3, 5-5, 5-7, 5-8, 5-9, 5-10, 5-11, 6-1, 6-2, 6-4, 6-6, 6-7, 6-8, 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, 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, 7-35, 7-37, 7-37A, 7-40, 8-1, 8-2, 8-4, 8-6, 8-7, 8-8, 8-9, 8-12, 8-13, 8-14, 8-15, 8-19, 8-20, 8-21, 8-22, 8-23, 8-24, 8-25, 8-26, 8-27, 8-28, 8-30, 9-1, 9-3, 9-4, 9-5, 9-6, 9-7, 9-8, 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, 9-26, 9-28, 9-28C, 9-29, 9-30, 9-30A, 9-31, 9-31A, 9-31B, 9-31D, 9-32, 9-33, 9-34A, 9-35, 9-35A, 9-36, 9-36B, 9-37, 9-38, 9-38A, 9-39, 9-39B, 9-40, 9-40A, 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, 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, 10-3, 10-6, 10-7, 10-8, 10-9, 10-11, 10-12, 10-13, 10-14, 11-2, 11-3, 11-12, 11-13, 11-14, 11-17, 12-1, 12-2, 12-3, 12-4, 12-11, 12-12, 12-13, 12-14, 12-16, 12-17, 12-19, 13-1, 13-2, 13-3, 13-4, 13-6, 13-9, 13-10, 13-11, 13-12, 13-13, 13-14, 13-15, 13-16, 14-12, 14-19, 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,

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(3) District 3 is composed of Acadia Parish; Precincts 167, 260, 261, 262, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309E, 309W, 310, 311, 312, 313E, 313W, 314, 315E, 315W, 316E, 316W, 317, 318, 319N, 319S, 320E, 320W, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332N, 332S, 333, 334, 335, 336, 337, 338, 339, 340, 360, 361, 362, 363, 364, 368, 369, 370, 372, 405, 440, 441, 463, 464, 467, 800, 801, 860S, 861E and 861W of Calcasieu Parish; Cameron Parish; Iberia Parish; Jefferson Davis Parish; Precincts 1, 3, 8, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 65, 66, 67, 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, 104, 105, 106, 107, 108, 109, 110, 111, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 130, 131, 133, 134, 135 and 136 of Lafayette Parish; Precincts 1-1, 2-2, 2-6, 2-8, 2-12, 2-13, 2-14, 2-15, 3-1, 3-2, 3-4, 3-5, 3-7, 5-2, 6-1, 6-2, 6-3, 6-4, 6-5, 7-1, 7-2, 7-3 and 11-4 of Lafourche Parish; St. Martin Parish; St. Mary Parish; Terrebonne Parish and Vermilion Parish.

(4) District 4 is composed of Allen Parish; Beauregard Parish; Bienville Parish; Bossier Parish; Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-12, 1-13, 1-14, 2-1, 2-2, 2-4, 2-7, 3-1, 3-8, 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-7, 4-8, 4-9, 4-10, 5-10, 6-1, 7-1, 8-1, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 8-8, 8-9, 9-1, 9-2, 9-3, 9-5, 9-7, 9-8, 9-12, 9-13, 10-2, 10-8, 11-1, 11-2, 11-3, 11-4, 11-5, 11-6, 11-7, 11-8, 11-9, 11-10, 12-1, 12-3, 12-7 and 12-8 of Caddo Parish; Precincts 160E, 160W, 161, 162E, 162W, 163, 164, 165, 166E, 166W, 365, 366, 367, 371N, 371S, 400, 401, 402, 403, 404, 406, 407, 408, 460E, 460W, 461, 465, 466E, 466W, 468, 469, 560, 561, 562, 600, 601, 602, 603, 660, 661, 662, 663, 664, 700, 701, 702, 703, 760, 761, 762 and 860N of Calcasieu Parish; Claiborne Parish; Precincts 4, 10, 11, 11B, 11C, 16, 16A, 16B, 16C, 22, 22A, 23, 28, 30, 30A, 31A, 34, 34A, 34B, 35, 35A, 35B, 37, 37C, 44, 46, 46A, 46B, 48, 49, 49A, 51, 53 and 55 of De Soto Parish; Evangeline Parish; Grant Parish; Jackson Parish; Lincoln Parish; Precincts 25, 32, 36, 38, 41, 42, 43, 44, 44A, 45, 49, 51, 51A, 53, 55, 57 and 58 of Ouachita Parish; Precincts C22, C23, C27, C30, C31, C32, C33, C34, C35, C36, C37-A, C37-B, C41, C42, S7, S8, S9, S10, S11, S13, S14, S15, S16, S17, S18, S19, S20, S21, S22, S23, S24, S25, S26, S27, S28 and S29 of Rapides Parish; Red River Parish; Sabine Parish; Union Parish; Vernon Parish; Webster Parish and Winn Parish.

(5) District 5 is composed of Precincts 1, 2, 3, 4, 5, 8, 10, 12, 16, 19, 61, 64 and 76 of Ascension Parish; Caldwell Parish; Catahoula Parish; Concordia Parish; Precincts 1-12, 1-34, 1-41, 1-42, 1-43, 1-44, 1-46, 1-47, 1-49, 1-56, 1-69, 1-74, 1-75, 1-76, 1-79, 1-80, 1-99, 1-105, 1-107, 2-6, 2-7, 2-8, 2-33, 3-1, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-9, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18, 3-21, 3-22, 3-23, 3-25, 3-26, 3-29, 3-30, 3-31, 3-33, 3-34, 3-35, 3-36, 3-37, 3-38, 3-39, 3-40, 3-41, 3-43, 3-45, 3-46, 3-47, 3-48, 3-49,

3-51, 3-53, 3-58, 3-60, 3-61, 3-62, 3-64, 3-65, 3-66, 3-67, 3-68, 3-71, 3-73 and 3-74 of East Baton Rouge Parish; East Carroll Parish; East Feliciana Parish; Franklin Parish; La Salle Parish; Precincts 1, 1A, 1B, 1C, 1D, 2, 2A, 3, 3A, 3B, 4, 4A, 4B, 5, 5A, 5B, 5D, 6, 6A, 6B, 7, 7A, 7B, 7C, 7D, 8A, 8B, 9, 10, 11, 11A, 12, 18, 18A, 19, 19A, 20, 21, 21A, 21B, 23, 23A, 23B, 23C, 24, 24B, 24C, 24D, 25, 26, 26A, 26B, 26C, 27, 28, 29, 30, 33, 34, 35, 35A, 36, 36A, 39, 39A, 39B, 40, 40A, 41 and 43 of Livingston Parish; Madison Parish; Morehouse Parish; Precincts 1, 1A, 2, 3, 4, 5, 6, 7, 8, 9, 9A, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 28, 30, 31, 33, 34, 35, 37, 39, 40, 46, 47, 48, 50, 52, 52A, 54, 56, 56A, 59, 60, 61, 62, 63, 64, 65, 65A, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 of Ouachita Parish; Richland Parish; St. Helena Parish; Precincts 2, 6, 11, 15, 16, 17, 28, 33, 40A, 41, 42, 43, 45A, 45B, 46, 47, 101, 102, 104, 105, 106, 106A, 107, 108, 109, 110, 111A, 112, 114, 115B, 116, 117, 118, 118A, 119, 120, 120A, 121, 121A, 123, 125, 127, 129A, 133 and 133A of Tangipahoa Parish; Tensas Parish; Washington Parish; West Carroll Parish and West Feliciana Parish.

(6) District 6 is composed of Avoyelles Parish; Precincts 2-3, 2-5, 2-6, 2-8, 2-9, 2-10, 2-11, 2-12, 3-2, 3-3, 3-4, 3-5, 3-6, 3-7, 3-9, 5-1, 5-2, 5-3, 5-4, 5-5, 5-6, 5-7, 5-8, 5-9, 5-11, 6-2, 6-3, 6-4, 6-5, 6-6, 6-7, 6-8, 6-9, 6-10, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9, 7-10, 9-4, 9-6, 9-9, 9-10, 9-11, 10-1, 10-3, 10-4, 10-5, 10-6, 10-7, 10-9, 12-2, 12-4, 12-5, 12-6, 12-9, 12-10 and 12-11 of Caddo Parish; Precincts 1, 5, 5A, 6, 6A, 6B, 9, 21, 26, 26A, 31, 32, 33, 33A, 38, 38A, 42, 56, 59, 60, 60A, 63 and 63A of De Soto Parish; Precincts 1-1, 1-2, 1-3, 1-4, 1-5, 1-6, 1-7, 1-8, 1-9, 1-10, 1-11, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1-20, 1-21, 1-22, 1-23, 1-24, 1-25, 1-26, 1-27, 1-28, 1-29, 1-30, 1-31, 1-32, 1-33, 1-35, 1-36, 1-37, 1-38, 1-39, 1-40, 1-45, 1-48, 1-50, 1-51, 1-52, 1-53, 1-54, 1-55, 1-57, 1-58, 1-

59, 1-60, 1-61, 1-62, 1-63, 1-64, 1-65, 1-66, 1-67, 1-68, 1-70, 1-71, 1-72, 1-73, 1-77, 1-78, 1-81, 1-82, 1-83, 1-84, 1-85, 1-86, 1-87, 1-88, 1-89, 1-90, 1-91, 1-92, 1-93, 1-94, 1-95, 1-96, 1-97, 1-98, 1-100, 1-101, 1-102, 1-103, 1-104, 2-1, 2-2, 2-3, 2-4, 2-5, 2-9, 2-10, 2-11, 2-12, 2-13, 2-14, 2-15, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, 2-22, 2-23, 2-24, 2-25, 2-26, 2-27, 2-28, 2-29, 2-30, 2-31, 2-32, 2-34, 2-35, 2-36, 2-37, 2-38, 3-8, 3-10, 3-11, 3-12, 3-19, 3-20, 3-24, 3-27, 3-28, 3-32, 3-42, 3-44, 3-50, 3-52, 3-54, 3-55, 3-56, 3-57, 3-59, 3-63, 3-69, 3-70, 3-72, 3-75 and 3-76 of East Baton Rouge Parish; Precincts 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 63, 64, 68, 112, 113, 122 and 129 of Lafayette Parish; Natchitoches Parish; Pointe Coupee Parish; Precincts C1, C2, C3, C4, C5, C6, C7, C8, C9, C10, C11-A, C11-B, C13, C14, C15, C17, C18, C19, C20, C21, C24, C25, C26, C28, C38-A, C38-B, C39, C40, N1, N2, N3, N4, N5, N6, N7, N8, N9, N10, N11, N12, N13-A, N13-B, N14-A, N14-B, N15, N16, N17, N18-A, N18-B, N19, N20, N21, N22, N23, N24, N25, N26, N27, N28, N29, S1, S2, S4, S5, S6A and S6B of Rapides Parish; St. Landry Parish and West Baton Rouge Parish.

Section 2. R.S. 18:1276 is hereby repealed.

Section 3.(A) The precincts referenced in this Act are those contained in the file named "2024 Precinct Shapefiles (1-10-2024)" available on the website of the Legislature of Louisiana on the effective date of this Section. The 2024 Precinct Shapefiles are based upon those Voting Districts (VTDs) contained in the 2020 Census Redistricting TIGER/Line Shapefiles for the State of Louisiana as those files have been modified and validated through the data verification program of the Louisiana House of Representatives and the Louisiana Senate to represent precinct changes sub-

mitted through January 10, 2024, to the Legislature of Louisiana by parish governing authorities pursuant to the provisions of R.S. 18:532 and 532.1.

(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.

(C) The territorial limits of the districts as provided in this Act shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Section 4. 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 that is filled by appointment or election based upon a congressional district and that is to be filled after January 3, 2025, shall be appointed or elected from a district as it is described in Section 1 of this Act.

Section 5.(A) Solely for the purposes of qualifying for election and the conduct of the election of representatives to the United States Congress at the regularly scheduled election for representatives to the congress in 2024, the provisions of Section 1 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without

signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of Section 1 of this Act shall become effective on the day following such approval for the purposes established in this Subsection.

(B) For subsequent elections of representatives to the United States Congress and for all other purposes, the provisions of Section 1 of this Act shall become effective at noon on January 3, 2025.

(C) The provisions of Section 2 of this Act shall become effective at noon on January 3, 2025.

(D) The provisions of this Section and Sections 3 and 4 of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of this Section and Sections 3 and 4 of this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by J. W. Wiley.

DIGEST

SB 8 Original
2024 First Extraordinary Session
Womack

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 provides for six congressional districts based upon the 2020 federal decennial census.

Proposed law redraws district boundaries for the congressional districts based upon the 2020 federal decennial census.

Proposed law provides that the new districts become effective upon signature of governor or lapse of time for gubernatorial action for election purposes only for the regular congressional elections in 2024. Retains present law districts based upon the 2020 census until noon on January 3, 2025, at which time present law is repealed and the new districts based upon the 2020 census, as established by proposed law, become effective for all other purposes.

Proposed law specifies that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) contained in the file named "2024 Precinct Shapefiles (1-10-2024)" available on the La. Legislature's website. Specifies that the 2024 Precinct Shapefiles are based upon those Voting Districts (VTDs) contained in the 2020 Census Redistricting TIGER/Line Shapefiles for the State of Louisiana as those files have been modified and validated through the data verification program of the La. legislature. 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 nongeo-

graphic and all geographic subdivisions thereof. Further provides that the territorial limits of the districts as enacted shall continue in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Proposed law specifies that proposed law does 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 Jan. 1, 2025, for which the appointment or election is based upon a congressional district shall be appointed or elected from a district as it is described in proposed law.

Population data in the summaries accompanying this digest are derived from 2020 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 upon signature of governor or lapse of time for gubernatorial action for election purposes only for the regular congressional elections in 2024; effective for all other purposes at noon on January 3, 2025.

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

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Plan Statistics

Plan: SLS 241ES-18 (Womack)

Districts:	# of Members	Actual Population	Ideal Population	Absolute Deviation	Relative Deviation
District 1	1	776,327	776,292	35	0.005%
District 2	1	776,316	776,292	24	0.003%
District 3	1	776,287	776,292	-5	-0.001%
District 4	1	776,314	776,292	22	0.003%
District 5	1	776,259	776,292	-33	-0.004%
District 6	1	776,254	776,292	-38	-0.005%
Grand Total:	6	4,657,757	4,657,752		

Ideal Population Per Member:	776292		
Number of Districts for Plan Type:	6		
Range of District Populations:	776,254	to	776,327
Absolute Mean Deviation:	12		
Absolute Range:	-38	to	35
Absolute Overall Range:	73		
Relative Mean Deviation:	0.00%		
Relative Range:	0.00%	to	0.00%
Relative Overall Range:	0.00%		

Ideal - Actual:	***-5***
Remainder:	***5***
Unassigned Population:	***0***

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Total Population

Plan: SLS 241ES-18 (Womack)

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	Total Hispanic	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	VAP Hispanic Total
District 1	776,327	553,751	108,188	23,991	17,494	72,903	90,968	603,907	444,675	76,646	17,622	12,740	52,224	64,365
	100.000%	71.330%	13.936%	3.090%	2.253%	9.391%	11.718%	100.000%	73.633%	12.692%	2.918%	2.110%	8.648%	10.658%
District 2	776,316	271,367	412,387	24,960	9,683	57,919	74,305	598,204	225,203	305,124	19,711	7,377	40,789	51,406
	100.000%	34.956%	53.121%	3.215%	1.247%	7.461%	9.571%	100.000%	37.647%	51.007%	3.295%	1.233%	6.819%	8.593%
District 3	776,287	514,019	189,998	16,980	18,502	36,788	43,292	588,557	405,242	132,825	12,215	12,990	25,285	29,021
	100.000%	66.215%	24.475%	2.187%	2.383%	4.739%	5.577%	100.000%	68.853%	22.568%	2.076%	2.207%	4.296%	4.931%
District 4	776,314	539,009	172,278	13,380	20,382	31,265	39,551	594,570	423,134	124,461	9,728	15,227	22,020	27,338
	100.000%	69.432%	22.192%	1.724%	2.625%	4.027%	5.095%	100.000%	71.166%	20.933%	1.636%	2.561%	3.704%	4.598%
District 5	776,259	492,074	224,328	15,038	12,092	32,727	38,399	596,882	392,528	160,490	11,285	9,179	23,400	26,693
	100.000%	63.390%	28.899%	1.937%	1.558%	4.216%	4.947%	100.000%	65.763%	26.888%	1.891%	1.538%	3.920%	4.472%
District 6	776,254	287,432	435,940	12,939	8,907	31,036	36,034	588,428	233,729	316,223	9,855	6,727	21,894	24,839
	100.000%	37.028%	56.159%	1.667%	1.147%	3.998%	4.642%	100.000%	39.721%	53.740%	1.675%	1.143%	3.721%	4.221%
Grand Total	4,657,757	2,657,652	1,543,119	107,288	87,060	262,638	322,549	3,570,548	2,124,511	1,115,769	80,416	64,240	185,612	223,662
	100.000%	57.059%	33.130%	2.303%	1.869%	5.639%	6.925%	100.000%	59.501%	31.249%	2.252%	1.799%	5.198%	6.264%

Voter Registration

Plan: SLS 241ES-18 (Womack)

	Reg Total Dec 2023	Reg White Dec 2023	Reg Black Dec 2023	Reg Other Dec 2023	Reg Dem Total Dec 2023	Reg Rep Total Dec 2023	Reg Other Total Dec 2023
District 1	479,186	385,098	51,969	42,119	127,253	205,251	146,682
	79.348%	80.365%	10.845%	8.790%	26.556%	42.833%	30.611%
District 2	466,623	181,215	245,721	39,687	267,146	76,552	122,925
	78.004%	38.835%	52.659%	8.505%	57.251%	16.406%	26.344%
District 3	452,113	336,261	94,266	21,586	142,481	185,022	124,610
	76.817%	74.375%	20.850%	4.774%	31.514%	40.924%	27.562%
District 4	441,028	335,655	85,837	19,536	126,254	198,958	115,816
	74.176%	76.107%	19.463%	4.430%	28.627%	45.112%	26.260%
District 5	455,822	317,221	120,765	17,836	152,554	186,002	117,266
	76.367%	69.593%	26.494%	3.913%	33.468%	40.806%	25.726%
District 6	447,515	184,996	243,271	19,248	236,818	99,841	110,856
	76.053%	41.339%	54.360%	4.301%	52.918%	22.310%	24.771%
Grand Total	2,742,287	1,740,446	841,829	160,012	1,052,506	951,626	738,155

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Splits
Plan: SLS 241ES-18 (Womack)

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2023	Reg White Dec 2023	Reg Black Dec 2023	Reg Other Dec 2023
District 1																
*Ascension	27,718	23,228	2,058	201	522	1,709	20,611	17,693	1,304	121	368	1,125	17,243	15,672	954	617
*Jefferson	240,081	155,518	30,822	11,880	4,356	37,505	192,148	129,999	22,555	8,951	3,295	27,348	144,399	112,491	12,528	19,380
*Lafourche	47,193	37,212	3,189	577	3,242	2,973	35,543	29,123	1,939	413	2,140	1,928	25,117	22,442	1,115	1,560
*Livingston	13,310	11,276	1,138	84	259	553	10,369	8,949	804	46	207	363	8,639	7,732	668	239
*Orleans	64,493	50,312	6,498	2,503	749	4,431	53,843	42,329	5,556	1,950	609	3,399	41,535	34,071	3,239	4,225
Plaquemines	23,515	14,287	5,428	1,317	697	1,786	17,334	10,856	3,857	925	500	1,196	13,143	8,996	2,934	1,213
*St. Bernard	20,543	11,907	5,780	617	436	1,803	14,871	8,992	3,854	424	327	1,274	12,975	8,866	3,231	878
*St. Charles	19,887	13,870	3,607	347	356	1,707	14,990	10,865	2,485	229	241	1,170	12,791	9,837	2,063	891
St. Tammany	264,570	196,641	38,643	5,774	5,660	17,852	202,228	154,621	26,761	4,075	4,161	12,610	174,307	141,262	21,129	11,916
*Tangipahoa	55,017	39,500	11,025	691	1,217	2,584	41,970	31,248	7,531	488	892	1,811	29,037	23,729	4,108	1,200
District 1	776,327	553,751	108,188	23,991	17,494	72,903	603,907	444,675	76,646	17,622	12,740	52,224	479,186	385,098	51,969	42,119
	100.000%	71.330%	13.936%	3.090%	2.253%	9.391%	100.000%	73.633%	12.692%	2.918%	2.110%	8.648%	79.348%	80.365%	10.845%	8.790%
District 2																
*Ascension	67,009	34,447	25,291	1,260	985	5,026	48,560	26,086	17,639	850	679	3,306	41,549	23,859	15,251	2,439
Assumption	21,039	13,722	6,220	96	258	743	16,616	11,145	4,707	57	197	510	13,323	8,977	4,131	215
Iberville	30,241	14,833	13,730	202	274	1,202	24,086	12,462	10,232	149	221	1,022	19,906	9,999	9,484	423
*Jefferson	200,700	65,417	95,395	11,144	3,330	25,414	152,506	54,136	69,620	8,741	2,540	17,469	109,034	40,445	53,674	14,915
*Lafourche	19,271	10,678	7,472	188	292	641	14,620	8,657	5,185	132	200	446	10,440	6,675	3,412	353
*Orleans	319,504	76,150	212,471	10,353	2,917	17,613	252,353	67,923	160,512	8,570	2,339	13,009	196,855	52,054	127,351	17,450
*St. Bernard	23,221	12,590	6,529	764	511	2,827	16,904	10,000	4,090	558	361	1,895	12,710	9,178	2,362	1,170
*St. Charles	32,662	19,680	10,321	490	569	1,602	24,551	15,289	7,405	300	426	1,131	20,791	13,574	6,207	1,010
St. James	20,192	9,973	9,762	60	82	315	15,505	7,883	7,297	31	64	230	14,531	7,116	7,196	219
St. John the Baptist	42,477	13,877	25,196	403	465	2,536	32,503	11,622	18,437	323	350	1,771	27,484	9,338	16,653	1,493
District 2	776,316	271,367	412,387	24,960	9,683	57,919	598,204	225,203	305,124	19,711	7,377	40,789	466,623	181,215	245,721	39,687
	100.000%	34.956%	53.121%	3.215%	1.247%	7.461%	100.000%	37.647%	51.007%	3.295%	1.233%	6.819%	78.004%	38.835%	52.659%	8.505%
District 3																
Acadia	57,576	44,480	10,864	238	573	1,421	42,943	34,071	7,383	173	400	916	36,151	29,438	5,995	718
*Calcasieu	131,299	69,747	50,290	3,564	1,764	5,934	99,893	55,812	35,987	2,563	1,347	4,184	65,841	39,808	22,822	3,211
Cameron	5,617	5,232	125	30	75	155	4,358	4,100	79	23	47	109	4,072	3,936	61	75
Iberia	69,929	39,206	24,556	2,123	794	3,250	52,791	31,295	17,069	1,562	581	2,284	42,188	26,848	13,441	1,899
Jefferson Davis	32,250	25,066	5,837	183	472	692	24,039	19,121	4,006	111	325	476	18,733	15,509	2,784	440
*Lafayette	180,411	131,849	29,263	5,960	2,665	10,674	137,635	103,919	19,952	4,314	2,029	7,421	111,925	91,759	13,498	6,668
*Lafourche	31,093	23,820	5,194	260	690	1,129	24,456	19,058	3,953	193	437	815	18,681	16,364	1,750	567
St. Martin	51,767	33,259	15,921	597	539	1,451	39,404	26,278	11,293	407	413	1,013	33,997	23,306	9,880	811
St. Mary	49,406	26,949	15,991	835	1,670	3,961	37,521	21,594	11,520	593	1,173	2,641	29,204	17,999	9,570	1,635

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Splits

Plan: SLS 241ES-18 (Womack)

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2023	Reg White Dec 2023	Reg Black Dec 2023	Reg Other Dec 2023
District 3																
Terrebonne	109,580	69,934	23,147	1,743	8,637	6,119	82,505	55,631	15,796	1,239	5,750	4,089	55,810	41,601	9,910	4,299
Vermilion	57,359	44,477	8,810	1,447	623	2,002	43,012	34,383	5,787	1,037	488	1,337	35,511	29,693	4,555	1,263
District 3	776,287	514,019	189,998	16,980	18,502	36,788	588,557	405,242	132,825	12,215	12,990	25,285	452,113	336,261	94,266	21,586
	100.000%	66.215%	24.475%	2.187%	2.383%	4.739%	100.000%	68.853%	22.568%	2.075%	2.207%	4.296%	76.817%	74.375%	20.850%	4.774%
District 4																
Allen	22,750	16,327	4,490	246	947	740	17,510	12,751	3,275	182	646	656	11,079	8,704	1,920	455
Beauregard	36,549	29,529	4,649	402	1,052	917	27,489	22,304	3,495	269	773	648	22,071	18,639	2,264	1,168
Bienville	12,981	6,950	5,600	57	207	167	10,073	5,486	4,284	30	162	111	8,336	4,509	3,728	99
Bossier	128,746	81,052	32,551	3,492	3,273	8,378	95,876	62,931	22,440	2,448	2,477	5,580	85,726	48,229	13,555	3,942
*Caddo	114,165	79,332	25,268	2,803	2,688	4,074	90,157	64,820	18,302	2,076	2,067	2,892	67,861	51,103	13,239	3,519
*Calcasieu	85,486	70,025	9,096	1,138	1,772	3,455	63,273	52,977	5,911	796	1,257	2,332	45,978	40,556	3,671	1,751
Claiborne	14,170	7,263	6,360	88	185	274	11,507	6,258	4,824	55	140	230	8,390	4,557	3,677	156
*De Soto	16,131	11,671	3,364	60	535	501	12,226	8,945	2,534	41	400	306	11,099	8,487	2,256	356
Evangeline	32,350	21,354	9,235	241	280	1,240	24,408	16,460	6,483	187	217	1,061	20,388	14,274	5,744	370
Grant	22,169	17,709	3,335	133	644	348	17,527	13,964	2,717	97	507	242	12,226	10,764	1,120	342
Jackson	15,031	9,967	4,166	175	255	468	11,783	7,967	3,125	140	174	377	9,375	6,570	2,610	195
Lincoln	48,396	26,034	19,364	892	662	1,444	38,655	21,306	15,119	744	526	960	24,408	15,139	8,357	912
*Ouachita	35,274	30,887	2,018	422	947	1,020	26,555	23,493	1,293	286	749	734	23,182	21,489	961	732
*Rapides	41,762	30,822	6,574	1,190	1,153	2,023	32,201	24,432	4,687	871	867	1,344	25,132	20,354	3,398	1,380
Red River	7,620	4,195	3,106	25	171	123	5,714	3,338	2,164	3	116	93	5,475	3,034	2,358	83
Sabine	22,165	15,036	3,861	94	2,723	441	17,064	12,054	2,655	66	1,970	319	13,570	10,287	1,912	1,371
Union	21,107	14,460	5,224	82	338	1,023	16,632	11,807	3,861	39	254	671	14,802	10,847	3,497	458
Vernon	48,750	35,087	7,611	1,442	1,800	3,010	36,261	26,765	5,133	1,074	1,160	2,129	22,409	18,129	2,608	1,672
Webster	36,967	22,735	12,679	208	687	658	28,753	18,144	9,464	154	558	433	21,259	14,068	6,744	447
Winn	13,755	8,594	3,727	210	263	961	10,906	6,932	2,695	170	207	902	8,262	5,916	2,218	128
District 4	776,314	539,009	172,278	13,380	20,382	31,265	594,570	423,134	124,461	9,728	15,227	22,020	441,028	335,655	85,837	19,536
	100.000%	69.432%	22.192%	1.724%	2.625%	4.027%	100.000%	71.166%	20.933%	1.636%	2.561%	3.704%	74.176%	76.107%	19.463%	4.430%
District 5																
*Ascension	31,773	23,466	4,867	839	497	2,104	22,786	17,357	3,196	543	343	1,347	19,854	16,011	2,623	1,220
Caldwell	9,645	7,646	1,632	51	150	166	7,478	5,969	1,224	46	116	123	5,813	4,959	762	92
Catahoula	8,906	5,776	2,395	46	119	570	6,951	4,557	1,736	33	87	538	6,113	4,363	1,695	55
Concordia	18,687	10,275	7,725	122	233	332	14,217	8,108	5,613	100	167	229	11,419	6,816	4,418	185
*East Baton Rouge	172,199	119,876	31,907	8,088	2,420	9,908	138,993	99,727	23,872	6,216	1,935	7,243	104,631	81,782	15,706	7,143
East Carroll	7,459	2,054	5,272	29	43	61	5,901	1,773	4,043	19	27	39	4,564	1,218	3,305	41
East Feliciana	19,539	11,516	7,341	91	262	329	16,183	9,740	5,918	61	198	266	13,327	7,805	5,075	447

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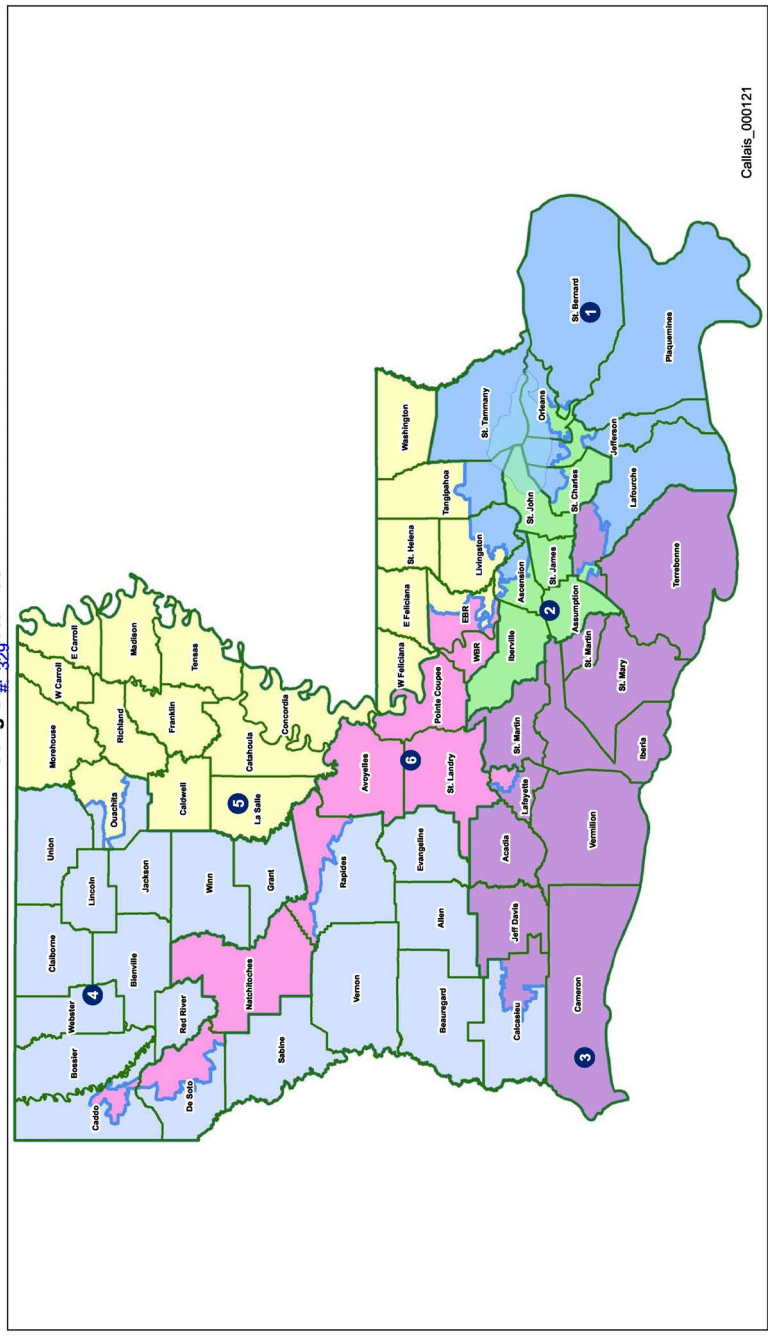
Splits

Plan: SLS 241ES-18 (Womack)

	Total Population	Total White	Total Black	Total Asian	Total American Indian	Total Other	VAP Total	VAP White	VAP Black	VAP Asian	VAP American Indian	VAP Other	Reg Total Dec 2023	Reg White Dec 2023	Reg Black Dec 2023	Reg Other Dec 2023
District 5																
Franklin	19,774	12,492	6,802	70	205	205	15,028	9,901	4,779	44	153	151	12,350	8,524	3,718	108
La Salle	14,791	11,948	1,422	283	372	1,366	11,563	8,636	1,065	264	271	1,327	8,380	7,633	583	164
*Livingston	128,972	105,579	11,520	1,613	2,852	7,408	94,772	79,483	7,332	1,053	2,104	4,800	73,766	65,923	4,974	2,869
Madison	10,017	3,475	6,363	20	59	100	7,435	2,906	4,391	9	48	81	7,068	2,439	4,518	111
Morehouse	25,629	12,281	12,484	160	370	334	20,062	10,095	9,300	117	279	271	15,440	7,806	7,377	257
*Ouachita	125,094	57,678	59,199	2,366	1,714	4,137	93,645	46,481	40,997	1,832	1,310	3,025	72,448	36,660	33,060	2,728
Richland	20,043	11,785	7,603	83	258	314	15,383	9,338	5,546	66	203	230	13,141	8,144	4,753	244
St. Helena	10,920	4,527	6,031	39	134	189	8,463	3,805	4,371	28	109	150	8,260	3,626	4,492	142
*Tangipahoa	78,140	41,836	30,854	783	1,237	3,430	59,521	33,957	21,686	612	935	2,331	34,249	22,443	10,704	1,102
Tensas	4,147	1,744	2,312	23	26	42	3,235	1,446	1,728	12	23	26	3,485	1,510	1,937	38
Washington	45,463	29,943	13,434	216	736	1,134	34,951	23,743	9,732	154	561	761	27,151	18,603	7,892	656
West Carroll	9,751	7,894	1,425	27	180	225	7,532	6,223	1,010	20	136	143	6,871	5,770	1,013	88
West Feliciana	15,310	10,883	3,740	89	225	373	12,783	9,283	2,951	56	174	319	7,492	5,186	2,160	146
District 5	776,259	492,074	224,328	15,038	12,092	32,727	596,882	392,528	160,490	11,285	9,179	23,400	455,822	317,221	120,765	17,836
	100.000%	63.390%	28.899%	1.937%	1.558%	4.216%	100.000%	65.763%	26.888%	1.891%	1.538%	3.920%	76.367%	69.593%	26.494%	3.913%
District 6																
Avoyelles	39,693	25,625	11,678	434	767	1,189	30,578	20,269	8,311	379	570	1,049	21,438	15,242	5,622	574
*Caddo	123,683	24,125	94,036	1,231	1,152	3,139	92,250	20,239	68,057	932	891	2,131	64,081	13,278	48,232	2,571
*De Soto	10,681	3,613	6,609	57	205	197	8,214	2,964	4,891	45	157	157	6,788	2,518	4,061	209
*East Baton Rouge	284,582	76,193	181,491	8,337	2,307	16,254	216,619	64,154	132,918	6,383	1,812	11,352	164,206	50,963	103,796	9,447
*Lafayette	61,342	21,514	35,873	494	545	2,916	46,240	17,689	25,965	350	358	1,878	36,884	14,039	21,247	1,598
Natchitoches	37,515	19,361	15,725	255	861	1,313	29,349	16,010	11,415	198	683	1,043	20,675	11,761	8,016	898
Pointe Coupee	20,758	12,395	7,504	107	159	593	16,250	10,108	5,502	91	119	430	14,107	9,040	4,837	230
*Rapides	88,261	46,688	36,018	1,238	1,949	2,368	66,591	36,941	25,518	915	1,467	1,750	50,154	29,602	18,561	1,991
St. Landry	82,540	43,611	35,836	499	636	1,958	61,811	34,209	25,497	353	451	1,301	52,429	28,933	22,135	1,361
West Baton Rouge	27,199	14,307	11,170	287	326	1,109	20,526	11,146	8,149	209	219	803	16,753	9,620	6,764	369
District 6	776,254	287,432	435,940	12,939	8,907	31,036	588,428	233,729	316,223	9,855	6,727	21,894	447,515	184,996	243,271	19,248
	100.000%	37.028%	56.159%	1.667%	1.147%	3.998%	100.000%	39.721%	53.740%	1.675%	1.143%	3.721%	76.053%	41.339%	54.380%	4.301%


Congress Statewide
Callais_000121
1
2
3
4
5
6
St. Bernard
Plaquemines
St. Tammany
Orleans
Jefferson
St. Charles
St. John
Lafourche
Terrebonne
Washington
Tangipahoa
St. Helena
Livingston
Ascension
St. James
Assumption
E Feliciana
W Feliciana
EBR
WBR
Iberville
St. Martin
St. Mary
Iberia
Pointe Coupee
Avoyelles
St. Landry
Lafayette
Vermilion
Acadia
Evangeline
Jeff Davis
Cameron
Allen
Beauregard
Calcasieu
Rapides
Vernon
Sabine
Natchitoches
Red River
De Soto
Caddo
Bossier
Webster
Claiborne
Bienville
Union
Lincoln
Jackson
Winn
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Caldwell
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Concordia
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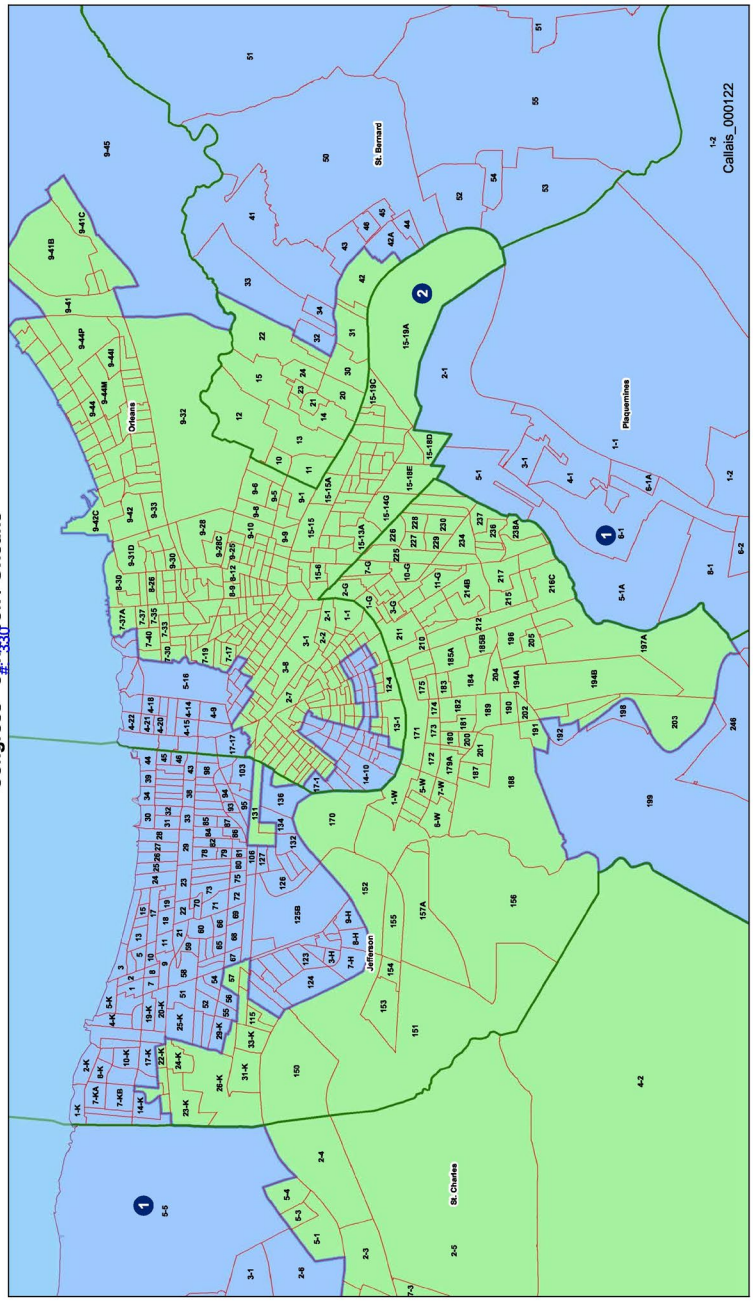
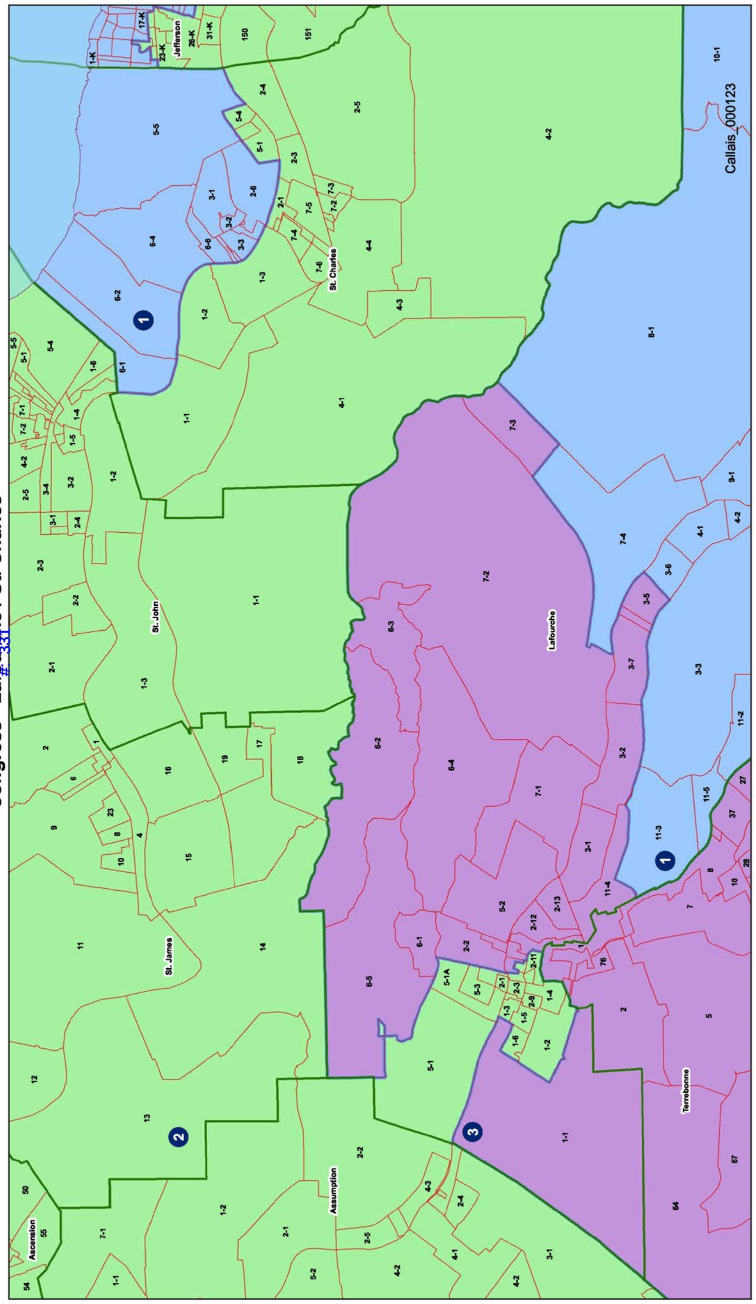
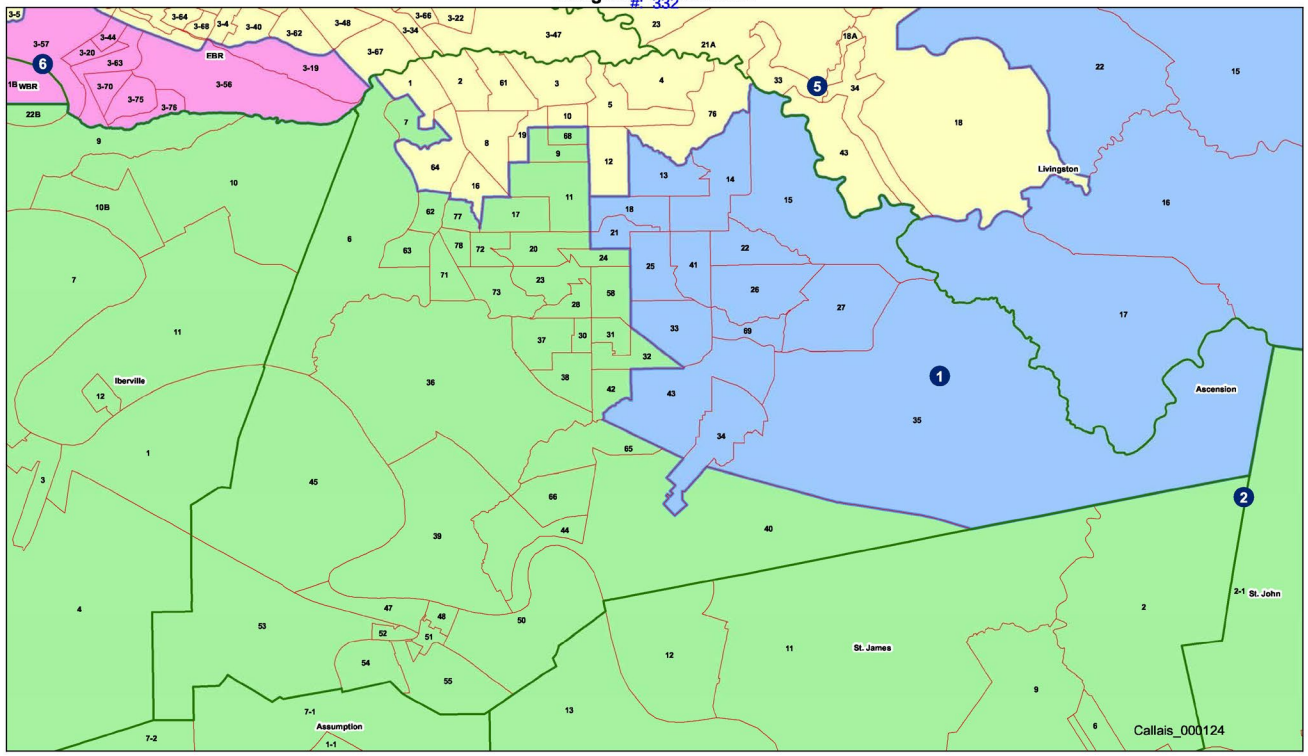
Tensas
Richland
Madison
Morehouse
W Carroll
E Carroll



Congress - Lafourche / St. Charles




Congress - Ascension
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Iberville
St. James
St. John
Assumption
EBR
WBR
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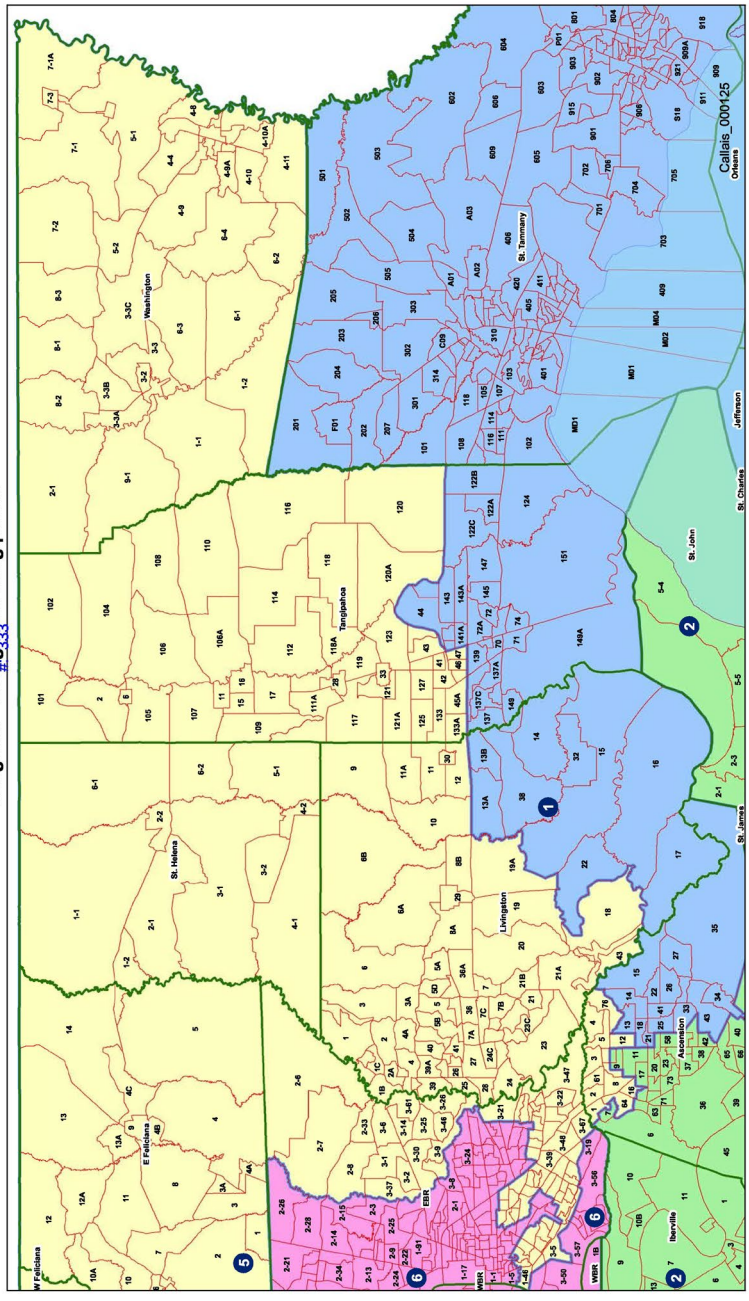
Congress_Livingston_Tangipahoa
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Tangipahoa
Livingston
St. Helena
Washington
St. Tammany
Jefferson
St. Charles
St. John
St. James
Ascension
Iberville
E Feliciana
W Feliciana
EBR
WBR
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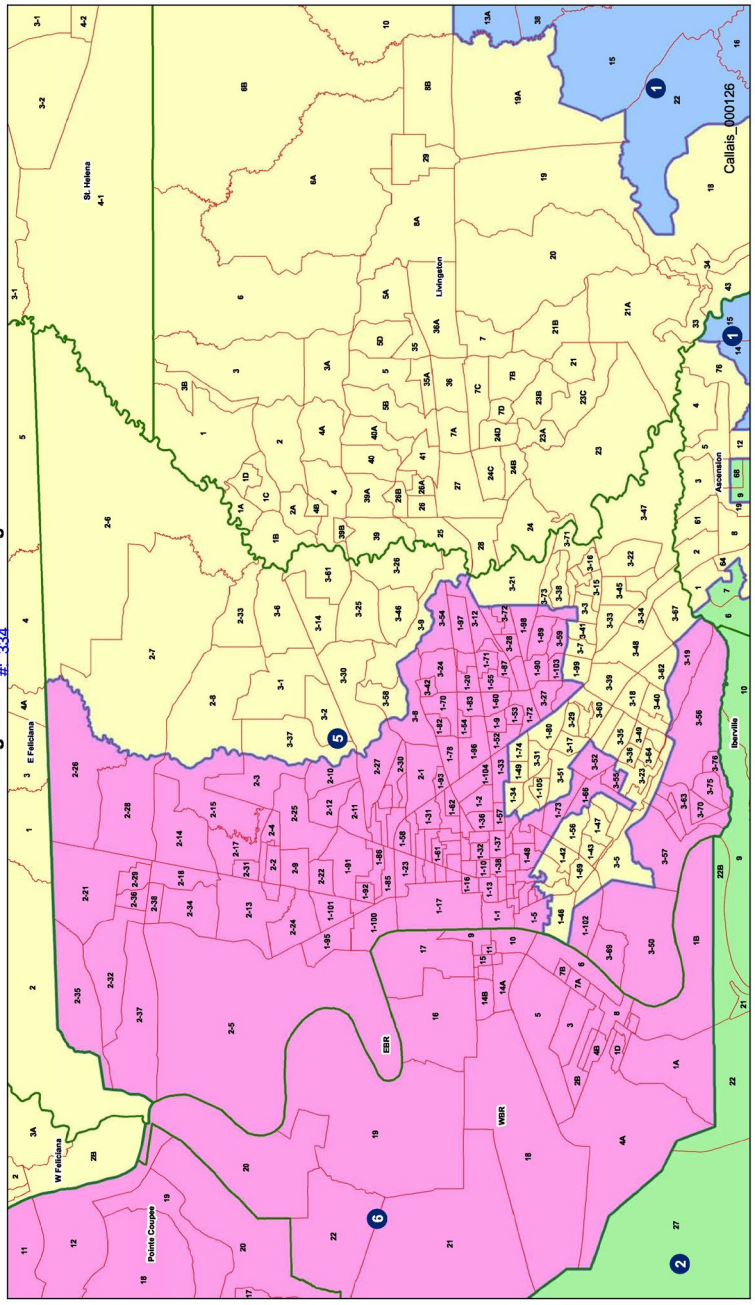

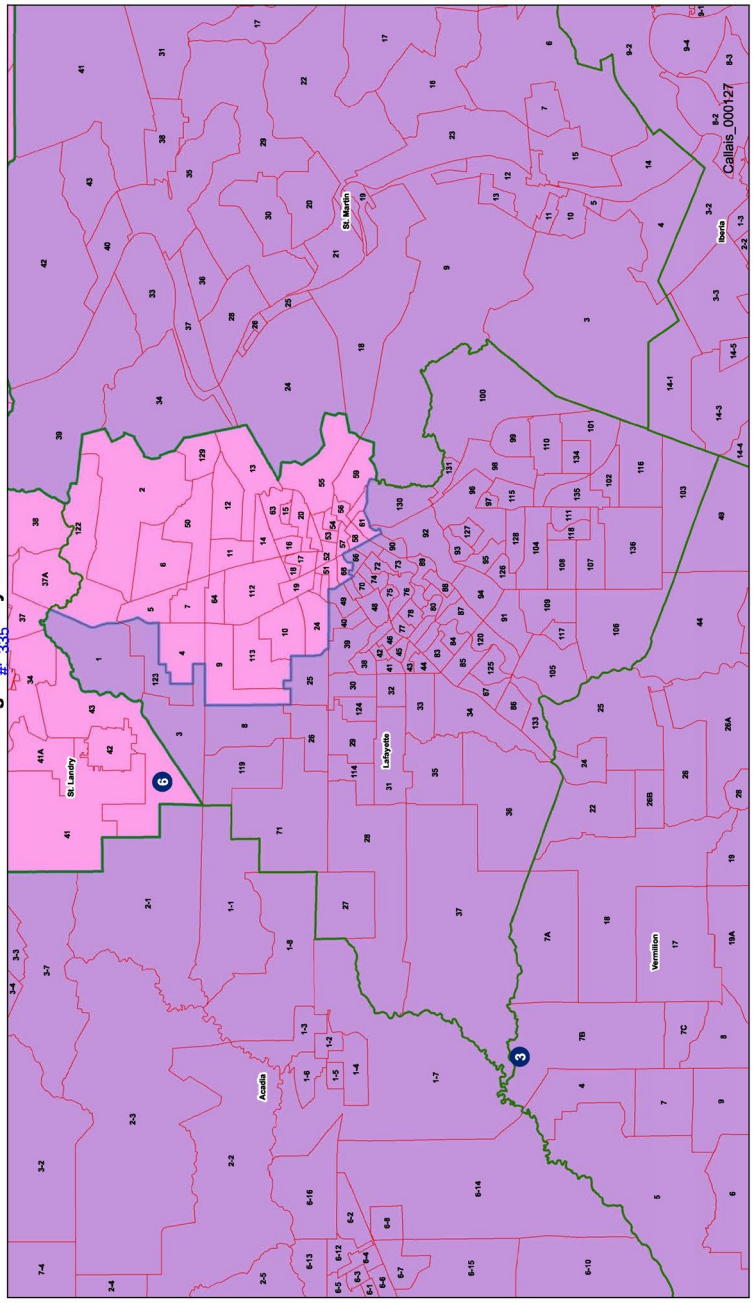
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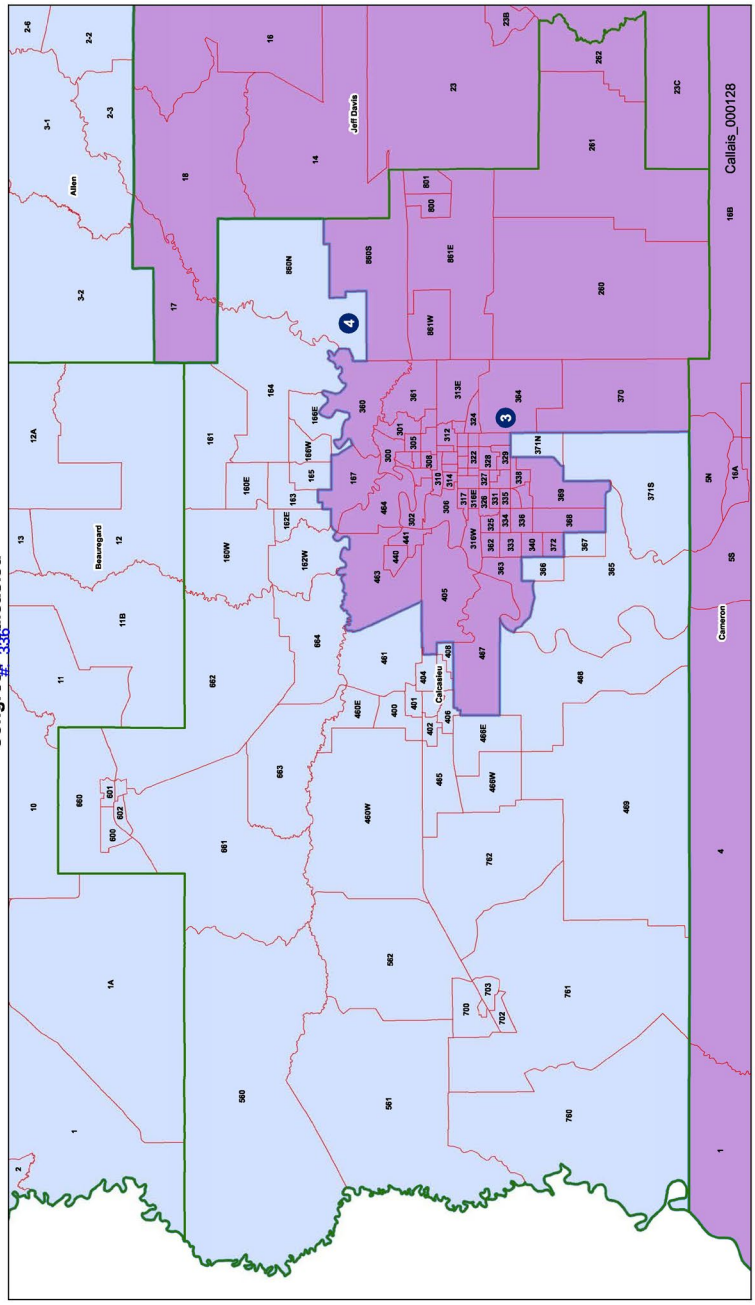
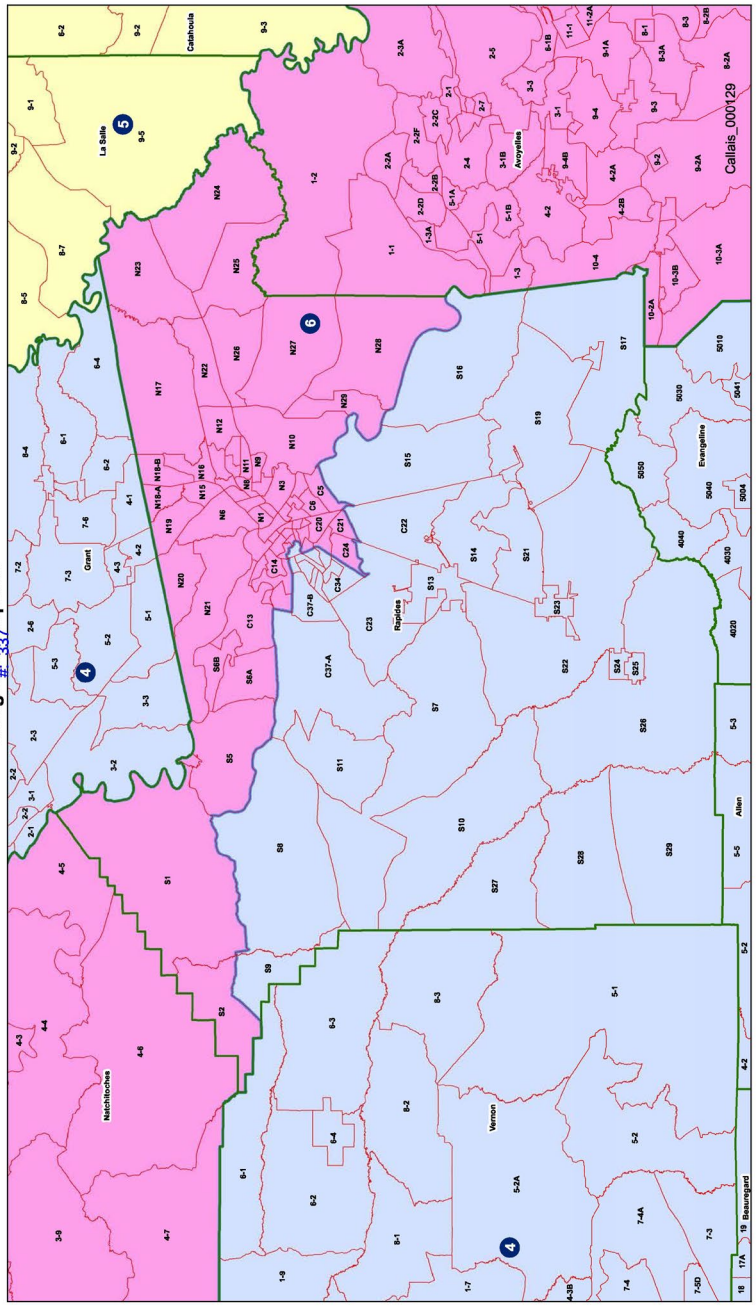
St. Landry
Lafayette
St. Martin
Iberia
Vermilion
Acadia
6
3




Congress Rapides
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