

Equity should guide redistricting process

By Jackson Voss, policy analyst

In early February the state Legislature will draw new political boundary lines for Louisiana's U.S. House of Representatives districts, seats in the state House and Senate, the Public Service Commission and a host of other elected offices based on the results of the 2020 U.S. Census.

This redistricting process provides a once-a-decade opportunity for legislators to prioritize people and communities that have historically been under-represented in government. This means ensuring that new districts reflect, as closely as possible, Louisiana's increasing racial and ethnic diversity.

In practical terms, this means the Legislature should strive to ensure that one-third of Louisiana's seats in the U.S. House, the state House and Senate and other elected offices are made up of either a majority or a plurality of Black residents. Doing this would require lawmakers to avoid the historic practice of "packing" and "cracking" legislative districts, where racial minorities are either packed tightly together in a few districts or have their power diluted by being distributed among many districts.

Legislators also should ensure that incarcerated people are counted in the communities where they come from, not where they are imprisoned, for the purposes of redistricting.

And finally, if the Legislature cannot draw districts that fairly represent Louisiana's racial and ethnic makeup, lawmakers should create an independent redistricting commission or assign the duty to nonpartisan staff. Allowing current elected officials to draw their own maps - effectively choosing their own voters - has always created a conflict of interest. By handing off the responsibility of drawing maps, the Legislature can ensure a fairer process that centers public interests and achieves equitable representation for all communities.

WHY DOES EQUITY MATTER?

The principle of equity means to treat people in a way that is fair or just. In the context of redistricting, that means using U.S. Census data to draw political boundaries that best reflect Louisiana's demographics, geographic diversity and general political composition. Done right, it can help to promote a sense of fairness in representation among the people as a whole.

Drawing fair districts isn't easy. Population shifts can mean that some elected officials find themselves in unfamiliar political territory, facing different voters than the ones who elected them. Geography and population distribution can make strange-looking maps hard to avoid. But the cost of failing to draw equitable maps is even greater, as it could undermine confidence and trust in Louisiana's government.

LOUISIANA AND THE 2020 CENSUS

The 2020 Census showed that Louisiana's population grew just 2.7% in the past decade, or about 124,000 people. Like in most states, Louisiana's rural communities lost population while most cities and

suburbs experienced growth. North Louisiana lost population, while South Louisiana - particularly in and around New Orleans - gained people. Racial demographics in Louisiana are shifting as well: Black, Asian, and Hispanic populations grew; more Louisianans identified themselves as Native American or biracial than in previous Census counts, and fewer Louisianans identified themselves as only white than in past Census years (this is likely because of changes in how the Census asks about racial and ethnic identity to more accurately how people identify themselves).

| 2020 U.S. CENSUS - LOUISIANA POPULATION AND DEMOGRAPHICS | | | | |
|--|------------------|------------------|-------------------------------|------------------------------|
| | 2010 | 2020 | Percent Change (2010 to 2020) | Percent of Population (2020) |
| Total Population | 4,533,372 | 4,657,757 | + 2.7% | 100.0% |
| White | 2,836,192 | 2,657,652 | - 6.3% | 57.1% |
| Black | 1,486,884 | 1,543,119 | + 3.8% | 33.1% |
| Asian | 81,551 | 107,288 | + 31.6% | 2.3% |
| Native American | 46,553 | 87,060 | + 87.0% | 1.9% |
| Other | 82,191 | 262,638 | + 219.6% | 5.6% |
| Hispanic | 192,559 | 322,549 | + 67.5% | 6.9% |

Source: U.S. Census Bureau, State Profile - Louisiana

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This data is important because it points to how legislators should think about representation through districts. Louisiana is an incredibly diverse state - racially, ethnically, and culturally - and these demographic data can help legislators account for that diversity in drawing political district lines.

WHAT RULES GOVERN REDISTRICTING?

Redistricting is largely governed by the federal Voting Rights Act of 1965 (VRA) and court cases concerning the 14th Amendment of the U.S. Constitution. Basically, federal law requires states to consider equity in how they draw districts - both in ensuring that each seat will represent roughly equal numbers of people, and also that they will be drawn to ensure representation of communities that were historically disenfranchised.

But the rules about how far states can deviate from the ideal population size of each district differ between federal and state offices. For U.S. House seats, states must draw district lines that will contain as close to equal population between districts and as minimal (as close to zero) deviation as possible. State offices, due in part to the challenges of highly localized district-drawing, have somewhat looser requirements. A deviation in population between districts of less than 10% is not considered to necessarily constitute discrimination under federal caselaw. Louisiana typically aims for deviation no greater than plus or minus 5% between each district.

HOW CAN LOUISIANA ENSURE FAIR, EQUITABLE DISTRICTS?

There are number of practices and policies that the Louisiana Legislature can adopt to help ensure that maps produced for redistricting are as equitable as possible, including:

- **Districts should reflect Louisiana's racial diversity.** One-third of Louisianans identify as Black, and the Legislature should aim for about one-third of political districts to represent majority- or plurality-Black constituencies. Beyond just a fair sensibility, the Voting Rights Act and precedents established under the 14th Amendment seem to require Louisiana to make every effort to do so. But Black Louisianans are currently underrepresented across Louisiana's elected offices, as many districts

were drawn to dilute the political power of Black communities.

As the NAACP, Power Coalition for Equity and Justice, the ACLU of Louisiana and others (including LBP) argued, a racially equitable redistricting process should result in two of Louisiana's six U.S. House districts representing majority-Black constituencies. Similarly, legislators should aim to have 35 of Louisiana's 105 state House seats and 13 of 39 state Senate seats represent majority or plurality-Black constituencies, and so on for judicial districts, the Board of Elementary and Secondary Education, and other districts.

- **Avoid “packing” and “cracking” where possible.** As much as possible, districts should be drawn in ways that don't either concentrate or break up communities to reduce representation across districts as a whole. These tactics, known as “packing” and “cracking,” are associated with gerrymandering. It has been a fairly common practice in Louisiana and other states to “pack” as many of a state's Black residents into as few districts as possible to ensure the likelihood of Black representation. But by doing this, states also limited the number of districts that are likely to elect a Black representative. “Cracking” on the other hand is a tactic that is difficult to justify and has led to court challenges and intervention, as it is fairly clearly intended to dilute the influence Black or brown communities by dividing them into majority white districts.

Legislators can draw districts that are less racially homogenous and better reflective of a given parish or city's demographics while still achieving the federal mandates of racially representative districts. For instance, Orleans Parish has gained population since 2010, and is approximately 33% white and 54% Black. When drawing districts within and including New Orleans, instead of trying to make a few districts as majority Black as possible (packing), legislators could aim for as many districts in the parish to match those demographics as possible - which should result in most districts in the area being either majority or plurality Black, as they make up the majority of the parish. This approach would help ensure that the Orleans delegation is more broadly reflective of the metropolitan area than packing people based on race would be.

Alternatively, Caddo Parish has lost population since 2010, and is about 45% white and 49% Black. The temptation here might be to maximize Shreveport's representation by carving parts of the city out into more districts (cracking). But because the rural parts of Caddo Parish are more white, and the City of Shreveport is more Black, this could lead to a loss of majority or plurality Black districts in the parish, despite Black people making up a plurality of the population in Caddo Parish. Instead, legislators should try to refrain from breaking up Caddo's Black population in ways that dilute their representation. If the parish can hold four House districts, for instance, legislators should aim to make at least two of them majority- or plurality-Black, even if they constitute slim majorities or pluralities.

The aim should be to not have over-representative or under-representative districts - but districts that align as closely as possible with the overall demographics of a given region, parish, or metropolitan area, while still also fulfilling federal obligations.

- **Count incarcerated people in the communities they come from - not where they are imprisoned.** In many states, including Louisiana, people serving prison sentences are not allowed to vote. But incarcerated people are still counted by the Census as residents of the jurisdiction where their prison is located. States can correct for this, either by not counting incarcerated people towards the population counts used to draw district lines, or by counting them in the parishes they come from originally using their home addresses.

In terms of equity, it is unfair for a legislator to claim to represent constituents that they know can't vote for them. Some local Louisiana jurisdictions - including West Feliciana, Iberville, and Evangeline parishes - have already taken action to ensure that prison populations are not used to determine local district lines. The state legislature should do the same.

- **Create a redistricting commission or nonpartisan staff.** One of the challenges with redistricting is that, once a decade, politicians are asked to choose their voters. This presents a bit of a conflict of interest, encouraging legislators to do what they can to preserve the districts that elected them and, potentially, diminishing the electoral opportunities of their potential challengers or colleagues in the opposition.

One solution to this is to remove legislators from the district-drawing process as much as possible using an independent or nonpartisan redistricting commission or staff. Several states have recently adopted independent redistricting commissions, such as Michigan and Arizona, to draw congressional districts - which include a bipartisan group of commissioners, as well as commissioners without a party affiliation. Another alternative could also be Iowa, which uses nonpartisan legislative staff to draw district maps using only population data and without special regard to partisan or electoral advantages. But both of these models draw on the same advantage - by removing politicians from the district drawing process, redistricting can focus more on fair representation and public interest than on serving the interests of legislators currently serving.

Louisiana legislators have a once-a-decade opportunity to ensure that our elected representatives truly reflect the state's diversity. But that can only happen if the redistricting process is guided by the goal of equitable representation.