

**IN THE UNITED STATES DISTRICT COURT FOR THE  
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,*

v.

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

*Defendant.*

Civil Action No. 3:24-cv-00122

Judge David C. Joseph

Circuit Judge Carl E. Stewart

Judge Robert R. Summerhays

**ROBINSON PLAINTIFFS' REQUEST FOR  
LEAVE TO FILE AMICUS BRIEF IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

*Robinson* plaintiffs 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 (collectively, the “Proposed Amici”) respectfully move this Court for leave to file the accompanying brief as amici curiae. For the reasons set forth in the accompanying Memorandum in Support, the Proposed Amici respectfully request that the Court grant the motion. Counsel for Proposed Amici requested the positions of the parties on this motions. The Plaintiffs and the Defendant-Intervenor State of Louisiana both

consented to the filing of amici's brief. As of the time of this filing, the Defendant Secretary of state has not responded to counsel's email. Proposed Amici's brief is attached as Exhibit A.

Proposed Amici also respectfully request permission to file a brief of 35 pages, excluding exhibits and declarations. This Court previously granted Plaintiffs' request to submit a memorandum in support of their motion for preliminary injunctive relief of 35 pages, and an opposition of the same length will permit Proposed Amici to respond more fully to Plaintiffs' affirmative arguments.

DATED: February 27, 2024

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, John Adcock, counsel for Proposed Amici, hereby certify that on February 27, 2024, a copy of the foregoing was filed electronically with the Clerk of Court using the CM/ECF system, and that service will be provided through the CM/ECF system.

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**MEMORANDUM IN SUPPORT OF REQUEST FOR  
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## BACKGROUND

The Proposed Amici are Black Louisiana voters and civil rights organizations that are currently parties in the pending action of *Robinson v. Landry*, No. 3:22-cv-02111-SDD-SDJ (M.D. La.), which involves claims asserted under Section 2 of the Voting Rights Act. Proposed Amici previously sought leave to intervene in these proceedings on the grounds that they have strong interests in defending the *Robinson* court’s “core factual findings and legal conclusions” and ensuring that “a map with a second congressional district in which Black voters have an opportunity to elect the candidate of their choice remains in place for the 2024 congressional election.” Mot. to Intervene, ECF No. 18, at 7.

This Court granted the Motion to Intervene in part—permitting intervention if and when the litigation enters any remedial phase—and denied it in part—declining to permit movants to participate in the merits phase. *See* Intervention Order, ECF No. 79, at 6. In so holding, the Court recognized that Proposed Amici had the requisite interest in the subject of the action and that disposition of the action may “impair or impede” Proposed Amici’s ability to protect that interest. *Id.* at 2. The Court denied the Motion to Intervene solely on the ground that the interest of the Proposed Amici would be adequately defended by the Secretary of State and Attorney General.

Proposed Amici respectfully request leave to file an amicus brief in opposition to Plaintiffs’ motion for a preliminary injunction to assist this Court in its analysis of the issues presented, and in particular to address the interaction between Section 2 of the Voting Rights Act and Plaintiffs’ constitutional claims. District courts regularly grant motions for amicus participation in voting rights cases raising similarly complex legal and factual issues. Here, Proposed Amici bring the unique perspective of litigants in a recent challenge to a Louisiana congressional map on the ground that it violated Section 2 of the Voting Rights Act, and are likely to highlight evidence in

the record and present legal arguments that differ from the other litigants in these proceedings. Proposed Amici have attempted to obtain consent from all parties in this action. Plaintiffs and the Defendant-Intervenor State of Louisiana do not oppose the motion, and the Defendant Secretary of State had not responded with a position at the time of filing.

### ARGUMENT

District courts have broad inherent authority to appoint or deny amici. *See Waste Mgmt. of Pennsylvania, Inc. v. City of York*, 162 F.R.D. 34, 36 (M.D. Pa. 1995). Amicus briefs are normally allowed when, among other grounds, “the amicus has unique information or perspective that can help the Court beyond the help that lawyers for the parties are able to provide.” *Hard Drive Prods., Inc. v. Doe*, 892 F. Supp. 2d 334, 337 (D.D.C. 2012) (citation and internal quotation marks omitted). Amicus briefs are regularly permitted in complex voting rights cases like the proceedings before the Court. *See, e.g., Clark v. Roemer*, 751 F. Supp. 586, 587 (M.D. La. 1990) (three-judge court permitting four amici), *rev’d on other grounds*, 500 U.S. 646 (1991); *Alpha Phi Alpha Fraternity v. Raffensperger*, 587 F. Supp. 3d 1222, 1238–39 nn.2, 4 (N.D. Ga. Feb. 28, 2022) (granting leave to two amici); *Democratic Nat’l Comm. v. Bostelmann*, 488 F. Supp. 3d 776, 799 n.17, 816–17 (W.D. Wis. 2020) (two proposed amici each had “a unique perspective, or information, that can assist the court” (citing *Nat’l Org. for Women, Inc. v. Scheidler*, 223 F.3d 615, 617 (7th Cir. 2000))).

*Terrebonne Parish Branch NAACP v. Jindal* is particularly instructive. Civ. Action No. 14-69, 2016 WL 2743525, at \*6 (M.D. La. May 11, 2016). There, the district court denied a motion by the Terrebonne Parish Consolidated Government to intervene, but granted the movant leave to file an amicus brief instead. The court held that the proposed intervenor “merely underlines issues of law already raised by the primary parties” and therefore can “contribute

usually most effectively and always most expeditiously by a brief amicus curiae and not by intervention.” *Id.* (quoting *Bush v. Viterna*, 740 F.2d 350, 359 (5th Cir. 1984)).

The grounds for amicus participation are even stronger here than in *Terrebonne Parish Branch NAACP v. Jindal*. The brief of Proposed Amici will provide the Court with the specialized perspective of litigants who have actively and successfully pursued claims under Section 2 of the Voting Rights Act (“VRA”) in a challenge to the previously enacted congressional map, HB1. Proposed Amici will show that the Legislature had a strong basis in evidence, based on the robust record Proposed Amici built in *Robinson*, for creating a second district to provide Black Louisianans an opportunity to elect candidates of their choice and that, based on the legislative record supporting SB8, consideration of politics, not race, led to SB8’s final district configuration. The litigation and legislative record further demonstrate, as Proposed Amici will argue, that race did not predominate in the creation of SB8, and that in any event consideration of race was amply justified under well-settled law by the State’s compelling interest in compliance with the VRA and the rulings of two federal courts. Proposed Amici will therefore explain why, based on this record, the Plaintiffs are unlikely to prevail on their Fourteenth and Fifteenth Amendment claims.

Proposed Amici expect that their submission will offer useful and meaningfully different merits arguments from those of the other litigants in this case. Proposed Amici contend, on the basis of extensive factual and legal support, that alternatives to SB8 that include only a single majority-Black district are likely to violate the Voting Rights Act. The other parties are unlikely to provide extensive argumentation on this point. Indeed, both Defendant Secretary of State and Defendant-Intervenor State of Louisiana were adverse to the Proposed Amici in the long-running prior litigation. The State has spent two years litigating against Proposed Amici to resist a map with two majority-Black districts and Governor Landry has made clear that the State adopted SB8



only after “exhaust[ing] ALL legal remedies.”<sup>1</sup> Moreover, as of this filing, the Secretary of State has filed a summary response to the Plaintiffs’ preliminary injunction motion that does not engage with Plaintiffs’ arguments in support of a preliminary injunction and that expressly takes no position on whether a preliminary injunction should be granted. *See* Defs.’ Resp. to Pls.’ Preliminary Injunction Mot., ECF No. 82.

### CONCLUSION

For the reasons set out above, Proposed Amici respectfully request leave to file an amicus brief in opposition to Plaintiffs’ motion for a preliminary injunction in the form submitted herewith as Exhibit A.

DATED: February 27, 2024

Respectfully submitted,

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<sup>1</sup> Office of the Governor, *Governor Jeff Landry Opens First Special Session on Court Ordered Redistricting* (Jan. 16, 2024), <https://gov.louisiana.gov/news/governor-jeff-landry-opens-first-special-session-on-court-ordered-redistricting> (asking the Louisiana Legislature to enact a new congressional map to avoid a map drawn “by some heavy-handed member of the Federal Judiciary”).

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**TABLE OF CONTENTS**

	<b><u>Page</u></b>
PRELIMINARY STATEMENT .....	1
FACTUAL BACKGROUND.....	3
Louisiana has a long history of disenfranchising and discriminating against Black voters.....	3
The Louisiana Legislature enacts HB1 over a gubernatorial veto.....	3
The district court enjoins HB1 as likely violating the VRA.....	5
The Fifth Circuit denies a stay pending appeal, but the Supreme Court stays the preliminary injunction pending <i>Allen v. Milligan</i> .....	6
The Fifth Circuit agrees that HB1 likely violates the VRA, but vacates the injunction because there was adequate time for a trial before the 2024 election.....	7
Governor Landry calls a Special Session to enact a new congressional map.....	8
Senator Womack describes the political rationale behind SB8.....	9
Senator Womack describes traditional redistricting principles guiding SB8.....	11
The Callais Plaintiffs sue.....	13
ARGUMENT.....	14
I. Plaintiffs are not likely to succeed on the merits of their claims.....	14
A. The State and the Legislature had a strong basis in evidence to believe Section 2 required a second majority-Black district.....	15
B. Race was not the predominant factor in the enactment of SB8; the legislative record shows that the Legislature enacted SB8 to comply with the VRA, <i>and</i> the contours of the map were driven by politics, not race.....	17
C. SB8 was drawn to further the State’s compelling interest in complying with Section 2 of the VRA.....	23
D. Plaintiffs are unlikely to prevail on their intentional vote dilution claim under the Fourteenth and Fifteenth Amendments.....	29
II. Plaintiffs will not suffer irreparable injury absent an injunction.....	33
III. The balance of equities and public interest weigh against injunctive relief.....	33
IV. Plaintiffs’ proposed remedial map violates the VRA and should be rejected.....	34
CONCLUSION.....	35

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>Abbott v. Perez</i> , 138 S. Ct. 2305 (2018).....	21, 26
<i>Addy v. Newton Cnty.</i> , 2 F. Supp. 2d 861 (S.D. Miss. 1997).....	24, 25, 26
<i>Alabama Legislative Black Caucus v. Alabama</i> , 575 U.S. 254 (2015).....	15
<i>Allen v. Milligan</i> , 599 U.S. 1 (2023).....	<i>passim</i>
<i>Ardoin v. Robinson</i> , 142 S. Ct. 2892 (2022).....	6
<i>Ardoin v. Robinson</i> , 143 S. Ct. 2654 (2023).....	7
<i>Backus v. South Carolina</i> , 857 F. Supp. 2d 553 (D.S.C.).....	29, 30
<i>Benisek v. Lamone</i> , 138 S. Ct. 1942 (2018).....	14
<i>Bethune-Hill v. Virginia State Bd. of Elections</i> , 580 U.S. 178 (2017).....	16, 17, 24, 27
<i>Bush v. Vera</i> , 517 U.S. 952 (1996).....	6, 27
<i>Clark v. Calhoun Cnty., Miss.</i> , 88 F.3d (5th Cir. 1996) .....	15, 16, 23, 24
<i>Clarke v. Commodity Futures Trading Comm’n</i> , 74 F.4th 627 (5th Cir. 2023) .....	33
<i>Cooper v. Harris</i> , 581 U.S. 285 (2017).....	14
<i>Easley v. Cromartie</i> , 532 U.S. 234 (2001).....	17, 18

*Fusilier v. Landry*,  
 963 F.3d 447 (5th Cir. 2020) .....30, 31, 32

*Galmon v. Ardoin*,  
 No. 3:22-cv-00214-SDD-SDJ (M.D. La.) .....5

*Hall v. Louisiana*,  
 108 F. Supp. 3d 419 (M.D. La. 2015).....15, 29, 30

*Holmes v. BellSouth Telecommunications, LLC*,  
 2023 WL 5610359 (W.D. La. Aug. 29, 2023).....33

*Lake Charles Diesel, Inc. v. General Motors Corp.*,  
 328 F.3d 192 (5th Cir. 2003) .....14

*League of United Latin Am. Citizens v. Abbott*,  
 2022 WL 4545757 (W.D. Tex. Sept. 28, 2022).....29

*League of United Latin Am. Citizens v. Perry*,  
 548 U.S. 399 (2006).....24, 25, 27

*Major v. Treen*,  
 574 F. Supp. 325 (E.D. La. 1983).....3

*Nken v. Holder*,  
 556 U.S. 418 (2009).....14, 33

*Patino v. City of Pasadena*,  
 230 F. Supp. 3d 667 (S.D. Tex. 2017) .....32

*Prejean v. Foster*,  
 227 F.3d 504 (5th Cir. 2000) .....24

*Purcell v. Gonzalez*,  
 549 U.S. 1 (2006) (per curiam).....34

*Robinson v. Ardoin*,  
 37 F.4th 208 (5th Cir. 2022) ..... *passim*

*Robinson v. Ardoin*,  
 605 F. Supp. 3d 759 (M.D. La. 2022)..... *passim*

*Robinson v. Ardoin*,  
 86 F.4th 574 (5th Cir. 2023) ..... *passim*

*Shaw v. Hunt*,  
 517 U.S. 899 (1996).....27

*Theriot v. Par. of Jefferson*,  
966 F. Supp. 1435 (E.D. La. 1997).....24

*Theriot v. Par. of Jefferson*,  
No. CIV. A. 95-2453, 1996 WL 637762 (E.D. La. Nov. 1, 1996) .....16, 26

*Thomas v. School Board St. Martin Parish*,  
544 F. Supp. 3d 651 (W.D. La. 2021).....22

*Thornburg v. Gingles*,  
478 U.S. 30 (1986).....5

*VAYLA New Orleans. v. Tom Schedler*,  
3:16-cv-305-BAJ-RLB (M.D. La. 2016) .....30

*Veasey v. Abbott*,  
830 F.3d 216 (5th Cir. 2016) .....31

*Village of Arlington Heights v. Metro Housing Development Corp.*,  
429 U.S. 252 (1977).....15, 29, 31

*York v. City of St. Gabriel*,  
89 F. Supp. 3d 843 (M.D. La. 2015).....30

**Statutes**

Voting Rights Act of 1965..... *passim*

**Legislative Materials**

La. Committee on House and Governmental Affairs (Jan. 18, 2024), available at  
[https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0118\\_24\\_HG\\_P2](https://redist.legis.la.gov/default_video?v=house/2024/jan/0118_24_HG_P2) .....11

La. Committee on House and Governmental Affairs (Jan. 15, 2024), available at  
[https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0115\\_24\\_HG](https://redist.legis.la.gov/default_video?v=house/2024/jan/0115_24_HG).....8

La. Committee on Senate and Governmental Affairs (Jan. 16, 2024), available at  
[https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011624SG2](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011624SG2).....10, 20, 23

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La. Senate Chamber, at 11:10 – 12:08 (Jan. 17, 2024),  
[https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB) .....12



### **PRELIMINARY STATEMENT**

This case asks whether the State of Louisiana was justified in enacting a congressional districting plan with two majority-Black districts after multiple federal courts held that a plan with only one district violated Section 2 of the Voting Rights Act of 1965 (“VRA”). And it asks whether, in carrying out that statutory mandate, the State has the flexibility to elevate political considerations over traditional redistricting concerns such as compactness and maintaining whole parishes, while still ensuring compliance with Section 2. In light of the robust evidentiary record developed in the Section 2 litigation in *Robinson v. Ardoin*, currently pending in the Middle District of Louisiana, the rulings of the district court and the Fifth Circuit in that litigation, and a complete accounting of the legislative record supporting SB8, the answer to both questions is indisputably, “yes.” See *Robinson v. Ardoin*, 605 F. Supp. 3d 759 (M.D. La. 2022) (“*Robinson I*”); *Robinson v. Ardoin*, 37 F.4th 208 (5th Cir. 2022) (“*Robinson II*”); *Robinson v. Ardoin*, 86 F.4th 574 (5th Cir. 2023) (“*Robinson III*”). Accordingly, the preliminary injunction must be denied.

Decades of case law establish that heeding the requirements of the VRA is both mandatory and constitutional. Even though the 2020 census revealed that almost all of Louisiana’s population growth was driven by minority populations, in 2022 the State enacted a congressional map (“HB1”) that diluted Black voting strength by “packing” large numbers of Black voters into a single majority-Black congressional district and “cracking” the State’s remaining Black voters among the five remaining districts, all of which were majority white. The congressional map Plaintiffs seek would do the same. But the district court in *Robinson* and two unanimous panels of the Fifth Circuit concluded that Section 2 likely requires Louisiana to adopt a congressional district map that includes two districts in which Black voters have an opportunity to elect their candidates of choice. *Robinson I*, 605 F. Supp. 3d at 766; *Robinson II*, 37 F.4th at 215; *Robinson III*, 86 F.4th at 583.

In this case, Plaintiffs seek to vitiate the effect of these rulings and foist on Louisiana a congressional map materially identical to the one challenged in *Robinson* that unlawfully diluted the votes of Black voters. Louisiana has already gone through one election under a map that violates Section 2, and Plaintiffs must not be permitted, in this collateral litigation, to disrupt the orderly implementation of a lawful plan in advance of the 2024 election. Under clearly established Supreme Court precedent, Plaintiffs are exceedingly unlikely to prevail on their Fourteenth and Fifteenth Amendment claims. The litigation and legislative record amply demonstrate that the Legislature had a strong basis in evidence for creating a second district to provide Black Louisianans an opportunity to elect candidates of their choice, and that politics, not race, drove the particular line-drawing decisions that led to SB8's final district configuration. In light of this record, it is clear that race did not predominate in the creation of SB8, and even if it did, it was justified by the State's need to comply with the VRA and the rulings of two federal courts.

Plaintiffs' intentional discrimination argument fails for the same reasons. There is no evidence that the Legislature was driven by animus toward Plaintiffs or the class of "non-African American" voters whose interests they purport to represent. There is likewise no evidence that SB8 has the effect of diluting Plaintiffs' votes on account of their non-African American status.

Moreover, Plaintiffs cannot establish irreparable injury, and the balance of the equities and public interest weigh heavily against injunctive relief. Here, the only risk of irreparable injury lies with the *Robinson* Amici and Black Louisianians, who would suffer vote dilution in yet another election if this Court imposes Plaintiffs' illustrative map. Such a result would harm all Louisiana voters, including Plaintiffs, by resulting in an election under congressional districts that likely violate the law. The public's expectations for the 2024 election are finally settled through the acts of their elected representatives after hard-fought litigation about what the law requires. The process

that led to SB8 is exactly the process that the Fifth Circuit contemplated when it remanded the *Robinson* case to the district court and imposed a deadline for the Legislature to come into compliance with Section 2. Plaintiffs must not be allowed to disrupt that orderly process through a last-minute collateral attack. Plaintiffs' preliminary injunction motion should be denied.

### **FACTUAL BACKGROUND**

#### ***Louisiana has a long history of disenfranchising and discriminating against Black voters.***

As the *Robinson* district court found, “[t]here is no sincere dispute” about “Louisiana’s long and ongoing history of voting-related discrimination.” *Robinson I*, 605 F. Supp. 3d at 848. Although nearly one-third of Louisiana’s voting-age citizens are Black, the State’s congressional districting maps included no majority-Black districts until the 1980s. Only after a federal court held that the State’s prior congressional district map violated the VRA did the State adopt a map with one majority-Black district. *See Major v. Treen*, 574 F. Supp. 325 (E.D. La. 1983).

As the *Robinson* court also found, voting in Louisiana is starkly polarized by race, and, except in majority-Black districts, white voters in Louisiana have consistently voted as a bloc to defeat the candidates preferred by Black voters. *Robinson I*, 605 F. Supp. 3d at 839–844. No Black candidate has been elected to statewide office since Reconstruction; Louisiana has never elected a Black candidate to Congress from a non-majority-Black district; and Black Louisianians are substantially underrepresented in both houses of the State legislature. *Id.* at 845–46.

#### ***The Louisiana Legislature enacts HB1 over a gubernatorial veto.***

The 2020 census revealed that Louisiana’s population increased since 2010, that this growth was driven almost entirely by growth in minority populations, and that Black citizens represent approximately 33.1% of the State’s total population and 31.2% of its voting age population. *Id.* at 851. The census also showed that the State’s congressional apportionment remained unchanged from 2010 at six congressional seats. *Id.* at 767. Consistent with its

constitutional obligation to ensure that its congressional districts are as equal in population as possible, the State undertook its decennial redistricting process to redraw its district maps. *Id.* at 769–70.

Between October 2021 and January 2022, the Legislature held public hearings across the State to solicit views about congressional redistricting. Voter after voter urged the Legislature to enact a map including two districts in which Black voters would have the same opportunity as white voters to elect their candidates of choice. Voters and Louisiana-based voting rights organizations also provided detailed analysis showing that the adoption of a plan with two districts in which Black voters had an equal opportunity to elect their candidates of choice was required by the VRA.<sup>1</sup> Multiple proposals for district maps with two majority-Black districts, including maps resembling SB8, were presented to the Legislature.<sup>2</sup>

The Legislature rejected these plans and adopted HB1. Like its predecessors, HB1 had one majority-Black district stretching from New Orleans to Baton Rouge. HB1 also provided for five districts with large white voting age majorities. Then-Governor Edwards vetoed HB1 on the ground that it “violate[d] Section 2 . . . and further is not in line with the principle of fundamental fairness.” The Legislature overrode the Governor’s veto and HB1 became law.<sup>3</sup>

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<sup>1</sup> Email Testimony of Michael Pernick submitted to the Monroe, La. Redistricting Roadshow (Oct. 18, 2021), [https://redist.legis.la.gov/2020\\_Files/MtgFiles/Email Testimony - Michael Pernick, NAACP Legal Defense & Educational Fund, Inc., & others.pdf](https://redist.legis.la.gov/2020_Files/MtgFiles/Email%20Testimony%20-%20Michael%20Pernick,%20NAACP%20Legal%20Defense%20&%20Educational%20Fund,%20Inc.,%20&%20others.pdf).

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

<sup>3</sup> March 9, 2022 Letter from Governor John Bel Edwards to Hon. Clay J. Schexnayder, <https://gov.louisiana.gov/assets/docs/Letters/SchexnayderLtr20220309VetoHB1.pdf>.

***The district court enjoins HB1 as likely violating the VRA.***

Immediately after the veto override, the *Robinson* and *Galmon*<sup>4</sup> plaintiffs—voting rights organizations and individual Black voters from across the state—commenced actions in the U.S. District Court for the Middle District of Louisiana against the Secretary of State challenging HB1 on the ground that it dilutes the voting strength of the state’s Black voters in violation of Section 2 and moved for preliminary injunctions against the plan’s implementation. The Attorney General and the leaders of both houses of the Legislature intervened as defendants, and the Legislative Black Caucus intervened as a plaintiff. In May 2022, the district court held a five-day evidentiary hearing on the plaintiffs’ preliminary injunction motions. The parties presented testimony from seven fact witnesses and fourteen experts and made extensive pre- and post-hearing written submissions. *Robinson I*, 605 F. Supp. 3d at 768–69.

On June 6, 2022, Judge Dick issued a 152-page Ruling and Order granting plaintiffs’ motion for a preliminary injunction. *Id.* at 766. The court concluded that the plaintiffs were substantially likely to prevail on each of the preconditions for establishing Section 2 liability under *Thornburg v. Gingles*, 478 U.S. 30 (1986), and, as *Gingles* also requires, with regard to the totality of the circumstances. The court considered and squarely rejected the arguments Plaintiffs urge here that the first *Gingles* precondition—namely, a showing that the Black population is sufficiently large and geographically compact to constitute a majority in a single member district that is reasonably compact and drawn in conformity with traditional redistricting principles—cannot be established; that the illustrative maps plaintiffs presented showing two majority-Black districts were unconstitutional racial gerrymanders; and that the *Hays* cases from the 1990s precluded enactment of a congressional map with two majority-Black districts. *Id.* at 820–39.

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<sup>4</sup> *Galmon v. Ardoin*, No. 3:22-cv-00214-SDD-SDJ (M.D. La.).

In granting the preliminary injunction, the court provided the Louisiana Legislature an opportunity to adopt a remedial plan that included two majority-Black districts. *Id.* at 766. The court emphasized the Supreme Court’s direction that “[s]tates retain broad discretion in drawing districts to comply with the mandate of § 2,” and that the State is not required to “draw the precise compact district that a court would impose in a successful § 2 challenge.” *Id.* at 857 (quoting *Shaw v. Hunt*, 517 U.S. 899, 917 n.9 (1996), and *Bush v. Vera*, 517 U.S. 952, 978 (1996)); *see also id.* at 857–58 (nothing that “deference is due to [the State’s] reasonable fears of, and to their reasonable efforts to avoid, § 2 liability”) (quoting *Vera*, 517 U.S. at 978).

***The Fifth Circuit denies a stay pending appeal, but the Supreme Court stays the preliminary injunction pending Allen v. Milligan.***

The defendants in *Robinson*—two of which are Defendants here—filed notices of appeal and moved for a stay pending appeal. On June 12, 2022, a Fifth Circuit motions panel unanimously denied the *Robinson* defendants’ motion, concluding that the defendants had “not met their burden of making a strong showing of likely success on the merits.” *Robinson II*, 37 F.4th at 215. The panel squarely rejected defendants’ arguments that “complying with the district court’s order [to adopt a plan with two majority-Black districts] would require the Legislature to adopt a predominant racial purpose.” *Id.* at 222–24; *see also id.* at 215 (noting that the district court’s order on appeal “requires the Louisiana Legislature to enact a new congressional map with a second black-majority district”); *id.* at 223 (“[T]he defendants have not overcome the district court’s factual findings indicating that the [plaintiffs’] illustrative maps are not racial gerrymanders.”).

The Supreme Court subsequently ordered that the case be “held in abeyance pending this Court’s decision” in *Allen v. Milligan* (then-named *Merrill v. Milligan*), a case involving a challenge to Alabama’s congressional district map under Section 2 of the VRA. *See Ardoin v. Robinson*, 142 S. Ct. 2892 (2022). On June 8, 2023, the Court issued its decision in *Milligan*,

upholding the lower court’s preliminary injunction against the Alabama map and strongly reaffirming the *Gingles* framework. See *Allen v. Milligan*, 599 U.S. 1, 17 (2023). The Court thereafter lifted the stay in *Robinson* and remanded “for review in the ordinary course and in advance of the 2024 congressional elections in Louisiana.” *Ardoin v. Robinson*, 143 S. Ct. 2654 (2023).

***The Fifth Circuit agrees that HB1 likely violates the VRA, but vacates the injunction because there was adequate time for a trial before the 2024 election.***

On November 10, 2023, the merits panel of the Fifth Circuit issued a unanimous opinion endorsing the *Robinson* court’s ruling that plaintiffs were likely to succeed on the merits of their Section 2 claim. *Robinson III*, 86 F.4th at 583. The court concluded that a redistricting objective to establish two majority-Black districts “does not automatically constitute racial predominance.” *Id.* at 594 (citing *Milligan*, 599 U.S. at 32–33). The court rejected the defendants’ argument that, because the plaintiffs’ proposed illustrative maps were “designed with the goal of at least 50 percent [Black Voting Age Population],” they were impermissible racial gerrymanders. *Id.* at 593. The court reasoned that “[a]ttempting to reach the needed 50 percent threshold does not automatically amount to racial gerrymandering.” *Id.* at 594. The “target of reaching a 50 percent BVAP was considered alongside and subordinate to the other race-neutral traditional redistricting criteria *Gingles* requires,” including consideration of “communities of interest, political subdivisions, parish lines, culture, religion, etc.” *Id.* at 595. The court concluded that “[t]he district court’s preliminary injunction . . . was valid when it was issued.” *Id.* at 599.

The Fifth Circuit nevertheless vacated the preliminary injunction on the ground that “[f]or the 2024 Louisiana elections calendar . . . there is no imminent deadline,” and because a trial on the merits could be held before that election, a preliminary injunction “is no longer required to prevent the alleged elections violation.” *Id.* at 600. The court allowed the Legislature until January

15, 2024, to enact a new congressional redistricting plan and directed that “[i]f no new plan is adopted, then the district court is to conduct a trial and any other necessary proceedings to decide the validity of the H.B. 1 map, and, if necessary, to adopt a different districting plan for the 2024 election.” *Id.* at 601–02. The district court subsequently extended that deadline, at the defendants’ request, to January 30, 2024. *Robinson I*, ECF No. 330. The Fifth Circuit denied defendants’ motion for reconsideration en banc. *Robinson III*, ECF No. 363.

***Governor Landry calls a Special Session to enact a new congressional map.***

On January 8, 2024, newly inaugurated Governor Landry called the Legislature into an extraordinary session to, *inter alia*, “legislate relative to the redistricting of the Congressional districts of Louisiana.”<sup>5</sup> One week later, the Legislature convened. Prior to the commencement of session, the Committee on House and Governmental Affairs met for an informational briefing from committee staff and the Attorney General on the requirements for the redistricting process and legal process that led to the special session.<sup>6</sup> The briefing emphasized population shifts reported in the last census, traditional redistricting principles, and the court record in *Robinson*.<sup>7</sup>

In a speech to the Legislature, Governor Landry explained that the purpose of the Special Session was to approve a new Congressional district map that satisfied the VRA and that was chosen by the Legislature rather than the courts. He averred that the State had “exhausted all legal remedies” to defend HB1.<sup>8</sup> He implored the legislators to “join [him] in adopting the redistricting maps proposed,” stating the “maps will satisfy the court and ensure that the congressional districts

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<sup>5</sup> Proclamation 01 JML 2024, Call and Convene the Legislature of Louisiana into Extraordinary Session (Jan. 8, 2024), available at <https://www.gov.louisiana.gov/assets/ExecutiveOrders/2024/JML-Proclamation-01.pdf>.

<sup>6</sup> See generally La. Committee on House and Governmental Affairs Meeting (Jan. 15, 2024), available at [https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0115\\_24\\_HG](https://redist.legis.la.gov/default_video?v=house/2024/jan/0115_24_HG) (“Ex. 1”).

<sup>7</sup> *Id.*

<sup>8</sup> Office of the La. Governor, Governor Jeff Landry Opens First Special Session on Court Ordered Redistricting (Jan. 16, 2024), <https://gov.louisiana.gov/news/governor-jeff-landry-opens-first-special-session-on-court-ordered-redistricting>.



of our State are made right here in the Legislature and not by some heavy-handed member of the federal judiciary.”<sup>9</sup>

Seven bills were filed to reconfigure the congressional district lines. Six of those bills provided for two majority-Black districts.<sup>10</sup> SB8, the bill ultimately enacted, provides for a bare majority of Black voters in two districts, CD2 and CD6. An alternative bill, SB4, mirrored a map proposed as a remedial plan by the Plaintiffs in the *Robinson* litigation, which included Black voting age majorities in CD2 and CD5, was substantially identical to maps the district court had held were consistent with traditional redistricting principles and were not predominantly motivated by race or unconstitutional racial gerrymanders.<sup>11</sup>

***Senator Womack describes the political rationale behind SB8.***

The legislative record reflects that the Legislature’s primary purpose in enacting SB8 was politics rather than race. Senator Womack, the lead Senate sponsor of SB8, described the bill as the “product of a long, detailed process” to achieve “several goals.”<sup>12</sup> First among these goals, Senator Womack stated, was to ensure that his congressional representative, Julia Letlow, “remains both unpaired with any other incumbents and in a congressional district that should

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

<sup>10</sup> See H.B. 2, 1st Spec. Sess. (La. 2024); H.B. 5, 1st Spec. Sess. (La. 2024); H.B. 14, 1st Spec. Sess. (La. 2024); H.B. 19, 1st Spec. Sess. (La. 2024); S.B. 4, 1st Spec. Sess. (La. 2024); S.B. 8, 1st Spec. Sess. (La. 2024); S.B. 10, 1st Spec. Sess. (La. 2024).

<sup>11</sup> *Robinson I*, 605 F. Supp. 3d at 838 (“There is *no factual evidence* that race predominated in the creation of the illustrative maps in this case . . . Plaintiffs’ expert witnesses William Cooper and Anthony Fairfax explicitly and credibly testified that they did not allow race to predominate over traditional districting principles as they developed their illustrative plans.”); see also *Robinson II*, 86 F.4th at 592 (“The district court reviewed the evidence before it and made a factual finding as to what the evidence showed, acknowledging throughout its decision the State’s omission of contrary testimony. It concluded that the facts and evidence demonstrated the Plaintiffs were substantially likely to prove the geographic compactness of the minority population . . . There was no clear error by the district court when it found the illustrative maps created a different community of interest and the first *Gingles* precondition was met.”).

<sup>12</sup> See La. Committee on Senate and Governmental Affairs Meeting (Jan. 16, 2024) (“Ex. 2”), Part II available at [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011624SG2](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011624SG2) (starting around 30:17).

continue to elect a Republican to Congress for the remainder of this decade.”<sup>13</sup> In this critical way, Senator Womack and other legislators acknowledged, SB8 differed from SB4 (a bill that, as noted, resembled a map proposed by the *Robinson* plaintiffs), which created a new majority-Black district in CD5 which Representative Letlow currently serves.<sup>14</sup> Instead, SB8 created a new majority-Black district in CD6, the district currently held by Congressman Garrett Graves.<sup>15</sup>

Senator Womack further emphasized the political goal of maintaining four “safe Republican seats,” and ensuring that the seats currently held by Speaker of the U.S. House of Representatives Mike Johnson and U.S. House Majority Leader Steve Scalise “will have solidly Republican districts at home so that they can focus on . . . national leadership.”<sup>16</sup> Senator Womack stated that he “considered a number of different map options” to comply with the federal courts’ directives to abide by Section 2, but decided to sponsor SB8 because he believed it best “accomplished the political goals” he believed are “important” for his “district, for Louisiana, and for our country.”<sup>17</sup> Senator Womack expanded upon his motivations and the mapping process during questioning from committee members. After acknowledging that SB8 split more parishes than SB4, Senator Womack noted that political considerations were prioritized in balancing other principles, like parish splits: “It was strictly—politics drove this map.”<sup>18</sup>

Other legislators were similarly clear about their primary motivation—the safe political futures of select Republican incumbents. While House Speaker Johnson, Majority Leader Scalise, and Representatives Letlow and Higgins were all named during the process,<sup>19</sup> Representative

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<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> See S.B. 8, 1st Spec. Sess. (La. 2024).

<sup>16</sup> See Ex. 2 at 31:18 – 31:54 (Jan. 16, 2024).

<sup>17</sup> *Id.* at 33:55 – 34:23.

<sup>18</sup> *Id.* at 34:30 – 35:44.

<sup>19</sup> See, e.g., La. Committee on House and Governmental Affairs, at 26:00 – 26:32 (Jan. 18, 2024), [https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0118\\_24\\_HG\\_P2](https://redist.legis.la.gov/default_video?v=house/2024/jan/0118_24_HG_P2) (“Ex. 4”).

Graves was conspicuously left out of the on-the-record statements by proponents of SB8—consistent with the widely reported accusations that the Governor and allies in the Legislature were motivated to pass a map that would undermine Representative Graves’ political future in retaliation for his support of political opponents of both Majority Leader Scalise in his brief candidacy for Speaker of the House and Governor Landry in his recent campaign for Governor.<sup>20</sup>

Senator Womack expressly stated that race was “not the predominant factor” in adopting SB8 but was instead a “secondary consideration.”<sup>21</sup> When asked if he analyzed whether the majority-Black districts in SB8 would perform for Black voters, he responded that he conducted no such analysis, but added that he knew how the districts would perform on party lines: “Our analysis is on party, not race.”<sup>22</sup> And when asked why the map joined Shreveport and Baton Rouge, Senator Womack stated, “we had to draw two districts, and that’s the only way we could get two districts ... one of the ways we could get two districts and still protect our political interest.”<sup>23</sup>

***Senator Womack describes traditional redistricting principles guiding SB8.***

Senator Womack and other proponents of SB8 also highlighted the shared interests of Louisianians united in the new configuration of CD6, highlighting the communities tied together by the Red River and I-49.<sup>24</sup> Legislators emphasized the shared industry and commerce,

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<sup>20</sup> See, e.g., Tyler Bridges, *Rep. Garret Graves was on top. Now he’s fighting for his political life. What happened?*, NOLA.COM (Jan. 20, 2024), [https://www.nola.com/news/politics/rep-garret-graves-sees-fortunes-fall-steeply/article\\_c4592922-b721-11ee-bba8-c3fe4cd6a7ad.html](https://www.nola.com/news/politics/rep-garret-graves-sees-fortunes-fall-steeply/article_c4592922-b721-11ee-bba8-c3fe4cd6a7ad.html) (“After deciding not to run himself for governor, Graves ran afoul of Landry by backing the bid of Stephen Waguespack, an ally who was then the head of the Louisiana Association of Business and Industry... Apart from payback, Landry has an additional reason to want to sideline Graves, political insiders say. As a sitting congressman with an ability to raise money, Graves could be a formidable challenger to Landry’s re-election in 2027. Graves, meanwhile, upset Scalise by not publicly supporting his bid to be speaker in October after McCarthy resigned.”).

<sup>21</sup> Ex. 2

<sup>22</sup> Ex. 2 at 38:50 – 43:16.

<sup>23</sup> Meeting of the Louisiana State Senate at 11:10 – 12:08 (Jan. 17, 2024), [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB) (“Ex. 3”).

<sup>24</sup> Ex. 2 at 38:08 – 38:24.

educational institutions, agriculture, cattlemen, farms, row crops, and healthcare centers common to the regions connected in CD6 under SB8.<sup>25</sup> During debate in the Committee on House and Governmental Affairs following Senator Womack's introduction of SB8, for example, Representative Ed Larvadain stated his initial preference for the alternative map presented by the *Robinson* plaintiffs, but voiced support for SB8 due to the communities of interest it ties together. Representative Larvadain, who represents communities in Alexandria at the heart of SB8's CD6, detailed communities connected throughout the district in an exchange with Senator Womack:

**REPRESENTATIVE LARVADAIN:** Okay. Now, when you look at the community of interest, I'm in Rapides. My district is cut up in two spots. I'm in District 4 and District 6. I know in the community of interest, you've got Rapides and Natchitoches, and I think that you've got the Creole Nation, you've got Northwestern State University. A lot of my students in my district attend those, so that's a community of interest. Would you agree?

**SENATOR WOMACK:** I agree.

**REPRESENTATIVE LARVADAIN:** When you look at Natchitoches, there's a community of interest with Natchitoches and Caddo. You've got lumber companies in that Natchitoches area. A lot of people work. RoyOMartin has a big plant at Natchitoches, and a lot of folks in my area work there. RoyOMartin is from Alexandria, and a lot of folks work in DeSoto where you have a lot of timber. And would you agree with that?

**SENATOR WOMACK:** I agree.

**REPRESENTATIVE LARVADAIN:** You look at St. Landry. St. Landry has -- Opelousas has a nice size, medium sized hospital. So those folks in Pointe Coupee, they will go to St. Landry to get the medical care and so forth in Opelousas area. Would you agree with that?

**SENATOR WOMACK:** I agree.

**REPRESENTATIVE LARVADAIN:** And you look at West Baton Rouge, East Baton Rouge Parish.

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<sup>25</sup> See, e.g., Ex. 4 (starting at 3:52) (“[T]he map that I presented goes along the Red River. It's the I49 corridor. We have commerce through there. We have a college through there. We have a lot of ag[riculture], cattlemen, as well as farm, row crop, and a lot of people up through that corridor come back to Alexandria using that corridor for their healthcare.”).

[...]

**REPRESENTATIVE LARVADAIN:** And it goes all the way to the great City of Shreveport?

**SENATOR WOMACK:** Right. Where our LSU hospital is.

**REPRESENTATIVE LARVADAIN:** The hospital is vital because in Alexandria, we had Huey P Long [Medical Center]. You're familiar with that, and Jindal shut my Huey P. Long, so my folks in Rapides have to go to LSU. So that's a community of interest.<sup>26</sup>

Despite numerous amendments offered to SB8 through the week-long session, only a handful were accepted.<sup>27</sup> Right before final passage on the last day of the special session, the House of Representative stripped away an amendment to the bill accepted in House and Governmental Affairs that increased the BVAP in both CD2 and CD6.<sup>28</sup> Reflecting the version endorsed by the Governor over amendments and alternatives, SB8 passed 86-16 in the House,<sup>29</sup> and was accepted by concurrence in the Senate, 27-11, on January 19, 2024.<sup>30</sup> Governor Landry signed the map into law as Act 2 on January 22, 2024.<sup>31</sup>

### ***The Callais Plaintiffs sue.***

Almost immediately after the enactment of SB8, Plaintiffs, a group of “non-African American” voters, filed the present suit attacking SB8 as a racial gerrymander and raising the exact legal issue that the *Robinson* court has already answered in the affirmative: whether Section 2

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<sup>26</sup> *Id.* at 20:50 – 28:38.

<sup>27</sup> *See, e.g.*, S.B. 8, 1st Spec. Sess. (La. 2024) House Floor Amendment #83 Beaulieu Adopted; S.B. 8, 1st Spec. Sess. (La. 2024) House Committee Amendment #74 H&G Adopted; S.B. 8, 1st Spec. Sess. (La. 2024) House Committee Amendment #68 H&G Draft; S.B. 8, 1st Spec. Sess. (La. 2024) House Committee Amendment #70 H&G Draft; S.B. 8, 1st Spec. Sess. (La. 2024) Senate Committee Amendment #48 S&G Adopted; S.B. 8, 1st Spec. Sess. (La. 2024) Senate Committee Amendment #38 S&G Draft; S.B. 8, 1st Spec. Sess. (La. 2024) Senate Committee Amendment #34 S&G Draft; S.B. 8, 1st Spec. Sess. (La. 2024) Senate Committee Amendment #31 S&G Draft.

<sup>28</sup> Piper Hutchinson, *Louisiana House committee alters, advances congressional map with 2nd Black district*, Louisiana Illuminator (Jan. 18, 2024), <https://lailuminator.com/2024/01/18/louisiana-house-committee-alters-advances-congressional-map-with-2nd-black-district/>.

<sup>29</sup> Vote on Final Passage, S.B. 8, 1st Spec. Sess. (Jan. 19, 2024).

<sup>30</sup> Concurrence Vote, S.B. 8, 1st Spec. Sess. (Jan. 19, 2024).

<sup>31</sup> Act 2, 1st Spec. Sess. (La. 2024).

requires Louisiana to have a second congressional district where Black voters can elect a candidate of choice. Compl., ECF No. 1 at 22–28. Plaintiffs also asked this Court to enjoin SB8 and reinstate a map with a single district in which Black voters could elect a candidate of their choosing. Mot., ECF No. 17 at 2. Plaintiffs’ Illustrative Map 1 closely resembles Louisiana’s 2022 map, which has been held to likely violate the *Robinson* plaintiffs’ rights under Section 2 of the VRA. *Robinson I*, 605 F. Supp. at 766; *Robinson II*, 37 F.4th at 215; *Robinson III*, 86 F.4th at 583.

### **ARGUMENT**

“[A] preliminary injunction is ‘an extraordinary remedy never awarded as of right.’” *Benisek v. Lamone*, 585 U.S. 155, 158 (2018). To obtain a preliminary injunction, the movant must establish four elements: “(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.” *Robinson III*, 86 F.4th at 587. The balance of the equities and the public interest “merge” as factors in the preliminary injunction analysis “when the Government is the opposing party.” *Nken v. Holder*, 556 U.S. 418, 435 (2009). Plaintiffs “clearly carr[y] the burden of persuasion on all four elements,” and must meet that burden with respect to each element in order for a preliminary injunction to issue. *Lake Charles Diesel, Inc. v. General Motors Corp.*, 328 F.3d 192, 195 (5th Cir. 2003).

#### **I. Plaintiffs are not likely to succeed on the merits of their claims.**

The Supreme Court has imposed a “high bar to racial gerrymandering challenges.” *Robinson III*, 86 F.4th at 595; *Cooper v. Harris*, 581 U.S. 285, 291 (2017). To meet that high bar, Plaintiffs must prove that “race was the predominant factor” motivating the Louisiana Legislature to pass SB8. *Id.* That requires a showing that the Legislature “‘subordinated’ other [traditional districting] factors,” including compactness, respect for political subdivisions, political influences,

and communities of interest, to race. *Id.* “Strict scrutiny does not apply merely because redistricting is performed with consciousness of race.” *Vera*, 517 U.S., at 958 (O’Connor, J., principal opinion); *cf. Milligan*, 599 U.S. at 30 (Roberts, C.J., plurality opinion) (holding that “race consciousness does not lead inevitably to impermissible race discrimination,” and that in fact “Section 2 itself ‘demands consideration of race.’”) (citations omitted).

Even where race is the predominant factor, a racial gerrymandering claim will not succeed if strict scrutiny is satisfied, as it is here. Strict scrutiny is satisfied if “the State’s decision to draw [an additional majority-Black district] [wa]s narrowly tailored to the compelling interest of compliance with the VRA.” *Walen*, 2023 WL 7216070, at \*10.

To prevail on an intentional vote dilution claim under the Fourteenth and Fifteenth Amendments, Plaintiffs must show that the redistricting plan (i) has a discriminatory effect and (ii) was enacted with a discriminatory purpose. *Hall v. Louisiana*, 108 F. Supp. 3d 419, 439 (M.D. La. 2015). This is a fact-intensive standard. *See Vill. of Arlington Heights v. Metro Housing Dev. Corp.*, 429 U.S. 252, 266–68 (1977).

Plaintiffs cannot establish a likelihood of proving any of these necessary components of their claims, and their preliminary injunction must be denied.

**A. The State and the Legislature had a strong basis in evidence to believe Section 2 required a second majority-Black district.**

A race-conscious redistricting plan requires a “strong basis in evidence” for concluding that it otherwise would be vulnerable to a Section 2 vote dilution claim. *Alabama Legislative Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015); *Clark v. Calhoun Cnty., Miss.*, 88 F.3d 1393, 1405–06 (5th Cir. 1996). Evidence sufficient to provide the requisite “strong basis” for the use of race in redistricting need not conclusively establish that a Section 2 violation would occur without it. The “strong basis” standard

does not require the State to show that its action was actually . . . necessary to avoid a statutory violation, so that, but for its use of race, the State would have lost in court. Rather, the requisite strong basis in evidence exists when the legislature has “good reasons to believe” it must use race in order to satisfy the Voting Rights Act, even if a court does not find that the actions were necessary for statutory compliance.

*Bethune-Hill v. Virginia State Bd. of Elections*, 580 U.S. 178, 194 (2017) (cleaned up).

Here, the decisions by the district court and two unanimous Fifth Circuit panels in *Robinson* provided the State with much more than required to give it a strong basis, supported by ample and substantial evidence and thorough analysis, to conclude that the VRA required it to adopt a congressional map with two majority-Black districts. The district court, based on evidence presented during a five-day hearing, concluded in a 152-page opinion that the plaintiffs were substantially likely to establish each of the *Gingles* preconditions and prove Section 2 liability in the totality of the circumstances. *See Robinson I*, 605 F. Supp. 3d at 766. Two unanimous panels of the Fifth Circuit—*first*, denying the State’s motion to stay pending appeal, *see Robinson II*, and *second*, by the full merits panel, *see Robinson III* at 600-601—agreed with the district court’s findings. *See Theriot v. Par. of Jefferson*, 1996 WL 637762, at \*1 (E.D. La. Nov. 1, 1996) (where “copious litigation and appeals” finding that each *Gingles* precondition was satisfied provided the state with “a strong basis in evidence to believe a black-majority district was reasonably necessary to comply with Section 2 and thus provided a compelling interest in [an additional] majority-minority district”); *see also Clark*, 88 F.3d at 1408 (holding that there was a strong basis in evidence for concluding a VRA-compliant map was necessary where court had “already found that the three *Gingles* preconditions exist[ed] [t]here”).

Plaintiffs make no effort to show that the *Gingles* preconditions are not satisfied. They do not even cite *Gingles*. Instead, despite this “copious” litigation record, *Theriot*, 1996 WL 637762, at \*1, Plaintiffs attempt to revisit arguments already decided and squarely rejected in *Robinson*,



including whether, using 2020 census data, a sufficiently numerous and geographically compact second majority-Black district can be drawn in Louisiana, and whether drawing such a district would require the State to impermissibly use race as the predominant factor. ECF No. 17-1 at 25–26. Plaintiffs extensively cite legal arguments—which Plaintiffs call “admissions,” despite their rejection by the courts—from the State’s *briefing* on the preliminary injunction in *Robinson* to assert it is “impossible” to draw a second majority-Black district “without impermissibly resorting to mere race as a factor.” ECF No. 17-1 at 26. But the district court and the Fifth Circuit rejected those arguments. *Robinson I*, 605 F. Supp. 3d at 827; *Robinson II*, 37 F.4th at 222. In these circumstances, the Legislature had a more than strong basis in evidence to conclude that the VRA required a congressional redistricting plan with two districts in which Black Louisianans could elect candidates of their choice.

**B. Race was not the predominant factor in the enactment of SB8; the legislative record shows that the Legislature enacted SB8 to comply with the VRA, and the contours of the map were driven by politics, not race.**

“Electoral districting is a most difficult subject for legislatures, requiring a delicate balancing of competing considerations, [and] 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 ... a variety of other demographic factors.” *Bethune Hill*, 580 U.S. at 187. “[T]he legislature ‘must have discretion to exercise the political judgment necessary to balance competing interests,’ and courts must ‘exercise *extraordinary caution* in adjudicating claims that a State has drawn district lines on the basis of race.’” *Easley v. Cromartie*, 532 U.S. 234, 241 (2001) (quoting *Miller v. Johnson*, 515 U.S. 900, 915–16 (1995)) (emphasis in original). “Caution is especially appropriate . . . where the State has articulated a legitimate political explanation for its districting decision.” *Id.* at 242; *see also Robinson I*, 605 F. Supp. 3d at 856–58; *Robinson III*, 86 F.4th at 601.

To prevail on their claim that SB8 made unconstitutional use of race in establishing district lines, “[r]ace 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.” *Easley*, 532 U.S. at 241 (emphases in original) (cleaned up). A district’s unusual shape is not conclusive evidence of a racial gerrymander. Where a district’s shape can be explained by other districting considerations, such as politics, it carries little to no weight as evidence of racial gerrymandering. *Cromartie*, 532 U.S. at 243–53.

Likewise, stray comments by legislators—even the chief sponsor of the redistricting plan—that race factored into a plan’s overall configuration must not be viewed in isolation but must be considered in context and in light of the entire legislative record. *Id.* at 253-54. In *Cromartie*, for example, the Supreme Court reversed the district court’s finding that race predominated and rejected the court’s fact-finding from the legislative record. *Id.* Where the district court had relied on the bill sponsor’s statement that the challenged plan achieved “racial and partisan balance,” the Supreme Court, reviewing that comment in context, concluded that it merely demonstrated that race was one consideration among many and did not establish racial predominance. *Id.*

As in *Cromartie*, the legislative record here, viewed as a whole, demonstrates that the legislature’s configuration of CD6 was overwhelmingly driven by political rather than racial considerations. Indeed, contrary to Plaintiffs’ telling, the legislative record on SB8 makes clear that non-racial motivations were centered in the development of the plan. Concerns over legislative control of the redistricting process—a desire for the Legislature to draw a Section 2-compliant map on their own terms, rather than accept districts imposed by the judiciary—echoed from the

Governor’s speech to the final passage of SB8.<sup>32</sup> Maintaining control over the process was a first and essential display of power for the newly elected Governor and state legislative leadership after securing a partisan sweep of statewide political offices and a supermajority in the Legislature.<sup>33</sup> This incentive was coupled with a clear list of motivating factors for the particular configuration of SB8, in which race figured as a distant and distinctly secondary factor, namely:

1. To ensure Representative Letlow remains unpaired with other incumbents and in a district that will continue to elect a Republican to Congress;<sup>34</sup>
2. To maintain four Republican seats, with special effort to ensure Speaker Johnson and Majority Leader Scalise are in “safe Republican seats”;<sup>35</sup>
3. To connect the communities with shared interests along the Red River and I-49 corridor, which share commerce, a college, agriculture, cattlemen, farms, row crops, and healthcare centers, among other connective tissue;<sup>36</sup> and
4. To comply with the Fifth Circuit’s and District Court’s decisions concerning the requirements of Section 2, while still accomplishing “the political goals” stated above.<sup>37</sup>

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<sup>32</sup> See, e.g., Office of the Governor, *Governor Jeff Landry Opens First Special Session on Court Ordered Redistricting* (Jan. 16, 2024), <https://gov.louisiana.gov/news/governor-jeff-landry-opens-first-special-session-on-court-ordered-redistricting> (“We 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.”); Liz Murrill (@AGLizMurrill), Twitter (Jan. 16, 2024, 4:53 PM), <https://twitter.com/AGLizMurrill/status/1747376599446516056> (“[W]e have a federal judge holding her pen in one hand and a gun to our head in the other.”); La. House of Representatives Floor Debate (Jan. 19, 2024) available at [https://www.house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2024/jan/0119\\_24\\_1ES\\_Day5](https://www.house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2024/jan/0119_24_1ES_Day5) (“Ex. 5”) (starting at 2:48:44) (“If we don’t act, it’s very clear that the federal court will impose the plaintiff’s proposed map on our state and we don’t want that.”).

<sup>33</sup> See, e.g., *id.*, see also Piper Hutchinson, *Louisiana’s special session on election matters: Winners and losers*, LA. ILLUMINATOR (Jan. 20, 2024), <https://lailluminator.com/2024/01/20/louisianas-special-session-on-election-matters-winners-and-losers/> (Highlighting the fact that “Louisiana’s brand-new governor got the congressional map he asked for with two majority Black districts,” as an important win given the “gamble” he took on other priorities during the session; also noting “Senate President Cameron Henry, R-Metairie, is clearly running the show at the Capitol,” and that the Senate “got its own way in almost everything, including a congressional map its senator sponsor drew.”).

<sup>34</sup> See Ex. 2 (starting around 30:17); Ex. 4 (starting at 1:44); Ex. 5 (starting at 2:46:00).

<sup>35</sup> See Ex. 2 (starting around 31:18); see also Ex. 4 (starting at 3:01).

<sup>36</sup> Ex. 2 (starting at 33:50).

<sup>37</sup> *Id.* (starting at 33:50).

In light of this record, Plaintiffs’ contention that race predominated in the drawing of SB8 does not withstand scrutiny. Plaintiffs point to statements by legislators that SB8 was adopted to create a second majority-Black congressional district in order to comply with the VRA. But the courts have been clear that a state’s effort to comply with Section 2 does not entail that race was the predominant factor in any possible map. *See Allen*, 599 U.S. at 32–33 (plurality opinion) (concluding that race had not predominated in an illustrative plan’s creation of a second majority-Black district to support plaintiffs’ Section 2 claim); *Robinson III*, 86 F.4th at 595 (evidence that map drawer had the goal of reaching a particular target Black voting age population to comply with Section 2, which was balanced with other, non-racial considerations, was insufficient to establish racial predominance). Race was not—and did not need to be—the Legislature’s primary consideration for it to achieve two majority-Black districts. *See Cromartie*, 532 U.S. at 253 (comments by legislators that race was part of the legislature’s calculus “says little or nothing about whether race played a *predominant* role comparatively speaking.”) (emphasis in original).

Moreover, Plaintiffs mischaracterize the testimony they rely on for this point. For example, Plaintiffs cite Senate Womack’s statement that SB8’s unusual configuration “was the only way we could get two districts . . .,” trailing off with an ellipsis. Mem. at 8. What they elide is the critical context of Senator Womack’s statement: that SB8 “was the only way we could get two districts . . . and still protect our political interest.”<sup>38</sup>

Plaintiffs’ other citations of the legislative record are similarly misleading. For example, Plaintiffs’ assertion that “[r]ace was the only reason [CD6] extended into far-flung regions of Louisiana,” Mem. at 8, ignores the significant testimony about the economic, social, and community ties among the communities drawn together in the district. For example, Plaintiffs

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<sup>38</sup> Ex. 3 (starting at 10:30 (emphasis added)).

assert that Senator Womack disavowed that CD6 comprised a community of interest, and “denied that he considered agriculture a community of interest.” *Id.* But whether characterized as a “community of interest” or as a “positive of going up that corridor,” as Senator Womack explained his thought process in configuring CD6 to encompass “your timberland, your ag[riculture], your hospitals,”<sup>39</sup> it provides a non-racial explanation for the configuration of CD 6 that Plaintiffs completely ignore. Plaintiffs also ignore the extended colloquy between Representative Larvadain and Senator Womack about the numerous educational, healthcare, economic, employment, and other ties binding the communities in CD6. *See supra* pp. 12–13.<sup>40</sup>

Plaintiffs contend that CD6’s peculiar shape in SB8 is explainable only by race. Even accepting that SB8 violates traditional redistricting principles—which Amici do not concede<sup>41</sup>—Plaintiffs’ argument that race was the reason is belied by the legislative record. *See Mem.* at 18–24. As the Supreme Court made clear in *Cromartie*, it is not the fact of a district’s shape that alone establishes racial predominance, but the reasons for choosing a bizarre district configuration. 532 U.S. at 238. Here, the evidence is plain that (1) the legislature had predominantly political reasons for choosing to configure CD6 the way it did, and (2) it could have achieved the goal of creating a second majority-Black district with a more compact district configuration that split fewer parishes and municipalities. With respect to the second point, in the First Extraordinary session,

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<sup>39</sup> *Id.* (starting at 12:20).

<sup>40</sup> Even the statements of opponents of SB8 on which plaintiffs rely do not establish that race predominantly explains the plan’s district configuration. For example, Plaintiffs point to Rep. Bayham’s discontent over the split of St. Bernard Parish and his statement that the boundary did not appear to split voters in the parish “on partisan lines.” *Mem.* at 17. But nowhere did Rep. Bayham suggest that race provides a better explanation of the split—it didn’t. He simply did not want his parish split at all. *Ex. 5* (starting at 2:50:00).

<sup>41</sup> CD6 and other districts in SB8 are no less compact than districts around the country that have been upheld as appropriate exercises of the states’ obligation to avoid minority vote dilution and comply with the VRA. For example, in *Abbott v. Perez*, the Supreme Court upheld “a viable opportunity district along the I–35 corridor.” 585 U.S. 579, 615–16 (2018). Moreover, in the racial gerrymandering context, the courts have given the term a more expansive definition than in the Section 2 context, including such consideration as protecting incumbents and partisanship. *See, e.g., Cromartie*, 532 U.S. at 248.

the Legislature had opportunities to adopt a map—for example, in SB4, which mirrored the *Robinson Amici*'s proposed remedial map—that would have created two majority-Black districts and fared better than SB8 on traditional principles like parish splits, population deviation, and compactness, among others.<sup>42</sup> Instead, the Legislature favored the configuration in SB8 for the conspicuous political objective to defend Representative Letlow and other specific Republican incumbents at the expense of Representative Graves. The sponsor of the bill was candid that “politics drove this map” while race was a “secondary consideration” and “not the predominant factor.”<sup>43</sup> Given that the Legislature could have selected a plan that achieved the same VRA-compliance goals as SB8 in a form that better adhered to traditional redistricting principles, but chose not to so as to achieve explicitly political (and non-racial) goals, an honest reading of the legislative record establishes that choice of the purportedly “bizarre” configuration of districts in SB8 was driven by politics, not race.

Plaintiffs’ reliance on Mr. Hefner’s report to support their contention that SB8 elevates race over traditional redistricting principles is misplaced. *See* ECF No. 17-1 at 25. Mr. Hefner’s analysis is far from comprehensive.<sup>44</sup> On the contrary, it contains no analysis of communities of interest, other than a numerical count of parish and municipality splits. Mr. Hefner’s report also differs markedly from a report he submitted in the *Robinson* litigation, where he defended the “regional communit[y] of interest” along the Red River Valley—a community that the drafters of SB8 expressly sought to unite—stating that “[c]ultural links along the Red River Valley . . . has

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<sup>42</sup> *See, e.g.*, H.B. 5, 1st Spec. Sess. (La. 2024); S.B. 4, 1st Spec. Sess. (La. 2024). Both HB5 and SB4 split only 11 parishes, had a deviation of 67, and fared better than SB8 on both subjective and objection measures of compactness (e.g. the eyeball test, Polsby-Popper, etc.).

<sup>43</sup> *See* Ex. 2 (starting around 34:30).

<sup>44</sup> More than one court has found Mr. Hefner’s testimony to be unhelpful. *See, e.g., Terrebonne*, 274 F. Supp. 3d at 422 (rejecting Hefner’s opinion because he failed to provide any objective basis for his analysis and rejecting Hefner’s opinion that the mapmaker’s illustrative plan was a racial gerrymander); *Thomas v. School Board St. Martin Parish*, 544 F. Supp. 3d 651, 688, 689 (W.D. La. 2021) (court considered Hefner’s opinions to be “weak” and “based on unreliable data”).

[sic] commonality with the northern part of the Acadiana Region as the Red River connected to the Atchafalaya River at its juncture with the Mississippi River and form[s] an important water transportation route.” *Robinson I*, ECF No. 108-3 at 33. Likewise, his analysis of SB8’s treatment of majority-Black precincts at best establishes that race was a consideration, as it must be in a map that is intended to comply with the VRA. *See, e.g., Milligan*, 599 U.S. at 30 (“Section 2 itself demands consideration of race.”) (internal quotations omitted). It does not establish that, given the Section 2 violation the *Robinson* Amici demonstrated, race was used impermissibly.

Thus, Plaintiffs’ assertion that SB8 was configured “solely with that goal [of creating two majority-Black districts] in mind,” Mem. at 15, is false and unsupported by the legislative record. The record as a whole and the circumstances surrounding the passage of SB8 demonstrate that race was just one of several factors, which also include politics, social and economic ties, and other considerations, that the Legislature considered in adopting the new plan. Plaintiffs’ evidence fails to establish that race predominated over these other considerations, and their racial gerrymandering claim must fail. *See Cromartie*, 532 U.S. at 257 (racial gerrymandering claim fails where plaintiff “has not successfully shown that race, rather than politics, predominantly accounts for the result”). “Strict scrutiny does not apply merely because redistricting is performed with consciousness of race.” *Vera*, 517 U.S., at 958 (O’Connor, J., principal opinion).

**C. SB8 was drawn to further the State’s compelling interest in complying with Section 2 of the VRA.**

Even if Plaintiffs could succeed in showing that race predominated the map-drawing process—and they cannot—SB8 survives strict scrutiny because the Legislature adopted it to further the State’s compelling interest in complying with the VRA and used race no more than necessary to achieve that goal. “[C]ompliance with Section 2 constitutes a compelling governmental interest,” *Clark*, 88 F.3d at 1405, sufficient to “justif[y] the predominant use of race

in redistricting” so long as it is narrowly tailored to that goal, *Bethune Hill*, 580 U.S. at 193; *see also Prejean v. Foster*, 227 F.3d 504, 515–19 (5th Cir. 2000). As explained above, the State and Legislature had a compelling basis in evidence to conclude that Section 2 required them to create a second district in which Black voters would have an opportunity to elect candidates of their choice, and indeed, that this second opportunity district had to be majority Black. *See supra* Sec. I. A.

The Legislature’s use of race in SB8 is narrowly tailored to satisfy that legal obligation. A VRA-compliant map is narrowly tailored where it, like SB8, “substantially address[es]” the purported Section 2 violation and does not subordinate traditional redistricting principles “*for predominantly racial reasons.*” *Clark*, 88 F.3d at 1407–08 (quoting *Bush*, 517 U.S. at 994 (O’Connor, J., concurring)) (emphasis added). Courts, including the Fifth Circuit, have consistently held that a map will be narrowly tailored so long as it “does not ‘subordinate traditional districting principles *to race* substantially *more than is ‘reasonably necessary’* to avoid § 2 liability.” *Clark*, 88 F.3d at 1407 (quoting *Vera*, 517 U.S. at 979) (emphases added); *see also, e.g., Addy v. Newton Cnty.*, 2 F. Supp. 2d 861, 862–64 (S.D. Miss. 1997), *aff’d*, 184 F.3d 815 (5th Cir. 1999); *Theriot v. Par. of Jefferson*, 966 F. Supp. 1435, 1447–48 (E.D. La. 1997).

Importantly, the teaching of these cases is *not* that congressional maps may never deviate from the bounds of traditional restricting principles. Once a state has the requisite strong basis in evidence that the VRA mandates an additional majority-minority district, it is not obligated to choose the most compact map that satisfies the VRA. To be sure, Section 2 “never *require[s]* adoption of districts that violate traditional redistricting principles,” *Milligan*, 599 U.S. at 30 (emphasis added), but it is also true that “Section 2 *does not forbid* the creation of a noncompact majority-minority district.” *League of United Latin Am. Citizens v. Perry*, 548 U.S. 399, 430



(2006) (“*LULAC*”) (emphasis added). In *Addy v. Newton County*, for example, the district court found that there was “no equal protection violation since the decision as to where to place the district lines was driven by politics, not race.” 2 F. Supp. 2d at 863–64 (quoting *Theriot v. Par. of Jefferson*, 1997 WL 204919, at \*13–14 (E.D. La. 1997)). The parish leadership there, who redrew their maps in response to a successful Section 2 challenge, faced a choice between two potential remedial maps, one that created a “east-west” majority-minority district and another that created a “north-south” district. The court found that the legislators selected the map with the north-south configuration “to protect their own seats and to undermine the chance of [another legislator’s] reelection ... by placing him in the majority-minority district,” and “to the extent the [Parish] may have sacrificed a degree of compactness by selecting the north-south rather than east-west location for the majority-minority district, it did so exclusively for political, not racial reasons.” *Id.*

Here, SB8 substantially addresses the likely Section 2 violation found by Judge Dick and the Fifth Circuit because, consistent with those rulings, it includes two majority-Black districts in which the BVAP is only slightly above 50% and is no higher than necessary to create the electoral opportunities Section 2 requires. Moreover, the fact that the districts in SB8 are not as compact as HB1 or other alternatives and that it splits more parishes and municipalities is not evidence that it is insufficiently narrowly tailored.

The record establishes that, here, creating a second majority-Black district did not *require* deviating from traditional redistricting principles—as evidenced by SB4, which was substantially similar to plans offered by the plaintiffs in the *Robinson* litigation that the courts found compact and reasonably configured. SB8 thus does not subordinate traditional redistricting principles *to race* more than necessary to avoid Section 2 liability. Rather, as in *Addy*, the Legislature *chose* to subordinate compactness and other considerations in adopting SB8 to political considerations, not

racial ones—to protect the seats of specific Republican congresspeople and to thwart the potential reelection of Representative Graves by placing him in the new majority-Black district. *See supra* pp. 9–11. In other words, SB8’s sacrifice of certain redistricting principles “was not predominantly attributable to gerrymandering that was racially motivated and/or achieved by the use of race as a proxy, but instead was a case of predominantly, nonracial, political motivations.” *Addy*, 2 F. Supp. 2d at 862–64 (citations omitted).<sup>45</sup>

Plaintiffs’ remaining arguments are unavailing. Plaintiffs argue—incorrectly—that compliance with the VRA is not a compelling interest here because the Legislature did not engage in a “pre-enactment analysis.” PI at 5. This argument ignores more than two years of litigation which resulted in a robust evidentiary record and multiple court rulings showing that Section 2 likely required a second Black-opportunity district and that such a district could be achieved without violating the Constitution. The legislature was permitted to rely on that litigation record. *See Theriot*, 1996 WL 637762, at \*1 (finding “a ‘strong basis in evidence’ to believe a black-majority district was ‘reasonably necessary’ to comply with Section 2” based on previous Section 2 litigation record) (citation omitted); *see also Abbott v. Perez*, 585 U.S. 579, 616 (2018) (where legislature adopted new districting map to resolve VRA litigation, evidence from litigation record could provide “good reasons” to use race in remedial map). Plaintiffs’ argument also ignores the extensive record from the 2020 redistricting public hearings and the 2024 special session analyzing a second majority-Black district.<sup>46</sup>

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<sup>45</sup> Furthermore, this is not a case where the map was drawn as a partisan gerrymander, so there can be no allegation that the Legislature used political party as a proxy for race. The political motivation here was not a desire to accrete power to a specific party but to protect some Congressional members over others--the Legislature apparently choose SB8 over other options as an act of political retribution to make it harder for Representative Graves to be reelected to Congress. There is nothing in the Constitution that prevents elected officials from carrying out personal political agenda in redistricting decisions.

<sup>46</sup> *See Ex. 2.*

Plaintiffs’ reliance on *Wisconsin Legislature* and *Bethune-Hill* for the proposition that the State must show that the VRA requires the specific map it adopts “on a district-by-district” basis is misplaced. *See* ECF No. 17-1 at 24. The law does not require the State to show that the VRA specifically required *each district* exactly as the legislature drew it. Neither *Bethune-Hill* nor *Wisconsin Legislature* suggest that compliance with the VRA satisfies the Fourteenth Amendment only if the State establishes that the VRA requires the specific map it adopts. *Cf. LULAC*, 548 U.S. at 429–30 (state’s remedial map creating majority-Latino district that excluded plaintiffs would not violate Section 2 if including plaintiffs would require excluding other Latinos). Rather, the courts have been clear that a state has “leeway” in how it chooses to comply with Section 2. *Bush*, 517 U.S. at 977. To be sure, the state may not justify unlawful vote dilution in one part of the state by creating a remedial district in a different place. *See Shaw v. Hunt*, 517 U.S. at 917 (“The vote-dilution injuries suffered by these persons are not remedied by creating a safe majority-black district somewhere else in the State.”). But here, the district court in *Robinson* found a likely violation of Section 2 based on an illustrative map that included the cities of Baton Rouge, Lafayette, and Alexandria, which are also included in the new majority Black district in SB8. *Robinson I*, 605 F. Supp. 3d at 766. The *Robinson* record also included evidence of racial polarization in the 2022 plan’s CD4, which included Caddo, DeSoto, and Natchitoches Parishes.

2. *See Robinson I*, ECF No. 41-3 at Ex. 2.<sup>47</sup> The State thus had every reason to believe that a new majority-Black district drawing these areas together was sufficiently tied to the demonstrated Section 2 violation to be within the leeway the Constitution affords. *Cf. LULAC*, 548 U.S. at 429 (where state must choose among voters “with a VRA right” because all cannot be drawn into majority-minority districts, it cannot be faulted for its choices).

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<sup>47</sup> HB1 Enrolled Map, available at <https://www.legis.la.gov/legis/ViewDocument.aspx?d=1248568>.

Finally, Plaintiffs argue this Court should enjoin SB8 and draw a remedial map because another three-judge court struck down a map with two majority-Black districts 30 years ago in the *Hays* litigation. But here, as in *Robinson I*, the “invocation of *Hays* is a red herring.” *Robinson I* at 834. The *Hays* court never held that two majority-Black districts are *per se* invalid or could never be required by the VRA. Both the district court and the Fifth Circuit in *Robinson* rejected this very argument. *Robinson I* at 834 (rejecting similar assertions by the State that the “*Hays* maps [were] instructive, applicable or otherwise persuasive” or “useful comparators” in any way). The district court in *Robinson* firmly stated that *Hays* “is not a magical incantation with the power to freeze Louisiana’s congressional maps in perpetuity.” *Id.* More important, here the district court and the Fifth Circuit held—based on conditions as they exist in Louisiana today, not 30 years ago—that a congressional plan with one majority-Black district likely violates the VRA and rejected the State’s argument that creating a second majority-Black district necessarily entailed racial gerrymandering. *Robinson III* at 593–94.

Further, any comparison between SB8 and the maps at issue in *Hays* is inapposite. Plaintiffs assert that *Hays* is “factually identical to the case before this Court.” ECF No. 17-1 at 12. That is simply inaccurate. Whatever the superficial resemblance between SB8 and the *Hays* map, the process that led to SB8 was entirely different. In the *Hays* cases, the court concluded that race predominated because the cartographer on numerous occasions admitted that he “concentrated virtually exclusively on racial demographics and *considered essentially no other factor* except the ubiquitous constitutional ‘one person-one vote’ requirement.” *Hays v. State*, 936 F. Supp. 360, 368 (W.D. La. 1996) (emphasis added). Similarly, in *Hays*, the court concluded that the proffered justifications for the district’s shape were “patently post-hoc rationalizations,” explaining that “neither the Red River nor socio-economic factors were relied on by legislators at the time of the

drawing of the district.” *Id.* at 369. Here, however, Plaintiffs provide no evidence that legislators, having resolved to remedy the Section 2 violation, concentrated on anything other than “political interest” and the social and economic factors that provided a “positive of going up that [Red River] corridor.”<sup>48</sup>

**D. Plaintiffs are unlikely to prevail on their intentional vote dilution claim under the Fourteenth and Fifteenth Amendments.**

Plaintiffs are also unlikely to succeed on their claim of intentional vote dilution under the Fourteenth and Fifteenth Amendments. To prevail on that claim, Plaintiffs must show that redistricting plan (i) has a discriminatory effect and (ii) was enacted with a discriminatory purpose. *Hall*, 108 F. Supp. 3d at 439.<sup>49</sup> This is a fact-intensive standard. *See Vill. of Arlington Heights*, 429 U.S. at 266–68. Plaintiffs’ misguided legal arguments and utter lack of factual support are far from what is required to demonstrate likelihood of success on the merits of their intentional discrimination claim.

*First*, Plaintiffs cannot establish that the enactment of SB8 has a discriminatory effect on themselves and other “non-African American” voters. “To prove discriminatory effect, a plaintiff must show that the redistricting scheme impermissibly dilutes the voting rights of the racial minority. Broadly speaking, this requires proof that the racial minority’s voting potential has been minimized or cancelled out or the political strength of such a group adversely affected.” *Backus v. South Carolina*, 857 F. Supp. 2d 553, 567–70 (D.S.C.) (cleaned up), *aff’d*, 568 U.S. 801 (2012). In evaluating claims of intentional vote dilution, courts analyze whether bloc voting occurs along racial lines; whether the group is excluded from the political process; whether minority voter

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<sup>48</sup> Ex. 3 (starting at 10:30).

<sup>49</sup> Because Plaintiffs do not distinguish their Fourteenth and Fifteenth Amendment claims, these arguments in opposition to their preliminary injunction motion apply equally to their claims under both Amendments. *See League of United Latin Am. Citizens v. Abbott*, 2022 WL 4545757, at \*1 n.7 (W.D. Tex. Sept. 28, 2022) (applying same arguments to Fourteenth and Fifteenth Amendments).

registration is low; whether elected officials are unresponsive to the needs of the group; and whether the group occupies depressed socioeconomic status because of inferior education or employment and housing discrimination. *See York v. City of St. Gabriel*, 89 F. Supp. 3d 843, 864 (M.D. La. 2015); *Hall*, 108 F. Supp. 3d at 439; *Backus*, 857 F. Supp. at 568.

Plaintiffs cannot plausibly allege, much less establish, that any of these factors weighs in their favor. At the outset, proof of intentional discrimination requires evidence of discrimination against an “identifiable group,” *Fusilier v. Landry*, 963 F.3d 447, 463 (5th Cir. 2020), and Plaintiffs have not offered any evidence that “non-African Americans”—a term which, as the Plaintiffs use it, encompasses every person in Louisiana who is not Black, including Latino, Asian, and Native American, as well as white Louisianians—form a cohesive racial group whose members share a common experience of discrimination. Plaintiffs have offered no evidence that non-Black voters—the vast majority of whom are white—are excluded from the political process or have elected representatives who are unresponsive to their needs; no evidence that non-Black Louisianians as a group suffer from low socioeconomic status or face discrimination in other areas of life; and no evidence that non-Black voters form a cohesive voting bloc whose distinctive voice is minimized as a result of bloc voting by Black voters.<sup>50</sup> Indeed, the district court and Fifth Circuit rulings in *Robinson* prove the opposite: that *Black* voters face barriers to participation and bloc voting by white voters that thwarts their electoral opportunities. *See Robinson I* at 839, 844–45,

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<sup>50</sup> There is, of course, substantial evidence that other non-white Louisianians—in addition to Black people—have been subject to voting and other forms of discrimination in Louisiana. *See, e.g., VAYLA New Orleans v. Tom Schedler*, 3:16-cv-305-BAJ-RLB (M.D. La. 2016) (alleging discrimination in voter registration against foreign-born voters); Letter from Jean Charles Choctaw Nation to U.S. Department of Housing and Urban Development re Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and 40 C.F.R. Part 7 against the Louisiana Division of Administration (Dec. 21, 2023), *available at* <https://earthrights.org/wp-content/uploads/2023/12/IDJC-Resettlement-Title-VI-Complaint-for-website.pdf> (alleging discrimination against Native Americans in management of the Isle de Jean Charles Resettlement Program)

846–48. Accordingly, Plaintiffs are unlikely to prove that SB8 has had a discriminatory impact on non-Black voters or in any way diluted their voting power.

*Second*, Plaintiffs cannot establish SB8 was enacted with intent or purpose to discriminate against the misleadingly labeled category of “non-African American” voters. “Discriminatory intent implies more than intent as volition or intent as awareness of consequences . . . It implies that the decisionmaker . . . selected or reaffirmed a particular course of action at least in part because of, not merely in spite of, its adverse effects upon an identifiable group.” *Fusilier*, 963 F.3d at 463–65 (citation and quotations omitted). In order to determine whether a particular decision was made with discriminatory intent, courts consider the non-exhaustive factors set forth in *Arlington Heights*, including (i) the historical background of the decision; (ii) the sequence of events leading up to the challenged action; (iii) departures from the normal decision-making process; and (iv) legislative history, including contemporaneous viewpoints expressed by the decisionmakers. 429 U.S. at 266–68; *see also Veasey v. Abbott*, 830 F.3d 216, 231 (5th Cir. 2016). Plaintiffs fail to analyze any *Arlington Heights* factors, cite any cases that support their position, or point to any evidence even suggesting that SB8 was enacted with an intent to discriminate against “non-African American” voters. An analysis of those *Arlington Heights* factors shows they uniformly weigh against a finding of discriminatory intent.

In evaluating claims of discriminatory intent, courts weigh the historical background of the decision, including recent or contemporary examples of State-sponsored discrimination. *Veasey*, 830 F.3d at 239. Here, Plaintiffs do not—and cannot—point to any examples of institutional discrimination against non-Black voters as an identified group. Plaintiffs have likewise cited no evidence that there is a history of non-Black voters being subject to voting discrimination because they are not Black, such as being purged from voter rolls, or any evidence of official discrimination

in other areas of life against non-Black Louisianians as a whole. *Cf. id.* at 239–40 (“contemporary history” of state-sponsored discrimination included Texas’s attempt to purge minorities from the voter rolls); *Patino v. City of Pasadena*, 230 F. Supp. 3d 667, 721–28 (S.D. Tex. 2017) (disparate treatment of Latinos by police was contemporary evidence of discrimination).<sup>51</sup>

In addition, none of the events leading up to the enactment of SB8 suggest that legislators enacted the map because of—rather than in spite of—its potential adverse effect on non-Black voters. Rather, the sequence of events makes explicit the inclusion of congressional redistricting in the special session call was specifically in response to the *Robinson* litigation. And while the legislative process that led to the enactment of SB8 was abbreviated, that timeline was driven by the litigation and the need to adopt a new map in time for the 2024 federal election, so Louisiana voters would not have to endure a second congressional election under a map that violated the VRA. And indeed, the relevant process cannot be limited to the 2024 special session but must also consider that the Legislature had already taken extensive time in both 2021 and 2022 to consider redistricting and hold roadshows that heard public testimony from around the state.

The legislative history also reveals that there was no intent to enact SB8 “because of” any potential adverse effect on non-Black voters. As explained *supra*, legislators were driven primarily by an intent to protect their partisan advantage while also complying with federal law and court orders from the *Robinson* district court and Fifth Circuit. The legislators must be afforded the presumption of good faith and Plaintiffs point to no evidence to overcome that presumption. *Fusilier*, 963 F.3d at 464–66 (reversing the district court’s finding of legislative discriminatory intent based in part on the finding that the district court did not afford legislators the presumption of good faith).

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<sup>51</sup> Again, there is no lack of discrimination in Louisiana against voters of color who are non-Black, a fact that Plaintiffs’ use of the term “non-African American” elides.



**II. Plaintiffs will not suffer irreparable injury absent an injunction.**

Plaintiffs have not satisfied their burden of demonstrating that they would suffer an irreparable harm absent a preliminary injunction, which this Court has explained is the “most essential” prerequisite for a preliminary injunction. *Holmes v. BellSouth Telecommunications, LLC*, 2023 WL 5610359, at \*2 (W.D. La. Aug. 29, 2023). “[P]laintiffs seeking preliminary relief [must] demonstrate that irreparable injury is *likely* in the absence of an injunction.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008) (emphasis in original). A hypothetical constitutional injury arising from an electoral map designed to remediate a likely Section 2 violation, with no clear evidence of racial predominance or racial discrimination, does not satisfy the irreparable injury requirement.

**III. The balance of equities and public interest weigh against injunctive relief.**

The balance of the equities and the public interest “merge” as factors in the preliminary injunction analysis “when the Government is the opposing party.” *Nken*, 556 U.S. at 435. “When addressing these factors, courts must balance the competing claims of injury and must consider the effects on each party of the granting or withholding of the requested relief.” *Clarke v. Commodity Futures Trading Comm’n*, 74 F.4th 627, 643 (5th Cir. 2023) (citation and quotation omitted). The district court and Fifth Circuit in *Robinson* made clear that the Amici and other Louisiana voters face irreparable harm if the Court imposes a new map with only one majority-Black district or allows another election to be held under HB1—an injury they have already suffered in one congressional election under a dilutive map. The courts have already held that the HB1 likely violates Section 2, diluting the votes of the *Robinson* Amici. *See Robinson I; Robinson II; Robinson III*. Given that “protecting voting rights is quite clearly in the public interest, while allowing elections to proceed under a map that violates federal law most certainly is not,” *Robinson I* at 852, the balance of the equities weighs against an injunction. Plaintiffs’ invocation of *Students*

for *Fair Admissions, Inc. v. President & Fellows of Harvard College* (“*SFFA*”), ECF No. 17-1 at 26–27, should be rejected for the same reason the Fifth Circuit rejected the analogy to *SFFA* in *Robinson*. See 86 F.4th at 593 (holding that *SFFA* decision on university admissions was a “tough analogy” in the context of the VRA); see also *Milligan*, 599 U.S. at 32-33 (affirming use of race conscious districting to remedy proven Section 2 violation).

The public interest plainly weighs against an injunction that would undo a remedial redistricting plan that was enacted to resolve litigation in another court that found that a map materially indistinguishable from the one Plaintiffs proffer violated the VRA.<sup>52</sup>

#### **IV. Plaintiffs’ proposed remedial map violates the VRA and should be rejected.**

Even if Plaintiffs were somehow able to establish that they are likely to succeed on their claims and that the equities favor enjoining SB8—and they have not—this Court must implement a map that complies with Section 2 of the VRA. After nearly two years of litigation, the district court and two unanimous panels of the Fifth Circuit have concluded that any congressional districting plan without two districts that provide Black voters an opportunity to elect their candidates of choice likely violates Section 2 and denies Black voters their right to participate equally in the political process. Nothing in the intervening time since these court rulings disturbs that fundamental conclusion. Yet, instead of making any effort to propose a map that complies with the district court and Fifth Circuit decisions, Plaintiffs here proffer a map that returns Louisiana to the state of affairs that led to the *Robinson* litigation in the first place.

For the same reasons those courts found HB1 to likely violate Section 2, Plaintiffs’ Illustrative Plan 1, which includes only one district where Black voters have the opportunity to

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<sup>52</sup> Given the timing of the litigation, there is also a concern that the court could adequately litigate both a liability and remedial phase in time to prevent the type of voter confusion that *Purcell* and its progeny warn courts against. See generally *Purcell v. Gonzalez*, 549 U.S. 1 (2006) (per curiam).

elect a candidate of choice, does not comply with Section 2. This Court should not impose it on Louisianians. Instead, the procedure contemplated by the Fifth Circuit in the *Robinson* should be followed: this Court should stay this case in favor of remedial proceedings before the *Robinson* court to adopt a VRA-compliant remedial map, as the Fifth Circuit directed in the event that the Legislature failed to enact a lawful map.

In the alternative, the Court should adopt the *Robinson* Amici's proposed remedial map or one of their illustrative maps. The district court in *Robinson* held that the *Robinson* Amici's illustrative maps from the *Robinson* litigation (which were substantially similar to their proposed remedial plan) conform to traditional redistricting principles and were not drawn with race as the predominant factor. Plaintiffs offer no evidence to the contrary; indeed, neither Plaintiffs nor Mr. Hefner even mentions or analyzes any of those maps. Amici's plan has already passed constitutional muster in the Fifth Circuit and the Middle District based upon an extensive evidentiary record, including cross-examination of the map drawer. Unlike Plaintiffs' Illustrative Map 1, which has not had the benefit of any court scrutiny, Amici's plan can be implemented without further ado.

Regardless of how this Court chooses to proceed, it must ensure Louisiana's congressional map provides Black voters an opportunity to elect candidates of their choice in two districts.

### **CONCLUSION**

For all of the reasons above, the Amici respectfully request that this Court deny the motion for a preliminary injunction.

DATED: February 27, 2024

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**IN THE UNITED STATES DISTRICT COURT FOR THE  
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,*

v.

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

*Defendant.*

Civil Action No. 3:24-cv-00122

Judge David C. Joseph

Circuit Judge Carl E. Stewart

Judge Robert R. Summerhays

**DECLARATION OF JOHN ADCOCK IN SUPPORT OF  
ROBINSON PLAINTIFFS' AMICUS BRIEF**

I, John Adcock, hereby declare as follows:

1. I am over 18 years of age and am competent to make this declaration.
2. I am an attorney in good standing with the Louisiana Bar and able to practice before the Western District of Louisiana.
3. I have personal knowledge of the statements made in this affidavit and each is true and correct.
4. I am an attorney with John Adcock Law LLC.
5. I am counsel for Amici Press Robinson, Edgar Cage, Dorothy Nairne, Edwin René Soulé, Alice Washington and Clee Earnest Lowe, Davante Lewis, Martha Davis, Ambrose Sims, Louisiana State Conference of the NAACP (“Louisiana NAACP”), Power Coalition for Equity and Justice (“Power Coalition”), in the above-captioned action and submit this declaration to provide the Court true and correct copies of certain documents submitted in support of the *Robinson* Plaintiffs’ Amicus Brief in Opposition to Plaintiffs’ Motion for Preliminary Injunction.

**Exhibit 1** is a certified transcription of the January 15, 2024 Meeting of the Louisiana Committee on House and Governmental Affairs, publicly available at [https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0115\\_24\\_HG](https://redist.legis.la.gov/default_video?v=house/2024/jan/0115_24_HG).

**Exhibit 2** is a certified transcription of the January 16, 2024 Meeting of the Louisiana Committee on Senate and Governmental Affairs, publicly available at [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011624SG2](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011624SG2).

**Exhibit 3** is a certified transcription of the January 17, 2024 Meeting of the Louisiana State Senate, publicly available at [https://senate.la.gov/s\\_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB](https://senate.la.gov/s_video/VideoArchivePlayer?v=senate/2024/01/011724SCHAMB).

**Exhibit 4** is a certified transcription of the January 18, 2024 Meeting of the Louisiana Committee on House and Governmental Affairs, publicly available at [https://redist.legis.la.gov/default\\_video?v=house/2024/jan/0118\\_24\\_HG\\_P2](https://redist.legis.la.gov/default_video?v=house/2024/jan/0118_24_HG_P2).

**Exhibit 5** is a certified transcription of the January 19, 2024 Louisiana House of Representatives Floor Debate, publicly available at [https://www.house.louisiana.gov/H\\_Video/VideoArchivePlayer?v=house/2024/jan/0119\\_24\\_1E\\_S\\_Day5](https://www.house.louisiana.gov/H_Video/VideoArchivePlayer?v=house/2024/jan/0119_24_1E_S_Day5).



Dated: February 27, 2024

Respectfully submitted,

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# **Exhibit 1**

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Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**MR. CHAIRMAN:** Members, if you could please find your seats. Good morning, everyone. Today is January 15, 2024. Welcome to the Committee on House and Governmental Affairs. Welcome members, welcome public. This is the, from what I can understand, the first gable of the new legislative leaders here at the capital. So, welcome everyone. A couple of things. If you have a cell phone, please silence it. If you forgot to turn off your gumbo or you need to remind somebody to stir your gumbo back home, we ask you to step out and take all calls outside. We have some cards up here for witnesses, although we won't be here in bills today. And just reminding everybody, this is a preparatory committee meeting. The special session doesn't start until this afternoon. So we're going to be doing here is educating members, educating the public, refreshing everyone on redistricting and redistricting principles, and then also hearing from our attorney general. So we won't be debating bills. If everyone could keep questions and comment strictly to the subject matter that we're going to be here from an education standpoint. And if you have questions as it relates to certain bills, we ask you to hold those until we have those bills. But Ms. Baker, if you wouldn't mind, please call roll.

**MS. BAKER:** Thank you Mr. Chair. Chairman Beaulieu?

**CHAIRMAN BEAULLIEU:** Here.

**Ms. BAKER:** Present. Vice Chair Lyons?

**VICE CHAIR LYONS:** Present.

**MS. BAKER:** Present. Representative Billings? Present. Representative Boyd? Representative Carlson?

**REPRESENTATIVE CARLSON:** Present.

**MS. BAKER:** Present. Representative Carter?

**REPRESENTATIVE CARTER:** Present.

**MS. BAKER:** Present. Representative Carver?

**REPRESENTATIVE CARVER:** Here.

**MS. BAKER:** Present. Representative Farnum?

**REPRESENTATIVE FARNUM:** Here.

**MS. BAKER:** Present. Representative Gadberry?

**REPRESENTATIVE GADBERRY:** Here.

**MS. BAKER:** Present. Representative Johnson?

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**REPRESENTATIVE JOHNSON:** Here.

**MS. BAKER:** Present. Representative Larvadain?

**REPRESENTATIVE LARVADAIN:** Here.

**MS. BAKER:** Present. Representative Marcelle? Representative Newell? Representative Schamerhorn?

**REPRESENTATIVE SCHAMERHORN:** Here.

**MS. BAKER:** Present. Representative Thomas?

**REPRESENTATIVE THOMAS:** Here.

**MS. BAKER:** Present. Representative Wright? Representative Wyble?

**REPRESENTATIVE WYBLE:** Here.

**MS. BAKER:** Present. We have 13 in the courtroom.

**MR. CHAIRMAN:** Thank you. Members, a couple of things. One, in your folders, you're going to have a copy of the rules for the House and Governmental Affairs Committee. These are the rules that have been adopted by this committee. If you would review them at your leisure, we're not going to be discussing them today, but if you have questions regarding these rules or you would like to amend these rules or make some changes, we're going to address that in the regular session. I just wanted to point that out that we have those in the folder for all of you. Also, members and the viewing public, we don't want to forget all the work that this committee has done over the last several years as it relates to redistricting. On our website, if you go to the legislator's main page and you click on House page, there's a button that says Additional Sites. Under that Additional Sites button is the Louisiana Redistricting site where we have all the work that this committee has done over the last couple of years. We don't want to forget that hard work and if anybody needs a resource, there's a lot of resources there. But with that said, so we're going to start off this morning with Ms. Lowry from here, in House and Governmental staff. She's going to update us on some principles with redistricting and kind of get everybody up to speed. So Ms. Lowry.

**MS. PATRICIA LOWREY-DUFOUR:** Thank you so much, Mr. Chairman. Hi members. My name is Patricia Lowrey-dufour. I am the Senior Legislative Analyst for House and Governmental Affairs. I have staffed this committee in some capacity since 1988. And the Chairman has asked me to give you all a brief redistricting 101 this morning. And it's going to be abbreviated. And, again, as the Chairman said, there are plethora of resources available on the redistricting website of the legislature, including links to the videos of the hearings, the roadshow

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February 9, 2024  
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hearings, all public comments and documents that we received there. So, again, you are encouraged to go look there.

**MR. CHAIRMAN:** Anyone watching online? We're working on the technology.

**MS. PATRICIA LOWREY-DUFOUR:** Okay. Briefly, we'll be giving an overview of redistricting terms, concepts and law. Redistricting criteria, the 2020 census population and population trends, malapportionment statistics and illustrative maps on congress and the supreme court, since those are items included in the call for this special session and the act for congress that was adopted in the 2022 for extraordinary session as well as the timeline related to the adoption of that act. Okay. Briefly, Louisiana's resident population is 4,657,757.

[00:05:01]

This is the number that we use to determine the ideal district. Now, why is this important to you? One of the main criteria for redistricting is to achieve population equality among the district. So the ideal district population is very important. Just so you know, for congressional apportionment, there is a different number that is used. It's called the Apportionment Population. And Louisiana had an additional 3,711 overseas and uniform citizens allocated to Louisiana for the apportionment population, which is how congress uses the method of equal proportions to allocate the number of congressmen to the State. Okay. Briefly, in Louisiana, our 2020 census data showed that we grew by 2.74% while the growth rate of the nation was 7.35, and the southern region growth rate was 10.22. This is key because even though we are showing a population growth, we are lagging behind both the nation and the State. And just keep in mind that the nation grew at its lowest rate since 1940. This is a map that shows the historical population trends in the State of Louisiana. And while you can see that there were some decade differences, so, clearly we had significant population growth from 1990 to 2000. There were trends such as what you see in the 2000s to 2010, which were the effects of Hurricane Katrina and Rita on our coastal and Orleans metro areas. But what I also want to tell you is, this is important because, again, even though the State grew in each of these decades. When I first started working for this committee in the late '80s, we had eight congressmen allocated to the State. So in the 1980 to 90, we had eight. Following the 1990 census, we were dropped to seven, and then we maintained seven from 2000 to 2010, and again from 20 -- then we dropped another congressman. So what you see is a pattern is emerging that every other decade, even though the State is growing, because we are lagging behind the nation. We are losing our number allocated to us for congress. So specifically with the 2020 census, you will see there is growth in this State among really the I-10/12 Corridor. There is loss in North Louisiana generally, although there are a few spots of growth and there are areas of our coast that are clearly suffering population losses. So why is this important? Obviously, when the districts were drawn in 2010, the population was substantially equal or equal to the extent practicable in all the districts. Over the decade, you can see because of the shifts in population, it necessitated the change in the district boundaries. Now our census population demographic change. In 2010, you can see there we had 62.56% of people who identified a single race white, 32.8% of people who identified as black, and we had 1.8% of people who identified as Asian, 1.3% that identified as American-Indian, and 1.83 as other. And one thing I want to point out about this chart is Hispanic is an ethnicity. So when you look at

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February 9, 2024  
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these numbers across the board, they will not total to a 100 because you can be any of these races and also Hispanic. Okay. So Hispanic is separately reported as a number and we had 4.25% Hispanic in 2010. That number has increased to 6.92 in 2020. The white population is 57.06, the black population 33.13, Asian 2.30, American-Indian 1.87. And again, the other you'll see the most significant growth in the other category. The sum of the race is interesting because it's not - these are people who chose to respond to the census as being not white, not black, not Asian, not American-Indian. Okay? So it's just an interesting jump to see this increase.

[00:10:03]

**CHAIRMAN BEAULLIEU:** Ms. Lowry, also just to kind of point out, if members look at the decrease in the white population and look at the increase in the other population, they're pretty close to the same from a number standpoint just if -- I don't know if it's more people. We talked about this in committee over the last couple of years if it's more people identifying as other with mixed races but just to kind of point that out for you all.

**MS. PATRICIA LOWREY-DUFOUR:** Right, and I do want to point out that we -- so, this will tell you how the census reports, the population to the State. So, every person in the State can respond in a single race or any combination of six races. And so, there you can respond that you are white, black, and African. You could be all six. Okay? And you can respond to the census that way, but in order for you all to be able to analyze reports and we've included some reports from Act VI, which was the Congressional Act that you all adopted and if you flip to this page called Total Population, it's numbered Page 9 in your packet, and I just want to talk about it just a little bit so that you all will become familiar because, tomorrow, as we are hearing bills, you'll need to be familiar with these reports. So, each report will have a total population figure, will have white. So, your predecessors on this committee and the Joint Senate Committee adopted a population allocation document that is available on the redistricting website. And so, the white population number that you see on this report indicates white alone. So, this is not going to be any person that reported that they were white in any other race. The black category reflects all people who reported black alone plus any other race and black. Okay? Asian is Asian alone and any other race other than black. Okay? And total American-Indian, the same, American-Indian alone and any other race other than Asian or black, and the other is that category that we talked about, the people who reported that they were any other and it also includes the Pacific Islanders that the population in Louisiana was not significant, so, that is included in the other category. And the category that's labeled VAP total. That means voting age population and that's going to be key as you will hear, I'm sure, from our attorney general. Okay. Moving on. Any questions about that? All right. Yes, sir.

**CHAIRMAN BEAULLIEU:** Hold on. Let me -- is it Carter? Alright, Representative Carter you're on.

**REPRESENTATIVE CARTER:** Thank you, Mr. Chairman. If you report it white and any other, only white is recounted all?

**MS. PATRICIA LOWREY-DUFOUR:** The white population category on your reports is

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February 9, 2024  
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people who responded to the census as being white alone.

**REPRESENTATIVE CARTER:** White alone.

**MS. PATRICIA LOWREY-DUFOUR:** Not combination with any other race.

**REPRESENTATIVE CARTER:** Okay.

**MS. PATRICIA LOWREY-DUFOUR:** Okay?

**REPRESENTATIVE CARTER:** So basically, the same way with the black population?

**MS. PATRICIA LOWREY-DUFOUR:** No, Sir.

**REPRESENTATIVE CARTER:** Okay.

**MS. PATRICIA LOWREY-DUFOUR:** So, on the report -- and, again, this population allocation document is on the website, and it was adopted by the committee when we started the process. So, the black population category is people who reported to the census that they were black and any other race.

**REPRESENTATIVE CARTER:** Okay.

**MS. PATRICIA LOWREY-DUFOUR:** Okay? So, they can be a combination of up to the six.

**REPRESENTATIVE CARTER:** Got you.

**MS. PATRICIA LOWREY-DUFOUR:** Okay?

**CHAIRMAN BEAULLIEU:** Thank you, Representative Carter. And members also just to let you all know, I know some of this technology is new to some of you all. The buttons on your desk, the one to the left is dead. There's nothing on it. So, if you want to be recognized, please hit the button towards your right, and you'll see your microphone light up when it's your turn. Representative Gadberry for a question. Give me a second. It's giving me a little trouble here. All right. You're on.

**REPRESENTATIVE GADBERRY:** Pleasure, Mr. Chair.

[00:15:00]

So, when we proportion a district, we go by Voting Age Population and not Total Population?

**MS. PATRICIA LOWREY-DUFOUR:** No, sir. So, the population of the district that is keyed into the ideal district population is the total population of the district.

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February 9, 2024  
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**REPRESENTATIVE GADBERRY:** Okay. So, what's the significance of Voting Age Population then if we --

**MS. PATRICIA LOWREY-DUFOUR:** That is the population that is 18 or over, and it is significant when you're analyzing voting rights issues because, obviously, the people who are 18 or over are of voting age.

**REPRESENTATIVE GADBERRY:** Right. So, I guess, the question is that I've always come up with is -- and I'm just taking say District 1 here serves 69% is white on Total Population and 71% on Voting Age Population. So, when we proportion or when we come up with a district, do we go by the percentage based on Total Population or Voting Age Population?

**MS. PATRICIA LOWREY-DUFOUR:** To achieve the population equality required on the districts, you go by population. To achieve other goals, you look at the totality of the circumstances including Voting Age Population. Okay?

**REPRESENTATIVE GADBERRY:** Thank you.

**MS. PATRICIA LOWREY-DUFOUR:** You're welcome.

**CHAIRMAN BEAULLIEU:** You did that well, Ms. Lowry.

**MS. PATRICIA LOWREY-DUFOUR:** Thank you, Mr. Chairman. What is redistricting? I will tell you the terms Apportionment and Districting are sometimes used interchangeably. In fact, in our State Constitution, the term Reapportionment is used. However, they are different concepts. Apportionment is the process of allocating seats in the Legislature, while Districting is the process of drawing lines to create geographical territories from which officials are elected. So, again, we talked about the apportionment of members of Congress to each state. That is allocating seats to the State in Congress, whereas what the charge before you under the call for this special session is to draw lines for the geographic territories from which those officials will be elected. Why do you redistrict? Well, there are many, many, many legal requirements involving redistricting as we briefly touched on with a Representative Gadberry just a moment ago. One includes Article III, Section 6 of our Constitution, that includes deadlines and duties regarding legislative redistricting. There are also very statutes for your local governing bodies and school boards to conduct redistricting and as well as deadlines and then, there are some general legal requirements including the Equal Protection Clause and the Voting Rights Act of 1965. So given that, who are you responsible for redistricting? Congress, the courts, the House in the Senate, the Public Service Commission and the State Board of Elementary and Secondary Education. All those have been enacted by the State Legislature as laws. So, it takes a bill. The issues dealing with federal law. All right, so equal population. You hear often the term One Man, One Vote. So, how do you measure it? Again, you measure it by looking at the ideal population. And again, how do we come up with that ideal population? We take the total resident population of the State or the geographic area where the districts are to be conducted and you divide that total population by the number of districts and you come up with an ideal district population. So, I'm going to refer you now to the planned statistic document that's in your folder. It's numbered



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February 9, 2024  
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eight. And again, this is all relevant to Act V of the 2022 first extraordinary session. So, this report -- and again, I encourage you to become familiar with the structure of it and what it is telling you. So, this will tell you there are six districts in a congressional plan. They are single-member districts, the actual population within the district, the ideal population that you are basing the calculation to determine your deviation off of. And so, you can see there that the absolute deviation --

[00:20:00]

-- ranges from negative 24 to positive 41 for an overall deviation of 65 people between all six districts and a relative mean deviation of 0.00 and overall range of 0.01.

**MR. CHAIRMAN:** Ms. Lowry, if you don't mind just for a question, if we drew, since one of the maps we're going to be talking about is congress, and the deviation was 1.5%, which on Legislature maps, that's well within deviation range, what would 1.5% or 2% do for congress. Is that allowable? What's the wiggle room there?

**MS. PATRICIA LOWREY-DUFOUR:** So the courts have clearly established that strict population equality among congressional districts has to be the overriding objective. Now, that said, however, there have also been some deviations that have been okay in certain states, provided the State has an overriding reason for it that is rational and nondiscriminatory.

**MR. CHAIRMAN:** So we want to be as close to zero as we can.

**MS. PATRICIA LOWREY-DUFOUR:** Yes, sir.

**MR. CHAIRMAN:** Thank you.

**MS. PATRICIA LOWREY-DUFOUR:** Okay, everybody clear on population, equality and deviations? Okay. And as the Chairman alluded to, the standards are different between congress and other representative districts that we draw, they are based on different legal provisions. Congress, the nearly as equal in population as practicable is based on jurisprudence, Westbury v. Sanders is the seminal case there based on Article 1, Section 2 in the 14th Amendment. Representatives shall be apportioned among the states according to their respective numbers and you must make a good faith effort to avoid deviation and to be able to provide a legally acceptable, nondiscriminatory justification for any deviation. Whereas for other representative districts that you will draw, you are allowed to have a slightly larger deviation field. It is substantial equality of population among various districts that derives from the case of Reynolds v. Sims. Again, the 1960s created a lot of cases dealing with population equality as well as requirements for single-member districts. Again, based on the [INDISCERNIBLE 00:22:46] clause of the 14th Amendment, there's a generally accepted 10% standard that a legislative plan with an overall range of less than 10% would not be enough to make a prima facie case of invidious discrimination under the 14th Amendment. However, so asterisk, it is not necessarily a Safe Harbor, I'm sorry. In Larios v. Cox, any substantial deviation must have a legitimate State interest behind it. In Louisiana, in order to accomplish this overall 10% range, we have adopted a

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February 9, 2024  
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criteria of plus or minus five from the ideal to stay as close to that ideal population among the districts as you can get. Okay, again, and I know this seems like it's very repetitive, but it's important. Equality of population must be the overriding objective of districting, and deviations from the principle are permissible only if incident to the effectuation of a rational state policy, which would include allowing representation to political subdivisions, compactness, preserving cores of prior districts, and avoiding contests between incumbents. And again, that is based on Reynolds v. Sims. Okay. Judicial districts which, again, will be the subject of the special session. In a Louisiana case, Wells v. Edwards, that was decided in the middle District of Louisiana, the court decided that the One Person, One Vote standard does not apply to judicial districts as judges serve the people. They do not represent the people. Okay. Now we're going to talk about other issues of federal law, Discrimination Against Minorities. The Voting Rights Act of 1965, and again, principles of this are contained within the 14th and 15th Amendment. But basically, Section 2 of the Voting Rights Act prohibits the State or any political subdivision from imposing a voting qualification, standard, practice, or procedure that results in the denial or abridgement of any citizen's right to vote on account of race, color, status as a member of a language minority group.

[00:25:11]

So there have been a lot of litigation on this issue. Section 2 of the Voting Rights Act was amended in 1982 to clarify that a violation of Section 2 is established if, based on the totality of circumstances, it is shown that election processes are not equally open to participation by members of a protected class and that its members have less opportunity than other members of the electorate to participate in the political process and elect representatives of their choice. So there was a case, Thornburg v. Gingles 1986, that established certain preconditions that courts will look to, to make determinations on violations of the Voting Rights Act. They are size and geographical compactness of the group. It requires that the population be sufficiently large and geographically compact, constitutional majority in a single-member district, that the minority population is politically cohesive and that in the absence of special circumstances block voting by the majority defeats the minority's preferred candidates. Once courts have established those preconditions, there are other objective factors that it looks to determine the totality of the circumstances, and I'm not going to go into those at this moment, but if you would like to talk later, we'll be happy to do that. Now, the other side of that is racial gerrymandering. So again, the Equal Protection Clause of the 14th Amendment found there have been a series of cases, Reno v. Shaw in Louisiana, Hayes, the Hayes Lines of cases, where the courts have found that if race was found to be the predominant overriding factor, that strict scrutiny on the State's plan would apply. And in order to survive that strict scrutiny, the plan must have been narrowly tailored to serve a compelling State interest. So what would be a compelling State interest? Remedying past discrimination, avoiding retrogression, avoiding violations of Section 2 of the Voting Rights Act. And key here is those interests must be strongly supported in the evidence when the policymakers are making their decisions on the plan. And this would apply not only to plans that distinguish citizens because of race, but also to plans that may be race-neutral, but on their face are inexplicable except on grounds other than race.

**MR. CHAIRMAN:** Ms. Lowry, we have a question. Representative Marcelle.

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February 9, 2024  
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**REPRESENTATIVE MARCELLE:** Thank you. Can you go back over what you just said about the strict scrutiny and how that's overridden? Why would that be overridden? So I know you talked about the idea of populations, and I'm dissatisfied, so it has to be satisfied.

**MS. PATRICIA LOWREY-DUFOUR:** If you can prove that the plan was narrowly tailored to further your compelling governmental interest.

**REPRESENTATIVE MARCELLE:** And what would be an example of that?

**MS. PATRICIA LOWREY-DUFOUR:** Remediating past discrimination, avoiding retrogression, avoiding violations of Section 2 of the Voting Rights Act. And again, all those things must be firmly established on the record as you are making your decisions on a plan.

**REPRESENTATIVE MARCELLE:** So, in essence, I'm new on the committee, so you got to bring me up to speed. So, in essence, if a bill is proposed and these criteria aren't met, what you're saying is during the argument of the bill, they have to be laid out or they should be laid out. Is that what the law says?

**MS. PATRICIA LOWREY-DUFOUR:** Okay. This is based on jurisprudence necessarily the letter of the law. But, two, I think because you all were elected to represent your districts in the State of Louisiana, and you all are the policymakers of the State of Louisiana. And so as you're making the policy, I think it's important that as you're presenting, because individually, you alone have the right to present your bill. Right?

**REPRESENTATIVE MARCELLE:** Right.

**MS. PATRICIA LOWREY-DUFOUR:** And I think it's important for your colleagues to understand the reasons why, because you're asking them to vote for your bill. And I think that would be on any bill that you present. What is the policy behind your legislation? Why is it important?

[00:30:00]

**REPRESENTATIVE MARCELLE:** Well, I understand that each of us have to, when we present a bill, talk about how it's important to us at our districts, but we also have to take into account of the laws that are set and the criteria that we need to meet. So when we don't do that, then we find ourselves in court like we are now.

**MS. PATRICIA LOWREY-DUFOUR:** Yes, ma'am.

**REPRESENTATIVE MARCELLE:** Thank you.

**MS. PATRICIA LOWREY-DUFOUR:** Thank you.

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February 9, 2024  
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**MR. CHAIRMAN:** Thank you Representative Marcelle.

**MS. PATRICIA LOWREY-DUFOUR:** And one other thing I want to say is the courts are very aware that redistricting plans are not drawn in a vacuum. They understand that this is environment, a political environment that y'all have awareness of many factors. So just want to put that on. All right. Redistricting criteria. The legislature adopted in the 21-regular session. Joint Rule 21. So this is the criteria and copies of this rule members are in your packets. And this is important because this is a standard that the legislature has adopted for consideration of redistricting plans. So what are we talking about? Compliance with the equal protection clause of the 14th Amendment, the 15th Amendment, Section 2 of the Voting Rights Act, all other applicable federal and state law. That all reducing plans must be composed of contiguous geography. Does anybody have a question about that? Contain whole VTDs. So that is the term, the census term for election precincts, to the extent practicable, and a limitation on the number of divisions that can be used in a precinct if they have to be split. All redistricting plans have to respect established boundaries of parishes, municipalities, but that is subordinate and not used to undermine maintenance of communities of interest within the same district. To the extent practicable, we must use the most recent census data that is the redistricting data file, the PL 94, 171 data released by the census as it is validated through our data verification program. If a member of the public wishes to submit a plan, they must submit it electronically in a comma delimited block equivalency file. The purpose for this, members, is so we can import it into our system and be able to produce the reports that you're going to be used to seeing. Each redistricting plan for the House and the Senate, PSC, BSC, Congress and the Supreme Court must be a whole plan which assigns all the geography of the state. Now, why is this? Well, I can tell you what. After many decades of drawing districts, I can tell you, I can draw a single perfect district every day, all day. But drawing 105 or 39 or even six is much more difficult. And you have to, again, continue and consider the totality of the circumstances there. So we require -- you can't just submit the perfect district; you must submit a whole plan. Each redistricting plan for the House, Senate, PSC, and BSC must contain single member districts, contain districts substantially equal in population. And that, again, is that plus or minus 5% from the ideal. Must give due consideration to traditional district alignments to the extent practicable for Congress. Again, single member districts and contained districts with as nearly equal to the ideal district population as practicable. Okay, let's talk about what we've got. So when the 2020 census came in and was reported to the state, and again, this was a unique year for the census. They were seriously behind in reporting the data to the states and they also employed a new privacy metric, the differential privacy, which has been a challenge. But anyway, the census data is considered the gold standard for data to use for redistricting. So in 2010, the ideal population for congressional districts was 755,562. That increased by over 20,000 to 776,292 following the 2020 census. Why is this important? Well, here is the map of the prior congressional districts before the redistricting cycle following the 2020 census. This is the malapportionment. So what does that mean? That is the number by which the districts, both each individual district and the overall plan deviate from the ideal. And as you can see, there is substantial deviation. There is a difference of 88,120 between Congressional District No. 4 and Congressional District No. 6.

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February 9, 2024  
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As a reminder, Congressional Districts have to be as close to equal in population as possible. Therefore, the legislature had to act to redraw the districts. I call this the heat map. So the dark orange reddish color are deviations that are furthest below the ideal. The lighter orange is still below the ideal. The light-yellow colors are population that is above. But obviously, District 6 was the most above the ideal district. So to remedy the population inequality among the districts, the legislature passed a bill. That bill was introduced on February 1. It was reported favorably by your predecessor committee. On February 4, 2022, it passed the House 70 votes to 33 nays. On the 10th, it was received in the Senate. On the 14th, the Senate Government Affairs Committee reported it. On the 15th, Senate passed it 27 to 10. On the 18th, the House concurred in amendments 62 yeas to 27 nays. On the 18th, then it was sent to the governor. On March 10, the governor vetoed the bill. On May the 30th, the House overrode the veto 72 yeas to 31 nays. On March 30th, the Senate also overrode the veto 27 yeas to 11 nays and on March 31st, the bill became Act No. 5 of the 2022 1st extraordinary session. This bill, Act 5 is this map represents the districts that were drawn pursuant to Act 5. This is the map that, again, is in litigation currently. This is the population, again, statistics, the deviations. You've looked at the report. I don't need to repeat that to you, but you can see that they are as nearly equal in population and certainly much more equal in population than where we started. Malapportioned of the Supreme Court, and we're talking about this again because it is in the special session call. These are the current districts for these seven Supreme Court Districts. These districts, while not subject to equal population requirements due to that case that we mentioned earlier, when these districts were last drawn in 1997 using the 1990 census. Okay, so they were drawn in 1997 using 1990 census figures. The legislature did draw them with substantially equal populations. And in fact, the mean deviation was less than 2% among the districts. The ideal district population at that time was 602,853. This, members, shows you the current state of the deviations among each of the Supreme Court Districts. District 1, I'm just going to say the population of the districts vary considerably from a low of 476,554 in District No. 7 which is an Orleans and Jefferson based district to a high of 838,610 in District 5 which is the Baton Rouge Metropolitan based district. A difference among the districts of more than 362,000 people.

**MR. CHAIRMAN:** Ms. Lowry, just the original districts, they were built in the 20s, is that correct? And only changed once if my memory --

**MS. PATRICIA LOWREY-DUFOUR:** Changed once, I believe 21. They were Supreme Court Districts were established.

**MR. CHAIRMAN:** Yeah, let me [PH 00:38:50] rest. Since we're in the 20s again, we're talking the 1920s.

**MS. PATRICIA LOWREY-DUFOUR:** Yes. I'm sorry. Yes. Back before, I believe anyone in this room had yet made an appearance.

**MR. CHAIRMAN:** Yep. Representative Thompson may have been in the legislature, but that's it.

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February 9, 2024  
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**MS. PATRICIA LOWREY-DUFOUR:** He certainly has more seniority than anyone in the legislature. Whether or not he was actually here in the 20s, we'd have to ask. But yes, so again, and here's that heat map showing the population deviations, dark red, dark orange, furthest below the ideal, and then dark green representing population the furthest above the ideal.

**MR. CHAIRMAN:** Ms. Lowry, we have a question. Representative Wyble?

**REPRESENTATIVE WYBLE:** Thank you, Mr. Chair. Ms. Lowry, thank you for all of this information. It's very helpful. I'm still trying to wrap my head around how the census is counting population we talked about earlier. So, if a respondent checked white and Asian, that respondent would be counted as?

[00:40:00]

**MS. PATRICIA LOWREY-DUFOUR:** Okay, the census reported all of those population figures to the state.

**REPRESENTATIVE WYBLE:** All right.

**MS. PATRICIA LOWREY-DUFOUR:** So if you really want to know who reported themselves not who but numbers. Who reported themselves as white and Asian we can certainly provide that to you. However, you know I just want to say there's a limited space on reports. In order for you to be able to analyze voting rights issues, and we have a document on our website, and it was a kind of guidance from the justice department, The United States Justice Department about analyzing Section 2 guidance for that. Where you really look at one, the population alone so who reported single race. And then you would allocate to protected class, minority groups, the white plus the minority group as well as any other reporting. So you would look at it like that. So for simplicity and to basically allow y'all to look at categories of population, this is how the reports are confected. But the census reports 100 of categories of racial populations and they'll tell you, I mean, it's like white alone, white plus black, white plus Asian, white plus black plus Asian plus other. I mean, all those things will be reported by the census. But for simplicity, I mean, there's no way for y'all to look at your report.

**REPRESENTATIVE WYBLE:** Sure.

**MS. PATRICIA LOWREY-DUFOUR:** Because it would be 100s of columns of data.

**REPRESENTATIVE WYBLE:** But that criteria is regarded equally regardless of what they check off, I guess is what I'm trying to find out. If they were white, white only they're counted as white. But if they're white and another, then they're counted as other. But if they check off black and others, then we count them a part of our black population, is that correct?

**MS. PATRICIA LOWREY-DUFOUR:** Right and that's based on that guidance.

**REPRESENTATIVE WYBLE:** From the federal government?

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February 9, 2024  
Transcript by TransPerfect

**MS. PATRICIA LOWREY-DUFOUR:** Yes, sir.

**REPRESENTATIVE WYBLE:** Is that guidance been, I don't know if this is a fair question or not, was that similar guidance in 2020 compared to 2010?

**MS. PATRICIA LOWREY-DUFOUR:** Yes.

**REPRESENTATIVE WYBLE:** Has it always been that way?

**MS. PATRICIA LOWREY-DUFOUR:** Similar guidance.

**REPRESENTATIVE WYBLE:** All right. Thank you.

**MS. PATRICIA LOWREY-DUFOUR:** No. You're very welcome. Okay, well that concludes my presentation, unless there's any other questions.

**MR. CHAIRMAN:** Thank you Ms. Lowry. Well, Representing Gadberry does have a question. Representative Gadberry.

**REPRESENTATIVE GADBERRY:** Thank you Mr. Chair. Just to make this clear, what was the ruling from the judge against the maps that were submitted [INDISCERNIBLE 00:42:53]

**MS. PATRICIA LOWREY-DUFOUR:** Representative Gadberry, we do have the attorney general here today.

**REPRESENTATIVE GADBERRY:** Okay.

**MS. PATRICIA LOWREY-DUFOUR:** To address those issues regarding the litigation. And I think it would be much more appropriate coming from the chief legal officer of the state.

**REPRESENTATIVE GADBERRY:** I figured that would be your answer. We submitted Act 5, though, right? This one?

**MS. PATRICIA LOWREY-DUFOUR:** Act 5? It was adopted by the legislature?

**REPRESENTATIVE GADBERRY:** That's what we submitted to the judge.

**MS. PATRICIA LOWREY-DUFOUR:** Well, the judge was looking at it as part of the litigation.

**REPRESENTATIVE GADBERRY:** All right. And that's the one that she looked at, though to --

**MS. PATRICIA LOWREY-DUFOUR:** Well, I mean and also there have been other plans.

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February 9, 2024  
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**REPRESENTATIVE GADBERRY:** Okay.

**MS. PATRICIA LOWREY-DUFOUR:** That have been submitted by plaintiffs to the court.

**REPRESENTATIVE GADBERRY:** And would you say that Act 5 did not meet the redistricting criteria?

**MS. PATRICIA LOWREY-DUFOUR:** Representative Gadberry, that is a legal matter that is currently the subject of litigation in the middle district and again much more appropriately addressed by our chief legal officer.

**MR. CHAIRMAN:** Yeah, we're going to let our attorney general handle that one.

**REPRESENTATIVE GADBERRY:** Okay. Thank you.

**MR. CHAIRMAN:** Thank you, Ms. Lowry. Members, as you all would just got a teaser from Representative Gadberry. We have our attorney general here with us Ms. Liz Murrill. She's going to join us and give us an update on the litigation and I see Ms. Murrill has a familiar face with so I'd like to welcome back to the House of Representatives, former colleague, Representative Larry Freeman. Welcome, Mr. Freeman.

**LARRY FREEMAN:** Thank you Chairman, thank you members as I'm glad to be back and sitting on this side of the table as familiar place myself as well. So thank y'all for having.

**MR. CHAIRMAN:** If you wouldn't mind everyone introduce yourself for the committee and then it's all yours.

[00:45:00]

**MS. LIZ MURRILL:** Thank you, Mr. Chairman and members of the committee. It's great to be with you today as your new attorney general. I'm Liz Murrill, also have with me Tom Jones, who is the new director of the Civil Division and has been involved in the litigation. And now chief deputy, almost chief deputy assuming you confirm him is Larry Freeman so that'll be before you soon to. I want to tell you that redistricting is hard. I'm not going to tell you this is easy. I think that you did the best job you could before, we've been in litigation. The last time redistricting in the 1990s when the second majority minority map was drawn we ended up in litigation for a decade. So there is no guarantee that when you do this again, we won't still be in litigation, but we are in litigation now. The district court judge has conducted a fact finding mission that's what 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 enjoinder are over. The courts nevertheless have told us to draw a new map. 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



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February 9, 2024  
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the United States Supreme Court has not made it an easy task. They've 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 we tried. I mean, I am defending that map. And so you won't hear me say that I believe that that map violated the redistricting criteria. I'm defending that map, but I will defend your new map if you draw a new map. So, it's an act of the legislature. My job is to defend the work of the legislature, and I will do that to the very best of my ability. I think that the difficulty is that in the *Merrill v. Milligan* case, which was the Alabama litigation that preceded ours, the Supreme Court issued an opinion and it says that in a Section 2 disparate impact claim, which is different really from the work that you did. You did your work. You did it in good faith, but the plaintiffs will go to court and they will make a disparate impact claim, and that's what gets litigated. That has nothing to do with whether your intent was nefarious or not. Everyone can have had the right intent and followed the rules as they believe they were given to them and go to court and the court can still say, under Section 2, there's a disparate impact, and because there's a disparate impact, you have to go back and do it again, or I will do it for you. And that is short version of what Judge Dick has held and what has not been overturned by any court that we have brought it before since then. There's no definitive ruling on that case. It is still in litigation. If you pass a new act of the legislature, that will become the new law. So I'm happy to take some more questions. I think that what *Merrill v. Milligan* did which is I think one question is that it said you can't do this job once there's been some litigation over disparate impact. You can't really do the job without taking race into account. And so that's not illegal or improper to think about race when you're doing this. You can't really do it otherwise. I mean, that's the whole -- the litigation is because someone has made a claim about the disparate impact. And so there's no way to not give some thought to what you're doing in that context, especially when it's preceded by some litigation and some fact finding. But what the United States Supreme Court has said is that race can't predominate in the way that you draw your lines. So there have to be other reasons that would justify the map and those are some -- I thought Ms. Lowry did an excellent job of giving you what the broad parameters are. They're not going to be real, it's not going to be easy because the Supreme Court hasn't made it real clear in terms of how you can meet strict scrutiny, Representative Marcelle. I mean, it is a difficult task and I think that some of the other directives that the court has given, like trying to keep geographical compact and it's doing the best you can in terms of meeting all the other requirements. I mean, those are things, those are justifications that still apply. Maintaining communities of interest still apply. Balancing, geographical, I mean population still applies.

[00:50:05]

So all of those things are -- and then the totality of the circumstances is ultimately what the test is going to be, that the courts apply. And so I think that if that makes things even more confusing to you, I blame the courts. I mean, we have tried to get them to explain and give you more clear directions. It is ultimately your job. The constitution makes this. The job of the legislature to draw the maps. And then when we end up in litigation, it perverts that process because the way that the precedent is built. There's fact finding that occurs from a judge that can override the very fact finding that you've made and your legislative record. And that's just a product of precedent and how these cases have been litigated. It's not something I can change.

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February 9, 2024  
Transcript by TransPerfect

**MR. CHAIRMAN:** Let me just to kind of -- I sat on this committee last four years and we spent a long time working on the map that we ultimately ended up drawing. With over two thirds vote of the legislature, we upheld it. Over veto, override, and whatnot went through, thought it was the most, two thirds of us, thought it was the most representative of the State of Louisiana. And even all the work we did, everything we've put into it, all the testimony we've heard, the deviation being what it is, close to zero. None of that matters with the federal judge in control. She has the ability to draw it without our input and can do what she wants. If we don't draw a map this week. Is that correct?

**MS. LIZ MURRILL:** Well, yeah. She made fact findings of her own based on the evidence that was presented to her in court. And those fact findings are very difficult to overturn in the federal judicial system. I can talk to you about precedent. I can talk to you about terms of art in terms of appellate review but at the end of the day, her fact finding becomes very difficult to overturn.

**MR. CHAIRMAN:** Okay, we have a couple of questions. Representative Thomas?

**REPRESENTATIVE THOMAS:** Thank you, Mr. Chair. Good morning. I think I heard you say that race is the predominant.

**[BACKGROUND CONVERSATION]**

**REPRESENTATIVE THOMAS:** No, race cannot be the predominant factor in what you would draw. That would violate the equal protection clause. So what you have to do is think about how to best draw the maps given the criteria that the Supreme Court has established without allowing race to be the predominant factor that drives the drawing of your lines. That's where the actual equal protection clause violation will come in. So you need to stay south of that. And then I think that you're going to have a lot of other things that you have to think about when you draw these maps. Communities of interest is one of the most important ones. I think that's always been a driving feature of the maps or of the map drawing exercise. Core retention is what was discussed very heavily in *Merrill v. Milligan*, and I think core retention has now become -- and I'm just going to tell you my personal opinion in trying to decipher *Merrill v. Milligan*, it was not easy. There are a lot of -- It's a very fractured opinion. But I think that core retention is the part that the court has given the least amount of attention to in this process now. That once you are trying to redraw the map, I think that core retention becomes a less important factor under *Merrill v. Milligan*. Thank you.

**MR. CHAIRMAN:** Thank you, Representative Thomas, Representative Marcelle.

**REPRESENTATIVE MARCELLE:** Thank you. Let me start by congratulating you. I don't know if I should say congratulations or condolence. I'm not really sure. Congratulations.

**MS. LIZ MURRILL:** Well, I asked for the job so thank you.

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February 9, 2024  
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**REPRESENTATIVE MARCELLE:** Okay, let me just go over a couple of things that you said so I can be clear in what you're telling us today. Number one, you said you're going to defend the map, act five, that they presented because that is your job to do so, correct?

**MS. LIZ MURRILL:** Yes, I am defending it now.

**REPRESENTATIVE MARCELLE:** Correct. Because that's what we hired you to do, defend us, right?

**MS. LIZ MURRILL:** Right.

**REPRESENTATIVE MARCELLE:** And if we pass another map, you'll defend that map as well?

**MS. LIZ MURRILL:** That's correct.

**REPRESENTATIVE MARCELLE:** The other thing that I heard you say was the judge has fact finding matters. Can you kind of elaborate on what that means? That's based upon the testimony that was presented by the plaintiffs. Is that accurate? And the defense, obviously, she took both matters into consideration when she was doing her fact finding.

[00:55:00]

**MS. LIZ MURRILL:** She did. That doesn't mean I agree with them.

**REPRESENTATIVE MARCELLE:** Okay.

**MS. LIZ MURRILL:** I think that it's also a product of -- this is part of what's frustrating, I think, for the legislature when it goes into litigation, because people can, like experts, for example, that are hired by the plaintiff's no matter who they are. This could happen on the new map, right? Those experts can come and testify in court and the judge can control that testimony. In our case, it happened in a very, very, short, short turnaround in a preliminary injunction hearing which is different from a trial on the merits. We've never had a trial on the merits, so the court, the judge, whoever that judge may be has enormous amount of control over how much testimony is allowed and by whom and how much time we will have to do that. That was all very compressed when we litigated this right after the maps was passed. We have not had any other fact finding because we haven't had a trial on the merits. I have raised an objection to that because I think that you are entitled to have a trial on the merits. But the courts have not accepted those arguments at this point. They have told us to go back and draw the map and they have given us a deadline. So I am making the same arguments that I would make on the new map. But at the same, the courts haven't given us a lot of safe harbor to go litigate the rest of this case. They've said, go do this.

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February 9, 2024  
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**REPRESENTATIVE MARCELLE:** So it is a fact that we do have six congressional districts in Louisiana. That is a fact, right? Is it also a fact that a third of that the population is African-American?

**MS. LIZ MURRILL:** Approximately. Based on the data, I would also point out that 50% are women. I mean, there are other population and gender indifferences like that's why Section 2 has never been -- I mean, it is expressly stated in section two of the Voting Rights Act that this is not an act of proportionate dividing. That is not permitted under Section 2. And so we can't just take that number and say, that's how we do this because it's not that simple and that's actually not permitted under the law.

**REPRESENTATIVE MARCELLE:** So it's not permitted to say that we have six congressional districts, and of those six congressional districts, we talk about community interests, I think was one of them. So do you believe that all five of the other districts has all the community interests impacted in those, and African-American districts only should have one?

**MS. LIZ MURRILL:** Representative Marcelle, the job of drawing the districts is yours.

**REPRESENTATIVE MARCELLE:** I get it.

**MS. LIZ MURRILL:** It's not mine and I am defending what I believe to 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 en banc have put us in a position of where we are today, where we need to draw a map. I'm not here to tell you don't draw a map. I mean, I think we do have to draw a map and I will defend that map.

**REPRESENTATIVE MARCELLE:** And my final question. I heard my Representative Blue talk about two thirds of the legislature proving this map and voting for it. Bolo. I'm sorry, Beaulieu. I just call you Bo. I'm trying to get your real name.

**REPRESENTATIVE BEAULLIEU:** We'll work on your Representative Marcel.

**REPRESENTATIVE MARCELLE:** So Beaulieu. I always call him Bo, but Beaulieu, I heard him say that two thirds of the legislature voted for this map and he's absolutely accurate because the majority of the legislature would support this map because it benefits them. We talk about our districts and our interests. What I did not hear him say is because I sat at that table on the other side and presented a map and none of the maps that we presented got out of this committee. So it's unfair to say, okay, we passed it with the majority of the people because the majority of the people would support us not having an additional African-American representation in another district. I get that but it's not fair to say that those arguments weren't made to support that. I was one of those that made the argument to support an additional congressional map. I think what we're hearing from Judge Kelly Dick.

**MS. LIZ MURRILL:** Shelly Dick.

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February 9, 2024  
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**REPRESENTATIVE MARCELLE:** Shelly Dick is that the map is not fair for the State of Louisiana. And what I agree with her on is that if we cannot and we had an opportunity to draw this map ourselves, and we did not do it as it supports Section 2 in my opinion.

[01:00:08]

So then, we will allow her to draw that map if we can't do that. We can draw a map right now, right? Is that accurate?

**MS. LIZ MURRILL:** So what will happen, if you do not draw a map is that she has set a trial date. It's very, very quick, and we will still be operating under the old map, so we will move forward then with the trial under the old map. There will be a trial on the merits, it's the same record I think that was presented and Tom can affirm or correct me if I'm wrong, but set the record from the preliminary injunction hearing, we'll all go into the court record and we will look at whether we want to have additional testimony and that trial will move forward. I don't expect Judge Dick to change her position. I think she will draw a map. And so, you are getting the first opportunity to do that. I mean, in theory we could have had a trial on the merits and she could have said, "Again, I don't like the old map, and I don't like the map that you drew and I'm going to re-draw your map, but as a matter of law, you get the first shot at doing that."

**REPRESENTATIVE MARCELLE:** No, we did the second shot at doing it. Thank you very much though.

**MR. CHAIRMAN:** Thank you, Representative Marcelle. Representative Farnum?

**REPRESENTATIVE FARNUM:** Thank you, Mr. Chairman. So, a couple of things. So, the parallel that the argument has been based on is the case in Alabama. Was that the one?

**REPRESENTATIVE MARCELLE:** Yeah, the Alabama case was litigated just a few months ahead of ours and so it went up to the Supreme Court before ours did and so we've basically been held -- our case was held in abeyance pending the outcome of that case.

**REPRESENTATIVE FARNUM:** That was a seven-member district, right?

**REPRESENTATIVE MARCELLE:** I believe so.

**REPRESENTATIVE FARNUM:** So they were trying to reach a second district in a seven-member State? So, would you say, in your opinion is it harder to draw two of six than it is two of seven just based on the compactness of the population of that State? Because when you say that every State has a different compactness, there's no two states that are identical. Maybe it's easier in one State that maybe the compactness is much more centrally located to reach that conclusion? Would you agree with that?

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February 9, 2024  
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**REPRESENTATIVE MARCELLE:** I would agree to you that every State is different, and that our population -- how our population is spread out is different from every other State. So our population I think is relatively close to theirs. They probably have a little more population because they still have seven districts. This isn't going to be easy. I didn't -- that's why I started out by saying, "I'm not here to tell you this is an easy job." You have a hard job. Our State is different. Every State is different from each other and you have to do this based on the facts in our State. We have argued in our case that our State is different from Alabama with regard to -- so the fact findings can't be the same. We're not the same, our history isn't the same, our history of re-districting and re-districting litigation is not the same. And we brought those issues up and here we are still.

**REPRESENTATIVE FARNUM:** I know. I spent a better part of three years going over this. I was on the committee last time, and sat through numerous, numerous meetings on this, so across a period of the three years. Help me understand how the Voting Age Population factors in when the black voting age population is lower than the total population in the State? How does that factor in?

**REPRESENTATIVE MARCELLE:** You want to take down?

**TOM JONES:** Yeah, the judge --

**REPRESENTATIVE MARCELLE:** Introduce yourself, just quickly under here.

**MR. CHAIRMAN:** You're on.

**TOM JONES:** The judge here in the middle district has based her rulings on black --

**MR. CHAIRMAN:** If you don't mind, can you just kind of speak into the mic a little bit or you could pull the mic to you, I believe, as well.

**TOM JONES:** I'm sorry, my name is Tom Jones. I'm the Director of the Civil Division in the Attorney General's Office. The judge has principally based her ruling on black voting age population. That's what she -- that's the primary criteria. Then the experts take that black voting age population and they're very clever people and they do very clever things with those numbers that can persuade you on one side --

[01:04:59]

-- that the black voting age population should be -- and last this way, and the other experts can convince you of just the opposite the next day. The black voting age population has been the primary criteria for this judge's rulings. You did say something earlier that race cannot be a determining factor of why you draw maps.

**REPRESENTATIVE MARCELLE:** It can't be the predominant factor.

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February 9, 2024  
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**TOM JONES:** Isn't that the only reason we're here right now?

**REPRESENTATIVE MARCELLE:** We're here because of --

**TOM JONES:** But isn't that predominant reason?

**REPRESENTATIVE MARCELLE:** The court is telling us we have to be here. I think that's part of it. I mean I'm defending the map. I'm going to defend the new map. I want you to know, I mean, if you draw any map, I'm defending that map.

**TOM JONES:** I agree.

**REPRESENTATIVE MARCELLE:** So, I'm not going to say that -- I have complaints about how this case was managed. I mean, not by our litigators, not -- I just think that we need -- we should have a trial on the merits. I've always -- I have argued that in court, I have signed off on these pleadings. I still believe that that's true. The courts have told us to do this by a certain date or it's going to be done for us.

**REPRESENTATIVE FARNUM:** I think the circular fashion of the 14th and 15th Amendment and Section 2 of the Voting Rights Act is a circle. So its engine is a race to chase your tail to try and accomplish what you're trying to accomplish and each one contradicts the other one in a circle, so you end up in this never-ending loop of how do you accomplish what we're tasked to do here. We did look at a lot of maps, and I personally think that the one we passed was a very legal, legitimate map, and we'll do the best we can with what we have, so I appreciate your time today. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Representative Farnum. Representative Carter?

**REPRESENTATIVE CARTER:** Thank you, Mr. Chairman. Because this committee meeting is being viewed by people throughout the State, I think it's important that we be honest and put the whole picture why we're here, how we got here. It seemed to be an impression that the old Judge Dick trying to make us do some even though we've done the right thing. Is it not true that the judge's job or task is look at the law? First, the law, that jurisprudence of reapportionment and look at the statutes that's been passed with apportionment, and other criteria that congress has given us to see if we went about this the right way. She just didn't come over and decide to say, "I'm going to make them have another black history." That is not her job. And if she did anything contrary to that, she certainly would be reversed quite quickly. But what she did -- she looked at the law and there was a request made by motion to ask whether or not the plaintiff will succeed on this problem with disparity and what have you, if they went to trial. And she pretty much said at the extent of the law, extent of the facts and what action took place in this Legislature, she decided he would probably succeed. So, she asked the Legislature to go back and try to do this over again the right way. And the Legislature had that opportunity but couldn't get nothing done. Okay? So now, the judge -- it [INDISCERNIBLE 01:08:41] she expressed that she wanted another map, a better map, she thought that's more legal. And so, she asked the Legislature to -- there was a statement made by the Attorney General's office and that was

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February 9, 2024  
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granted by the Fifth Circuit, and because of the Alabama case -- the Alabama is different from -- Furthermore, Alabama has 26% population of African-Americans, Louisiana 33%. Alabama has a larger overall population that we found as well. That's why they have seven congressmen. But you can't compare Alabama to Louisiana, but the law is pretty much the same. So, based on that law, that just say, "You all are either going to do a map, or I'm going to do a map." So he gave us another, a third time, do the map. Now, if you look at the analysis of what we've done the last time, there was about eight maps that were made, presented to this house. It could have been a fast committee. But there's only one map, the speaker map, [INDISCERNIBLE 01:09:39] that was even considered, seriously considered. I mean, there were some people who came to the table and talked about these other maps, but it was asked by the speaker then -- the then speaker who was carrying a House Bill 1, did you look at Section 2 by the Voters' Right Act and did you try to comply this map with Section 2?

**[01:10:00]**

And the speaker said, no, or did you look at the disparities that this map represents? Is this common sense? If you got a-third of the population that is African-American and over 33%, did you look at those figures? You don't have to be the primary criteria, but you got to first look at whether or not it appears to be a fair map and compliant with the 14th Amendment section to another Supreme Court jurisprudence? He said, no. He said that this is his map that he's presenting, and he didn't let the lawyers worry about all this other stuff. This is his map. So, the record of the -- and I try to tell him this because I was asking questions on House Bill 1, like everybody else, why this map have a problem? So the Legislature knew the map had a problem, but it wouldn't listen to anybody else. So, I agree that your representation, that race is not the sole factor. The factor is you got to have six divided equally. Okay? But Section 2 says if you've got a group that is compact and that certain voting patterns, that you should try to create a map that allow that group to represent a person of their choice. That's all it says. So, I asked the speaker, did you look at Section 2 and try to come over the map that does that? He said, no, I didn't. So, it's the speaker's and the Legislator's testimony in the record that caused them the problem they had when it went to the judge. Had they said, we look at Section 2, we tried to comply with Section 2, but we couldn't because the black population is so dispersed in the State, we could not get another district that was compact. They didn't say. They didn't even try. So that's why the State is in a position it's in, not because somebody's out there, some federal just out there trying to make Louisiana have another minority district.

Now, however, I do agree that we need to have this opportunity, and it's wonderful to have this opportunity to try to create a map that will comply. And I think, I applaud the governor because I think the governor wants to do the right thing. The new governor wants to do the right thing. He wants to have a map so we can do our own map and not a federal judge and I support that. But I don't want to give the impression a federal judge is just a bad, bad monster is trying to make us do something we shouldn't do. She has to comply with the law. Now, the Supreme Court has reviewed what the attorney general was presented there on connection with the State, and they denied that. It's the United States Supreme Court saying, you got to go back and do this map, not just judge Dix. Okay? So we need to accept the fact that the map we had, based on the record, based on the testimony presented here in the Legislature, based on the debate in the Legislature,



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February 9, 2024  
Transcript by TransPerfect

based on the law, it was not in compliance. Now, you can differ -- people can differ because they don't like what the law says maybe, or they want to twist the law but the fact of the matter is, it's not a sustainable map. This map is not sustainable that we have now. And so, we have a chance to do that and not offend too many political notions at the same time. And so, I just want to make that, put that in the record, that this is an effort on the part of people, different political interests, to try to resolve an issue that has been defined by Supreme Court decision and by federal statute and try to come up with a district that is successful. That's what we're trying to do. And it doesn't mean that you're a bad person or you got a problem because you supported that last map. It's just that the record did not support. We didn't get enough input from other people that had concerns about it. We didn't allow people to put their input in. Have we put in three or four maps on the floor and explain why we put them on the floor that might have been different. Have we tried to do what the Supreme Courts over the years have told us to do? I happen to be on the Legislature in 84 to 92, where we wrote a lot of the real portion maps, okay? So this problem been around a long time. Oftentimes, federal judges have to put us on the right tracks, okay. You all doing good. You all working in the right direction, but you all got to go back and do this over again. That's what she did.

**MR. CHAIRMAN:** Thank you, Judge Carter, Vice Chairman Lyons.

**VICE CHAIRMAN LYONS:** Thank you, Mr. Chairman. Is it Ms. Murrill?

**MS. LIZ MURRILL:** Murrill.

**VICE CHAIRMAN LYONS:** Murrill, I'm sorry. I have a question for you. But before I get into my question, I just wanted to note that as we talk about the Voting Rights Act and the premise of a lot of things that we've done, today is actually the holiday of Martin Luther King Day today, which is, actual birthday is tomorrow. This is the observance of is today. So a lot of us questioned as a federal holiday where everything was empty, what have you, is why are we here today. So I just want to just remind everyone that one of the things that Martin Luther King did say was, "There's never a wrong time to do the right thing." So we're here today and we would not have any other, I guess, issue he would, that we're doing something that we'll be doing to correct where we at and so forth.

**[01:15:08]**

But my question to you, ma'am, is you alluded to earlier that you want to have a preference to have a trial on the merits that you're requesting asking for. So as a body here, as we're going to be going through this process, can you outline to us in any form necessary to get it across what were some of those merits? Because I'm assuming when you say, "The trial on the merits", I mean at the merits of the decision that you may have had difference with, you had other merits that you wanted to talk about or maybe defend in the fact-finding portion that was not revealed.

**MS. LIZ MURRILL:** So, Representative Lyons, when we went into this litigation, right after the Legislature completed the map drawing process, we went into a very, very compressed hearing on a motion for a preliminary injunction. That is a different standard. It was very

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February 9, 2024  
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compressed. We did not have the length of time that we would ordinarily have for a full trial. You can blame it on the litigator in me, which is fine, but I believe that the State and I believe this under the new map that you pass, that we should be entitled to have a trial on the merits before we are forced to go in and change an act of the Legislature. That is just a fundamental premise that I have about acts of the Legislature and us being required by the courts to redo them. As a practical matter, we did not have a lot of time, but we lost on that issue. I mean, we did, not just me, but the entire litigation team, including the lawyers who represented the Legislature or the speaker and the President and the Senate at the time and the Secretary of State. We asked to have a trial on the merits set before you were required to go into session, and we offered to do it quickly. So just to be clear, we were not trying to delay. We offered to do it in November. There was another trial set. I mean, we tried to do this quickly so that we could have a complete record upon which, whatever the decision was, and we did not believe that Judge Dick would change her decision, but we still believe that the case should be before the courts on a complete record. It is not because we never had a trial on merits. The courts have told you to go back and draw a map, and they said, "We can have a trial on the merits, but we could do that after you draw a map." Just fundamentally, as a lawyer who represents you and defends the laws that you pass, your laws, if you have a law that you pass that you feel very strongly about, and the entire Legislature has voted for it, even though some people may disagree with it, then I will defend your law. And I think that you are entitled, and the Legislature is entitled to that defense. So that's the point that I was making. I don't think any of these cases should be tried and decided at the preliminary injunction stage. I think we are entitled to a trial on the merits. But at this point, the courts have told you, the federal courts have told me and they have told you that we don't get that right now. You get to have this session right now, or judge Dick is going to draw the map for you. So I'm not here to say, "Don't draw the map", I'm here to tell you, "Draw the map."

**VICE CHAIRMAN LYONS:** Okay. Thank you very much. Thank you, Mr. Chairman.

**MR. CHAIRMAN:** Thank you, Representative Lyons. Representative Gadberry.

**REPRESENTATIVE GADBERRY:** Pleasure, Mr. Chair. Ms. Murrill, if we draw a new map and Judge Dick decides she don't like that one, do we start all over again or will she immediately draw a map? I don't think she's capable of drawing a map, number one. I just don't think she can do it.

**MS. LIZ MURRILL:** No federal judge does this without a demographer helping. She will ask for experts. She will ask for the maps to be submitted to her with expert testimony, and then she will decide. Typically, she's probably going to decide which map to take, but she can tweak those lines. She can decide how to draw the map, how she wants to draw this map, based on the input of the experts from both sides. She could appoint her own expert and have that expert assist her in the map drawing exercise. And remember, you've been through this before. A large part of this exercise is done through computer-generated maps. So you put the numbers in, you start changing, you change the inputs --

[01:20:00]

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February 9, 2024  
Transcript by TransPerfect

**MS. LIZ MURRILL:** -- it spits out a new map. She's going to have to go through that same process that you did and then we continue. So, I mean, I can't tell you that the plaintiffs will accept the map that you draw. She has established a timeline for the plaintiffs to amend their petition and challenge that map and then we will go through the process again to determine whether or not that map is acceptable.

**REPRESENTATIVE GADBERRY:** And for four years on this committee previously, I spent hours upon hours looking at this map, all the maps, and I look at the plaintiff's map so to speak that they presented before this group and I didn't feel like any of those met the criteria. The overriding factor I guess was they had gerrymandered lines, which is against the Voting Rights Act. So, I'm hearing that you said that the current map that's been rejected I guess by the judge, has it been to the U.S. Supreme Court? Because that's the next step.

**MS. LIZ MURRILL:** It has not -- the U.S. Supreme Court can decide whether to take a case or not take a case. They have 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, it actually suggested we should have done this before we legally really or I think it was practically possible to even get it done but, "Here you are." I think the governor 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 she will do it for you.

**REPRESENTATIVE GADBERRY:** And once we have that trial, we have the opportunity, if she still rejects the map, to appeal that.

**MS. LIZ MURRILL:** If she rejects the new map?

**REPRESENTATIVE GADBERRY:** Or the existing one, again.

**MS. LIZ MURRILL:** Well, I mean if you don't draw a map, then we will be back in front of her for the trial on the merits in very short order, and that case will continue. If you do draw a map then the plaintiffs will have to decide whether they wish to challenge that map, whether they accept that map, and if they accept that map, then the whole case should be over. If they do not

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February 9, 2024  
Transcript by TransPerfect

accept that map for whatever reason, then if they don't like it -- I mean, it may be a perfectly acceptable map for some people, it may be a second majority/minority map that some people like or that some people don't, so there's no guarantee that someone won't -- that the plaintiffs will like the map, but if they can -- so they could continue to challenge it, and now they will have to go and amend their pleadings and we basically will start over because it is a new act of the Legislature.

**MR. CHAIRMAN:** It's going to replace the existing map. Representative Gadberry, hold on.

**REPRESENTATIVE GADBERRY:** It will replace the existing map.

**MR. CHAIRMAN:** Gadberry.

**REPRESENTATIVE GADBERRY:** Well, I mean, along what Representative Farnum was saying earlier, "You chase your tail on this thing."

[01:25:00]

**MS. LIZ MURRILL:** Well, that's why I said, it's not easy.

**REPRESENTATIVE GADBERRY:** You comply with one part and you check another part, and it doesn't meet the criteria so you go back and rework your population or your districts, and that doesn't meet, so you're constantly going in a circle.

**MS. LIZ MURRILL:** Look, I believe that the United States Supreme Court should give you better instructions. I do. I think that that is the argument that we made last summer and if you pass a map and somebody else challenges that map, I will make that argument again. I mean, I think that the courts have made this a difficult task for you, and so you are doing the best that you can now within the constraints of the rulings of the Federal Court. So, it's not an easy task that you have and I believe that the jurisprudence has made it confusing and that the Supreme Court would be, well, I mean, in my opinion, that the Supreme Court ought to make its own jurisprudence clearer to those of you who have the job of drawing the maps. I think that's fair. The Constitution makes it clear that it is your job to draw the maps. I believe that it is not correct in terms of the balance of power between the state and federal government between the Constitution, view of how this should be happening for the courts to create precedent that makes it impossible for you to follow. So, I think they should give you better guidance and you are here to do the best job that you can to try and draw the map and I will defend the map, and then we will see what happens.

**MR. CHAIRMAN:** Yeah, members, look, we're not going to be able to litigate the litigation here in committee.

**REPRESENTATIVE GADBERRY:** My problem is, we had a year to draw this map, at least a year. Now we've got eight days.

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February 9, 2024  
Transcript by TransPerfect

**MS. LIZ MURRILL:** That's right. That's because the judge gave you deadlines.

**REPRESENTATIVE GADBERRY:** That's probably not going to work then. Thank you Mr. Chairman.

**MR. CHAIRMAN:** Thank you representative Gadberry. Representative Newell.

**REPRESENTATIVE NEWELL:** Thank you very much, Mr. Chairman. I don't have very many questions because I just don't have that many questions. To add what Judge Carter said as far as ensuring that people are educated about this process, most of us who are attorneys that have some information or some kind of experience with the court's system and process, we know that sometimes you do need a preliminary injunction when things need to happen quickly, particularly when there is going to be irreparable harm to the applicants, and in this case the applicants were the minorities of this State who would have not been given the opportunity to vote for a candidate of choice in the elections that were quickly coming upon us at the end of the session, the first redistricting session. So, those citizens once again did not have the opportunity to have a candidate of choice because this Legislature could not come to an agreement. The process is not difficult. The rules, the guidelines are not difficult if you want to understand the rules and guidelines that have been put before you. What makes it difficult is when we are choosing not to do what is right, not to do what is fair for all of the citizens that we represent. I have a lot of folks in my district that did not vote for me, but you know what I do? I still represent them in this body. Some of us do not take upon that task. This is the first redistricting session that we have had where 21 was the first redistricting session that the United States had after the expiration of Section 5 of the Voting Rights Act, which required all of our maps and every law that we made, and I'm saying "We", States that have had a history of discrimination. Laws that we put in place before had to be reviewed by the United States Attorney General's Office or by United States district courts if they were challenged in court. This is why this has been such a foreign task, I guess, this second part because we are taking on all of the owners, creating the maps and then going back and reviewing and redrawing, and rewriting the maps, because this is the first time we've had to.

[01:30:05]

Before, we would just throw something together and the United States would take over it. We don't have that luxury anymore. We don't have that opportunity of having someone else to say, all right, you messed this up. We about to do it. Thank God for Judge Dick. Just as it was stated that she doesn't have the knowledge or the know how to write a map. Judge, I didn't see it. It clearly, we don't have it either. And we've been given every opportunity to learn, every opportunity to educate ourselves, but some of us take that information and, sir, what's your name again? I apologize.

**TOM JONES:** Tom Jones.

**REPRESENTATIVE NEWELL:** Just as Mr. Jones said in his opening statement, you got one side. That is their job to confuse you and make you think this. The other job is the other side. It's

0115\_24\_hg  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

their job to confuse you and make you think that. We are not here to confuse anybody. We should not try to confuse ourselves with trying not to do right. If we as a body task ourselves with representing the interests of all the citizens that we represent, whether they voted for us or not, whether we want them in our district or not. If we set ourselves to representing all, this is not going to be a difficult task. The more we argue amongst ourselves and the more we try to go and appease a national agenda that does not care for the State of Louisiana, the longer we're going to continue to have these fights and the more divided this state will be. I've never seen this state as divided as it is now. We used to have the divisions on just basic moral value things, but we always, as Louisiana, looked at family, looked at community, and tried to do what was right by our neighbors, I don't see that anymore and that is what's making this process difficult. Judge Marcelle also said that we had maps, and he pointed out the fact that we as large and I think it was Rep. Marcelle that said it. We did not have an opportunity to vote on all maps, because all maps were not allowed to come out of this committee. There were options, upon options to draw a second minority/majority congressional district, and they went all across this state to give minorities an opportunity to vote for their candidate of choice. They were not allowed to come out of this committee. We sat for a month, six hours at least a day, listening to the arguments and the makeup of each map and discussing voting age, population versus population. So I understand why we're still having those questions because we talked about it ad nauseam. But when you choose not to do right that is when the process becomes difficult and it seems as though we can't make a headway. But I want to put it on the record that I didn't vote for none of the maps that came out. I didn't vote for any of the maps that Judge Dick had in front of her because they were not maps that were fair and they were not maps that would take in consideration of all of the citizens of this great state that I call home. No matter how unfair or how unjust it is to me, we still need to look and make sure that Louisiana is a state that it used to be considering all of her citizens and thank you for your time, Mr. Chair. I don't have a question for anybody.

**MR. CHAIRMAN:** Let's try and keep this to questions for the attorney general. We're going to have a time to talk about maps and all that but if like to try and stick to any kind of questions out of respect for the attorney general's time. Representative Schamerhorn?

[01:35:00]

**REPRESENTATIVE SCHAMERHORN:** Thank you, Mr. Chairman. Good morning.

**MS. LIZ MURRILL:** Good morning.

**REPRESENTATIVE SCHAMERHORN:** Welcome aboard.

**MS. LIZ MURRILL:** Thank you.

**REPRESENTATIVE SCHAMERHORN:** My question is, if we do not present a different map, Judge Dick has threatened to draw her map. Is it not --

**MS. LIZ MURRILL:** Promised, not threatened?

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February 9, 2024  
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**REPRESENTATIVE SCHAMERHORN:** Well, okay. Is it not our responsibility as legislators and protected by the Constitution that our map should be the one that is approved? Now, if she draws her own map, when she does, do we still have to approve? Would we have to approve her map, or would it automatically go in force above what the constitution says is our duties as representatives?

**MS. LIZ MURRILL:** So let me untangle that a little bit. If you draw a map now, that map will become an act of the legislature, and it will supersede the prior act of the legislature. The old map goes away.

**REPRESENTATIVE SCHAMERHORN:** Okay.

**MS. LIZ MURRILL:** If you do not draw a map, then the map that you drew before will be the map. And the plaintiffs will continue to litigate that. We will have a trial. On the merits, the record from the preliminary injunction will be probably supplemented with some additional testimony. She will issue a new ruling, and she will issue a permanent injunction against the map, and then that will be litigated, which is my duty, and so I will continue to carry forth my duty to defend against the injunction. That's the process. If she draws the map herself, then someone could intervene and challenge that map. There are a number of different potential outcomes if she draws the map. If she draws the map, we could accept that map. You don't get it back. You don't get another opportunity to approve her work. The only question is, can her work survive the scrutiny of the Fifth Circuit, who grades her papers? And potentially the United States Supreme Court, who grades their papers? I think what makes your job a little more complicated is that not the exact prior map, but the map before that had been precleared. There had been litigation in the past over a majority/minority map that was declared unconstitutional. So that's why I have never taken the position that our history, or at least our recent history, is the same in redistricting as Alabama. I believe that the courts need to make it more clear what your job is so that you can do it properly the first time and we can all avoid the litigation side of this and continue to move forward with an act that, as I believe all your acts are presumed to be constitutional. That's how I'll approach the next act that you issue. So I'm not picking and choosing. I mean, I think unless it's very clearly unconstitutional based on existing precedent, then my job is to defend the map. I mean, not just that map, any act of the legislature.

**REPRESENTATIVE SCHAMERHORN:** Thank you, ma'am.

**MR. CHAIRMAN:** Thank you, Representative Schamerhorn. Attorney general, that clears the board. Thank you for your time this morning. Mr. Freeman, Mr. Jones, thank you all for being here with us today. Look forward to working with you all in the future. And again, congratulations on your election.

**MS. LIZ MURRILL:** Thank you very much. Thank you for having me and good luck.

**TOM JONES:** Thank you, chairman. Thank you, members.

0115\_24\_hg  
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February 9, 2024  
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**MR. CHAIRMAN:** Members, we have a couple of witnesses' card that would like to speak. Again I want to remind the witnesses as well. We're not debating any bills today. We want to hear your voices. So we have an information, call for information only card, but would like to speak. Mr. Edward Scott Galmon, if you want to, please come on up. You mind introducing yourself?

**EDWARD SCOTT GALMON:** Yes, I'm Edward Scott Galmon from St. Helena Parish, Greensburg, Louisiana and Jess was here. I'm a plaintiff on the map. My name is Galmon. If you look at the original lawsuit, it bears my name. You guys have a tremendous job ahead of you and I just want to thank y'all in advance. Number one, because I think that this time you guys are going to produce a map that both plaintiff and the courts can agree with.

[01:40:00]

I think the last map that we produced, it went away from some of the challenges that said before, because number one, this would be a lot easier if we pulled all the congressmen off the map, and just looked at geography, the people, it would be very easy to do a map. The challenge comes in is that the geography and the people that already elected if you leave them on a map, you have another caveat that you have to overcome. So once again, you guys have a challenge. I just thought I'd come this morning, just look at your face and thank y'all. I thank y'all in advance, because I think this time, we're going to achieve what we're trying to go. And for me 33% is 1/3, 6 divided by 3 is 2, it's simple for me. Not so simple for you guys. But once again, I want thank y'all advance and I know that at the end of this process, we're going to have something that we all can live with. Thank y'all.

**MR. CHAIRMAN:** Thank you, sir. We have two witness cards. They're red cards. I'm not sure what we are with but this is just an educational meeting this morning. But you're welcome to come to the table, [PH 01:41:48] Ms. Labrie. Or if you wanted to save it for the bills that are presented. I mean, you're welcome to come to the table, come on up. You're welcome.

**SUSIE LABRIE:** Can he come up [INDISCERNIBLE 01:42:00]?

**MR. CHAIRMAN:** Sure. Is this Mr. Harmon?

**JC HARMON:** Yes sir.

**SUSIE LABRIE:** I want to [INDISCERNIBLE 01:42:03].

**MR. CHAIRMAN:** Okay, go ahead. Y'all have a seat and introduce yourselves.

**SUSIE LABRIE:** You want to do you and I will do me.

**JC HARMON:** You want me go first?

**SUSIE LABRIE:** Yes. You need to.



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Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**JC HARMON:** All right. [PH 01:42:15] JC Harmon. I'm speaking for myself, but I'm on the benefit of working with a bunch of groups that are interested in the process. What I did is I actually submitted to the committee of PowerPoint --

**MR. CHAIRMAN:** Yeah, we received the committee. We're going to hear -- we're not in the special session yet. So the committee is going to receive it, and it's going to be part of tomorrow's testimony.

**JC HARMON:** Okay, so you want me to hold it till then or --

**MR. CHAIRMAN:** Yeah, that might be if it's having to do with maps, I would suggest that.

**JC HARMON:** I can do a brief overview right now, if --

**MR. CHAIRMAN:** We're not debating maps at all today.

**JC HARMON:** Okay.

**MR. CHAIRMAN:** So if there was like an educational thing that you had for the committee real quick, we'll be happy to take it. But if it's on a map, we would like to hold that.

**JC HARMON:** Just, just let me give a brief overview. I won't go over the report. Basically, what I did is I took a map of Louisiana, and I color coded it based on the breakdown of black, white Republican, Democrat, and looked at the state from an overview standpoint. I had some people asked me to do that. And what I did is, when I did that, you could see that the northern part of the state only had -- I based it on senatorial districts. So if you look at the northern part of the state, you have three senatorial districts that would fit the criteria that you were looking for. The issue areas, if you take the 39 senatorial district divided by six, which is the number of representatives you get, you get 6 1/2. So you need 6 1/2 district, senatorial districts to make a US representative. So if you have suffered a breakdown standpoint, it gives you a good breakdown to start or preference to start with what you're looking to do. But when you do that, you immediately see that you take the northern part of the state off, because it doesn't work. So then you could sit now you're down at the southern part of the state. So what I was trying to do is make it, I know you have a big job, and it's not easy to do what you're trying to do. But if you can break down the state into geographical sections, and take certain sections off, that makes you focus on the other part of the state to where you need to do what you're looking to do and I'll hold the rest of it till later. But hopefully, if you take a look at what I did, I think you'll see and I did it to try and help the process. Because I agree that what you want to do is you want to look at what you can do to unite this state because I would agree with, I think it was Representative Newell that said, you know, we're divided now and I think, if anything, because we're not working to unite the state, that we -- I did a breakdown. If you look at the parishes and you break it down, we actually came up why the parishes actually split out. It's a perfect six representatives and I didn't know what the number was as far as the plus minus number. I was just looking at population, so it gives you a good starting point. So Representative Beaulieu, I'll leave it there.

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February 9, 2024  
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**MR. CHAIRMAN:** Thank you, Mr. Harmon. Ms. Labrie, you have something you'd like to add?

**SUSIE LABRIE:** Yes, uh huh. I'm [PH 01:45:30] Susie Labrie and I'm representing myself. I'm an appropriate individualist, not as a part of a collective class of color of skin, height, genealogy, gender, physical descriptions. As for districting, I tried to find a way to create an additional minority district after studying up myself and with JC Harmon here, I still cannot come up with an additional majority district without gerrymandering which I consider is illegal if I wanted to or not, but I did try because gerrymandering as you know is illegal. Let's also see it myself as reverse discrimination. Those are seeing my pain is other ethnicities such as the Vietnamese, Spanish et cetera. Farmers, rural communities and into small business sole proprietors, Main Street USA, where I have seen that liberals poorly represent by unfair over-taxation in the working people and agricultural farmers and businesses. Three, it would pose more central power lessening individual power, individual constituents would fall between the cracks and get less attention by congressman or be heard a heated to last in a one size fit all class approach which is I have seen happened to me. When you represent a collective class as a one size fit all, too many of us individuals fall between the cracks is especially special needs self-identity, talents, ethnicities, nativities, et cetera. Four, it would cause us one vote short for conservatives in the United States House of Representatives and removing and keep Louisiana in a less empowered position in the United States. Five, the only way I could see myself to add a minority district is to draw it as ZS Coil or snake which all had been rejected over the decades. If we have to do so, I'm suggesting we pop up a minority district as a set of archipelago island looking like different size polka dots as the archipelago islands was scattered between a water, a majority districts or districts. Majority districts edition or we can make a district as a coil like a slinky toy and draw that around the minorities and after studying up with myself in JC, I find it mathematically impossible. So I would say please and he'd adapt to his maps where he'll be presenting later. JC here is a genius in research numbers, statistics and science. Being an active myself and also a great devil's advocate, and also trying as a fair approach, I have tried justifying both sides and I'm just going to ask you please do not add another minority district. Thank you.

**MR. CHAIRMAN:** Thank you, Mr. Labrie. The board is clear. Members, this is going to conclude our educational meeting this morning. I appreciate y'all being here this morning and your attentiveness and your questions. We're going to have a busy week, actually all to stay close to your computers as bills are uploaded, read them, become familiar with them. If you have amendments, please get them to staff as soon as possible. If anybody any from outside is submitting information or submitting maps to include shape files as well so we can have the equivalency, block equivalency files so that we can, we can have that data and get it to staff as soon as possible. But members look forward to it. It'll be a fun week. Thank you.

**MS. BAKER:** Move to adjourn.

**MR. CHAIRMAN:** Yup, Representative Thomas has moved to adjourn.

[01:49:36]



I, Anders Nelson, hereby certify that “0115\_24\_hg” is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson  
Anders Nelson (Feb 26, 2024 13:30 EST)

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Anders Nelson  
Project Manager  
TransPerfect Legal Solutions

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# **Exhibit 2**

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February 9, 2024  
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[00:00:00]

**CHAIRMAN CLEO FIELDS:** All right, the Committee on Senate and Governmental affairs will come to order. Secretary Caldero?

**SECRETARY CALDERO:** Present.

**FEMALE 1:** Senator Miguez?

**SENATOR MIGUEZ:** Right here.

**FEMALE 1:** Present? Senator Carter?

**SENATOR CARTER:** Present.

**FEMALE 1:** Senator Fesi?

**SENATOR FESI:** Present.

**FEMALE 1:** Senator Jenkins?

**SENATOR JENKINS:** Present.

**FEMALE 1:** Senator Kleinpeter?

**SENATOR KLEINPETER:** Here.

**FEMALE 1:** Senator Miller?

**SENATOR MILLER:** Present.

**FEMALE 1:** Senator Reese?

**SENATOR REESE:** Here.

**FEMALE 1:** Senator Womack?

**SENATOR WOMACK:** Present.

**FEMALE 1:** We have nine members.

**CHAIRMAN CLEO FIELDS:** Nine members present and a quorum. Senate we're going to take Senator Womack, is the staff ready for you yet?

**FEMALE 1:** No. 8, is that bill?

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**CHAIRMAN CLEO FIELDS:** Okay, then why don't we skip to -- I hate to get into the discussions of the courts, and then we have to -- all right, let's take the vice chair's Senate Bill. 9, and by the time we finish that bill, maybe we'll be ready to hear Senate Bill 8. All right, Senate Bill 9 by Senator Miguez provides relative to rank choice, voting and instant runoff voting. Senator Miguez.

**SENATOR MIGUEZ:** Thank you, Mr. Chairman. If we could take up some Amendments to bring the bill in its proper posture. We had a little issue come up about ballot types with secretary of State's Office for our military that's overseas and how they handle runoffs, and we want to make sure that our military is exempted. So, if we could take up that amendment, get it on the bill, and then --

**CHAIRMAN CLEO FIELDS:** All right, Senator Miguez, you would like to offer up this amendment to put the bill in the form in which you would like to discuss it, is that correct?

**SENATOR MIGUEZ:** Yes, sir.

**CHAIRMAN CLEO FIELDS:** Senator Miguez, offer up Senate Amendment 37. Senate Amendment 37 to Senate Bill No. 9. Are there any objections to the adoption of the Amendments? I hear no objections. Those Amendments are adopted. Explain the bill as amended.

**SENATOR MIGUEZ:** Thank you, Mr. Chairman. So, this bill prohibits the use of ranked choice voting to determine elections or nominations of any candidate to any state or federal elected office in Louisiana. It outlines that any parish who uses ranked-choice voting will be responsible for the cost of that election and shall reimburse the state for any such cost. It also outlines that any municipality who uses ranked-choice voting method without the specific approval of their parish shall be responsible to reimburse the parish for those election costs as well. The bill does not violate any home rule charter authority or any local government because it does not prohibit them from adopting ranked choice voting. They would simply forfeit any ability to receive election funds from the state of Louisiana. Recently, five states have enacted a ban statewide and preempted local municipalities from adopting ranked-choice voting, which is Florida, South Dakota, Idaho, Montana and Tennessee. Ranked-choice voting guarantees that valid ballots are thrown into the trash. Voters are given an ultimate they can either vote for the people they dislike or who oppose their principles or risk having your ballot trashed. No voter should have their ballot discarded simply because they voted for the wrong candidate. Voting should be simple and the results should represent the decisions of the people. Under ranked-choice voting, voting is complex and the results are manufactured after ballots are thrown out. On the ranked-choice voting, it brings confusion which reigns supreme. One person, one vote is replaced by a complex process that makes voting more difficult for vulnerable voters like the elderly, who are forced to rank candidates by filling out lengthy ballots with vertical and horizontal columns. It's not reasonable to think that voters will be adequately educated on every single candidate to rank each of them, yet the burden is placed on them on the ranked-choice voting system. Ranked-choice voting erodes the trust by adding new layers of complexity to vote counting and eliminates transparency in the election process.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[00:05:04]

The method of voting requires complicated rounds of tabulation would often delay results, sometimes for weeks or months. Ranked-choice voting has produced anything but fair outcomes for voters. The winner is not necessarily the candidate who receives a majority of the vote, but a majority of the votes that had been not trashed. Because ranked-choice voting undermines voter confidence, it leads to slower election results and increases irregularities in the election process. I ask you for favorable passage to prohibit this from being used in the State of Louisiana, and I also have several examples that's been used in current years that affected the outcome in a very negative manner. Be happy to answer any questions that the committee may have.

**CHAIRMAN CLEO FIELDS:** Okay, Senator, one question before I send the mic to the membership, can you just explain to the members of the committee what you mean when you say ranked-choice voting?

**SENATOR MIGUEZ:** Yes, Mr. Chairman. So right now, you could have, let's say, three candidates, for example, a Republican, a Democrat, and a no party person running, and you would select the candidate which you choose to vote for. Well, let's say there's six candidates out there from each from a different party. You would have to rank each one of these candidates on a horizontal, vertically, who's your first, your second, your third, your fourth, your fifth, and your sixth choice. Well, a lot of voters are not up-to-speed on every single candidate, but they may be going there to support one particular candidate. But it's, for example, your elderly and you do not fill out all six, you missed one because -- sometimes it could be 15, I think our most recent governor had 15 people in the race, so if you miss one and they look at it, they would invalidate your ballot and throw it out. In some of these states, they've had as much as 10,000, 20,000 ballots thrown out and actually changed the results of the election. So, someone might have won the election based off of the actual vote because it was so complex for the constituent or the voter to figure out and to fill out properly, they were able to trash and invalidate a number of ballots, and it changes the results. And we have several examples of how that happened across the nation and state elections and also municipal elections.

**CHAIRMAN CLEO FIELDS:** And ranked-choice voting, I think they use it in Alaska.

**SENATOR MIGUEZ:** That's probably one of the best-known places they use it. They've used it in Oakland and California for the mayor's election in 2010. They did it in Maine, I think in 2018 for the congressional district. New York City used it for their mayor's race, and he created some problems. And one of the biggest things that -- it slows down the process. Sometimes they even had a situation where they tabulated it incorrectly because it's very complex how they tabulate the votes. Basically, the person who's last, I think, gets rolled off and they retabulate and they retabulate. And sometimes the person who traditionally would win with a majority of vote does not win because they go with the second or third choice because they had more second place rankings than first place rankings. So, it's not traditional to what we've seen, and there's been a movement across the nation to go ahead and try to stay in a traditional aspect of where most of the states currently operate. And I'm asking the committee to consider whether we can

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

prohibit this type of method from being used here in Louisiana, we stick to some of the traditional debates that we've been having on this committee, and we'll have in the future.

**CHAIRMAN CLEO FIELDS:** And my final question is, even today, if we chose to use ranked-choice voting, we would have to pass a law to do that even today without the bill, correct?

**SENATOR MIGUEZ:** There is a buyout I would imagine so that there's a possibility, unless we look through and we find that any in conversation with the Secretary of State's office for that answer in particular. But unless there's any way that locals could use their own autonomy to develop their own method, which I've been on the phone with the Secretary of State's office recently, and they're under the impression that every municipality would have to follow our set of rules. So, if that's found to be the case, I'm definitely going to make sure the structure of the bill and the posture reflects what our current law is. And I'd be happy to work with any of those types of issues between here and the floor, because I want to make sure before this ever will receive a floor vote, it being the perfect structure and it matches perfectly within our laws. But I think this is making a statement to the nation that before you look at accepting any type of grants that may be in return for switching to this type of method, that we just have a public policy that we don't even consider ranked-choice voting.

**CHAIRMAN CLEO FIELDS:** All right. Senator Fesi for a question.

**SENATOR FESI:** Thank you, Mr. Chairman. How many states do you know of have already kind of outlawed doing this type of voting?

**SENATOR MIGUEZ:** Currently I had listed the five states recently. Florida, South Dakota, Idaho, Montana and Tennessee have already taken action in the last 24 months. This is relatively a new issue across the Nation is developing. So, if we were to take action this year, we'd be in the forefront of what these states that have had success for their election system being prohibited here in Louisiana.

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**SENATOR FESI:** Okay, and you mentioned maybe people giving grants or whatever. Are they people putting up major money to try to get states to do this?

**SENATOR MIGUEZ:** Yeah, there are some federal initiatives and can't remember if it's a nonprofit or not that they've developed where they're offering grants out to states. We'll pay for your elections, but you have to do the election process the way we would like you to do it. And maybe they're trying to affect a certain type of outcome. We've seen this with other grants in the past, which we've prohibited here in Louisiana. It's been against our public policy, and we're just trying to stop. I guess our election system are being put up to bid. We don't want be --

**SENATOR FESI:** So, this would basically kind of help us just clean it up and not have to run through any problems in the future. If somebody wants to give us a bunch of money to start this?



011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR MIGUEZ:** Yes. It would basically establish a public policy that we have run our elections in a more traditional aspect. Whether it's -- whatever primary system we elect, we decide to do is up to the legislature. But that's all traditionally and used across the nation in a multitude of states. But we're not going to switch to a new method because we're receiving some money, because some certain group is trying to affect the outcome of our votes, whether whatever party or type of special interest that may be.

**CHAIRMAN CLEO FIELDS:** All right. Thank you, Senator. Senator Carter, for a question.

**SENATOR CARTER:** Thank you, Mr. Chairman. Senator Miguez, we had an opportunity to talk about this briefly throughout the course of today. Do we currently do rank file choice in Louisiana?

**SENATOR MIGUEZ:** We do not currently do ranked-choice voting.

**SENATOR CARTER:** Then that's why I asked, because I'm not familiar with it. I've been voting in Louisiana my entire life, ever since I could vote, and I never recalled this sort of system. And quite honestly, I had to research it in order to fully kind of get up to speed on it. I'm still doing that research, but I just want to make certain. Nowhere in the State of Louisiana do we currently do this.

**SENATOR MIGUEZ:** No, not currently. That's what I'm trying to --

**SENATOR CARTER:** I guess my next question is not to cut you off, but it will require some legislation by us, some act of this body, in order for Louisiana to engage in ranked-choice voting. Is that a fair understanding?

**SENATOR MIGUEZ:** We're not 100 percent that that would flow all the way down to the locals. That's presumptive at this point because there are state elections, there's local elections and sometimes home rule charters, they have some authority there.

**SENATOR CARTER:** I'm asking, I do not know the answer to it. Have any of our locals engaged in this rank file voting?

**SENATOR MIGUEZ:** There's been no examples here in Louisiana. And that's the reason why we bring in the bill is to prevent that. But I'll give you one example, and it's pretty compelling. New York City in 2021 had a mayor primary result in 140,000 trash ballots, which is nearly 15 percent of their total ballots cast. So think of a scenario where you.

**SENATOR CARTER:** That's in New York, though.

**SENATOR MIGUEZ:** Yeah, a lot of people, right? Think of a scenario where you've had, well, some of the other states, like Alaska, had 15,000 trash. These are congressional districts, had 8,000 trash. So, imagine a situation where you've had 10,000 ballots trash in a congressional race that was 49, -- I mean, it was very tight. And the candidate you supported actually got -- if

011624sg2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

you counted all the ballots, actually got 50.1 percent. But because 10,000 ballots were invalidated because an elderly lady in your district couldn't figure out -- she didn't know who the fifth candidate was because she always goes to Senator Carter and says, "Senator Carter, who are we going with in this race?" And two good guys, but a lot of times they get six people running. So, she's going to vote probably based on your recommendation, but she doesn't understand who the other five candidates are because she doesn't fill it out properly. Then her vote gets trashed and basically, she has no voice in the process and it goes against the one person, one vote ideal. Very complex.

**SENATOR CARTER:** And it seems complex, but if I'm hearing you correctly, you gave an example in New York and Alaska, and I'm not familiar with it here, but those are my questions. I'm still concerned about it, just to be honest, given that I'm not aware of it happening in Louisiana before. We haven't really studied it in great detail. So, I'm a little cautious about it, especially given the fact that it would take from my understanding some act on our part for this to happen in Louisiana. I understand the municipals may have orders, but we're still not even aware of any of them engaging in it. But I certainly appreciate what you're doing.

**SENATOR MIGUEZ:** If we have any kind of complications with the Secretary of State is something that this does not match up, I will not move this bill on the floor until -- if I was given the opportunity to make it to the floor, until we had all that worked out, because I want to make sure this bill is in the proper posture. Our Secretary of State's office has an opportunity to weigh in. We're starting the conversation today on this. It's not an issue that's on your radar but could become on our radar.

**SENATOR CARTER:** And that's exactly the point. That's the good way of putting it. It wasn't on my radar until I saw your bill and I read it and thank you.

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**SENATOR MIGUEZ:** And they've had a lot of unsuccessful results in other states that we want to avoid here in Louisiana. And I think I talked to a few members on the committee that had heard about it before and had some similar experiences on the research that they had done.

**SENATOR CARTER:** Thank you, senator. Thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** All right. Thank you, Senator Carter. Are there any other members who wish to be heard? All right. Do we have any -- Senator Miller?

**SENATOR MILLER:** Thank you, Mr. Chairman. Senator Miguez, just for ranked-choice voting, I don't believe that we are using that in Louisiana. I don't believe the election -- do you have an answer as to whether -- even a home rule charter or any local could use ranked-choice voting absent and act of the legislature?

**SENATOR MIGUEZ:** Like I mentioned before, I want to double and triple check that with the Secretary of State's office. But if I'm given the opportunity to get out of this committee today,

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

because time is short, I will not bring this up for a floor vote until I have that ironed out. And that worked out.

**SENATOR MILLER:** And I'm intrigued by making sure that we learn about it. I mean, this is kind of a new deal. We didn't even know what was going to be in the call outside of the scope of the congressional and Supreme Court races until now. It's just one of these things that we're very short time schedule, and it's certainly something that we could hear during the regular session. Is that correct?

**SENATOR MIGUEZ:** Yes, definitely. And I wanted to start that conversation today. It's very important issue across the nation. It's something we don't want to see here in Louisiana. And when I saw the call, when I saw the opportunities there and when I saw the call expand outside of just redistricting Congress, and we started talking about what are we going to do with the Supreme Courts? And then the governor talked about debating a closed primary system in the legislature, I thought it was an opportune time to start the discussion on ranked-choice voting here. And that's the goal here, is to get you thinking about this issue and using your expertise, Senator Miller, and you as well, Senator Carter, to try to start perfecting this bill. If it doesn't become a product of this session, I think with your input, it could become a more perfected or greater product in the regular session. If that's what we end up doing, if we run out of time or if I'm not able to bring this up for a floor vote.

**SENATOR MILLER:** Just a follow-up. I don't think any of us were able to vote on the Heisman Trophy, but isn't the Heisman trophy ballot a sort of ranked-choice voting?

**SENATOR MIGUEZ:** I'll leave that one to you. I'm staying within the political arena.

**SENATOR MILLER:** So, thank you.

**SENATOR MIGUEZ:** The next thing, you might start asking me who's my favorite football team, and I got a lot in my district.

**SENATOR MILLER:** I wouldn't do that to you. Thank you, Mr. Chair.

**CHAIRMAN CLEO FIELDS:** All right, Senator, we do have two individuals from the Secretary of State's office. I'm going to come to you next. Mr. Carter. Yeah. Two members from the secretary is Lani Boyd and Nick Meyers. Does any member wish to hear from this -- why don't the two of you come forward, please. And you can certainly stay there, Senator. Please identify yourself for the record and Senator Jenkins for a question after you identified.

**CATHERINE NEWSOME:** Hi, Catherine Newsome. First, assistant Secretary of State. Ms. Boyd is upstairs actually working on an amendment at this moment.

**NICK MEYERS:** Nick Meyers, Secretary of State.

**SENATOR JENKINS:** Senator Jenkins.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**NICK MEYERS:** All right, thank you, Mr. Chairman. And thank you for bringing the bill as being stated up here. It's a case of first impression for some of us. So, I'm just trying to get a little bit more information. I'm not aware of anyone here, any cards at this point that's been turned in to give it any kind of opposition. So, I'm not asking that, but I am asking for some information. Tell me a little bit more about this. One, are we seeing some movement towards this as an election tool in our state? Secondly, has the Secretary of State's office been able to look at what has occurred in other states that has employed this method? And then thirdly, I'm just trying to get some idea of how would it really work. I'm hearing some about ranking and ballots, so it almost sounds like a caucus type situation. But help me out here, okay.

**SENATOR JENKINS:** So, there's not been a ton of interest in bringing that to Louisiana. So, I haven't done a ton of research on it. But the way I understand it to work is, as Senator Miguez was saying --

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-- if you have six candidates, you would mark them basically one through six, and then they would tally all the people, and then you would eliminate the last place person. Then they would go tally again, then they would eliminate. They would do it in rounds until they ended up with one candidate. I'm sorry?

**NICK MEYERS:** How is that being done?

**SENATOR JENKINS:** Most places, it's on -- yeah, most places in the country have paper ballots to go with every single vote, and we're headed in that direction. Whether it's generated by a ballot marking device or hand-marked, that's a whole other conversation, but they fill out their ballot, whether it's on a machine or on paper, and then it comes out in a ranking. And then they go through a process to tabulate it, and they end up with one winner. And it's to avoid extra elections. It's to avoid -- it's defined also in the bill as an instant runoff election. And so, that's the whole purpose of it is to not have second election. You get everything done in one election. Now, as Senator Miguez's evidence, it shows there are some issues with the complexity. And so, that has been seen in the jurisdictions he's mentioned.

**NICK MEYERS:** So, those go through, so paper ballots, seven, eight candidates marked their choices, go through some reading machine, that have come out in ranked, who came at first in that process?

**SENATOR JENKINS:** Correct.

**NICK MEYERS:** Does that person win because he came out first?

**SENATOR JENKINS:** So, it's more about eliminating the last placed candidate, and then it will go through again, and eliminate the next last placed candidate. And will go through again,

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

eliminate the next last placed candidate. So, it goes in rounds. And as -- and it eliminates the last placed candidate until you're left with one. That's the way I understand that to happen.

**NICK MEYERS:** And that person won the election?

**SENATOR JENKINS:** Is the winner. Yes. There is no runoff. That's the end.

**NICK MEYERS:** So, I'm pushing this envelope a little bit more. If we had closed primaries, how does that work? Each party would do that to try to produce a candidate? I'm just -- honestly, I'm really trying to get an idea how does how does this work? I mean, is it going to be all Democrats and Republicans?

**SENATOR JENKINS:** Honestly, I prefer not to find out how it works. So, in the closed party primary, you know, in 08 and 10, we had a closed party primary, and then a closed party runoff, and then a general election, where the two parties and everybody else met in general, and it was a plurality and whoever won that won the thing. So, in theory, the rank choice ballot would eliminate that closed party runoff part. So, you would have a closed party primary, and instead of the top two vote getters go into a closed party runoff in the 08 and 10 model, you would do a ranked-choice voting, and then it would go through the cycles of all the different candidates and come up with one nominee for each party. And then they would advance to the general election in that model.

**NICK MEYERS:** Would that actually be in-person voting runoff election, as opposed to this paper, this machine?

**SENATOR JENKINS:** So, you can do this method in-person, absentee, however you want to do it, it's just a different style of ballot, the ballot itself.

**NICK MEYERS:** Just for clarity. Now, just for clarity. Let's say if we had the close primaries, you got the Democrat, you got the Republican, what happens at the end with those two? Is this going to be rank choice at that point?

**SENATOR JENKINS:** In the current --

**CATHERINE NEWSOME:** It's not currently provided for in the law. So, it would depend on what the legislature proposed in order to implement this. But ranked-choice voting is not currently allowed in our election code. So, we're talking hypotheticals.

**NICK MEYERS:** Right. And that's what it sounds like to me and uncertain to it right now. I mean, Senator --

**SENATOR MIGUEZ:** It would -- so, just to answer that you are getting into closed primaries, open primaries, just kind of put that aside, whatever primary system you had, you want to go down the closed row, because on that one, if you had five Democrats, for example, and five Republicans running, they would have five -- the Republicans get five choices, they have ranked

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

one through five, and the Democrats will get five choices in their ballot one through five. And then when it got to the end, if they'd say it was a Republican, a Democrat, maybe there's a green party candidate, maybe there's a no party that got on the ballot. So, you'll say you have four candidates, because it will just always be -- we think, in the traditional sense of Republican and Democrat but we forget, there's a lot more parties out there, and particularly one of the largest batch of people being the no party group. So, let's -- for hypothetical purposes, let's assume we have three or four, after the primary system on the runoff ballot or the general election, well, they go through the same methodology. So, it wouldn't necessarily be whoever got the plurality or the majority 50 plus one, whatever this legislature decided to do with a closed primary system, it would go off the ranked-choice voting. So, those four people, they would go in there eliminate the bottom one, then they re-tabulate again, and they eliminate the last one, then they re-tabulate again. So, the voters only voting one time. So, in the original example I gave you where you had 15 people running for governor, and they made 15 different selections from 1 to 15. The voter makes one vote. The issue is that complexity. It tabulates and knocks off number 15, re-tabulates knocks off number 14, all the way down until it gets to one candidate.

[00:25:07]

One example was in Maine we talked about earlier, where there was one candidate, they got 46.33% of the vote. And then another person had 45.58. They were very close. But they the Secretary of State they threw out 8,250 votes, and it resulted in the person had the 45, instead of the 46, being a declared winner at 50.62 percent of the remaining ballots when they only got 49.2 percent of the total ballots, because there's just so much complexity in the balloting process and they provide some testimony on Hamburg ballots that you're throwing out a segment of the voters. And it's not necessarily you're throwing out Republicans or Democrats, you're throwing out the most vulnerable voters, the ones that don't understand exactly how the process works. I'm sure Senator Jenkins, you have some constituents, particularly the elderly community that has trouble with the current process of deciding who they're going to select. And let's not fool ourselves, if we went back and we had -- if we went back to the last election, and we had 15 candidates that ran for governor, the lot of the elderly voters in your district don't know all 15 candidates. So, after they may know two or three, and they may have a ranking there. But after that, how do they fill out the ballot, if they miss one of those marks, their ballot gets invalidated. So, the whole idea of one person, one vote, which our election system is based upon, gets thrown out the window for those 8,500 people in that particular instance, in another instance, in New York was 140,000 people. It's just not good. It tears away and voter confidence. It's not good for our election process, across the board, and that's why we do our elections the way we do them now.

**NICK MEYERS:** Right. So, what your bill is trying to do is -- so, let's not go down that road --

**SENATOR MIGUEZ:** We're never going to -- we're going to make it -- the legislature is going to take the position of public policy that we won't go down the road of allowing ranked-choice voting. We're going to stay within the bounds where we are. And we're going to have some debates in the future, the governor has brought a bill to talk about whether we should do, jungle, open or close primaries, or whether we're going to do a pull rally of vote or a majority of

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

vote in this whole debate. That's all traditional in the aspect. There's a lot of states that do it that way. And they've had successes for a long time. And that's what you know, best. You know a lot about all those different primary systems. Introducing this different method is just putting a whole different spin on things. It's been very unsuccessful in other states, and we don't want to bring that success and that complication into this process here in Louisiana.

**NICK MEYERS:** Okay. All right. Okay. Thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** Thank you, Senator. Let's try to dispose of this item one way or the other. You have a comment, Senator Carter?

**SENATOR CARTER:** Quick for the Secretary of State's office. Is it possible? Do you all know -- I don't know if you know or not off the top of your head. Is it possible for any municipalities to engage in rank file voting, whatever how it's phrased currently?

**CATHERINE NEWSOME:** I think that that's one of the things that we were researching. It would depend on what each home rule charter for that municipality said. And we just didn't have enough time to go through everyone in the state.

**SENATOR CARTER:** Fair enough. Thank you. That's it. Thank you, Mr. Chair.

**CHAIRMAN CLEO FIELDS:** All right, thank you, Senator Carter. All right. We've heard the testimony on Senate Bill 9 but Senator Miguez. There are no cards in support or opposition. Members, what's your pleasure? Senator Miguez moved that we report Senate Bill 9 favorable, as amended, wherever. As amended. Are there any objections to report the bill as amended? There are no objections. This bill was reported as amended. Let's now take up congress so we can get to the Supreme Court. Is Senator -- are you ready, Senator? We ready? All right. We're going to take Senate Bill by Senator Womack, Senate Bill 8. Senate Bill 8 by Senator Womack provides for redistricting of the Louisiana congressional districts.

**SENATOR WOMACK:** Thank you, Mr. Chairman. Members of the committee, I have an amendment.

[00:30:00]

If I could pass out, please. If I could, I'll begin with my opening.

**CHAIRMAN CLEO FIELDS:** Senator Womack, you're recognized and you may proceed, sir.

**SENATOR WOMACK:** Thank you. As you know, Louisiana congressional districts must be drawn given the federal Voting Rights Act litigation that is still ongoing in the U.S. District Court for the Middle District of Louisiana. The map is the bill that I'm introducing, which is the product of a long, detailed process achieved several goals. First, as you know, all are aware, Congresswoman Letlow, Julia Letlow is my representative in Washington, D.C. The boundaries in this bill I'm proposing ensure that Congresswoman Letlow remains both unimpaired with any

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

other incumbents and in a congressional district that should continue to elect a Republican to Congress for the remainder of this decade. I have great pride in the work Congresswoman Letlow has accomplished, and this map will ensure that Louisianans will continue to benefit from her presence in the halls of Congress for as long as she decides to continue to serve our great state. Second, of Louisiana's six congressional districts, the map and the proposed bill ensures that four of our safe Republican seats, Louisiana Republican presence in the United States Congress has contributed tremendously to the national discourse, and I am very proud of both. Speaker of the U.S. House of Representatives Mike Johnson and U.S. House Majority Leader Steve Scalise are both from our great state. This 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, D.C. The map proposed in this bill ensures that the conservative principles retained by the majority of those in Louisiana will continue to extend past our boundaries to our nation's capital. Finally, the maps in the proposed bill respond appropriately to the ongoing federal Voting Rights Act case in the Middle District of Louisiana. For those of you who are unaware, the congressional maps that we enacted in March 2022 have been the subject of litigation since the day the 2022 congressional redistricting bill went into effect. And even before we enacted it, after a substantial amount of prolonged litigation, the federal district court had heard, to its view, that the federal law required that the state have two congressional districts with a majority of black voters. Our Secretary of State attorney general and our prior legislative leadership appeal but have yet to succeed and we are here now because of the federal court's order that we have a first opportunity to act. The district court's order that we must have two majority black voting age population districts, combined with the political impurities I just described, having largely driven the boundaries of district two and district six, both of which are over 50% black voting age population. Given the state's current demographics, there is not a high enough black population in the southeast portion of Louisiana to create two majority black districts and to also comply with the U.S. constitution one person, one vote requirement. That is the reason why district two is drawn around New Orleans Parish, while district six includes the black population of East Baton Rouge Parish and travels up I-49 to include black population in Shreveport. While this is a different map than the plaintiffs in the litigation have proposed, this is the only map I reviewed that accomplished the political goals I believe are important for my district, for Louisiana, and for my country. While I did not draw these boundaries myself, I carefully considered a number of different map options. I firmly submit the congressional voting boundaries represented in this bill best achieve the goals of protecting Congresswoman Letlow's seat, maintaining strong districts for Speaker Johnson and Majority Leader Scalise, ensuring four Republican districts and adhering to the command of the federal court in the Middle District of Louisiana. I'll be happy to take any questions.

**CHAIRMAN CLEO FIELDS:** All right, thank you, Senator. Just a couple of questions. Do you know how many parishes -- I tried to do a count. How many this district here -- can you put it back up, it appears to split about 15 parishes. Senate Bill 8.

**SENATOR WOMACK:** Right. It does split.

**CHAIRMAN CLEO FIELDS:** And you were here, and you heard the testimony of Senator Price, with Senate Bill 4.



011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

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Senate Bill 4 split only 11 parishes, as I appreciate it, and it created two majority minority districts. What was the predominant reason for you to create the sixth district, the way it looks now, versus just going with Senator Price's bill, which created a more compact district?

**SENATOR WOMACK:** It was strictly -- politics drove this map because of the Speaker Johnson, Majority Leader Scalise, and my Congresswoman, Julia Letlow, predominantly drove this map that I was a part of.

**CHAIRMAN CLEO FIELDS:** All right, so is it safe to say that your confection of District 6, race is not the predominant factor?

**SENATOR WOMACK:** No, it's not the predominant factor. It has a secondary consideration in that, because that was the district that we were trying to encompass, but it wasn't the primary.

**CHAIRMAN CLEO FIELDS:** So, I guess it's kind of difficult when you got a speaker of the House. We're very fortunate in Louisiana, but when you got two members of your congress that are the two top ranking members of the U.S. House of Representatives, being a speaker and a majority leader, how much did that weigh in on your decision in drawing this map?

**SENATOR WOMACK:** Well, it had a lot to weigh in. Not only that, but you have Congresswoman Letlow, that sits on ag and appropriation, which is a big part of my district. So, when you put them all together, that's a lot of -- I call it muscle that we were able to look at and put in for the State of Louisiana, for all of Louisiana.

**CHAIRMAN CLEO FIELDS:** Okay. So, your minority population in District 2, voter registration is 52.6, and your population is 53.1 and in the sixth district, it's 54.3 in registration and 56.1 in population. And this was -- looking at all of the issues you were dealing with, this was the best you could come up with?

**SENATOR WOMACK:** Yes, sir. They perform well. When you look at the performance base, when you look at the District 6, the performance of it appears to be positive for the minority district.

**CHAIRMAN CLEO FIELDS:** All right. Are there any things that bring these communities together in District 6? I guess that would be considered the Red River District.

**SENATOR WOMACK:** Well, you got the Red River, but you also got I-49 that goes through this district from Shreveport down to Lafayette. Follow the law of the Red River through there.

**CHAIRMAN CLEO FIELDS:** All right. Questions from members of the committee. No questions. You have some amendments you had, Senator?

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** I do. Did you all have the amendments?

**CHAIRMAN CLEO FIELDS:** Senator Carter for questions.

**SENATOR CARTER:** Thank you, Mr. Chairman. I'm sorry, senator, I did have a question. Before we move to the amendment. You said that the district performed. You were asked a question from the chairman a minute ago about District 6 and whether or not it performs as an African American district. You remember that question a second ago?

**SENATOR WOMACK:** I do.

**SENATOR CARTER:** Same question for District 2. If I'm looking at District 2 in your map, we have a total African American population of 53.121 percent and we have the registered African-American vote for District 2 at 52.69 percent. Did I read that correctly?

**SENATOR WOMACK:** Yes.

[00:40:00]

Were any performance test or analysis conducted to see how District 2 performs as an African-American majority district or not?

**SENATOR WOMACK:** The democratic incumbent wins over 60 percent of the time in that race. Okay, I'm sorry. 60 percent of the vote.

**SENATOR CARTER:** Wait, I think my microphone. Can you repeat? I'm sorry. Well, let me ask. So, my question was, how does district two perform? And you just gave me a figure. What was it?

**SENATOR WOMACK:** Sixty percent of the vote on the democratic nominee.

**SENATOR CARTER:** We heard earlier, when we were considering Senator Price's bill, that the legal defense fund had conducted an analysis of the performance of that district. They conducted multiple different elections based upon that district, and they had 100 percent performance rates as coming in as an African-American seat and I guess I'm curious to know, what would be the comparable number in terms of a performance of the District 2 of this particular map, the District 2 and your map that's being proposed here. Am I asking the question where you get what I'm asking?

**CHAIRMAN CLEO FIELDS:** Yeah, I think what the senator is requesting, have you done any kind of performance tests for either District 6 or District 2? Any performance analysis?

**SENATOR WOMACK:** I have not.

**SENATOR CARTER:** Okay.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** I have a report here printed off on a congressional map. In District 2, a democratic candidate could win 100 percent of the time.

**SENATOR CARTER:** A democratic candidate, but not necessarily an African-American candidate, regardless of party. So, you said a democratic candidate. So, I'm asking about an African-American candidate. You said that a Democrat candidate performs in that district, but my question is whether or not it performs as an African-American district.

**SENATOR WOMACK:** Okay. Our analysis is on party, not race.

**SENATOR CARTER:** No analysis done to determine whether or not district two, for this map of your map, performs as an African-American district?

**SENATOR WOMACK:** No.

**SENATOR CARTER:** Okay. Thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** Thank you, Senator Carter. The board is clear. Do you have amendment, Senator?

**SENATOR WOMACK:** I do. It's Amendment 34.

**CHAIRMAN CLEO FIELDS:** All right. Senator Womack brings up Amendment No. 34. Senator Womack, on his amendment.

**[BACKGROUND CONVERSATION]**

**SENATOR WOMACK:** This is amendment. What we did on that in Avoyelles Parish, we took out -- split Avoyelles Parish, put those into Rapides around Alexandria. Rapides Parish and then we moved into -- that's Rapides there where we moved it to and then we moved into Ouachita Parish and took Ouachita West Monroe and Calhoun into that.

**[00:45:09]**

**CHAIRMAN CLEO FIELDS:** Okay. Any other. All right, so how many parishes would that amendment would the bill overall split?

**SENATOR WOMACK:** It goes from 15 to 16.

**CHAIRMAN CLEO FIELDS:** So, it splits one additional --

**SENATOR WOMACK:** One extra parish.

**CHAIRMAN CLEO FIELDS:** And that would be Avoyelles Parish.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** That would be Avoyelles Parish.

**CHAIRMAN CLEO FIELDS:** All right, questions, members of the -- and the percentages pretty much stay the same in the second district?

**SENATOR WOMACK:** Yes.

**CHAIRMAN CLEO FIELDS:** And 6th?

**SENATOR WOMACK:** And 6th, yeah, the numbers are the same.

**CHAIRMAN CLEO FIELDS:** Are there questions for members of the committee? All right. I do have a card. You don't need to fill out no card from Senator Heather Cloud. If you wish to be recognized, you please come and take --

**SENATOR HEATHER CLOUD:** Thank you, Mr. Chair. I just want to make a simple statement. As a Republican woman, I want to stand here -- or sit here rather, and offer my support for the amendment to the map, which I believe further protects Congresswoman Julia Letlow. She is the only woman in the Louisiana's congressional district. She is a member of the appropriations committee in the US House as Senator Womack stated and also a member of the agricultural committee in the US House. It's important to me and all of the other residents of our area to have these two representatives from our crucial region in our state. I think that politically, this map does a great job protecting Speaker Johnson and Congresswoman Julia Letlow as well as Majority Leader Scalise. It keeps CD 5 in the northern Louisiana area and allows Congresswoman Letlow to keep doing the great job that she's been doing. So, I just sit here and offer my support of the amendment. Thank you, members.

**CHAIRMAN CLEO FIELDS:** Thank you. So, we could be clear, Senator, just to be -- like they say, on what is a few good men, crystal clear. So, this map, with this amendment, there are other ways we could perfect a second minority majority district, majority minority district, that's more compact, eleven parishes split. This one splits 16 parishes. The reason you are offering this amendment is for protecting f-- I hate to say, but protect incumbents, members of congress. But race is not your predominant reason for drawing and perfecting this map.

**SENATOR HEATHER CLOUD:** Mr. Chair, I have both Congresswoman Julia Letlow and Congressman Mike Johnson in my district. I work well with both of them and I want them to continue to be able to do the great job that they do on behalf of all of the constituency in my district.

**CHAIRMAN CLEO FIELDS:** Okay, so basically you are attempting to comply with the federal court, but yet protect members of the U.S. Congress, be it a female and be it two of the most powerful members of the U.S. Congress?

**SENATOR HEATHER CLOUD:** Yes, sir.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** All right, Senator Reese for a question.

**SENATOR REESE:** Thank you, Mr. Chairman. For Senator Womack. First of all, as we continue to contemplate these alternative maps, I've got to say that I continue to move forward cautiously, as I have been concerned that we may indeed be taking some action that the courts may not have necessarily directed us to take yet. We do know that there was an alternative to ultimately end up with a hearing on the merits. But I'm also conflicted in that because I know that the person charged with the responsibility of representing the decisions we make in this legislature is our attorney general. Our attorney general has certainly declared that she thought it was the best action for us to take at this time to contemplate a different map structure. The reason we've not done that in the past is because of the difficulty, I believe, in managing what the Voting Rights Act would ask us to do and avoiding other pitfalls in the Voting Rights Act, like gerrymandering, to ultimately come up with the districts. And so, I appreciate what you're charged with trying to present here.

**[00:50:00]**

Would you say that, predominantly, in the remaining districts that are not majority-minority districts, you've tried to really adhere to the continuity of representation in those districts? And it appears, perhaps, that you're really trying to not bust up the kind of communities of interest, crack or split or divide those communities of interest?

**SENATOR WOMACK:** Yes.

**SENATOR REESE:** So in the fourth district, for instance, I noticed that you've kept together major military installations in that fourth district. That kind of speaks to communities of interest that it looks like you're attempting to preserve with this map while you still attempt to comply with the objective of the courts in terms of creating another majority-minority opportunity district there?

**SENATOR WOMACK:** It's exactly right.

**SENATOR REESE:** The numbers. We're on your amendment now, all right, Mr. Chairman?

**CHAIRMAN CLEO FIELDS:** Yes.

**SENATOR REESE:** We've not adopted the amendment yet.

**CHAIRMAN CLEO FIELDS:** No, we have not.

**[BACKGROUND NOISE]**

**SENATOR REESE:** Yes, because if you need to be, want to --

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** Yeah. Just in opposition.

**CHAIRMAN CLEO FIELDS:** Okay. Yeah. Your opposition be noted for the record, there are no other cards that I see. Senator Reese has moved that the amendments be adopted. Are there any objections to the adoption of the amendments? There are no objections. Those amendments are adopted.

**SENATOR REESE:** Thank you, committee members, and Mr. Chairman. Close on my bill?

**CHAIRMAN CLEO FIELDS:** Yes. Before you do, I wanted to just show you an amendment that -- Bill, can you pull up? Initially, when I saw, you know, I'm a stickler for keeping parishes together, trying to make districts as compact as possible. And I had tried to put something together, and I just want to get some comments from you about it as soon as Bill pulls it up. I want to know if this amendment would impact any of the considerations you have made in perfecting the one we just passed. Is it working? I tried to keep as many parishes whole as possible in the whole state, but I particularly want to concentrate on the second district and the sixth district. Would that satisfy you? If we were to adopt that amendment, would that interfere with your concerns about helping some of the members of Congress?

[BACKGROUND NOISE]

**CHAIRMAN CLEO FIELDS:** Do we have the amendment prepared? Okay, let me offer up the amendment. I want to offer up an amendment. I'm going to offer it up.

[00:55:00]

[BACKGROUND NOISE]

Give you a quick second to look at this amendment. This amendment splits only 15 parishes. Would you have a problem with adopting this amendment?

**SENATOR REESE:** Well, Mr. Chairman, all due respect, if we could get a few minutes to look at it, if you could go maybe 10 or 15 minutes recess to look at it and kind of see, I can see where I could have some issues with it on the north end.

**CHAIRMAN CLEO FIELDS:** For example, it keeps evolves whole. And under your, the amendment we just adopted, it splits of all Avoyelles. Senator Miguez?

**SENATOR MIGUEZ:** Thank you, Mr. Chairman. To save a little bit of time, if you don't mind, if you have this information readily available, if you can, give us the split comparisons to the author's current version till now, and then give us some, maybe the African American voting population numbers as it relates to congressional district two and six in both, and any other notable differences in his map that's readily available. It didn't have me digging through the entire bill trying to cross up multiple papers, if you have any of that.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** Yeah, the amendment actually shows the split with the senator's amendment, and it also shows the splits with the amendment we're discussing. I'm trying to show that we can create this district more compact, even trying to protect members of Congress. And I just want to know, could you be for that amendment? And if the answer is no, that's fine.

**SENATOR REESE:** At this point, I would have to say no.

**CHAIRMAN CLEO FIELDS:** All right, I'm going to withdraw the amendment. And are there any further discussions on the bill? Oh, Senator Carter?

**SENATOR CARTER:** No. Are we doing any other amendments right now or just the bill?

**CHAIRMAN CLEO FIELDS:** If there is an amendment, now is the time because we're going to vote one way or the other in a few.

**SENATOR CARTER:** Give me one second.

**CHAIRMAN CLEO FIELDS:** Are there any further amendments on the bill?

**SENATOR CARTER:** Yeah.

[BACKGROUND NOISE]

**CHAIRMAN CLEO FIELDS:** Senator Carter?

[BACKGROUND NOISE]

All right, Senator Carter, you are recognized.

[01:00:00]

**SENATOR CARTER:** Give me a second. I'm coming. Looking at them already. Thank you, Mr. Chair. Members, this amendment swaps 1, 2, 3, 4 precincts between what is listed as District two, the current congressional District to and District six. It moves approximately I believe it's 3,000, approximately 3,000 or so voters, but what it does though, is it increases the very slightly, the registered Democratic African-American vote in District two by increasing that number to 52.823%, which is a very slight increase. It's an increase of right around an additional 1,000 or so votes for District two and it barely has any implications with the new District six. It doesn't involve and it's my understanding from staff that it doesn't affect any other Districts other than District two and District six. It doesn't affect any of the other congressional Districts proposed in the map.

**CHAIRMAN CLEO FIELDS:** Senator how many additional parishes would this amendment split?

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

**SENATOR CARTER:** Well, it does. It was split West Baton Rouge Parish, but I believe West Baton Rouge Parish is currently in District two. And also very slightly in Iberville Parish, there will be one, two, three parishes in those, for very minor adjustment but it increases the African-American population in District two by an additional couple of thousand votes or so.

**CHAIRMAN CLEO FIELDS:** So it splits two additional parishes.

**SENATOR CARTER:** Very slightly. Yes.

**CHAIRMAN CLEO FIELDS:** Senator Jenkins?

**SENATOR JENKINS:** I'm just trying to see. So what – where, if you picked up some votes in two, which I don't inherently have a problem with it, but what is it? Where does those votes come from?

**SENATOR CARTER:** It came from District six. So if you look at map that -- at the map that's proposed by Senator Womack, it moves precincts 1C, 1B, 8, and 6 from West Baton Rouge. And in Iberville Parish, it will move those precincts from District 2 into District 6. Precincts 20, 22, and 26. So it's very, very small and minor in terms of an adjustment. Small, but very important. Very significant. It increases the African-American vote in District 2 with a swap between 2 and 6.

**SENATOR JENKINS:** How much of a decrease in 6?

**SENATOR CARTER:** So, with 6, 6 will maintain a registered African-American percentage of 54.189 and then for District 2, it will be 52.823.

**CHAIRMAN CLEO FIELDS:** Okay. 6 is not contiguous with this amendment. I don't know if the author knew it or not.

**SENATOR CARTER:** I just heard from staff that there was a problem with one of the areas being not contiguous that they just pointed out to me, that we didn't discuss during the recess, perhaps that's something we could quickly adjust in the next few minutes or so.

**CHAIRMAN CLEO FIELDS:** Or we could do it on the floor.

**SENATOR CARTER:** I would prefer to handle it in committee, of course, Mr. Chair.

**CHAIRMAN CLEO FIELDS:** All right, so. You're splitting two additional parishes, Senator.

**SENATOR CARTER:** And that's also my understanding that, in addition to that, it also is supposed to take into consideration the previous amendment that was inserted on from the previous amendment from Senator Womack.



011624sg2  
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February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** All right.

**SENATOR CARTER:** So those are some technical revisions that to consider the amendment that was just passed by Senator Womack, and also deal with the one issue that they just mentioned regarding the contiguous nature of it.

[01:05:03]

**CHAIRMAN CLEO FIELDS:** Were supposed to take that?

**SENATOR CARTER:** Supposed to take both of those things into consideration, the amendment.

**CHAIRMAN CLEO FIELDS:** Okay. Senator Miguez?

**SENATOR MIGUEZ:** Thank you, Mr. Chairman. Just a clarification, and you may have just addressed this, the Womack, I'll call it the amendment that Senator Cloud just testified upon and it just got onto the bill, your new amendment doesn't contemplate those changes in Avoyelles Parish, you're going to have to rework that. Because I'm looking, I may have the wrong amendment, I'm looking at Avoyelles Parish being completely within the new, within Congressional District 6. Is that right?

**SENATOR CARTER:** [INDISCERNIBLE 1:05:41]

**SENATOR MIGUEZ:** So you had the--

**SENATOR CARTER:** Amendment. The [INDISCERNIBLE 1:05:50] was getting on. So it should not affect the previous amendment that was in effect.

**SENATOR MIGUEZ:** You have to rework your amendment to contemplate the change, basically?

**SENATOR CARTER:** Yeah, that's correct. That's what they're working on.

**SENATOR MIGUEZ:** Okay. Then we're not ready to really review it at this point until we can see that. The version I have is based on the original version of the bill.

**CHAIRMAN CLEO FIELDS:** Senator, have you concluded, Senator?

**SENATOR KLEINPETER:** Yes.

**CHAIRMAN CLEO FIELDS:** Senator Kleinpeter.

**SENATOR KLEINPETER:** Thank you, Mr. Chairman. Senator Carter, with all due respect, I'm not in favor of this. This is from -- two of my hometown parishes growing up in Iberville and

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

West Baton Rouge. And part of this is my old council District that we're already chopped up as it is between Senator Price and I, as far as on the state level, and we're definitely going to be cutting West Baton Rouge and Iberville up. I just wanted to go on the record and voice my opinion based on this new map that has been presented to us.

**CHAIRMAN CLEO FIELDS:** Senator Miller?

**SENATOR MILLER:** Thank you. Just two quick questions again. What was the voting age population splits for two and six with these amendments in your map? Voting age population. Black.

**SENATOR CARTER:** [INDISCERNIBLE 01:07:07]

**CHAIRMAN CLEO FIELDS:** All right. Here it is. VAP, the African-American voting age population for District 2 would be 51.132% and African American voting age population for District 6 would be 53.612%.

**SENATOR MILLER:** Okay. And last question, did you have any information of how these would perform?

**SENATOR CARTER:** It's my understanding it will help it better perform because it is an additional increase of African-American voters. Even though it's a small amount of individuals, it's a small but significant change.

**SENATOR MILLER:** But you didn't run any performance tests on it.

**SENATOR CARTER:** No.

**SENATOR MILLER:** Okay. Thank you.

**CHAIRMAN CLEO FIELDS:** Thank you, Senator. Senator Jenkins?

**SENATOR JENKINS:** Well, I'm just trying to be sure here. I mean, I fundamentally don't have an issue. I'm just trying to see what's happening here in North Louisiana.

**SENATOR CARTER:** It shouldn't affect northern Louisiana at all. It's just a swap between six -- sorry, I'm not on. It should not affect Northern Louisiana. This is just a swap between District 2 and District 6. At the very bottom, if you're looking at Iberville and West Baton Rouge Parishes, right there towards the bottom, it has no bearing or no effect on Northern Louisiana.

**SENATOR JENKINS:** Well, I'm looking at the configuration. I mean.

**SENATOR CARTER:** Well, I think the difference is we're looking at the configuration from the previous amendment from Senator Womack that should be incorporated into the amendment that I'm offering. So, that's a technical thing that they're fixing, it doesn't have anything to do

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

with the swap that I am. So there was the previous amendment that was offered by Senator Womack with Senator Cloud testifying at the table that got adopted, this amendment doesn't undo that, doesn't touch it, whatsoever. This is just a very slight. swap between District 3 and District 6.

**SENATOR JENKINS:** I see that. Thank you, Mr. Chair.

**CHAIRMAN CLEO FIELDS:** Okay, Senator Jenkins.

**[BACKGROUND CONVERSATION]**

All right. Any of the members who wish to be heard on the amendment

**SENATOR CARTER:** Yes [Indiscernible 01:09:41]. We don't have the amendment. Can we do it in concept or no?

**CHAIRMAN CLEO FIELDS:** Senator Carter, why don't we move the bill out the way it is now. The amendment is not ready. And you're talking about 3,000 people.

**[01:10:04]**

**SENATOR CARTER:** I know. We had the conversation earlier about doing a haul work at committee and making certain we have the amendments that we need here. I did not realize that it didn't contemplate the previous amendment that got on. It was my understanding it was supposed to and I just heard about the issue about the contiguousness.

**CHAIRMAN CLEO FIELDS:** I hate to oppose one of my distinguished colleagues in committee --

**SENATOR CARTER:** Well, I hope you don't.

**CHAIRMAN CLEO FIELDS:** But I do think we have an obligation to make sure that anything we do and pass is not for -- race is not the predominant reason. Can you give us the reason for split into parishes other than race?

**SENATOR CARTER:** Well, one, I think hearing the testimony of my previous colleagues, Senator Womack and [PH 01:10:58] Senator Cloud, this increases the odds of District 2 performing as an African-American district. Given the importance that our congress person has performed in District 2. I think it's very important that that District remains strengthen where I can perform as an African-American District. That is a factor, is not the predominant factor. It is also consistent with the principles outlined with the federal judge and it's also consistent with communities of interest and all the other factors that we previously considered.

**CHAIRMAN CLEO FIELDS:** So, lastly what's the predominant factor you used into split the two parishes that the 3000 people?

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR CARTER:** It's very important. We talked about very earlier when this hearing started, we talked about many of the storms and hurricanes that we've had. It's very important you look at what happened in New Orleans after Hurricane Katrina making certain we had congressional representation to deliver for the City of New Orleans for not just the City of New Orleans, but for the whole area, the call second congressional district. A similarly during hurricane, but the pandemic with the COVID making certain we have congressional representation that's can continue to deliver for our district.

**CHAIRMAN CLEO FIELDS:** Okay, members, you've heard the discussion by Senator Carter that amendment can't be adopted because it's not ready. We do have other bills we have to hear. I would plea to the gentlemen to let us past the bill and if we can perfect the amendment on the floor, we can do just that.

**SENATOR CARTER:** But my only concern we're doing it on the floor as it opens it up to -- it's important that we do the hard work in committee, I thought.

**CHAIRMAN CLEO FIELDS:** All right.

**SENATOR CARTER** So, if we can perhaps give staff an opportunity to finalize the amendment so we can get that hopefully considered by the committee.

**CHAIRMAN CLEO FIELDS:** Well, we got to pass over. Senator, if you -- we could pass over your bill for now and get to the rest of these bills because --

**SENATOR CARTER:** It shouldn't take long. It's a very small -- I believe it's less than 3000 voters. So, it should be easy and quick to fix.

**CHAIRMAN CLEO FIELDS:** All right. Let's pass over Senator Womack. The US first to pass over your bill for now?

**SENATOR WOMACK:** That's good.

**SENATOR CARTER:** Bill you have --

[BACKGROUND CONVERSATION]

**SENATOR CARTER:** I believe we have the revised amendment. So, don't go too far.

[BACKGROUND CONVERSATION]

Let's just contemplate the previous Amendment from that one from Senator Womack and Senator Cloud. The one that's already passed. Yes, yes. It doesn't undo any of the previous amendments. It maintains the revisions that was --

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[OVERLAY]

Okay, good. I believe Mr. Chairman that the amendment is now being finalized that solves both of those issues where it doesn't undo the previous amendment that was offered by Senator Womack and Senator Cloud.

[01:15:04]

It wasn't intended to do that and it fixed the one part of the amendment that wasn't contiguous.

**CHAIRMAN CLEO FIELDS:** Okay, the staff is -- is the staff ready? Staff? I'm up lean on the gentlemen one last time. Will the gentleman deferred to the Chair and allow us to pass it now and we will have discussions between now and the floor? You can have discussions with the -- between now and the floor.

**SENATOR CARTER:** Sounds good, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** Thank you, gentlemen. All right. Thank you, Senator Carter. Are there any further discussions on the bill? Senator Reese has moved that Senate Bill 8 be reported favorable, they reported as amended. Are there any objections to reporting Senate Bill 8 as amended? Heard no objections, that bill is reported favorable.

**SENATOR WOMACK:** Thank you, Mr. Chairman, members.

**CHAIRMAN CLEO FIELDS:** Let's get into Supreme Court so we can get to the floor. State Senate Bill 1.

[BACKGROUND CONVERSATION]

All right, Senate Bill 1. Please proceed Senator Pressly.

**SENATOR PRESSLY:** Thank you, Chairman Fields and members. I know it's been a long day and we're going to pivot a little bit from the congressional maps over to the State Supreme Court. Of course, we know that the State Supreme Court has seven justices that are voted on by the people of Louisiana. The last time that we did redistricting of the State Supreme Court, I was in elementary school. It is time to look at Supreme Court. Even then the districts were not the last time that they were drawn, they were not drawn proportionally, and they had wide population discrepancies. Today, the proportionality is significantly off. The difference between the biggest and smallest districts is over 360,000 people. This map will more evenly divided the population amongst the seven districts of the Supreme Court. The ideal population for a statewide seven district map is 665,393 people. This map, as amended, will range from a 6.965% over the ideal population to 6.5% less than the ideal population. It also maintained the communities of interest throughout the state and splits the minimum amount of parishes possible. We'll only split five parishes, Orleans, Jefferson, Tangipahoa, East Baton Rouge and Washita. It will also create two

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

majority-minority districts. One with 52.325% and one with 53.4% Black VAP. With that, I'll take any questions from members.

**CHAIRMAN CLEO FIELDS:** Questions from the members?

[BACKGROUND CONVERSATION]

**CHAIRMAN CLEO FIELDS:** Here we go. All right. Senator Miller?

**SENATOR MILLER:** Thank you, Senator Pressly. I appreciate the work that you're doing. You have two bills, correct?

**SENATOR PRESSLY:** That's correct.

**SENATOR MILLER:** And is it your intention to try to move both of those bills to the floor?

**SENATOR PRESSLY:** It is. I want to give the full body of the Senate, the opportunity to review multiple bills on this important issue. We need two-thirds of the legislative bodies in order to pass a Supreme Court map. And I think it's important that everyone have the opportunity to voice the important issues that are facing at their regions and their areas that they represent.

**SENATOR MILLER:** And I just want to express that this is not my favorite one of your bills, but you have another one that also that will have an amendment that will certainly greatly improve my ability to try to support it.

[01:20:03]

But I'd like to see your bills get through the, at least move out of committee. But I'm not committing to you that I would support this on the floor.

**SENATOR PRESSLY:** Sure. Thank you, senator.

**CHAIRMAN CLEO FIELDS:** Senator Fesi?

**SENATOR FESI:** Thank you, Mr. Chairman. Senator, from what I understand, we had discussed, I had an amendment for Senate Bill 1.

**SENATOR PRESSLY:** I believe that's correct. It was for Senate Bill 1.

**CHAIRMAN CLEO FIELDS:** All right. Senator Fesi brings up Amendment 36. Senator Fesi?

**SENATOR FESI:** Okay. Basically, in my district, it kind of helps out St. Charles Parish. We take in a little bit of St. Charles Parish and a little bit of just St. Charles Parish. And basically

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

that's what it does. It puts it more contingents with what's going on in, like, neighborhoods and everything there. And Senator Pressly, are you good with that?

**SENATOR PRESSLY:** Yeah. I have no objection to your amendment set, as we've discussed, and I think that might actually address some of Senator Miller's concerns as well.

**SENATOR FESI:** Senator Miller, I was just wondering, does that fix your problem?

**SENATOR MILLER:** Obviously, it creates challenges -- yeah, I mean, obviously, you go from one frying pan into a fire, but this is the preferred source of heat for this situation.

**SENATOR FESI:** Thank you. Okay. I'd like to propose this amendment.

**CHAIRMAN CLEO FIELDS:** All right. Senator Reese, for a question.

**SENATOR REESE:** Thank you, Mr. Chairman. Senator Fesi, I guess maybe this would apply to your amendment, if indeed that's we're going to adopt. But what is the percent total population variation amongst those districts? I know there was some testimony this morning in-house that the goal would be not to exceed 5%.

**CHAIRMAN CLEO FIELDS:** Well, certainly there's competing thoughts on that. There is no requirement under judicial redistricting guidelines for it to be a certain percentage. What Senator Fesi's bill would do -- what his amendment would do is change the biggest and smallest districts and the proportionality. So it would make it so that the largest range above the ideal population would be 6.965%, and the smallest district would be a range of 6.5%. Currently, our Supreme Court is over 362,000 people off from the idea.

**SENATOR REESE:** Certainly has no bearing on what we're doing.

**CHAIRMAN CLEO FIELDS:** But as opposed to Congress and the legislature, when you're looking at redistricting up the judiciary, there's no requirement that it be in proportionality to the same level.

**SENATOR REESE:** All right, thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** All right. Senator Fesi.

**SENATOR FESI:** I would like to ask this amendment be put onto SB1.

**CHAIRMAN CLEO FIELDS:** All right. Senator Fesi sends up Amendment 36 and moves that those amendments be adopted. Are there any objections to the adoption of the amendments? Here are no objections. Those amendments are adopted. Senator Pressly. Do we have any cards on this bill? Ms. Celeste, do we have any cards? Senator Pressly Presley, close.

**SENATOR PRESSLY:** Ask for your feral passage. Thank you, members.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** All right. Do we have a motion? All right. Senator Fesi moves that we report Senate Bill 1 as amended.

[01:25:06]

Are there any objections to reporting the bill as amended? There are no objections. That bill is reported as amended. The next bill. You insist on taking this next bill? Right?

**SENATOR PRESSLY:** I'd like to address both of them for the exact reason that Senator Miller brought up.

**CHAIRMAN CLEO FIELDS:** Senate Bill 2 by Senator Pressly provides for the redistricting of Louisiana Supreme Court. Senator Pressly?

**SENATOR PRESSLY:** Yeah. So, senators, again, we are trying to address the issue of proportionality of our Supreme Court districts. This is another option that's provided. It would provide a deviation of the largest district, which would be 4.893% in district two, which would be above the ideal range, and district three would be 4.695% below the ideal range. There are no substantial changes to district one, nor the two north Louisiana districts. Again, it maintains the communities of interest throughout the state and tries to limit the number of parishes that are split. And in this map, it would be limited to 11 parishes that are split. Ask for your favorable passage.

**CHAIRMAN CLEO FIELDS:** All right, Senator Pressly in two there is Angola, is located in Supreme Court justice district five under this map, right? And the voter registration under district five is -- what is the voter registration in district five? I see population. I saw it online last night and -- here we are. All right, it's 52.6. 52.6 is district five and 54.5 is district seven. Have you taken into account the prison population?

**SENATOR PRESSLY:** I did not, Chairman Fields, I will tell you again, my goal is to give options to the body and to have more conversations to address some of the concerns that you certainly have brought up, not only in this hearing, but privately with me. And certainly I'll be willing to work with you between here and the floor to address those concerns and issues that you have.

**CHAIRMAN CLEO FIELDS:** All right. Any further discussion? We do have one card from Chief Judge John Michael Guidry, representing self, who would like to speak. Welcome back to the Senate, senator. Please proceed.

**CHIEF JUDGE JOHN MICHAEL GUIDRY:** It's good to be back. Thank you. Mr. Chairman, members of the committee, my name is John Michael Guidry, to judge in Louisiana First Circuit Court of Appeal. I come with respect to information only, of course, and to talk about some of the things that I believe affect the administration of justice. My concerns with this particular piece of legislation, number one, as the chairman pointed out, is about 22,000



011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

individuals that are in Angola and that are in hunts and in surrounding prisons that are made a part of that, that's made a part of this bill. And, of course, we know those are not going to be actual voters that's going to show up on election day. So that's one problem with the bill. Another problem with the legislation, as we've analyzed it is there's another piece of legislation that was unanimously passed out of the House and Governmental affairs committee, House Bill 8 by Mr. Johnson. And that bill is a bill that has the support of our Supreme Court. A majority of our Supreme Court, five justices of the Supreme Court support that legislation. The African-American judges that are part of Louisiana Judge Council, National Bar Association here in East Baton Rouge Parish. We've met and we have looked and analyzed that bill and think that that bill better furthers the goals that are going to help the administration of justice in terms of the Supreme Court. You're working on a very short timeframe.

**[01:30:00]**

I was a member of the House, a member of the Senate. I went through the reinforcement process. I went through the conference committee process. When you're working on tight timeframes, as you're working in this session, I think the worst thing we can do is to come out of this session with nothing. And the problem is you have a bill, I think, that's going to move quickly out of the House of Representatives that accomplishes compliance with the Voting Rights Act, will end the litigation that is presently pending before the Middle District Court. And this particular legislation, if you look at the numbers, you're talking 52% here. The House bill has 56%. We've talked all day about districts performing. Certainly a 56% voting age population of minority citizens is going to perform much better than a 52% district. And, of course, the ability to settle the litigation in a middle district based on the Voting Rights Act, 56% district is going to have a much better chance of doing that. If you look at the spread, the minority spread, black, white spread, you're talking under this legislation, probably about 7%. You're looking at a 19% spread when you're looking at House Bill 8. So as a practical matter, if we are trying to comply with the Voting Rights Act, we're trying to save the millions of dollars that are going to go into continuous litigation with regard to that lawsuit. If we want to save that money for the citizens of Louisiana, if we want to make sure that we have a district that's going to actually perform, then House Bill 8 is the bill. And particularly in a compressed session like this, to move this legislation to the floor, to move it through the process, ended up going into a conference committee between the House and the Senate, you may come out with nothing. The only thing you're going to come out with is a continued ballooning litigation bill. You're going to miss an opportunity where you have the attorney general, the governor, five justices of the Supreme Court, and the fact is that this is a rare opportunity. The other thing is that justice delayed is justice denied. If we don't get this passed, we're not going to be able to elect an African-American to the Supreme Court this fall. That means the first opportunity under this bill is not going to be until 2028. And so, again, when you put that into the mix and you put that in front of the court in terms of trying to settle this litigation, delaying it for five years, continuing the cost, having a district that doesn't really perform, that's really the concern that I have in terms of analyzing this legislation vis a vis House Bill 8 that again came out of the House committee unanimously. I believe it's going to get through the House. If we can get it through the Senate, then I think you will have a resolution that's going to save the taxpayers, comply with the Voting Rights Act and do what I think the governor talked about doing the other day, which is to do the

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

right thing. This has been ongoing for quite some time, over 107 years since we've looked at the Louisiana Supreme Court. And now you have the justices, the majority of the justice of Supreme Court on board in doing something. And I think if I were in the legislature today, I would consider this idea. I know that the power to redistrict is that of the legislative branch, but there should be some consideration for a co-equal and coordinated branch of the government who by majority of their members have spoken that this is in the best interest of that institution. And I'll be glad to answer any questions, if you have any.

**CHAIRMAN CLEO FIELDS:** There are no questions. Thank you, Chief Judge for coming down to give your testimony.

**CHIEF JUDGE JOHN MICHAEL GUIDRY:** Thank you, sir.

**CHAIRMAN CLEO FIELDS:** All right, senator -- hold up, you do have one question. You do? Okay. Senator Pressly to close. Senator Jenkins for a question.

**SENATOR JENKINS:** All right. So on this particular bill, I didn't get a chance to get this in because I was kind of analyzing it. But now we got seven members of the court. There is some desire for at least two of those to be seats that a minority could win. Am I right?

**SENATOR PRESSLY:** Yeah, and that certainly was the thought process on drafting the two pieces of legislation, both Senate Bill 1, which we've now moved to the floor, as well as this piece of legislation which it does create two majority minority districts. There's new information that I'm learning about as I sit here and certainly talking with Senator Fields as well as the Chief Judge of the circuit court down here. And certainly those are things that I'd be willing to work with anyone to try to come up with as good of a map as we possibly can.

[01:34:59]

What I'm concerned about, and I know you join me in, is that our area in Shreveport is not only taken from our sister city in Bossier, but Caddo Parish is divided in half. And in fact, the city of Shreveport is divided in half amongst two different Supreme Court districts. In the House bill 8, which the chief judge brought up, that certainly is deeply concerning to me as well as the justice that represents our area, Justice Creighton, who has put out letter saying his concerns which pair mine and I think most of our community up in northwest Louisiana.

**SENATOR JENKINS:** Now, your Senate Bill 1, it keeps Caddo whole.

**SENATOR PRESSLY:** It does. And this one would keep Caddo whole as well.

**SENATOR JENKINS:** But this is what my concern is.

**SENATOR PRESSLY:** Sure.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR JENKINS:** Senator, if you talk about the present population that you've heard, and I'm looking at your black voter age population in this one, it's only at 50% now. Don't you think that we are putting ourselves in a position where you may not have a second majority-minority seat?

**SENATOR PRESSLY:** Well, certainly --

**SENATOR JENKINS:** Those numbers don't seem to perform to get us to that particular point. So I guess part of my question is why not just try to look at the bill that has come out instead of trying to bring in this bill that could.

**SENATOR PRESSLY:** Well, I think the general ideas of the two different maps are, as you can see, very different. And certainly, I think we can tweak along the edges of this piece of legislation to see which one of the majority of our, excuse me, the supermajority of our legislature would agree with. And I think when you're trying to get to two-thirds of the legislature on any bill, particularly one on our courts, it's important to have options. And that was my goal. That certainly was my goal in bringing both pieces of legislation and giving the members of this body, as well as the House, an opportunity to review and do our duty, which, with respect to our courts, including the chief judge here today, as well as our Supreme Court, who has put out their thoughts on a map, the duties of redistricting belong to the legislature, and I think that's a really important responsibility that we have as members of this body.

**SENATOR JENKINS:** I'm just very concerned if we're already at just 50% and we take it in consideration that you may have some population there, a pretty significant number there. Even if they, I mean, they cannot vote, look like we're putting ourselves in a position with this particular bill as opposed to your first one.

**SENATOR PRESSLY:** And I think that's an important piece of information. They cannot vote. I certainly didn't take into account that issue, but I certainly would be willing to work with you, with Senator Fields, as well as the entire body, to try to do our responsibility, which is to try to come up with the best map possible for the people of Louisiana.

**SENATOR JENKINS:** Well, you know how much we work together. But I'm very concerned about putting my vote behind a bill like this that would, I mean, to me, we are really setting ourselves up not to have what I think the ultimate goal is. Now, your first bill is different from what you have presented.

**SENATOR PRESSLY:** Sure. I certainly understand your thoughts and considerations on this.

**SENATOR JENKINS:** You're putting yourself in a position where it could actually dip below and take us to a point where we really don't have the two districts that we want to be a part of this whole process. So if you're not willing to withdraw it, I just don't know if I can go with you on this one.

**SENATOR PRESSLY:** I understand where you are. Thank you, sir.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** All right. There are no other questions. Are there any cards? Any other cards? There are no other questions. Members, you've heard the testimony on Senate Bill 2. What's your pleasure?

**[BACKGROUND CONVERSATION]**

Senator Miller moves that we report Senate Bill 2 as favorable. Are there any objections?

**[BACKGROUND CONVERSATION]**

Sure. Senator Jenkins object. Secretary will call the roll.

**FEMALE 1:** Senator Miguez?

**CHAIRMAN CLEO FIELDS:** If you're in favor of passing Senate Bill, you vote aye. Senator Miguez votes aye.

**FEMALE 1:** He said yes?

**CHAIRMAN CLEO FIELDS:** Votes yes.

**FEMALE 1:** Yay. Senator Carter? Nay. Senator Fesi?

**[01:40:00]**

**SENATOR FESI:** Yes.

**FEMALE 1:** I'm so sorry. Okay, you all forgive me about that. Senator Jenkins? Votes nay. Senator Kleinpeter? Votes yay. Senator Miller? Yay. Senator Reese? Yay. And Senator Womack?

**SENATOR WOMACK:** Yes.

**FEMALE 1:** Yay. Senator Fields, excuse me.

**CHAIRMAN CLEO FIELDS:** I'm going to vote no.

**FEMALE 1:** Votes nay. I have six yays and three nays.

**CHAIRMAN CLEO FIELDS:** Six yeas and three nays. The bill is reported. All right, we got a few more bills here. We got Senator Miguez, you want to take your statewide real quick?

**SENATOR MIGUEZ:** Yeah.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**CHAIRMAN CLEO FIELDS:** We're going to go to Senate Bill three by Senator Dominguez provides for the statewide election of the supreme court justices.

**SENATOR MIGUEZ:** Thank you so much, Mr. Chairman. Committee members, I appreciate the time I'm bringing before you SB 3. Louisiana has one of the most mal-apportioned state supreme courts in the entire country. Every other state with districts that have redistrict their courts after the most recent census. But in Louisiana, we have only redistricted our court once in the last 100 years. We have one district with 476,000 people, and we have one with over 838,000 people. That means that the votes in one area of the state count for half the value of the votes for the other part of the state. That is not fair to the people of Louisiana. I bring before you a constitutional amendment that'll make the Supreme Court a statewide election. And this constitutional amendment fixes two problems. It ends the litigation that is hanging over our head, and it fixes the unfairness of our unequal districts. It provides a statewide election of the Supreme Court in a map that looks exactly like the breakdown of the people of Louisiana and ensures we never have to reapportion Louisiana Supreme Court ever again. Every citizen's vote will have the same value no matter what part of the state you live in. I like to point out that only a handful of states. Let's hear this again. Only five states use districts similar to Louisiana. Of the 22 states that elect supreme court justices, roughly 17 elect them by statewide vote. That's an overwhelming supermajority. The remaining states handle their Supreme Court justice selection process through [INDISCERNIBLE 01:42:39] appointments. That's 26 of those states. And in two states, they do it through legislative appointment. The Louisiana Supreme Court handles state matters only, so it's only appropriate that we elect them statewide. As you can tell, the redistricting process is not an easy topic to legislate. I ask that we save this headache from future legislators and fix this problem once and for all. I ask for your favorable passage of this constitutional amendment, and be happy to answer any questions that the committee members may have?

**CHAIRMAN CLEO FIELDS:** All right. Any questions for members of the committee? Senator Jenkins?

**SENATOR JENKINS:** Thank you, Mr. Chairman. Tell me again, how many members of the court will that be under your bill? Will that still be seven?

**SENATOR MIGUEZ:** It remains. It keeps the same amount of members on the court. It doesn't change that that's currently in the constitution. The only thing that it does is it says that the justices shall be elected for a term. Well, it already says that for ten years. It just says elected by statewide. And it deletes the portion of the Constitution Section 4 which contemplates districts, so everything else will remain the same. The only change is that we will no longer have seven individual districts. We will have seven individual Supreme Court justices that were run on a statewide election, which is done in 17 of the 22 other states that elect justices. We in Louisiana are one of the outliers. We're one of five. And I'll give you for the committee's information. The five states that use districts are Illinois, Mississippi, Kentucky, Oregon, and our state. Our governor, I was listening to his speech, and he talked about bringing in a new era for Louisiana. He talked about learning from other states, not reinventing the wheel, finding things

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

that work in other states. I thought this is a great opportunity to start to bring something that works in other states that's been adopted in the majority of the states.

**SENATOR JENKINS:** Well, I guess my concern would be so, just given how the population is in our state, that's a good potential that all seven of our justices could come from New Orleans Baton Rouge area. But just because of the way the population is composed in our state.

[01:45:00]

That doesn't concern you?

**SENATOR MIGUEZ:** Well, the main issue that I have is to make sure that every individual's vote counts. And I think that if the voters are going to vote for the most capable judge, and we currently have this process in place, think about it. On a statewide vote for all of our statewide elected officials. And does every one of our statewide elected officials come from New Orleans?

**SENATOR JENKINS:** No. But this is our, this is our justice system. Do see it a little bit differently than the executive. And I'm not trying to belittle your bill or your concept, these are legitimate concerns that I've heard from people who have had the opportunity to see the bill. They're not here to ask you this, so just hear me out. The concern we have up north is that we could have all seven justices out of Baton Rouge and New Orleans just based on how the popular vote in this state may go based on population. So I was just asking, was that a consideration that you had when you went forth with this bill?

**SENATOR MIGUEZ:** Well, my consideration was trying to resolve the issues, trying to get rid of the litigation, trying to make sure we resolve this issue going forward. And there's been a lot of disagreement. I mean, we've saw several maps. I think we saw two today from Senator Pressly. And there's been disagreements on this committee as well as be further through the process, how the district goes. Should it have this breakdown or that breakdown? Well, this thing is, I hate to use the word perfect, but is a perfect representation of the diversity breakdown, whether its age, race, party, population changes. Once you make this, you enact this type of sweeping reform and you make it statewide, it will work in perpetuity just like it's worked in other states. And I encourage you to look at the numbers and look at where we stand. We're only one of five states. And I understand some of your concerns, but this just deals with the constitutional aspect. You could always, through statute, address your concerns, but this is a very simple constitutional amendment that just removes the districts altogether as the voter, not as the candidate. If you wanted, Representative Jenkins, you could bring a statute that potentially just dealt with where candidates could run from. But this just deals with the voting aspect, the statewide voting aspect.

**SENATOR JENKINS:** Okay, now what about -- so this takes a constitutional amendment?

**SENATOR MIGUEZ:** Yes, the constitutional amendment. You know, the voter threshold for that.

011624sg2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**SENATOR JENKINS:** So when would an election on the constitutional amendment take place? Would they have to be in the fall sometime?

**SENATOR MIGUEZ:** It's currently written where it would be in November 5, 2024. But I'm open to ideas. If we have a timing issue that this could be potentially moved up into a, don't we have some April elections coming up? What's our next election?

**SENATOR JENKINS:** Okay, that's mighty quick. But I guess some of the concern was trying to go ahead and fill these Supreme Court seats or whatever election that is coming up on the Supreme Court trying to get it done sometime this year. We'd have to wait for this constitutional amendment and see what the outcome of that was before we could even have an election.

**SENATOR MIGUEZ:** If you cut the districts, however you elected to select the districts through statute, this would just, at a certain point in time, at the constitutional amendment, change. It would just basically say that instead of the voters inside that particular district only voting, only those individuals voting, it'd be the whole state that would vote on behalf. If you decide to leave the statutes in place.

**SENATOR JENKINS:** That would only be that one justice that had to run statewide at this particular point?

**SENATOR MIGUEZ:** No. Every justice after the constitutional amendment took place would be run on a statewide basis. The legislature would legislate based on the statute.

**SENATOR JENKINS:** So we'll be waiting for the constitutional amendment to pass. Now, if the constitutional amendment does not pass, does that not put us right back to where we are now with the seven districts?

**SENATOR MIGUEZ:** Well, the constitution requires that the state shall be divided into six supreme court districts. This would just take away that requirement and say that after the constitutional amendment passes, whether, however this legislature legislates, if this legislature decides to, let's say, pass Senator Pressly's bill and create a different set of districts, up until this constitutional amendment passes those districts, only the people in those districts would vote. But once this constitutional amendment passes, if that instrument were to stay in place, hypothetically pass, and every election after that would be a statewide election. So you wouldn't have to necessarily worry about the numbers and apportionment because the electorate would be the entire state because they deal with statewide issues.

**SENATOR JENKINS:** What if the constitutional amendment doesn't pass? I'm trying to see the other side.

**SENATOR MIGUEZ:** If the constitutional amendment doesn't pass and things would remain in place as whatever the expression of the legislature was after this session if we decided to express a different will than the previous separate districts.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[01:50:05]

This is just making a statewide election. After the date of the constitutional amendment. It just doesn't require districts anymore. I hope I'm not representing this incorrectly from staff, but this doesn't necessarily expand the districts. It just says who votes in every particular district on statewide.

[BACKGROUND CONVERSATION]

**SENATOR JENKINS:** I didn't quite get to ask what was --

**CHAIRMAN CLEO FIELDS:** Senator being -- this does eliminate the requirement for districts.

**SENATOR MIGUEZ:** The requirement. But if the statute was still in place, which I don't have the statute number, but the statute number, let's say 101 stayed in place, then those districts would stay in place if the legislature decided to keep them there.

**CHAIRMAN CLEO FIELDS:** That's correct, sir.

**SENATOR MIGUEZ:** So, my constitutional amendment only makes the electorate statewide, doesn't necessarily make the qualifications for the candidate statewide unless the legislature took action through the Pressly bill or a different instrument.

**SENATOR MILLER:** Come from a certain area, but just will run statewide? Is that what you're saying?

**SENATOR MIGUEZ:** And I'm going to allow staff to correct me if I'm giving you the incorrect information, but let's run the hypothetical that my constitutional amendment is the only thing that passes this session. Hypothetically speaking. The current districts would stay in place, which are currently out of whack on population. It would solve that immediately because they're divided amongst the state. But only individuals that live in that district could run, but they'd have to run on a statewide ballot after this amendment took effect. Is that correct? Correct. That's what my constitutional amendment does. It's the decision of this body to determine how they want to set the districts, the qualifications for candidates to run. I'm only dealing with the electorate and how they are elected, which means that everyone in the state, and that's a change in number all the time and a different breakdown. They get to decide on statewide who is elected to the Supreme Court justice districts or non-districts that the legislature decides in the governor.

**CHAIRMAN CLEO FIELDS:** You conclude, senator.

**SENATOR JENKINS:** Thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** Thank you, Senator Jenkins. Senator Miller.



011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR MILLER:** Thank you. This isn't going to cause us to have a different litigation, is that correct?

**SENATOR MIGUEZ:** No, I'd say that I'd have to get someone who's actually dealing with the litigation. I don't know if that's the AG's office, not to get into the particulars of that. I won't go there. But it's my position that this would relieve the litigation because you'd always have the perfect breakdown, the perfect numbers, but the electorate would match the state's population and demographics. So, we relieve all those issues instantly, and keep in mind the idea that this is done in so many other states. There's a reason for that, because it relieves these problems. That's why I'm bringing it forward. I'm bringing this as a solution to all the disagreement and the fact that we haven't redistrict once in the last 100 years and this provides a solution that lives on past this legislature.

**CHAIRMAN CLEO FIELDS:** Thank you.

**SENATOR MILLER:** Thank you, Mr. Chair.

**CHAIRMAN CLEO FIELDS:** All right. Thank you, senator. All right, the board is clear. We do have cards in opposition but do not wish to speak. Carlos Pollard, Jr. with the Power Coalition, Victoria Wenger with the Legal Defense Fund and Sanjay Mason with Daughters Beyond Incarceration. All in opposition, do not wish to speak. Members, you've heard the testimony on Senate Bill 3. What's your pleasure?

**SENATOR MIGUEZ:** I'd like to make a motion to move favorably.

**CHAIRMAN CLEO FIELDS:** Senator Miguez has moved that we report Senate Bill 3 favorable. Are there any objections?

**SENATOR MILLER:** Yes.

**CHAIRMAN CLEO FIELDS:** There are objections. Secretary will call the roll. If you in favor of the bill, you would vote aye, yes, and if you oppose to the bill, you would vote no.

**FEMALE 1:** Senator Jenkins.

**CHAIRMAN CLEO FIELDS:** Senator Jenkins, object.

**SENATOR JENKINS:** Object.

**FEMALE 1:** Senator Fields.

**CHAIRMAN CLEO FIELDS:** Calling me first? No.

**FEMALE 1:** I don't want to forget you. I'll go on. Senator Miguez.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR MIGUEZ:** Yes.

**FEMALE 1:** Yes. Senator Carter?

**SENATOR CARTER:** No.

**FEMALE 1:** Nay. Senator Fesi?

**SENATOR FESI:** Yes. Senator Jenkins?

**SENATOR JENKINS:** No.

**FEMALE 1:** No. Senator Kleinpeter.

**SENATOR KLEINPETER:** Yes. Senator Miller?

**SENATOR MILLER:** Yes.

**FEMALE 1:** Yes. Senator Reese?

**SENATOR REESE:** Yes.

**FEMALE 1:** Yes. Senator Womack.

**SENATOR WOMACK:** Yes.

**FEMALE 1:** Yes. Senator Fields?

**CHAIRMAN CLEO FIELDS:** I've already voted. All right. So, what's the count? I voted. You called me first. So, what's the count?

**FEMALE 1:** I have six yeas and --

**CHAIRMAN CLEO FIELDS:** Three nays.

**FEMALE 1:** Three nays.

**CHAIRMAN CLEO FIELDS:** Six yeas and three nays and the bill is reported.

[01:55:04]

**SENATOR MIGUEZ:** Mr. Chairman, thank you so much for the time today. I appreciate it.

**CHAIRMAN CLEO FIELDS:** No problem. So now we have Senator Seabaugh as the last -- Senator Seabaugh, let's take Senate Bill 5, which provides for statewide districts for the

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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Louisiana Supreme Court. Senator Seabaugh, is there any difference between this bill and the bill that the committee just passed?

**SENATOR SEABAUGH:** Yes. Thank you, Mr. Chairman, and I'll be very quick. This is a very similar bill to Senator Miguez's bill, with the difference being it does not do anything to the districts, and it specifies that in order to run, you have to live in the districts. Whatever those districts look like, however the legislature has drawn them. You have to reside in the district, but you run statewide, and effectively, it's a similar, except it's a little more clear and it specifies who can be a candidate in the race is you must live in the respective districts. That's the only difference?

**CHAIRMAN CLEO FIELDS:** Yes, senator.

**SENATOR SEABAUGH:** And it alleviates Senator Jenkins' concern about making sure they're all from New Orleans or not all from New Orleans or Baton Rouge.

**CHAIRMAN CLEO FIELDS:** All right, do we have any cards on this bill? The board is clear. Members, you've heard the testimony from Senator Seabaugh. What's your pleasure on Senate Bill 5?

**SENATOR MIGUEZ:** Make a motion in favor.

**CHAIRMAN CLEO FIELDS:** Senator Miguez moved that we report Senate Bill 5 favorable. Are there objections? Senator Jenkins object. Secretary will call the role.

**FEMALE 1:** Senator Miguez?

**SENATOR MIGUEZ:** Yes.

**FEMALE 1:** Votes yes. Senator Carter.

**SENATOR CARTER:** No.

**FEMALE 1:** No. Senator Fesi?

**SENATOR FESI:** Yes.

**FEMALE 1:** Yes. Senator Jenkins?

**SENATOR JENKINS:** No.

**FEMALE 1:** No. Senator Kleinpeter.

**SENATOR KLEINPETER:** Yes.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**FEMALE 1:** Yes. Senator Miller? Senator Reese?

**SENATOR REESE:** Yes.

**FEMALE 1:** Yes. Senator Womack.

**SENATOR WOMACK:** Yes.

**FEMALE 1:** Yes. Senator Fields?

**CHAIRMAN CLEO FIELDS:** Chair votes no.

**FEMALE 1:** I have five yeas and three nays.

**CHAIRMAN CLEO FIELDS:** Five yeas and three nays and a bill is reported favorable.

**SENATOR SEABAUGH:** Thank you.

**CHAIRMAN CLEO FIELDS:** Senator, let's take Senate Bill 6.

**SENATOR SEABAUGH:** Okay. The other two, six and seven go together. Six is essentially a separate, different way of attacking the issue. On district of the Supreme Court. Six is a constitutional amendment moving the Supreme Court from seven justices to nine, whereas Senate Bill 7 is an actual map of the nine different districts. One difference is, if you look at the map, the two majority minority districts are at 56% and 57% so they're more likely to perform than the maps in the other districts. With one swing district, which is 54% white, but with districts, I mean, Senate Bill 6, the constitutional amendment itself is similar to a bill that came out of this body, I think, two years ago, trying to go from seven to nine. And we can. The more complicated bill is number seven, which is the actual map. But six is simply a constitutional amendment going from seven to nine.

**CHAIRMAN CLEO FIELDS:** All right. Chair would like to bring up, offer up technical amendments. Technical amendments No. 30. Staff has offered. Told me those are technical. It deletes. Have you seen those amendments?

**SENATOR SEABAUGH:** I have, but I don't have a copy of them. But I was showing them earlier.

**CHAIRMAN CLEO FIELDS:** It gives, Senator, copy of the amendments on page two, it deletes line 17 through 20. And on page two, line 21, change section four to section three. Those are technical amendments. Any objection to the adoption of the technical amendments? Hearing objections, those amendments are adopted. Members, the board is clear. Senator Fesi.

**SENATOR FESI:** Thank you, Mr. Chairman. Adding these extra judges and all the extra cost. What's the fiscal note on adding extra judges?

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR SEABAUGH:** There is a fiscal note and it looks like it's zero. I do find that hard to believe.

[OVERLAY]

**SENATOR SEABAUGH:** There is a fiscal note that looks like it's zero. That seems odd to me, but that's what it says.

**SENATOR FESI:** Well, that's why I'm questioning it, because I just can't believe you're adding a lot more people to our cost of our state and there's no cost to it.

**SENATOR SEABAUGH:** I would suggest that between. If this bill were to make it out, I would ask for a revised fiscal note before it gets to the floor. I saw it today for the first time. I was a little surprised by it.

**SENATOR FESI:** Yeah.

**SENATOR SEABAUGH:** I was expecting there to be a fiscal note.

**SENATOR FESI:** Okay. All right. Thank you.

**CHAIRMAN CLEO FIELDS:** All right, Senator Jenkins.

**SENATOR JENKINS:** Okay. Thank you, Mr. Chairman.

[02:00:04]

**SENATOR JENKINS:** Okay. Thank you, Mr. Chairman. So what would be the motivation for expanding the court? Why would we want to add some more justices?

**SENATOR SEABAUGH:** We went through this exercise two years ago, and the bill passed the Senate by two thirds majority. And I think it came one vote shy of passing the House. And it's essentially the same motivation we had then. A, it's much easier to draw the second majority minority district, the map, which is Senate Bill 7. The districts are 56% and 57%, which are, again, much more likely to perform to elect an African-American. And also, it doesn't divide the state up. Again, if you look at the map on number seven, it's much more geographically contiguous. I think the areas of interest are a little better. And it's not quite as -- you don't have the spider web looking district or something that spreads out across the state, you can keep things a little more tight and it just looks better. Again, I haven't had anybody complain to me about the map. I've had people complain saying they didn't like the idea of going from seven to nine, but I haven't had anybody yet look at the map and tell me that they didn't like the map if it were to be enacted. So again, the idea is going from seven to nine makes it easier to draw the districts. And our area in northwest Louisiana is not divided in half as it is in House Bill 8 and alleviate some of the same issues that Senator Pressly addressed in his bill. And I just tried to do it from a

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

different perspective. I liked the idea of going to nine. I supported that bill two years ago. I was sorry that it didn't pass, and I thought since we're here, we'd maybe give it another shot. I do think it solves a lot of the issues that we seem to be struggling with on the other map.

**SENATOR JENKINS:** I tell you, I just got fundamental and I'm being consistent about it has nothing to do with who authors it or whatever. I just have fundamental issues with that expansion. All of a sudden now, when there is some discussion about adding another minority seat, now we want to expand. To me, it just fundamentally looked like we're getting around the compactness of the court as we have it now with the seven seats and just getting it where decision making can be made by that seven people, because now you're going to bring in a couple of more decision makers, if I could put it that way. Representative Seabaugh, I respect and understand what you're trying to do. I have fundamentally had an issue with why we want to expand all of a sudden instead of add to what we already have.

**SENATOR SEABAUGH:** Again, a lot of states have nine. In fact, I think Texas has 18. They have a nine for criminal and nine for civil. It's not unusual to have nine. The U.S. Supreme Court has nine. There's nothing fundamentally that different about seven and nine, except for the fact that -- one of the reasons I ended up there was because it was just easier to draw the districts. Each area of the state would essentially have the opportunity to elect its own justice. And then it gives much easier to draw the 57% and 56% majority minority districts with one that is 54% wide, which would be a swing district. So I'm really looking at it as six, two and one necessarily. So it's just from that perspective, it was just easier to draw it.

**SENATOR JENKINS:** Right. I'm certainly not questioning your motives or anything. I know when it came up the last time, that was my concern was that we've had this seven-member court all this time. Now when we start talking about bringing a little bit more diversity to the bench, now there's a reason to expand it. And you're not saying that -- I'm not trying to put any kind of words in your mouth. This is what my concern has been. Why not have that diversity on the seven-member bench that is already making decisions in our justice system?

**SENATOR SEABAUGH:** I understand your concern, and I know I just got to the senate and this might be the only time I propose an expansion of government, but I thought I'd give it a shot from the jump.

**SENATOR JENKINS:** Right. Absolutely. Thank you for answering my question. Thank you, Mr. Chairman.

**CHAIRMAN CLEO FIELDS:** Thank you, senator. [PH 02:04:34] Senator D'Amico, I guess we go to you next. But just real quickly, have you taken into consideration the impact this bill would have on the litigation at present?

**SENATOR D'AMICO:** I have, and I can answer that question. It does draw a second minority district. That's pretty clear. I mean, again, the two districts will be 56% and 57% with the other one 54% white, which I could think you could call a swing district. I think it would eliminate the litigation, but I can't speak for sure.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[02:05:01]

I'm not inside the judge's mind, but I think it would.

**CHAIRMAN CLEO FIELDS:** The litigation now is dealing with seven.

**SENATOR D'AMICO:** Yes.

**CHAIRMAN CLEO FIELDS:** And the fight is about increasing from one to two in a seven-member district.

**SENATOR D'AMICO:** That's correct.

**CHAIRMAN CLEO FIELDS:** I'm not so sure that this will end the litigation, but I respect the gentleman for bringing legislation. Senator Miguez, you have a question?

**SENATOR MIGUEZ:** Thank you, Mr. Chairman. I'm trying to understand maybe the packages, bills and totality. So we just recently -- you brought a constitution amendment, very similar, I think, to mine. It's just you actually run from the districts and then you have a map that has nine districts.

**SENATOR SEABAUGH:** The bill we're on is the amendment, the constitution amendment, going from seven to nine. The map would be separate.

**SENATOR MIGUEZ:** Yeah, so is your end goal to go from seven to nine and have them on a statewide election?

**SENATOR SEABAUGH:** Well, again, both were to pass. That would be the effect. But that's -- I'm kind of looking at it as an either or.

**SENATOR MIGUEZ:** Okay, let me run this through. Is this the correct way to think about this bill? Because I haven't got a chance to digest it fully yet. But if I look at, let's say, the Pressly options, which were Senate Bill 1 and 2, and then I look at the Supreme Court 9 that you put forward, I have to make a decision whether the fiscal note, which is 1.1 for one year, and I guess so five years, 8.6 million is worth the ease of writing the districts. That's my juggling act.

**SENATOR SEABAUGH:** And those bills would be in conflict. They would be in conflict with House Bill 8 and both of Senator Pressly's bills.

**SENATOR MIGUEZ:** And I know you're a Stalwarts conservative. Anybody hadn't realized Representative Seabaugh it's a compliment.

**SENATOR SEABAUGH:** Senator. Thank you.

011624sg2  
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February 9, 2024  
Transcript by TransPerfect

**SENATOR MIGUEZ:** Excuse me, senator. I'm still caught on the other side. I really apologize. But tell me this. Tapping that again, you don't generally bring bills that require more government spending. I'm not picking on you right now, but is the compelling interest that it makes the districts that much easier to write, that it's worth the fiscal note?

**SENATOR SEABAUGH:** It does. And it doesn't cut any area divide -- I've talked to people in Jefferson Parish. They liked it. I've talked to people in the northeast Louisiana, northwest Louisiana, Lafayette, Lake Charles. Everybody seems to like it because it keeps the areas of interest together. It doesn't divide any geographic area. Well, I mean, obviously it does, but it doesn't do it very badly.

**SENATOR MIGUEZ:** That's purely from a political standpoint, right? Let me know if you -- I don't have a ton of expertise in the litigation or the voters' right act specifically as it relates to the Supreme Court. Do you know if the tests are different in the Supreme Court versus Congress? I know in Congress you're elected to represent people. In the Supreme Court, you are there to just adjudicate non-bias based on the state issues, on state law.

**SENATOR SEABAUGH:** Yeah. The reason the Supreme Court hadn't been redistricted in so long is because the principle that one man, one vote does not apply to the judiciary. And that's what we've been told through redistricting. I've been through it twice now. I was here in 2011 and 2022, and in fact, we had a judge actually came to committee in 2011 and said, "One man, one vote does not apply to the judiciary. Please leave us alone." And we did. So essentially, that is the reason it hasn't been done so the test is different.

**SENATOR MIGUEZ:** So the prevailing argument on the congressional maps and the reason we're in session have to deal with a second majority minority district based on demographic breakdown. Those specific requirements are not necessarily in effect on a Supreme Court map.

**SENATOR SEABAUGH:** That is correct.

**SENATOR MIGUEZ:** Okay. I just don't want members to get mixed up in that because you do have a constitutional amendment very similar to mine.

**SENATOR SEABAUGH:** Yes.

**SENATOR MIGUEZ:** That deals with statewide elections.

**SENATOR SEABAUGH:** Yeah. The difference is mine requires them to live within the district in order to run. That's really the only difference. And I would suggest at some point, before we get through the finish line, if they both were to make it, we work that out and only blend the language and only put one of them before the voters. I like mine better.

**SENATOR MIGUEZ:** But mine has a better author. But what Senator Jenkins brought up, I'm glad you brought the instrument because it kind of shows him that you can do it by -- you could



011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

use districts to do a statewide vote through the constitution, or you can require by statute, like mine does if you elected to do so.

**SENATOR SEABAUGH:** That's correct.

**SENATOR MIGUEZ:** Okay. I'm just trying to get understanding on it. I appreciate the information.

**CHAIRMAN CLEO FIELDS:** All right. Thank you, senator. The board is clear. We have no cards. Members, what's your pleasure on Senate Bill 6? There is no motion?

[02:10:00]

All right, it seems like your bill is about to die without a motion.

**SENATOR SEABAUGH:** It looks like it.

**CHAIRMAN CLEO FIELDS:** All right. There is no motion on the floor? Senator Miguez?

**SENATOR MIGUEZ:** Let's keep us many options in play as possible and we'll sort it up when we get to the floor. So, I'll make a motion to move favorable.

**CHAIRMAN CLEO FIELDS:** All right. Senator Miguez has moved that we report Senate Bill 6 favorable. Are there objections? There are objections. Yeah, reports the bill as amended. We did put the technical amendments?

**SENATOR SEABAUGH:** Correct.

**CHAIRMAN CLEO FIELDS:** I heard a lot of objections on this side. Secretary, we'll call the roll. If you're in favor reporting the bill as amended, you would vote "Aye" or "Yes". If you oppose, you would vote "No". Secretary, call the roll.

**FEMALE 1:** Senator Miguez?

**SENATOR MIGUEZ:** Yes.

**FEMALE 1:** Yes. Senator Carter?

**SENATOR CARTER:** No.

**FEMALE 1:** No. Senator Fesi?

**SENATOR FESI:** Yes.

**FEMALE 1:** Yes. Senator Jenkins?

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR JENKINS:** No.

**FEMALE 1:** No. Senator Kleinpeter?

**SENATOR KLEINPETER:** Yes.

**FEMALE 1:** Yes. Senator Miller?

**SENATOR MILLER:** Yes.

**FEMALE 1:** Yes. Senator Reese?

**SENATOR REESE:** Yes.

**FEMALE 1:** Yes. Senator Womack?

**SENATOR WOMACK:** Yes.

**FEMALE 1:** Yes. Senator Fields?

**CHAIRMAN CLEO FIELDS:** No.

**FEMALE 1:** No. I have six yeas and three nays.

**CHAIRMAN CLEO FIELDS:** Six yeas and three nays and that bill is reported as amended.

**SENATOR SEABAUGH:** Thank you very much. Senate Bill 7 is simply the map that goes along with Senate Bill 6 and you all should have access to it. Again, I've touched on it a couple of times. It draws two districts. The new districts are numbered 8 and 9, District 2 which is currently in Northwest Louisiana. It's actually moved to become the new minority district. So, that election would take place in 2024 which the District 2 is scheduled to be up in 2024. So, that would elect one of the two new minority judges and District 7 stays in place. And then, it draws 8 and 9. 8 would essentially be a new majority White district around Baton Rouge whereas District 9 is the swing district I was talking about which is Northwest Louisiana down to Vernon.

**CHAIRMAN CLEO FIELDS:** All right.

**SENATOR SEABAUGH:** I guess, is this a technical amendment?

**CHAIRMAN CLEO FIELDS:** I'm going off of those technical amendments. Amendment No. 29 which on page 6, line 7 after no and before of change to 6. Off of those amendment, their technical amendments, are there any objections to the adoption of the amendments? If you have no objections, those amendments are adopted. Any questions for members of the committee? Senator Miller for question.

011624sg2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR MILLER:** Thank you. Senator Seabaugh, you said, “Hey, nobody had any problems with the map.” I hadn’t really been paying attention to this particular map because I think the biggest thing I’ve been worried about is and concentrating on is the congressional maps and then working with Senator Fesi and Pressly on the Supreme Court maps but this puts St. Charles Parish in a district that I don’t think shares -- we’re splitting St. Charles which we’ve done. We’re right kind of smack in the territory that needs to be gone through to reach up River Parishes. So, I’m willing to help you get out of committee but I’m not committing without some changes on here.

**SENATOR SEABAUGH:** And I thank you for that. You and I actually did talk and I’ve really tried to draw supreme court district in just St. Charles Parish but it was difficult but I appreciate it. I will certainly work with you. If we can do an amendment to move it to another district, I’m more than happy to work with St. Charles Parish.

**SENATOR MILLER:** Yeah, and just for the record, I’m not interested in that supreme court position.

**SENATOR SEABAUGH:** Thank you.

**SENATOR MILLER:** Thank you.

**CHAIRMAN CLEO FIELDS:** All right. Thank you, Senator Miller. Are there any other questions from members of the committee? No other questions. Senator, you can close on your bill.

**SENATOR SEABAUGH:** Thank you. I appreciate you and I appreciate you all staying late. I know it’s been a long day. This bill is just a map that goes along with the constitutional amendment. It draws a second majority-minority district that is one is 56%, one is 57%. So, they’re much more likely to perform than the others with third swing district which is 54% white. So, it’s essentially a six to one map and I think with the possible exception of St. Charles Parish, it keeps areas of interest together, divides them around the state in an equal distribution and provides each area of the state the opportunity to elect a justice from their area.

**CHAIRMAN CLEO FIELDS:** All right, members, you’ve heard the testimony on Senate Bill No. 7. What’s your pleasure? Senator Miguez?

[02:15:10]

**SENATOR MIGUEZ:** Mr. Chairman, I move favor with the caveat that the author works very closely with the members because they didn’t get a full time. I really digest the very specifics but the concepts out there with this package to provide additional options to the whole body and through this whole process but doesn’t necessarily mean it’s going to actually become laws but I want you to --

011624sg2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**SENATOR SEABAUGH:** Absolutely. You have a commitment. I've already made the commitment to Senator Miller.

**SENATOR MIGUEZ:** Thank you.

**CHAIRMAN CLEO FIELDS:** Thank you, senator. Senator Miguez is moved that we report the bill with amendment. Are there objections? Any objections? I hear no objections. The bill was reported with amendment. All right, members, being no more business before the committee, let me thank each of the members for enduring all of these bills today. Be of no further business before the committee, Senator Miguez moves that the committee stands adjourned.

[02:17:04]



I, Anders Nelson, hereby certify that "011624sg2" is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson  
Anders Nelson (Feb 15, 2024 13:33 EST)

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Anders Nelson  
Project Manager  
TransPerfect Legal Solutions

February 15, 2024

# Exhibit 3

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February 9, 2024  
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**[BACKGROUND CONVERSATION]**

**MR. CHAIRMAN:** Senate will come to order. Sector open machines, members vote your machines. Vote your machines. Senator McMath is here. Senator Pressly, Senator Morris, Senator Talbot. Senator Talbot is here. Senator Connick is here. Thirty-six members are present for a quorum. Senate will rise, Senator Mizell will open the senate in prayer and also lead us for the Pledge of Allegiance.

**SENATOR MIZELL:** Thank you, Mr. President. Members, before we pray, I just want to say we are all here for a time such as this. I haven't heard one member say this is easy. And I think it would be appropriate if we join together in the Lord's prayer of unifying our bodies and reaching out to God. If you join me, Our Father, who art in heaven, hallowed be Thy name; Thy kingdom come; Thy will be done on earth as it is in heaven. Give us this day our daily bread; and forgive us our trespasses as we forgive those who trespass against us; and lead us not into temptation, but deliver us from evil. For thine is the kingdom, and the power, and the glory, forever. Amen. Thank you. Join me in the pledge, please. "I pledge allegiance to the flag of the United States of America, and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all."

**MR. CHAIRMAN:** Reading of the journal.

**SENATOR HODGES:** Official journal of the Senate of the State of Louisiana. Second day's proceedings Tuesday, January 16, 2024.

**MR. CHAIRMAN:** Senator Hodges moves to dispense the reading of the journal without objection.

**SENATOR HODGES:** Petitions, memorials and communications, I am in receipt of a letter from the president appointing the parliamentarian Senator Gregory Miller. Messages from the House. The House has finally passed and ask your concurrence in the following House Bills and joint resolutions. House Bill 16, House Bill 8 respectfully submitted. Michelle Fontenot, Clerk of the House. Introduction of House Bills. Senator Talbot now moves for suspension of the rules for the purpose of reading the House Bills the first and second time and referring them to Committee. House Bill 8 by Representative Mike Johnson is an act to amend Title 13 relative to the Supreme Court to provide relative to redistricting Supreme Court justice districts. It is referred to Senate and governmental affairs. House Bill 16 by Representative McFarland is an act to appropriate funds and to make certain reductions from certain sources to be allocated to the designated agencies and purposes in specific amounts for making of supplemental appropriations. Referred to finance.

**MR. CHAIRMAN:** Senator O'Connor for an introduction.

**[BACKGROUND CONVERSATION]**

Senate Bills on third reading and final passage.

011724schamb  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR HODGES:** Senator Womack now moves for a suspension of the rules for the purpose of calling out of order. Senate Bill 8 by Senator Womack. It's an act to amend Title 18 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 on congressional districts.

[00:05:07]

**MR. CHAIRMAN:** Senator Womack, on your Bill.

**SENATOR WOMACK:** Thank you, Mr. President. Colleagues, I bring Senate Bill No. 8 before you this evening. As you know, Louisiana congressional districts must be drawn given the federal Voting Rights Act litigation that is still ongoing in the U.S. District Court for the Middle District of Louisiana. This map in the bill that I'm introducing, which is the product of a long, detailed process achieved several goals. First, as you know and you're aware of, Congresswoman Julia Letlow is my representative in Washington, D.C. The boundaries in the Bill I'm proposing ensure that Congressman Letlow remains both unpaired with any other incumbents and in a congressional district that should continue to elect a Republican to Congress for the remainder of this decade. I have great pride in the work of Congressman Letlow that she's accomplished. And this map will ensure that Louisianans will continue to benefit from her presence in the halls of the Congress for as long as she decides to continue to serve this great state. Second, Louisiana's six congressional districts the map has proposed Bill ensures that four are safe Republican seats. Louisiana Republican presence in the United States countries has contributed tremendously to the national discourse, and I am very proud that both Speaker U.S. House of Representative Mike Johnson and U.S. House Majority Leader Steve Scalise are both from our great state. This map ensures that two of them will have solidly Republican districts at home so they can focus on the national leadership that we need in Washington, D.C. The map is proposed in this Bill ensures conservative principles retained by the majority of those in Louisiana will continue to extend past our boundaries to nation's capital. Third, the quarter that you see on the map that you have on your table, if you'll notice, the map runs up Red River which is barge traffic commerce. It also has I-49, which goes from Lafayette to Shreveport, which is also a quarter for our state that is very important to our commerce. We have a college; we have education along that quarter. We have a presence with AG, with our row crop as well as our cattle industry all up along Red River in those parishes. A lot of people from that area, the Natchitoches Parish as well as Alexandria, use Alexandria for their health care, their hospitals and so forth in that area. So finally, the maps in the proposed Bill responds appropriate to the ongoing federal Voting Rights Act in the Middle District of Louisiana. For those who are unaware, the congressional maps that we enacted in 2022 of March have been the subject of litigation roughly since the day the 2022 congressional redistricting Bill went into effect. Even before we enacted it, after a substantial amount of prolonged litigation, the federal district court has inherited to its view that the federal law requires that the state have two congressional districts with a majority of black voters. Our secretary of state, attorney general and our prior legislative leadership appeal that but have yet to succeed and we are now here because the federal court order that we have to have first opportunity to act. The district court order that we must have two majority voting age population



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Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

districts combined with the political imperatives I just described have largely driven the boundaries of District 2 and District 6 on your map, both of which are over 50% black voting age population. Given the state's current demographics, there is not enough high black population in the southeast portion of Louisiana to create two majority black districts and to also comply with the U.S. Constitution one-person, one-vote requirement. That is the reason why District 2 is drawn around Orleans Parish, while District 6 includes the black population of East Baton Rouge Parish and travels up the I-49 quarter to include black population in Shreveport.

[00:10:01]

While this is a different map than the plaintiff's litigation have proposed. This is the only map I reviewed that accomplishes the political goals, I believe, that are important for my district, for Louisiana, and for the country. While I did not draw these boundaries myself, I carefully considered the number of different map options. I firmly submit that the congressional voting boundaries represented in this Bill best achieve the goals of protecting Congress from Letlow's seat, maintaining our strong district for Speaker Johnson as well as Majority Leader Steve Scalise, ensuring four Republican districts and adhering to the command of the federal court in the Middle District of Louisiana and I ask for favorable passage. We have one question by Senator Morris.

**SENATOR MORRIS:** Senator Womack, among the factors that you considered, was the community of interest of the district something that was considered in coming up with this version of the map that we have before us?

**SENATOR WOMACK:** Senator Morris, this map was strictly drawn from the political aspect of our congressman in office is how it was drawn.

**SENATOR MORRIS:** You didn't consider the community of interest of people having something in common with one another within the district?

**SENATOR WOMACK:** No, I didn't, because we had to draw two districts, and that's the only way we could get two districts. One of the ways we could get two districts and still protect our political interest.

**SENATOR MORRIS:** Well, one of the things you said earlier was that we had in common the agriculture. You mentioned that that's a community of interest. So, you did consider agriculture as being something that everybody had in common with this district?

**SENATOR WOMACK:** My comment was the fact that it was along that quarter, [PH 00:12:27] AG was along that quarter. Not so much in that community interest, just maintaining, bringing out the fact that I-49 does go through there and it does encompass your timberland, your AG, your hospitals. Just trying to bring to light some of the positives going up that quarter.

**SENATOR MORRIS:** So, would you say that the heart of this district is Northeast Louisiana and North Central Louisiana?

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February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** I wouldn't say the heart of the district is that away. But the way the district to pick up and honor the courts, it had to be drawn like it had to be drawn to pick that up.

**SENATOR MORRIS:** So, is there a heart of the district?

**SENATOR WOMACK:** If it is, it'll be a small majority of a heart. I don't think it has a heart of the district, but it had to start somewhere.

**SENATOR MORRIS:** Do you know what the most populated parish is of Congressional District 5 at the current moment?

**SENATOR WOMACK:** I do not. I hadn't looked at that to prove that myself. Could be Ouachita Parish.

**SENATOR MORRIS:** Right. So, Ouachita Parish, which is the most populated parish in Congressional District 5, which you seek to protect for Congresswoman Letlow. Your map cuts Ouachita Parish into various pieces, does it not? And puts a lot of that in Congressman Johnson's District 4, correct?

**SENATOR WOMACK:** That's true. The way the map is drawn, that's in my Bill. That is the way it's drawn.

**SENATOR MORRIS:** And like you, you're -- I think you indicated that Congresswoman Letlow is your congressperson, and it's important to you for her to remain to be your congresswoman, is that correct?

[00:15:00]

**SENATOR WOMACK:** Very important.

**SENATOR MORRIS:** Well, under your map, I would be Congressman Johnson's in his district, and so would Senator Cathey and so would Representative Echols. Is that correct?

**SENATOR WOMACK:** That would be correct. I've been to your House, but I hadn't been to any of the others. But I think you're correct.

**SENATOR MORRIS:** So, that would be important to me. Did you know? But this district, as it's drawn now, would move Lincoln Parish and Louisiana Tech into Congressman Johnson's district, would it not?

**SENATOR WOMACK:** That's a possibility.

**SENATOR MORRIS:** Well, your map does [INDISCERNIBLE 00:15:58] does put Lincoln Parish, all of Lincoln Parish into Congressman Johnson's district, does it not?

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February 9, 2024  
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**SENATOR WOMACK:** It does do, yes.

**SENATOR MORRIS:** But the district does reach down into Baton Rouge, does it not?

**SENATOR WOMACK:** It does.

**SENATOR MORRIS:** And the district includes Tiger Stadium in the district and also Joe Aillet Stadium in Louisiana Tech, in Ruston.

**SENATOR WOMACK:** In the minority district in District 2 or District 6.

**SENATOR MORRIS:** Isn't it true that Tiger Stadium, on your map, is located in Congresswoman Letlow's district?

**SENATOR WOMACK:** Yes.

**SENATOR MORRIS:** And so, is Joe Aillet Stadium at Louisiana Tech?

**SENATOR WOMACK:** Not in that district. Under my map, she doesn't go into Ruston.

**SENATOR MORRIS:** Under your map, all of Lincoln Parish is in congresswoman. That's Lincoln on the map right there. That's where Ruston is.

**SENATOR WOMACK:** Right.

**SENATOR MORRIS:** And so, that is congresswoman. It's currently Congresswoman Letlow's, but now it's going to be Congressman Johnson's.

**SENATOR WOMACK:** Right.

**SENATOR MORRIS:** Okay.

**SENATOR WOMACK:** Right. Yeah.

**SENATOR MORRIS:** So, they will be in different districts. Tiger Stadium will be in Congresswoman Letlow's district, but Louisiana Tech will be in Congressman Johnson. Even though Louisiana Tech is only 30, 40 miles away from Congresswoman Letlow's home.

**SENATOR WOMACK:** I agree with that totally. Where we had to draw two minority districts. That's the way the numbers work out. You've worked with redistricting before, and you have to work everybody around the best you can.

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February 9, 2024  
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**SENATOR MORRIS:** Well, as of yesterday before committee, the map, my home and Senator Cathey's home. But you amended it to put even more in Congressman Johnson's district, did you not?

**SENATOR WOMACK:** Senator Morris, my understanding that my amendment put you all in Congresswoman Letlow's district.

**SENATOR MORRIS:** [INDISCERNIBLE 00:19:07] in Congressman Johnson's district under your amendment because it added more Ouachita Parish into District 4, did it not?

**SENATOR WOMACK:** My understanding that when we moved that, that it added you all. I could be wrong on that, but it added you all.

**SENATOR MORRIS:** The amendment, as I understand it, and looked at it in committee before yesterday, the Bill as filed [INDISCERNIBLE 00:19:47] but now, under the current version of the Bill, I am in Congressman Johnson's district.

**SENATOR WOMACK:** Okay.

**SENATOR MORRIS:** Don't you think we should have moved -- included Louisiana Tech and Ouachita Parish in the Northeast, Louisiana Congressional District?

[00:20:13]

**SENATOR WOMACK:** Senator Morris, it's a lot of could have and I regret that it is not, but we also have to look at the other members of congress and what we can live with concerning that.

**SENATOR MORRIS:** If your Bill gets out off the floor today and goes over to the House, would you be amenable to amendments that would allow [INDISCERNIBLE 00:20:44] as district? As long as all the other requisites are there to comply with the judge's order and to comply with the community of interest and all the other redistricting principles that we have to abide by.

**SENATOR WOMACK:** Senator Morris, I have no problem in that. As long as it meets the requirements of the Bill.

**SENATOR MORRIS:** Thank you, Senator. I appreciate your efforts and I am hopeful that we can -- if assuming the Bill does move, that we can perhaps find a resolution that can make everybody, if not absolutely happy, a little happier. Thank you.

**MR. CHAIRMAN:** Thank you, Senator Morris. Senator Stine for the floor.

**SENATOR STINE:** Thank you, Mr. President. The members of this esteemed chamber. Today, we stand at a crossroads. Burden with a decision that weighs heavily on each of us. The congressional map before us, a construct far from our ideal now demands our reluctant

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February 9, 2024  
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endorsement. It pains me, as it does many of you to navigate these troubled waters, not of our own making but of a heavy-handed Obama appointed federal judge who has regrettably left us little room to maneuver. This map and perfect as it is, stands as a bull work protecting not just lines on a map but the very pillars of our representation in congress. It safeguards the positions of pivotal figures, the United States speaker of the house, the majority leader, and notably, the sole female member of our congressional delegation. Her role is not merely symbolic. She is a linchpin and the appropriations, education and workforce committees which are vital to the prosperity and wellbeing of our state. We are the guardians of Louisiana's voice on the national stage. Our decision today, while constrained is crucial. It is about more than lines on a map, it is about ensuring our state's continued influence in the halls of power where decisions are made that affect every citizen we represent. So, with a heavy heart but a clear understanding of the stakes unfortunately, we must pass this map before us instead of giving the pen to a heavy handed, Obama appointed federal judge who seeks to enforce her will on the legislature into an untenable situation rather than acting as a co-equal branch of government as laid out in our constitution.

**MR. CHAIRMAN:** Senator Carter for the floor.

**SENATOR CARTER:** Thank you, Mr. President, members. This proposed map by Senator Womack. Let me start with the current district, District 2. The current African-American voting age population in District 2 is currently 58%. This map proposed by Senator Womack reduces it to barely 51%.

[00:25:03]

In committee, the Bill's author testified that no sort of performance analysis had been conducted to determine whether or not District 2 continues to consistently perform as an African-American district. There are serious concerns about this map. There are serious concerns about this proposal. Despite those concerns, I stand in support of this legislation. It still needs work. It must be amended, but I stand in support of it today and I speak only for today. I would like to read to you all a statement from Congressman Carter, who currently represents the second congressional district. Many of us served with him either when we were in the House or those of us who served with them in the Senate. Here is a statement, "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 anyone map. I have worked tirelessly to help create two majority-minority districts that perform. That is how I know that there may be better ways to craft both of these districts. There are multiple maps that have not been reviewed at all, however, the Womack map creates two majority-minority districts, and therefore I am supported 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". And that is a statement from Congressman Troy Carter. I expressed my concerns, their serious concerns. It is my expectation and my hope that this Bill continued to be worked on, that amendments continue to happen, but today I stand in support. Thank you.

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February 9, 2024  
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**MR. CHAIRMAN:** Senator Jackson for the floor.

**SENATOR JACKSON:** You tried to cut off my mic.

**[BACKGROUND CONVERSATION]**

**MR. CHAIRMAN:** Members, you have to talk directly into the mic. Unlike in previous times where you could kind of talk around the mic. You have to literally talk directly into the mic for it to work. We are going to adjust that for the next --

**SENATOR JACKSON:** Hello. Okay. Good. Me guess was going to have a fit if I was not able to speak. I stand in support of this map. I first want to thank Senator Womack who had the fortitude, regardless of how we got here, but to stand up and do what the last body could not do, and that is to come together. But I do stand to say this because I said it in committee. I reluctantly came to the floor to support this map because my constituents and a lot of our constituents in North Louisiana right now are still experiencing an ice day, that is what I call it because we did not get snow. And so, a lot of them do not even know that we are down here, right now, passing maps. And so, this is the first time in a long time I am probably going to vote for something that I have not vetted through my constituency because tonight myself, Representative Fisher and Representative Moore will have a Zoom community meeting to catch them up on what they have lost while they were at home, because my legislative assistant was finally able to get to the office and at least send something out to our constituency. However, at some point, what they did tell me over and over again for the last year, year and a half that we have been going through this process, that they were in support of a fair and equitable maps. And that they knew a fair and equitable map would be something that created fair representation for all people in the State of Louisiana. I will end with this. I do not think we are in the hands of a heavy-handed judge, but we are in the hands of consequences that the last legislature created and our failure to act.

**[00:30:03]**

And I say that with a heart of hope that we act today on what is right, on what is just and what is fair. I don't believe, and I said this before any of my colleagues in this chamber will have it to be that a certain group of people in the State of Louisiana would not be properly represented. I am an American who stands every time the flag is presented. I proudly say, "One nation under God." And I hope today that in this Senate we will stand as one Louisiana under God because God is for what's just and what's equitable and what helps all people. There is nothing that says that a second African American serving in Congress in Louisiana will not help the masses. If we think that then we think that we're less are better than a person based on race. If anyone in this chamber could articulate a reason why they believe that any African American that sits before you today wouldn't go to Congress with the same zeal, and vigor and heart for the people, then maybe we can say that there is not an African American in this state that's going to stand in Congress and represent us. But I literally do not believe that there is a colleague in here who looks across this chamber at any member of the Black caucus and does not believe that we wouldn't go to Congress and represent Louisiana. And so, I stand in support with reluctancy of

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February 9, 2024  
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having to talk to my constituents after this vote, but with carrying the spirit of fairness that they asked me to carry in the last redistricting session. And I want to thank Senator Womack because the mark of a true leader is a leader that not only does what he wants to do, but what's necessary to bring resolve and wholeness to a body that has to work together on a number of issues. Thank you.

**MR. PRESIDENT:** Thanks, Senator Jackson. Senator Duplessis to the floor.

**SENATOR DUPLESSIS:** Thank you, Mr. President. Thank you, Chairman Womack. I just want to make a few brief comments based on some comments that have been made earlier today. I was not necessarily planning to speak, but I think it's important that I just share a thought or two. It was said that this is much more than just lines on a map, and I agree. It is much more than just lines on a map. We've heard a lot from Chairman Womack and my colleague, Senator Stine, about the importance of protecting certain elected officials, but it's about more than lines on a map, it's about the people of this state. It's about one-third of this state going underrepresented for too long. 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 the United States Supreme Court that has already made rulings that has been made up of justices that were appointed by a majority of Republican presidents primarily former President Trump. This is not about one judge who was appointed by former President Barack Obama. This is about the people of this state and one-third of that state, 33% to be exact being underrepresented. So, I think it's important that we keep the focus on why we're here today. None of us want to be here today. We've been at this for well over two years and all of us have a level of reluctance with the maps that are before us. Just like Senator Carter, I'm not thrilled about what's happening in the Senate, to our congressional district too, and the way that it's lowering the numbers. Senator Price and I co-authored a Bill that we felt performed better but we too are going to support this map because not only have we been ordered to do it by, yes, a judge who was appointed by President Obama.

[00:35:08]

But if we felt like the appellate judges would overrule her then we'd be right back in court. We are at the end road, and I too will support this map not because I think it's perfect, not because I think it's the best thing that we could do, but because it's time to give people of this state a fair representation. Thank you.

**MR. PRESIDENT:** Thank you, Senator Duplessis. Senator Pressly for the floor.

**SENATOR PRESSLY:** Thank you, Mr. President and members. Senators arise today in opposition to this Bill, and I rise in opposition because I represent a community that's unique and wonderful in many ways, very diverse, and clearly a passionate part of my life in Northwest Louisiana. I believe the three-fourth in Bossier City and the surrounding parishes of the DeSoto and Red River and Webster are unique from the rest of our state. And I believe the commonalities of interests are important. I agree with Senator Jackson, I would have no issue

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February 9, 2024  
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whatsoever with having any member of this body and many others from throughout our state of any background, of any creed, or any race represent our great wonderful diverse state in Washington D.C. But I cannot support a map that puts Caddo Parish and portions of my district, which is over 220 miles from here, and a district that will be represented by someone in East Baton Rouge who may or may not have ever even been to Northwest Louisiana and certainly doesn't understand the rich culture, rich important uniqueness of our area of the state. When we look at Louisiana, we often talk about North and South, and that division is true. It's real. I think all of us acknowledge that. The I-10 Corridor has unique needs. When you look at the challenges that you face with storms, often you think of hurricanes. In North Louisiana, we think of tornadoes and ice storms. When you look at the important region of our states and the diverse industries that we have in Northwest Louisiana, Barksdale is vitally important. Certainly, having Barksdale and Fort Johnson now, previously Fort Polk together in one district is the one positive thing that I see in this map, and I think that is something that we must keep in mind as we continue through this process. But 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 that has the potential to split our community even further, along a line that's based purely on race, and I'm concerned about that. Therefore, I'm voting no, and I urge you to do the same.

**MR. PRESIDENT:** Thanks, Senator Pressly. The Board is clear. Senator Womack to close on your Bill.

**SENATOR WOMACK:** Colleagues, I appreciate the question and the comments, and I just ask if we move this Bill favorably.

**MR. PRESIDENT:** Senator Womack has moved favorable passage of Senate Bill 8. When the machines are open, all those in favor yay. Those who oppose, have nay open machines. Madam Secretary to open the machines. Vote on your machines, members. Senator Miguez, there we go. Secretary, close the machines. 27 yays, 11 nays. The Bill is passed. Senator Womack moves a reconsideration of the vote by which the Bill is passed and lays the motion without objection and so ordered. Next order of business.

[00:40:00]

[BACKGROUND NOISE]

**SENATOR O'CONNOR:** Next order of business. Morning hour.

**SENATOR HODGES:** Senator Bouie. I know. I know who you are. Do you have something else?

**SENATOR BOUIE:** Yeah.

[BACKGROUND CONVERSATION]



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February 9, 2024  
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**SENATOR HODGES:** Yeah, I know, but I get to pick that. I get to pick. Senator Bouie moves that we revert to the morning hour. Messages from the House. The House has finally passed and asks for your concurrence in the following House Bills and joint resolutions. House Bill 17. Respectfully submitted, Michelle Fontenot, Clerk of the House. Senator Price now moves for a suspension of the rules for the purpose of reading the House Bills, just received from the House, and reading them the first and second time, and referring them to committee. House Bill 17 by Representative Emerson is an act to amend Title 18 relative to elections to provide for a party primary system of elections from certain offices, including provisions to provide for the nomination of candidates for general elections by party primary elections referred to Senate and Governmental Affairs.

[BACKGROUND NOISE]

[BACKGROUND CONVERSATION]

[00:45:00]

[BACKGROUND NOISE]

[BACKGROUND CONVERSATION]

[00:50:00]

[BACKGROUND NOISE]

[BACKGROUND CONVERSATION]

**MR. CHAIRMAN:** Senator Womack Announcements. Finance will meet in Room AB at 11:00 a.m. in the morning. Finance 11:00 a.m. Senator Fields,

**SENATOR FIELDS:** Members of Senate and Governmental Affairs will meet tomorrow at 2:00 p.m. in AB. Members Bond Commission meets tomorrow morning at 8:00 a.m. in committee room AB.

**MR. CHAIRMAN:** Senator Abbott for a motion.

**SENATOR ABBOTT:** I make a motion that we adjourn and convene tomorrow, January 18, at 4:00 p.m., 4:00 p.m.

**MR. CHAIRMAN:** Thank you, members.

[BACKGROUND NOISE]

[00:54:21]



I, Anders Nelson, hereby certify that “011724schamb” is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson

Anders Nelson (Feb 15, 2024 13:37 EST)

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Anders Nelson  
Project Manager  
TransPerfect Legal Solutions

February 15, 2024

# **Exhibit 4**

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**PHILLIP DEVILLIER:** Good afternoon members, viewing audience. Thank you for your patience. We are ready to resume our House and Governmental Affairs Committee. Today is Thursday, January 18, 2024. Ms. Baker, can you give me an updated roll call please?

**MS. BAKER:** Chairman Beaulieu?

**CHAIRMAN BEAULLIEU:** Here.

**MS. BAKER:** Present. Representative Billings? Present. Representative Boyd? Present. Representative Carlson? Present. Representative Carter? Representative Carver? Present. Representative Farnum?

**REP. FARNUM:** Here.

**MS. BAKER:** Present. Representative Gadberry? Present. Representative Johnson? Representative Larvadain?

**REP. LARVADAIN:** Here.

**MS. BAKER:** Present. Vice-Chair Lyons?

**VICE-CHAIR LYONS:** Present.

**MS. BAKER:** Present. Representative Marcelle? Representative Nuwall? Present. Representative Schamerhorn?

**REP. SCHAMERHORN:** Here.

**MS. BAKER:** Representative Thomas?

**REP. THOMAS:** Here.

**MS. BAKER:** Representative Wright? Representative Wyble?

**REP. WYBLE:** Here.

**MS. BAKER:** We have 13 and a quorum.

**PHILLIP DEVILLIER:** Thank you, Ms. Baker. Members, we have one item on our agenda today, the Senate Bill 8 by Senator Womack. Ms. Laurie, would you please read in the Bill?

**MS. LAURIE:** Thank you so much, Mr. Chairman. Members, Senator Womack brings Senate Bill No. 8 to provide relative to the redistricting of Louisiana's Congressional District to provide with respect to positions and offices other than Congressional based upon Congressional Districts and to provide related matters.

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February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** Senator Womack, on your Bill.

**SENATOR WOMACK:** Thank you, Mr. Chairman, committee members. Good evening. Thank you for letting me come in today and present this Bill. As you know, Louisiana Congressional Districts must be redrawn given the Federal Voting Rights Act Litigation that is still ongoing at the U.S. District Court for the Middle District of Louisiana. The map and the Bill that I'm introducing which is the product of a long-detailed process achieve several goals. First, as you all are aware, Congresswoman Julia Letlow is my representative in Washington D.C. The boundaries in this Bill I'm proposing ensures that Congresswoman Letlow remains both unpaired with any other incumbents and the Congressional District that should continue to elect a Republican to Congress for the remainder of this decade. I have great pride in the work that Congresswoman Letlow has accomplished, and this map will ensure that Louisiana will continue to benefit from her presence in the Halls of Congress for as long as she decides and continue to serve our great state. As you know, Congresswoman Letlow sits on appropriations. She sits on an egg which is a big part of my district. Second, the Louisiana Sixth Congressional District, the map, and the proposed Bill ensures that for our safe Republican seats, Louisiana's Republican presence in the United States Congress has contributed tremendously to the national discourse and I am very proud that both speaker U.S. House of Representatives, Mike Johnson and U.S. House Majority Leader, Steve Scalise are both from our great state. This map ensures that the two of them will have solidly Republican Districts at home so they can focus on the national leadership that we need in Washington D.C. The map proposed and this Bill ensures that the conservative principles retained by the majority of those in Louisiana will continue to extend past our boundaries to our nation's capital. Third, the map that I presented goes along the Red River. It's the I49 corridor. We have commerce through there. We have a college through there. We have a lot of AG cattlemen as well as farm, road crop, and a lot of people up through that corridor come back to Alexandria using that corridor for their health care fine. Finally, these maps and the proposed Bill respond appropriately to the ongoing Federal Voting Rights Act case in the Middle District of Louisiana. For those who are unaware, the Congressional maps that we enacted in March 2022 have been the subject of litigation roughly since the day the 2022 Congressional Redistricting Bill went into effect. And even before we enacted it after a substantial amount of prolonged litigation, the Federal District Court has adhered to its view that the Federal Law required that the state have two Congressional Districts with a majority of black voters.

[00:05:02]

Our Secretary of State, Attorney General, and our prior legislative leadership appealed but have yet to succeed and we are now here because of the Federal Court's Order that we have a first opportunity to act. The District Court's Order that we must have to majority black voting-age population district to bind with the political imperatives I just described has largely driven the boundaries of our District 2 and District 6, both of which are over 50% black voting-age population. Given the state's current demographics, there is not enough a high black population in the Southeast portion of Louisiana to create two majority-black districts and to also comply with the US Constitution's one-person-one-vote requirement. That is the reason why District 2

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February 9, 2024  
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was drawn around the Orleans Parish, and while District 6 includes the black population of East Baton Rouge Parish and travels up the I49 Corridor to include the black population in Shreveport, while this is a different map than the plaintiff's litigation have proposed, this is the only map I reviewed that accomplishes the political goals I believe are important for my district, for Louisiana, and for the country. While I did not draw these boundaries myself, I carefully considered a number of different map options and I firmly submit the Congressional voting boundaries represented in this Bill best achieve the goals of protecting Congressman Letlow's seat, maintaining strong districts for Speaker Johnson and Majority Leader Scalise ensuring four Republican districts and adhering to the command of the Federal Court in the Middle District of Louisiana. I'd be happy to answer any questions.

**PHILLIP DEVILLIER:** Thank you, Senator Womack. Representative Marcelle for a question?

**REPRESENTATIVE MARCELLE:** Thank you, Senator Womack for presenting this Bill. Did you have the opportunity to view the map that I filed?

**SENATOR WOMACK:** I reviewed several maps, Representative Marcelle.

**REPRESENTATIVE MARCELLE:** HB5.

**SENATOR WOMACK:** HB5, I didn't look at the HB5 per se. I looked at several maps, one of them could have been that.

**REPRESENTATIVE MARCELLE:** Okay, because I heard you say that you thought that your map was the best possible route, a pathway to get to what we needed to first of all make sure that we get out of the litigation, apply with Section 2 and go about the deviations and the compactness and all of those different things that we needed to do in order to create a second black seat, congressional seat. Is that what I heard you say?

**SENATOR WOMACK:** Yes, Ma'am.

**REPRESENTATIVE MARCELLE:** Okay. Well, I certainly want to thank you and I know I spoke to you yesterday about putting an amendment to your Bill to make sure that we could reduce the parish splits, and we had some conversations and it's a short period of time. Certainly, I don't know when the amendments are going to be offered up, but I certainly want to go down those same lines, since I could not get my map through which I thought was the best path that I would support this map with some cleanup done to it. So, I just want to make sure that I go on the record as saying that I spoke to you the things that my amendment would do would certainly be to add Red River Parish to Congressional District 6 and preserving the things in Red River Community as well. So, I want to go on the record as saying that I believe that we have had several maps that would have gotten us there, but I think because of political reasons we are here where we are today.

**PHILLIP DEVILLIER:** Representative Marcelle, just if I could chime in for a second so I can let the viewing members know that online there are two different amendments that will likely be

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February 9, 2024  
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proposed today and both of those are available online for the viewing public. If we could hold off on those amendments. We have a handful of questions on the board, Representative Marcelle, and then we'll come back. Is that okay with you?

**REPRESENTATIVE MARCELLE:** Yes, just wanted to make mention too that while I was asking him some of the questions. So, when you did this map, you considered the population deviation?

**SENATOR WOMACK:** Well, we had had to create the two districts. We had to think about the population.

**REPRESENTATIVE MARCELLE:** And the parish splits as well?

**SENATOR WOMACK:** The parish splits as well.

[00:10:00]

**REPRESENTATIVE MARCELLE:** So, you felt like this was the best pathway after you viewed those areas that we certainly had to do to enact this map?

**SENATOR WOMACK:** Representative Marcelle, I want to be and I was hoping that that covered that in my opening statement but my map is politically drawn to protect our members of Congress. As it stands, as well as create the two districts, minority district, black districts.

**REPRESENTATIVE MARCELLE:** So, in your opinion, your map does two things. It satisfies the court and it also protects the politics for our congressional members. Is that what you say?

**SENATOR WOMACK:** Yes, ma'am.

**REPRESENTATIVE MARCELLE:** Okay. Thank you very much. And thank you for your work.

**SENATOR WOMACK:** Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Marcel. Representative Boyd?

**REPRESENTATIVE BOYD:** Good afternoon, Senator. How are you?

**SENATOR WOMACK:** Fine. Thank you.

**REPRESENTATIVE BOYD:** So, I agree with Rep. Marcel. This is not in my opinion, the best map that I've seen, but I do understand what it took to get here. And my congressman seems to

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February 9, 2024  
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also be in support of the map. Therefore, I do plan on supporting the map, hopefully with some amendments. Are you open to an amendment on this?

**SENATOR WOMACK:** Yes ma'am. Once I see some amendments. You know, we look at amendments.

**REPRESENTATIVE BOYD:** Okay. And then she mentioned the parish splits. How many parish splits are they, do you know?

**SENATOR WOMACK:** I think we're 16 at the present time.

**REPRESENTATIVE BOYD:** And do you know the BVAPs for two and six?

**SENATOR WOMACK:** I'm sorry?

**REPRESENTATIVE BOYD:** The BVAPs for two and six. Do you know what they are right now?

**SENATOR WOMACK:** No, I don't.

**REPRESENTATIVE BOYD:** Okay. Do you have any communication with anybody with community influences on this? Have you met with other groups? Who did you meet with to come up with this map?

**SENATOR WOMACK:** I've had several meetings over the period of time with several groups.

**REPRESENTATIVE BOYD:** With community of interest as well?

**SENATOR WOMACK:** It was hard to create communities of interest with this map and still achieve some of the goals that we were trying to achieve from the congressional political standpoint.

**REPRESENTATIVE BOYD:** Okay. Again, based on the map in my conversation with our congressman, if we can get some things cleared up and straightened up on it, I would be in support of the bill as well.

**SENATOR WOMACK:** Okay. Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Boyd. Representative Newell?

**REPRESENTATIVE NEWELL:** Thank you very much, Mr. Chairman. Senator Womack, thank you for the time that you spent because I know myself, we've been in this redistricting process for almost three years now. So, I knew the time it took for me just to try to reach, redraw my house district because of the growth in Orleans Parish. So I do understand when you're looking at congressional districts. So again, I want to thank you for the time that you dedicated to



0118\_24\_hg\_p2  
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February 9, 2024  
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doing, to redrawing this map and submitting this bill. But I must say that I am along the lines of my two colleagues that just spoke that although this is a good map, this isn't the best map that has come before us. It does meet the court requirements. It does meet the statute and the jurisprudence that is before us that guides us as to what needs to be to satisfy congressional districts. I did look at your numbers, the BVAP and 2 and 6 as well as the total population for these two minority majority districts. However, there were two other maps that were presented that were stronger for those two minority majority districts and didn't do as many splits, that's House Bill 5 and Senate Bill 4. However, the politics of those two individuals that submitted those two maps, I guess have led us to having to work with yours. And it is disheartening that we do have so much politics that are guiding our maps instead of the policy and the people helping us to guide our maps and our decisions.

[00:15:00]

Because your map gives us what we're what we're wanting, I am going to support your map. And again, I'm going to say it's not because it's the best map, but it is because it looks as though it's giving what we need. It does not reflect what the African-Americans that we've heard from across the state during the roadshows in 2021 asked for, it does not reflect all of what the black caucus and the Democratic caucus has asked for these past three years, but it's the closest that we've gotten thus far, and it seems like it's the closest one that we're going to get that we could possibly get support from my other Republican colleagues on. But I just wanted to make that clear that it is not all that we asked for. And there have been better ones that were submitted by Democrats but this is the best one that we've seen that's been submitted by you, sir. And again, I thank you. That's all I have for now. Mr. Chair, I'll probably press my button again.

**SENATOR WOMACK:** Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Newell. Representative Marcel would like to just make a clarification for the committee.

**REPRESENTATIVE MARCELLE:** Thank you, Senator Womack. We keep using the term BVAP and we know that there are many people in the audience who may not understand that terminology. So, do you want to tell them what BVAP means? Or you want me to do it?

**SENATOR WOMACK:** Go ahead. You got the mic.

**REPRESENTATIVE MARCELLE:** I got. Okay, sir. I don't want to take over your Bill. It's the black voting age population for those that are looking online and maybe across the state because we keep using those terms, and I want to make sure that everybody understands what BVAP means. Thank you, Senator Womack.

**SENATOR WOMACK:** Thank you. When she when she asked that question, I started running through my mind. It's got to be voting age population and I hadn't heard the term BVAP. It's voting age population, which does meet the I don't know exactly, but it's in the high percentage 50 percentile on that on voting age population.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** Thank you, Senator Womack and look for the -- again, the viewing audience, those numbers are all on the Bill. They're part of the Bill that's been filed. So if you're listening online and you want to scroll through and look at different statistics on the maps and on the amendments, they're all there for you. Vice Chairman Lyons?

**VICE CHAIRMAN LYONS:** Thank you, Mr. Chairman. Thank you, Senator Womack for bringing this like that. Even though we were looking at this piece and I'm studying it as is there. And you mentioned in your opening statement about the plaintiffs and the cause of why you're doing this but my question is, did you do any comparisons to the plaintiff's map or the first map that was issued, drawn on this piece with your map?

**SENATOR WOMACK:** Representative Lyons, I've looked at so many maps in the last three days to say I did or didn't would be a -- I couldn't answer that, I'm sorry. But I've looked at so many maps, from what even through our roadshow and but in the last two or three days to say that that my map and how it compares to another map. I'm kind of where I'm at right now. And I can -- I know what my map looks like now.

**VICE CHAIRMAN LYONS:** Well, the reason why I asked that question was I wanted to know if you did any type of analysis to see how it would perform. I mean, it looks in particular, according to certain criteria that it is a workable map of some sort but how does it perform in comparison to the plaintiff's map that was out there, that existing map? I would think that you would compare it to that one because that was the map of not of choice but that was the map in litigation. How would your map perform along with that?

**SENATOR WOMACK:** I didn't look at a map, I looked at a performance chart.

**VICE CHAIRMAN LYONS:** Performance chart.

**SENATOR WOMACK:** Right. That was printed. It's online that we pull and it does perform very well. It does in the election it performs. I don't have that map in front of me. I'm sorry. I thought I'm looking for it, but I thought it was here, but it's not. But I did have that with me but it's not with me, but I do remember us looking at that.

**VICE CHAIRMAN LYONS:** Okay.

[00:20:00]

I just want to know, if you did an analysis and it was done in high compared, I know it could perform basically as I'm looking at it now, I would think it does. I don't think it will perform as better than the original map of the plaintiff, but it does perform -- I kind of want to see something at least close to that performance measures there, but this is a performing map. Thank you for answering my questions.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** Thank you, Vice Chairman Lyons. Representative Farnum for a question?

**REPRESENTATIVE FARNUM:** Thank you, Mr. Speaker. If it's the proper time, I'd like to offer an amendment.

**PHILLIP DEVILLIER:** Do we have any other questions before we go into the amendments? Because we have two amendments, no other buttons pushed, so give me two seconds and we'll come right back to you. We got one more question Representative Larvadain.

**REPRESENTATIVE LARVADAIN:** Thank you, Senator Womack, I want to thank you for trying to make an effort to comply with the federal judge, but when I look at your map and you have a copy in front of you, it goes from East Baton Rouge to West Baton Rouge to Pointe Coupee to St. Landry, some of [INDISCERNIBLE 00:21:09], some of Rapides, all of Natchitoches to DeSoto and then some of Caddo. Is that correct? Am I right? We're looking the right map?

**SENATOR WOMACK:** Which district are you going through? Two?

**REPRESENTATIVE LARVADAIN:** Yeah.

**SENATOR WOMACK:** District 5?

**REPRESENTATIVE LARVADAIN:** 6

**SENATOR WOMACK:** Right, you're right.

**REPRESENTATIVE LARVADAIN:** Okay. Now, when you look at the community of interest, I'm in Rapides. My district is cut up in two spots. I'm in District 4 and District 6. I know in the community of interest, you've got Rapides and Natchitoches, and I think that you've got the Creole Nation, you've got Northwestern State University. A lot of my students in my district attend those, so that's a community of interest. Would you agree?

**SENATOR WOMACK:** I agree.

**REPRESENTATIVE LARVADAIN:** When you look at Natchitoches, there's a community of interest with Natchitoches and Caddo. You've got lumber companies in that Natchitoches area. A lot of people work. RoyOMartin has a big plant at Natchitoches, and a lot of folks in my area work there. RoyOMartin from Alexandria, and a lot of folks work in DeSoto Way level of timber. And would you agree with that?

**SENATOR WOMACK:** I agree.

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**REPRESENTATIVE LARVADAIN:** You look at St. Landry. St. Landry has -- Opelousas has a nice size, medium sized hospital. So those folks in Pointe Coupee, they will go to St. Landry to get the medical care and so forth in Opelousas area. Would you agree with that?

**SENATOR WOMACK:** I agree.

**REPRESENTATIVE LARVADAIN:** And you look at West Baton Rouge, East Baton Rouge Parish. Is East Baton Rouge Parish cut in one district or two districts in your map because I'm having problems seeing it.

**SENATOR WOMACK:** I would have to look at the -- two.

**REPRESENTATIVE LARVADAIN:** Okay. I've seen maps till infinitum. So I think East Baton Rouge is divided into two. Is that two? It's yellow and I guess --

**SENATOR WOMACK:** Yeah right, two.

**REPRESENTATIVE LARVADAIN:** Okay. And it goes all the way to the great City of Shreveport?

**SENATOR WOMACK:** Right. Where our LSU hospital is.

**REPRESENTATIVE LARVADAIN:** The hospital is vital because in Alexandria, we had a Huey P. Long. You're familiar with that and Jindal shut down my Huey P. Long, so my folks in Rapides have to go to LSU. So that's a community of interest. Now, with your district, it goes from East Baton Rouge all the way to Caddo, which is probably about a two-hour ride, give or take. Because I take that ride a lot going up to my area in Alexandria. There was a different map that was heard in the senate, but it was a much cleaner map. That map didn't get out the senate and it didn't get out of this area. The map I'm talking about is Ed Price's -- I think Ed Price had a map. Price-Marcel map, I'm sorry. Did you get a chance to look at that map? That map was heard on the senate side.

**SENATOR WOMACK:** Yes.

**REPRESENTATIVE LARVADAIN:** Those districts were a lot closer, a lot compact, but you're presenting this district. When you look at District 4. That is the district for the speaker, Mr. Johnson. Is that correct?

**SENATOR WOMACK:** Right.

**REPRESENTATIVE LARVADAIN:** Does he have a problem with his district being cut in half like that? If you look at Winfield, if he's in Winfield and he goes to Sabine, he has to go through Natchitoches, which is not solid district. Do you think he has a problem with that?

**SENATOR WOMACK:** No, it looks like the shortest route would be through Natchitoches.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE LARVADAIN:** But his prior map was just one continuous area. Now he has to leave one district and go to another area, which he'll be representing. Is that correct?

[00:25:04]

**SENATOR WOMACK:** Yeah, that.

**REPRESENTATIVE LARVADAIN:** Okay. Have you had a chance to talk to Congressman Johnson about this map?

**SENATOR WOMACK:** Not directly to him.

**REPRESENTATIVE LARVADAIN:** Okay. Is he content with this map?

**SENATOR WOMACK:** He's content.

**REPRESENTATIVE LARVADAIN:** Even though it slashes right through the middle of his district?

**SENATOR WOMACK:** Yeah.

**REPRESENTATIVE LARVADAIN:** Now, Ed Price and Denise Marcel, let's go to District 5. Let's go the District 5 area. Their map, they were looking at District 5, which is the eastern part of Louisiana. In their map, they had that as the majority minority district, I think. But you kept that map so you can help your friend, Congressman Letlow. Is that correct?

**SENATOR WOMACK:** Yes, sir.

**REPRESENTATIVE LARVADAIN:** So this is more of a political map?

**SENATOR WOMACK:** Exactly.

**REPRESENTATIVE LARVADAIN:** So our objective is to get two majority minority districts. But you have presented us a political map. Isn't that correct?

**SENATOR WOMACK:** The influence is political. We created two minority black districts.

**REPRESENTATIVE LARVADAIN:** But you also said earlier that you were trying to do your best to protect Congressman Scalise?

**SENATOR WOMACK:** Scalise as well as Johnson, Letlow, which is my representative, and Higgins.

**REPRESENTATIVE LARVADAIN:** You were trying to protect your Republican team?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** That was a primary driver.

**REPRESENTATIVE LARVADAIN:** So this is a political map, but the judge wanted you to make sure that you presented two majority minority districts.

**SENATOR WOMACK:** And I've done that.

**REPRESENTATIVE LARVADAIN:** I don't know if you've done -- you've made an effort at it, but there was another map that was a lot cleaner map. Because the map that I see goes from Shreveport to Baton Rouge, which you're just zigzagging, and you picked up Alexander, you picked up Natchitoches, you picked up DeSoto. But it's more of a political map. The map that the Democrats pursued, it was a map that we agreed on two majority minority districts and this is more of a political map. Thank you.

**PHILLIP DEVILLIER:** Senator Womack, why are we here today? What brought us all to this special session, as it relates to 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 amount or I'll draw a map. So that's what we've done.

**PHILLIP DEVILLIER:** Is this map achieve that middle court's orders?

**SENATOR WOMACK:** It does.

**PHILLIP DEVILLIER:** Okay. When you were drawing the maps, you also took into consideration incumbency, correct?

**SENATOR WOMACK:** Right.

**PHILLIP DEVILLIER:** Okay, to protect not just our state, but our national interest as well. Is that correct?

**SENATOR WOMACK:** Right.

**PHILLIP DEVILLIER:** This is bigger than just us.

**SENATOR WOMACK:** It's bigger than just us and Louisiana has never been sitting in the poorest position that they are today.

**PHILLIP DEVILLIER:** What position does Congressman Mike Johnson have in the United States House of Representatives?

**SENATOR WOMACK:** He's a Speaker of the House.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** Okay. And what about Congressman Steve Scalise?

**SENATOR WOMACK:** Majority leader.

**PHILLIP DEVILLIER:** Okay. So if we've been able to accomplish what the judge has ordered through your map and also been able to protect the political interest, that is kosher, correct?

**SENATOR WOMACK:** Yes, exactly.

**PHILLIP DEVILLIER:** Okay. That's what I was thinking. That's what I've learned through the process and I just wanted to make sure that your map achieved that. Okay?

**SENATOR WOMACK:** Yes sir, Mr. Chairman.

**PHILLIP DEVILLIER:** All right. Senator, to the Board is cleared. We're going to go ahead, if you don't mind, and take up the amendments right now. Bear with me for two seconds. Senator Marcel -- sorry about that promotion. Representative Marcelle and Representative Farnum both have amendments. Hold that for me. Bear with me. So the first amendment is Amendment 68. That is Amendment 6 -- give me a second while it's loading. What amendment is 68?

**MS. BAKER:** [INDISCERNIBLE 00:29:51]

**PHILLIP DEVILLIER:** Representative Farnum, we're going to take up your amendment first?

[00:30:01]

Representative Farnum, we are going to take up your amendment first. Representative Farnum on your amendment.

**REPRESENTATIVE FARNUM:** Thank you Mr. Speaker. Do we need to read it in?

**REPRESENTATIVE LAURA:** Certainly.

**PHILLIP DEVILLIER:** Ms. Laura please read the amendment.

**REPRESENTATIVE LAURA:** Thank you so much Mr. Chairman. Representative Farnum is offering up HCASBA36268 and on page one, it is going to delete lines 13 through 17 and delete pages two through six and we will be inserting a new district configuration for the congressional districts for the state of Louisiana. This amendment is available online and is available in your packets members and contains maps and statistics relevant to the plan.

**PHILLIP DEVILLIER:** Thank you Ms. Laura. Representative Farnum on your amendment.

**REPRESENTATIVE FARNUM:** Thank you Mr. Chairman. So, in the beginning of this process, me and my colleagues from southwest Louisiana set out to accomplish making

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

Calcasieu in the history of our great parish. We have always had one congressman that represented us and with the current map is presented from Senator Womack, it is split Calcasieu Parish basically in half in population and with the community of interest in our industrial sector down there, we thought that was not just for our area. We probably wanted the top two or three economic engines for the state of Louisiana with our oil and gas industries and our LNG industry that is going on in our region. So, we thought it would be great to make an effort to get back to one congressman. We have issues with all sorts of natural disasters in our area and we have a hard enough time getting the adequate supplies and resources to our region in those situations with one congressman and I can imagine it might be a little more difficult with two. So, in that effort, we set out to make ourselves whole and in the process a lot of folks in other areas wanted to come along and be a part of this to correct little tweaks in their area. So last night a group of senators and representatives got together. I was not able to attend that meeting, so this is the product of that meeting. At the end of the day, we accomplished a few things. We kept the basic intent of what Senator Womack's Bill is in place and with a kind of a counterclockwise shift but the process has to happen that way to increase some areas in northeast Louisiana. To help that district to make Congressman Johnson come down some that inherently makes Congressman Higgins to have to shift to the east and so on and so forth. In the process, we increased both the black population and the voting population of both of the minority districts by almost a percent each in most cases. So, it helps the workability of the two new districts in what they are trying to accomplish and it accomplished making more parishes whole. I think we are down to 15 split parishes with this map, and so I think we have accomplished several things in the process and with that, we can answer questions or ask for your passage.

**PHILLIP DEVILLIER:** Represent Farnum. Does your amendment meet the judge's order?

**REPRESENTATIVE FARNUM:** Absolutely.

**PHILLIP DEVILLIER:** Okay. And so we have two majority minority districts or two black districts that have a majority voting age population over 50%.

**REPRESENTATIVE FARNUM:** I think it accomplished that but it actually increases the viability of the two minority districts.

**PHILLIP DEVILLIER:** Okay. And what about incumbency or the current members protects?

**REPRESENTATIVE FARNUM:** Protects all the current incumbencies. I think it meets all the checkboxes.

**PHILLIP DEVILLIER:** Okay. Thank you. Representative Marcelle. Give me a second Representative Marcelle because I am going to get Representative Farnum added back on. Bear with me.

**REPRESENTATIVE MARCELLE:** You ready? Thank you. Representative Farnum.

**REPRESENTATIVE FARNUM:** Yes, ma'am.



0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE MARCELLE:** You said that some senators and some representatives met last night but you were not able to be there. Is that what you said?

[00:35:06]

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE MARCELLE:** So whose map is this?

**REPRESENTATIVE FARNUM:** This is Senator Womack's map.

**REPRESENTATIVE MARCELLE:** No, no, no. The amendment.

**REPRESENTATIVE FARNUM:** The amendment.

**REPRESENTATIVE MARCELLE:** If senate –

**REPRESENTATIVE FARNUM:** -- it has to have an author from this committee.

**REPRESENTATIVE MARCELLE:** Okay. It has to have an author from this committee. So that is why. Who asked you to carry this is my question?

**REPRESENTATIVE FARNUM:** I started it myself without anybody asking me. Now, I allowed input from other members of this body to better my amendment because if mine was from my region's perspective.

**REPRESENTATIVE MARCELLE:** It is Calcasieu?

**REPRESENTATIVE FARNUM:** Calcasieu's perspective.

**REPRESENTATIVE MARCELLE:** And so let me walk down this really quick. In Calcasieu, you said that you wanted to make your parish whole. Did I understand that correctly? So instead of having two congressional representatives, you wanted to make sure you were whole and you just want one. Is that accurate?

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE MARCELLE:** Okay. But over in East Baton Rouge if I am reading it correctly, we now have three congressional districts. Is that accurate?

**REPRESENTATIVE FARNUM:** That is accurate.

**REPRESENTATIVE MARCELLE:** That is accurate. Okay. Good. So on the one hand, you want to make yourself whole and you want to split us, three ways in East Baton Rouge Parish?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE FARNUM:** That's the net result.

**REPRESENTATIVE MARCELLE:** That's the net result. Okay. Got it. So, are you aware of the population shift in Louisiana? You know, we had these hearings a year and a half ago, whatever those two years ago, whatever it was. Are you aware? Because I think you were on this committee?

**REPRESENTATIVE FARNUM:** Yes, ma'am.

**REPRESENTATIVE MARCELLE:** Okay. So, are you aware of the growth, the largest growth in the state?

**REPRESENTATIVE FARNUM:** Yes.

**REPRESENTATIVE MARCELLE:** Where was that?

**REPRESENTATIVE FARNUM:** Northshore.

**REPRESENTATIVE MARCELLE:** Where? Northshore?

**REPRESENTATIVE FARNUM:** Northshore.

**REPRESENTATIVE MARCELLE:** And where was Baton Rouge in that?

**REPRESENTATIVE FARNUM:** It's probably middle of the road.

**REPRESENTATIVE MARCELLE:** Middle of the road?

**REPRESENTATIVE FARNUM:** Yeah.

**REPRESENTATIVE MARCELLE:** Would you say that Baton Rouge had more growth than Calcasieu?

**REPRESENTATIVE FARNUM:** I do not know if that is accurate. I could not speak to that.

**REPRESENTATIVE MARCELLE:** They did. My point to you is that there was growth in Baton Rouge, they lost population in North Louisiana is that accurate?

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE MARCELLE:** They did lose population and I am just trying to refresh my memory in North Louisiana so. But you wanted to make sure that North Louisiana because it looks like I am looking at his map and your map and it looks like you shifts Letlow back over.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE MARCELLE:** And she picked up some more, right?

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE MARCELLE:** His map, Womack's map didn't do that. So you added back Lincoln and Jackson, and you made a whole in Washita. Washita, Washita.

**REPRESENTATIVE FARNUM:** Washita whole.

**REPRESENTATIVE MARCELLE:** Right?

**REPRESENTATIVE FARNUM:** Correct.

**REPRESENTATIVE MARCELLE:** Is that right?

**REPRESENTATIVE FARNUM:** That is correct.

**REPRESENTATIVE MARCELLE:** Okay. I want to make sure I got this right. Are you aware that this map that you are proposing has less compact overall than Womack's map or the enacting map? Are you aware of that? That it has less compactness? I know you did not have a whole lot of time to study it because it was last night.

**REPRESENTATIVE FARNUM:** Yeah. I do not know if I agree with that.

**REPRESENTATIVE MARCELLE:** You do not know if you agree with it?

**REPRESENTATIVE FARNUM:** No.

**REPRESENTATIVE MARCELLE:** Okay. Well, it does. In fact, it is the lowest compactness of all of the maps. That's A. The district level and congressional district 6 is less compact than Womack's map and the congressional district 2 is half as compact as Womack's map. Are you aware of that?

**REPRESENTATIVE FARNUM:** So, what I do know is that the BVAP increased --

**REPRESENTATIVE MARCELLE:** --I am not asking about the BVAP.

**REPRESENTATIVE FARNUM:** The population increased and it helps the electability of those minority candidates in those areas.

**REPRESENTATIVE MARCELLE:** I guess that is your opinion, but what I'm asking you for right now is facts in terms of the compactness of the districts. So, let me go to another one. Are

0118\_24\_hg\_p2  
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February 9, 2024  
Transcript by TransPerfect

you aware that it splits more municipalities than Womack's and almost twice as many as the Bill that I brought? Are you aware of that?

**REPRESENTATIVE FARNUM:** I'm not familiar with your bill.

**REPRESENTATIVE MARCELLE:** Okay. It was HB5 –

**REPRESENTATIVE FARNUM:** -- we did not have the chance to hear that.

**REPRESENTATIVE MARCELLE:** I presented it in here.

**REPRESENTATIVE FARNUM:** You voluntarily withdrew it.

**REPRESENTATIVE MARCELLE:** Pardon me?

**REPRESENTATIVE FARNUM:** You voluntarily withdrew it.

**REPRESENTATIVE MARCELLE:** But I presented it. But you had an opportunity to get it on your laptop and see like we get all bills, right? Because you are in this committee?

**REPRESENTATIVE FARNUM:** Yes.

**REPRESENTATIVE MARCELLE:** Okay. So, this map, well not the map, the amendments, if these amendments gets on this Bill, it will split more municipalities than Womack's. The deviation on these amendments that go to this map is a 129 which is both higher than Womack's Bill, which is almost twice as much as the enacted map at 65.

**[00:40:13]**

I think what I'm saying is, there were more than one goal to meet when we were told to draw these maps. It was more than one thing that we had to consider, compactness, communities of interest, not splitting municipalities, and it appears that this map or these amendments if we were to vote on this does far more harm than good.

**REPRESENTATIVE FARNUM:** So, it's my opinion that we addressed all of the issues that we were set out to do. We've accomplished all of the goals that we were mandated by the court to do. The two minority districts were very, very lightly touched and mostly white population was pulled out of those districts.

**REPRESENTATIVE MARCELLE:** Well, let me just say this, Representative Farnum. With all due respect, if you were just trying to make Calcasieu whole and that was your parish and you would try to do that, I might have a little bit more respect for this amendment. But since you are trying to make yourself whole and East Baton Rouge Parish split between three congressional districts, that would mean that -- for the public that's watching, because you can't see the map

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

but you may not be able to understand it, that would mean that Clay Higgins would represent the people on Lakeshore Drive in Baton Rouge. That's what that would mean.

**REPRESENTATIVE FARNUM:** So, in my area, Clay Higgins represents my house and if I drive 10 houses down the road, Congressman Johnson represents those people. Ten houses away from my house.

**REPRESENTATIVE MARCELLE:** I imagine because you're on the line. But what I'm saying is that's a far distance from where his district starts to bring him down to Baton Rouge. It's unclear to me what the motivation of often this amendment is other than political reasons. It certainly doesn't help us in Baton Rouge.

**REPRESENTATIVE FARNUM:** Well, all I can say is my constituents at home expressed a strong desire to remain whole.

**REPRESENTATIVE MARCELLE:** So do mine.

**REPRESENTATIVE FARNUM:** Now, whether we were in District 3 or District 4, I can appreciate that. I really can appreciate that and that's why we all get a vote here. This is my attempt to help my citizens in my area.

**REPRESENTATIVE MARCELLE:** I get that.

**REPRESENTATIVE FARNUM:** And in the process, I included a lot of other people from a lot of other regions who are included in the conversation. I can't speak to who all was included that night because I wasn't able to attend that. So, it was people from New Orleans. I think Senator Womack was in the room when it was discussed and feel free to jump in anytime.

**SENATOR WOMACK:** Okay. I was in that meeting and back to the BVAP and in the districts, District 2 and District 6 went up as far as black voter age population. Senator Gary Carter was in the room with us looking at this and working on this to try to come for the best outcome. We did include --

**REPRESENTATIVE MARCELLE:** I'm sorry. You said Senator Carter?

**SENATOR WOMACK:** Carter. Gary Carter.

**REPRESENTATIVE MARCELLE:** And that would be Congressional District 2, right?

**SENATOR WOMACK:** He was in the room.

**REPRESENTATIVE MARCELLE:** Okay.

0118\_24\_hg\_p2

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February 9, 2024

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**SENATOR WOMACK:** He was in the room and looking at these districts with us. This one, several senators tried to work to try to accomplish, I guess, a lot of maybe concerns from different ones but I know Red River Parish was put in.

**REPRESENTATIVE MARCELLE:** The only one that could've been concerned about Congressional District 2 would be Congressman Troy Carter. Is that accurate? Did he have a concern about your map?

**SENATOR WOMACK:** I would think that Senator Carter would be speaking in that capacity as to watching the VAP, the voting-age population. He was watching that. He was working with us to try to best fit everything that people was wanting and concerns from each side that we're asking for. And to still maintain the fact that we got them out to draw and we had to draw this map.

**REPRESENTATIVE MARCELLE:** So, let me ask you senator.

[00:45:01]

Was somebody from Baton Rouge asking to be split three ways in that room? Because I want to know who that was.

**SENATOR WOMACK:** I don't know where these people -- all of the people lived. I think Carter is back toward New Orleans.

**REPRESENTATIVE MARCELLE:** Yeah, that's what I said.

**SENATOR WOMACK:** Okay, all right.

**REPRESENTATIVE MARCELLE:** Right. That's what I said and this is --

**SENATOR WOMACK:** And I can't say he's been on the phone but he was in the room and worked with us on this.

**REPRESENTATIVE MARCELLE:** Let me say this and I'll leave it alone at this. I respect you, Senator Womack, that's why when I proposed a cleanup amendment to your bill. I came over to talk to you about exactly what I was going to propose on your Bill. I think it's disingenuous that we said here and we dropped maps that changes Baton Rouge because some senators got in a room and decided to change my district. This what I represent. It's not your amendment but I'm just making a statement.

**SENATOR WOMACK:** Yes, ma'am.

**REPRESENTATIVE MARCELLE:** And I'm not voting for any map that has Baton Rouge split three ways because that's insane. It's insane. And so, for whatever motive that they had, I believe that they threw a monkey wrench in a Bill that I think would've gotten out of here

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

without any opposition which is your Bill. So, I don't know if you realized it but I mean I don't think what they have done has helped your Bill. And if Farnum wanted to protect Calcasieu, that's Calcasieu and I have not got nothing to do with Baton Rouge. So, he should have put amendment on this Bill that protects Calcasieu not Baton Rouge, not changing a thing in Baton Rouge. And that's just my honest opinion. So, I would object to this amendment being added and I want everybody in Baton Rouge who's listening to please call your senators and the people that represent you and tell them, "We do not want to be split in three ways in Baton Rouge." Thank you.

**SENATOR WOMACK:** Thank you. Just for correction, Senator Fields was in the room with us. So, I appreciate Senator Cathy reminded me of that. He was in the room as well.

**PHILLIP DEVILLIER:** Thank you, Representative Marcelle. Representative Johnson?

**REPRESENTATIVE JOHNSON:** Thank you, Mr. Chairman. Senator Womack, you represent Senate District -- what's the number?

**SENATOR WOMACK:** Thirty-two.

**REPRESENTATIVE JOHNSON:** Thirty-two. You're my senator and we share a lot of people, a lot of population. You have spent a lot of time on this map, haven't you?

**SENATOR WOMACK:** Yes, sir.

**REPRESENTATIVE JOHNSON:** And you've tried to do it as best you can and to make it legal and to make it to adjust the population shift that has occurred in our state, is that right?

**SENATOR WOMACK:** That's right.

**REPRESENTATIVE JOHNSON:** You're not doing it in a vacuum. It's affecting people that are in your district.

**SENATOR WOMACK:** Yes, sir. That's exactly right.

**REPRESENTATIVE JOHNSON:** And you were catching a lot of heat because of that, aren't you?

**SENATOR WOMACK:** That's right.

**REPRESENTATIVE JOHNSON:** You take your responsibility serious, don't you?

**SENATOR WOMACK:** I do.

**REPRESENTATIVE JOHNSON:** Even when it hurts you politically.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**SENATOR WOMACK:** I do.

**REPRESENTATIVE JOHNSON:** And hurts me politically.

**SENATOR WOMACK:** It does and I've apologized.

**REPRESENTATIVE JOHNSON:** I know you to be a good and honest man who tries to do the right thing. Does this map, as amended by Representative Farnum, my good friend from Southwest Louisiana. Well, let me back up. You believe that you have presented a map that achieves all the necessary requirements and provides us with the best instrument that you could come up with?

**SENATOR WOMACK:** I do.

**REPRESENTATIVE JOHNSON:** Do you believe that Representative Farnum's amendment makes your bill better?

**SENATOR WOMACK:** Yes.

**REPRESENTATIVE JOHNSON:** And would you support your bill and your map and all of your time and all of your political pain that you and I are feeling if he presents that amendment?

**SENATOR WOMACK:** I do. I would.

**REPRESENTATIVE JOHNSON:** Thank you, senator.

**PHILLIP DEVILLIER:** Thank you, Representative Johnson. Representative Newell?

**REPRESENTATIVE CANDACE NEWELL:** Thank you very much, Mr. Chairman and Representative Farnum, I appreciate your attempt at drawing this map.

**[00:50:09]**

But what I don't appreciate, and I do understand that this is a compressed session, and let me pause right quick and say thank you to our staff, because our staff is truly overworked and underpaid. So, I understand how swiftly they work to try to get bills prepared, amendments prepared so that we can have them in order to get to committee. But with all of that, we also need to consider how critical it is for everyone to have this information and these documents and time that those of us who are sitting right here and about to vote on this. And senator, I'm sorry, I'm looking directly at you, but you right there, but this is no slight against you, this was not enough time to digest everything that is in this amendment. We went at ease at about 10:15, 10:20, whatever time it was in the 10:00 hour, but we just got these maps before we sat down, when you all saw us sit down and pick up these papers, that's why we were shuffling, because we just got these amendments. And I just needed to say this is too sensitive of an issue, too sensitive of a topic to rush through it and to be thrown a set of amendments. There's probably more splits than



0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

what we are noticing. Rep. Marcelle saw Baton Rouge because that's where she lives. So that's what jumped out at her first. But I'm sure there's some other members that might feel slighted. There might be some other populations or communities of interest that feel that they are not being listened to or heard. I would have appreciated more time to understand this since I was not given the benefit of being in the room. Rep. Farnum's name is on this map, and he wasn't in the room. You mentioned a lot of senators in the room talking about something that representatives are now sitting here trying to pour over, talk about, discuss and understand in a shorter period of time. Most of us can't really pay attention to the discussions because we're looking and trying to understand these 15 pages that we've just been given. And I just needed to put that out there. Mr. Protem, that we should need to give each other more consideration in our futures, that we give each other more time to digest things that are this sensitive of an issue and of a topic. And I'm still not satisfied with this map. Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Newell. Representative Mark Wright.

**REPRESENTATIVE MARK WRIGHT:** Thank you, Mr. Protem. I didn't expect to get called on so soon. I thought there'd be a line. I don't know. I'm going to upset somebody with this statement, but I'm just going to say it. I don't understand the idea of wanting just one rep for a parish. I think if you got two, you got two people to go to. I don't think congressmen sit there and say, St. Tammany, 50% is there. I'm only going to give it 25% of my time. I think if you got three, I think it's possible you get three congressmen working for your parish. So I don't know what that does, but I've been hearing this all week, heard in the last time we did this, and to me, just not something I think matters. So I'll leave it there.

**PHILLIP DEVILLIER:** Thank you, Representative Wright. Representative Boyd.

**REPRESENTATIVE BOYD:** Thank you, Mr. Speaker Protem. I think what the problem is that, again, following up on Candace or Rep. Newell, we just were presented with these amendments in your map as a matter of fact. I do understand, Rep. Marcel, that Senator Fields was in the room with this, but that's Senator Fields and Senator Carter in the room. We were not privy to that conversation, so we had no idea what we were expecting to see today. And now we are shuffling through pages and pages of a Bill as well as an amendment. So I don't think anything was done intentionally, but the frustration comes from us not having this ourselves, to actually digest it and meet with our people, our community of interest, and speak about what's being presented.

[00:55:05]

Exactly. So I think that that's the main issue here. Well, we know now who were in the room when this was being discussed, but we weren't, if that makes any sense. Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Boyd. Representative Larvadain?

**REPRESENTATIVE LARVADAIN:** Thank you, Mr. Chair. Rep. Farnum, thank you for making an effort to try to comply with the judge's wishes, but I'm still confused with your map.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

In the great Parish of Rapides, we've divided three ways. Is that correct? Three. I see pink, green and yellow in the great -- is that correct? Am I seeing something right? Yes. Look at Rapides. The real parish where I'm from, and Mike Johnson. Rapides is on the east side. It's in the yellow, which is -- would be Clay Higgins in the middle. It'll be in district 6, and then it has a portion of district 5, so it's 3 in. Is that correct? Okay. But your parish is only single. Is that correct? I think Avoyelles Parish is divided into two areas. Is that correct?

**REPRESENTATIVE FARNUM:** Excuse me?

**REPRESENTATIVE LARVADAIN:** Avoyelles Parish is divided in district 5 and 4.

**REPRESENTATIVE FARNUM:** Yes. And they're five splitting the current map.

**REPRESENTATIVE LARVADAIN:** Okay. Now, we had a better map that we think we proposed. But once again, with your map, you're dipping and diving and you're going through. How many split districts do you have in that area? Do you know?

**REPRESENTATIVE FARNUM:** How many what?

**REPRESENTATIVE LARVADAIN:** Split parishes you have? Just in district 6.

**REP. FARNUM:** So in this map, there are 15 split parishes. And in the original map, if I counted it right, there's 32 split parishes.

**REPRESENTATIVE LARVADAIN:** If I told you it was 16 original, would that be correct? Where would you get 36?

**REPRESENTATIVE FARNUM:** That's not the count that I came up with. I don't know. I might be wrong, but I think the asterisk beside the parishes mean that they're split.

**REPRESENTATIVE LARVADAIN:** Okay, let me correct.

**REPRESENTATIVE FARNUM:** There's 32 of them.

**REPRESENTATIVE LARVADAIN:** Yeah. In Senator Womack's, it was 16 split. Is that correct?

**REPRESENTATIVE FARNUM:** I don't believe that's correct. I think there's 32 in the original map. Help me with that, Ms. Lowrey.

**REPRESENTATIVE LARVADAIN:** I think it's 16.

**MS. LOWREY:** Members, I think what Representative Farnum is counting the number of asterisks, but the asterisk in front of a parish on the report on the split parish report means it is split, but there are 16 split parishes in the plan.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE FARNUM:** Okay, so we've reduced that by one.

**REPRESENTATIVE LARVADAIN:** Those 15?

**REPRESENTATIVE FARNUM:** If I'm adding it right.

**MS. LOWREY:** 15 in his original.

**REPRESENTATIVE FARNUM:** 15 in the original.

**MS. LOWREY:** And 16 in your amendment.

**REPRESENTATIVE FARNUM:** Okay, so we increase it.

**REPRESENTATIVE LARVADAIN:** You added one to it. Okay. Where does Congressman Graves live? Is he in district 6 or he's in district 5?

**REPRESENTATIVE FARNUM:** I have no idea where Congressman Graves lives.

**REPRESENTATIVE LARVADAIN:** I think he's in East Baton Rouge Parish.

**REPRESENTATIVE FARNUM:** I have no idea where he lives.

**REPRESENTATIVE LARVADAIN:** Would he be a part of district 5, that district, or you don't know?

**REPRESENTATIVE FARNUM:** I don't know. I don't know where any of the congressmen live, other than the regions that they come from.

**REPRESENTATIVE LARVADAIN:** Okay. Did you get a chance to talk to Congressman Mike Johnson about his district?

**REPRESENTATIVE FARNUM:** I have not. I talked to Congressman Higgins about his.

**REPRESENTATIVE LARVADAIN:** Okay. And what did Congressman Higgins say about his district?

**REPRESENTATIVE FARNUM:** He thought it was a good idea that we were okay to be split. I disagreed with him. Very civil conversation. He was disappointed that we would rather push to a single member. But I'm listening to my constituents, and that's who I have to answer to.

**REPRESENTATIVE LARVADAIN:** Does Congressman Higgins have a problem with going all the way from Cameron to Baton Rouge Parish? Is that ideal for him?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE FARNUM:** That wasn't the issue that he expressed to me.

**REPRESENTATIVE LARVADAIN:** Okay.

[01:00:00]

**REPRESENTATIVE FARNUM:** He would like to retain part of Calcasieu if possible and we disagreed with that.

**REPRESENTATIVE LARVADAIN:** Yeah. I don't blame him. I know he wants to control opposite of Lake Charles.

**REPRESENTATIVE FARNUM:** I'm perfectly fine having Congressman Higgins or Congressman Johnson. I like both of them. We just want to have one.

**REPRESENTATIVE LARVADAIN:** And it's not Representative Congressman Higgins? You'd rather have –

**REPRESENTATIVE FARNUM:** No. That's the rotation that's possible.

**REPRESENTATIVE LARVADAIN:** Okay.

**REPRESENTATIVE FARNUM:** It's a counterclockwise rotation. It's the only one that's possible.

**REPRESENTATIVE LARVADAIN:** And I know with Congressman Mike Johnson, the Caddo Parish, they want to make sure Barksdale and Fort Johnson on the same district. Is that correct?

**REPRESENTATIVE FARNUM:** I believe so.

**REPRESENTATIVE LARVADAIN:** And this map does that?

**REPRESENTATIVE FARNUM:** I believe so.

**REPRESENTATIVE LARVADAIN:** Now, what about Congressman Scalise? Did he have a problem with his district?

**REPRESENTATIVE FARNUM:** I don't think. I haven't spoke with him. I hadn't spoke with any of his staff. I couldn't answer that question.

**REPRESENTATIVE LARVADAIN:** What about Congressman Letlow? Did she have a problem with her district?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE FARNUM:** I think she very happy with the fact that she made Ouachita whole, which was one of her desires and gained more northern population for her district. People that she's represented in the past she wanted to retain those people.

**REPRESENTATIVE LARVADAIN:** And you had a good idea of what Congressman Carter wanted in district 2?

**REPRESENTATIVE FARNUM:** I have no idea.

**REPRESENTATIVE LARVADAIN:** And let me make sure. In district six, the new district, the VAP map is 54.32. Is that correct? I'm looking at it.

**REPRESENTATIVE FARNUM:** I'll take your word for it. They went up.

**REPRESENTATIVE LARVADAIN:** Yeah. BVAP. Okay. And we know that that district will perform at that capacity?

**REPRESENTATIVE FARNUM:** We feel like it'll perform better because the population, the BVAP, has increased.

**REPRESENTATIVE LARVADAIN:** And what about the BVAP for district 2 at 51.7?

**REPRESENTATIVE FARNUM:** It increased as well.

**REPRESENTATIVE LARVADAIN:** So your map will produce two majority minority districts. Is that correct?

**REPRESENTATIVE FARNUM:** That's correct.

**REPRESENTATIVE LARVADAIN:** But you've got several districts in district 6 where you have my district, Rapides is split three ways. And also, East Baton Rouge Parish is split three ways.

**REPRESENTATIVE FARNUM:** I think, in order to accomplish the shift in population. I think some of the white population was extracted from that minority district in order to increase their BVAP.

**REPRESENTATIVE LARVADAIN:** Okay, that's it. Thank you.

**PHILLIP DEVILLIER:** Thank you, Representative Larvadain and Representative Marcelle?

**REPRESENTATIVE MARCELLE:** Thank you. Let me start out by saying I'm not personally attacking any senator, particularly Gary Carter, whom I like and have served with. I believe that you said that Senator Carter was in the room. And I believe that you said that he probably was protecting the interest or speaking on behalf of Congressman Carter. So I asked the question, was

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

anybody in there from Baton Rouge? What I'm being told by my senator or one of my senators, which is Cleo Fields, that he was handed the finished product. He did not work on the product after the product was finished. That's what I was being told. That's A and B, we do have another senator in Baton Rouge. Her name is Senator Regina Barrow. She is the pro tem. So I'm wondering why she wasn't in the room. We are metropolitan area so I want to clear that up. I guess she wasn't invited to the party. I don't know. But I do want to ask our chairman if the Legal Defense Fund can come up and help to clear up some of the questions that we may have about this map and the performance, because we have the public who's listening and they should know what's going on. I believe that these are the people who could perhaps answer some of the questions that we have. And I certainly have some questions for them myself, since I can't get a clear answer on performance or compactness. All of these issues that we're talking about, the deviation, how many splits it is. I have an attorney right here by me, Mr. Larvadain, and because we were given this information a few minutes ago, as legislators, many of us can't decipher through it. So I would ask that LDF, the Legal Defense Fund, would be able to come up to the table to answer some questions as it relates to these amendments if you don't mind, Mr. Bollier. Chairman Bollier. Thank you.

[01:05:01]

**PHILLIP DEVILLIER:** Someone here present from the Legal Defense Fund like to come to the table? Ms. Lowery, on a clarification.

**MS. LOWERY:** Thanks, members. I'm sorry in the audience, I want to correct something I said earlier. Senator Womack's Bill presently has 16 split parishes, as well as Representative Farnum's amendment at 16 split parishes.

**PHILLIP DEVILLIER:** Thank you, Ms. Lowery, Rep. Marcelle. If you all wouldn't mind, please introduce yourselves and you all filled out cards?

**VICTORIA WENGER:** We did not, but we can.

**CHAIRMAN BOLLIER:** Please do. Thank you.

**VICTORIA WENGER:** My name is Victoria Wenger. I'm an attorney with the Legal Defense Fund.

**JARED EVANS:** Jared Evans, attorney with the Legal Defense Fund.

**REPRESENTATIVE MARCELLE:** Thank you all for coming to the table and thank you for your work on this matter. Can you please -- first of all, let me ask you a question, because perhaps you all got this map a lot sooner than us. You all have been working for how many years on getting this done?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**VICTORIA WENGER:** We filed our litigation, Robinson v. Landry. At the time, it was Robinson v. Ardoin, the day that the legislature overrode the governor's veto. I believe it was March 30, 2022.

**JARED EVANS:** But the work started around the first roadshow in October 2021 -- September 2021.

**REPRESENTATIVE MARCELLE:** Okay, so can you all please tell me, in your opinion, if this amendment get on what does it do to Womack's Bill? Does it make it better? Does it make it worse? Is it more compactness? Is it more split parishes? Does it make sense? Help me and help walk us through it, because the public really needs to know what's going on. I know they can't know because we just got hit with it today.

**ATTY. VICTORIA WENGER:** Representative Marcelle, we're in a similar posture to you. The map that we advocated for was presented here in the legislature as SB4, which died in committee, and HB5, sponsored by you. That exact map has been in public discourse since the roadshow, as my colleague mentioned, at least a similar version. Our attempt was to create a new black majority district in District 5 uniting North Baton Rouge with the Delta parishes. We have also seen in the public domain other versions of maps, like HB12 and 2022 that run along the Red River in the I-49 corridor. But we, for a variety of different reasons, had really coalesced around another option here, and that's because it has been held up to court scrutiny for years now. It has made its way before the district court, but also before the Fifth Circuit Court of Appeals. We've had to show that it's possible to reduce parish splits in line with Joint Rule 21, which was passed by this legislature in 2021. So I guess our journey started earlier than we represented. We've been following redistricting since perhaps the census, and since you all made the rules.

**REPRESENTATIVE MARCELLE:** I guess my question is, does this amendment make more splits than because I think it has 16 in it?

**ATTY. VICTORIA WENGER:** You all put us on the spot so let me pull out my notebook and talk a little bit about the other maps we've seen in this process.

**REPRESENTATIVE MARCELLE:** Okay. Well, I'm just trying to get a little clarity for myself and other members and just trying to figure out exactly what putting this amendment, and I know you hadn't had a long time to digest it. What is your opinion about adding this amendment to Senator Womack's bill?

**ATTY. VICTORIA WENGER:** Sure. So I think I heard recently, and again, we're processing this information as quickly as you all are, that there were 16 parish splits. Am I accurate in that?

**REPRESENTATIVE MARCELLE:** Yes, that's been accounted.

**ATTY. VICTORIA WENGER:** Okay. The enacted map that is currently in place has 15 parish splits. The remedial map that we propose in litigation and that has been vetted by the courts has 11 parish splits. Representative Marcelle, I think you also have an amendment that, I don't know

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

if it has this beat, but it's certainly closer to that. And again, I know that there's been different opinions shared here about parish splits, but that's coming not only directly from doctrine around redistricting, but also Joint Rule 21. We have been abiding by the rules that this legislature put in place for yourselves so that is the rubric that we are guided by, that the courts are referring to, that our map drawer is accountable to so that's why parish splits are emphasized. There's also a logic to it. There's a lot of governing that's done at the parish level here.

[01:10:03]

There are elections, administration, school boards, and other elements of civic life that have been recognized in your politics, in your policy, in Joint Rule 21, and by the federal courts. So that's why that principle is so important. I think there are many other things, and again, I don't even have a copy of the Amendment in front of me here, but we have had to comply with principles like deviation, and trying to get that as close to zero as possible. Certainly, trying to keep important places. We've heard really compelling testimony about the importance of keeping military bases whole, or the communities that serve those areas, whether it's housing or other communities of interest. We have tried to comply with that over the course of the process. Even SB4 and HB5, we have alternative options that we could pursue to keep some of the military districts or military bases that have been mentioned whole. We'd be happy to work on that with you all. We would be happy to end this litigation with a map that complies with Section 2 and also can achieve other political ends. We understand for any type of politics, that our Bill was not successful here. We do, however, know, based on the Amendment that Representative Marcelle has presented here, based off of record, from prior Bills filed in this process, or presented by the civil rights community that follow the Red River and I-49, that there could be ways to clean up this Amendment, to otherwise perfect it, that maybe could get us further towards resolution in this litigation. But none that could do that as efficiently and cost-effectively for years and years of expensive litigation with folks far above my bracket, to get it over with and to finally just be resolved. There is a path forward there. It is in grasp. We would love, and on behalf of our clients, we would love to see that resolution.

**REPRESENTATIVE MARCELLE:** Well, thank you. I just was wondering, [PH 01:12:08] Rappees and East Baton Rouge are heavily populated by minorities, right? Would you agree with that? And I was just wondering, how would the court view that, that we split it three ways, both of them?

**REPRESENTATIVE NEWELL:** I think the court would have a lot of questions about what the politics are guiding this. And I think my question is, why, for three years or more, are we not listening to black people who came here? We had young people who drove here overnight in the snow, on back roads, from my colleague's alma mater up north at Grambling University, just to have their voices heard in the process. We had people who were here when the whole state was closed down and were here on Martin Luther King Day when the nation was closed down. And they came to advocate for SB4. And they still, after years, have never gotten a floor debate. They've never been able to see this conversation happen or to have their grievances met with any genuine effort to resolve the Section 2 violation, or just honor a principle of fairness. So, there might be a path forward here. We tried to give a much easier one to get this litigation over with. I



0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

cannot speak to whether this is that path forward. I can speak to ways to do this better by redistricting criteria and hopefully give people some fairness and give you all some reprieve from federal court litigation.

**REPRESENTATIVE MARCELLE:** Okay, thank you. I'm just wondering if there's a risk that the judge would say that she would go ahead and draw it herself because instead of reducing it, we increased it. And so, the splits. I'm just curious. And we keep talking about the political motivations. And I heard, and I respect Senator Womack, who talked about. He wanted to make Scalise. He checked with Scalise, and he checked with Letlow. I heard every person's name except Gary Graves. And that's one of my congressmen. I was wondering if you all had a conversation with him as well.

**REPRESENTATIVE WYBLE:** Hope you're not asking us.

**REPRESENTATIVE MARCELLE:** Pardon me?

**REPRESENTATIVE WYBLE:** Yeah. You weren't asking that to me.

**REPRESENTATIVE MARCELLE:** No, I was just making a statement because I'm about to be quiet. But I just want to make sure that everybody understands when you start talking about, and I said this the other day when I was at the table if we could remove all of the people who represent the districts away from it and give it to somebody and allow them to draw it fairly, then we would get the best product. Because it's not impossible to draw two black congressional districts. But if everybody, nobody wants to give up any portion of anything, you're going to have the same problem over and over again. And I do respect that Senator Womack says his district is getting hit as well.

[01:15:03]

But everybody has to give up something to do what is right, and nobody wants to do that. Some people want to make sure that they have a certain number of a certain population to win, and it's just not right. It is not right. It is far too long that Louisiana has done things wrong. And it's about time that we do something that's right and get us out of the courts. And I want to thank you guys for your work. I don't know if anybody else has any questions for you, but I see this as strictly politics last minute. Let's throw in something and confuse the whole issue. But I will not vote for this Bill with that Amendment on it. Thank you.

**PHILLIP DEVILLIER:** Also, have you all filled out cards? If not, would you please?

[OVERLAY]

**REPRESENTATIVE WYBLE:** [INDISCERNIBLE 01:15:50].

**PHILLIP DEVILLIER:** Thank you. Representative Wyble.

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**REPRESENTATIVE WYBLE:** Yes. Thank you. If you could remain just for a minute, please. Sorry, I'm sorry. I didn't catch your name.

**ATTY. VICTORIA WENGER:** Sorry. I'm Victoria Wenger.

**REPRESENTATIVE WYBLE:** Thank you both for being here. I appreciate it. You mentioned in your remarks you connected splitting parishes with local politics and, like, school board elections. So, just connect for me. Where's the voter confusion if a parish is split with a school board election? Make that connection for me, because you mentioned school board particularly, specifically.

**ATTY. VICTORIA WENGER:** Yeah. This could vary based on parish to parish, based on what types of elections are happening, whether they're district at large, whether how many folks are on a school board, if there's someone elected at large in another position, it can happen a lot of different ways. Again, what I was speaking to again is Joint Rule 21, which signified the fact that this legislature, or the prior legislature that enacted it, wanted to keep in consideration how current lines, political lines, like parishes. That's probably the most significant one you could think of here. But another thing that our map considered, and that Joint Rule 21 is considering is municipalities or unincorporated areas. And so, you're thinking about, how are ballots drawn around that? How are people conceptualizing? And we don't just work on redistricting and litigating. We do civic education all the time, and we represent groups that are trying to get folks engaged in this process excited and knowing that their vote is going to matter. So, it's perhaps a way to reduce some confusion or to have, again, the lines line up. But again, I think the legislature and the folks behind Joint Rule 21, many of you all, colleagues or folks that have moved along to the Senate, but we're part of that process, can speak best to why that matters specifically to them. But it is something that's been dignified in the courts, that's been recognized both at a very Louisiana-specific level. In most other places, we're calling them counties instead of parishes. So, it means something here. It really matters. So, I think that's why perhaps it was involved in Joint Rule 21. Perhaps it's mattered to the courts. But parish splits are something you can quantify. You can look at how many times the parishes are split overall. There's this other quantitative metric we talk about called fracking, which is where multiple districts or different non-contiguous parts of a district are coming into a parish. We're just really looking at what are those metrics where it's fair to put one map side by side and make some observations about how they compare, where you can take politics, or you can take other subjective measures out of the equation for a moment just to do that side by side. So, I was mentioning that as one of those quantitative measures that are codified for this legislature in Joint Rule 21.

**REPRESENTATIVE WYBLE:** I was just curious where the correlation was because I'm not sure if you're aware, but we actually have parishes in Louisiana that have multiple public-school districts.

**ATTY. VICTORIA WENGER:** Absolutely.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE WYBLE:** So, in some of those parishes, they're already voting for different school board members. And there are splits if you want to call it that. You caught my attention when you mentioned school boards, and I was trying to figure out the correlation between that and splitting a parish in a congressional district.

**ATTY. VICTORIA WENGER:** Yeah, it really depends on parish by parish. And those are the types of lines. Or, like, you could have the districts, those school districts. That's one of the things that map jars can actually have on the screen and can be used as a measure of how to look at that. So, you can also look at what's called landmark or COI landmark. So, think of school districts or hospitals, airports, and everything else when you're looking at that metric. All I can speak to. I can't speak to this Amendment. I just saw it. But in terms of landmark place splits, the map that we had proposed had the exact same amount as the enacted map. So, that was another metric that in our process we are able to hold ourselves accountable to,--

[01:20:00]

to make sure our map was as good as or in most of the instances better than the enacted map.

**PHILLIP DEVILLIER:** So, look, Representative Wyble, we can do. I know you're a big school board guy. Why don't we take you with them afterward, and y'all can talk in some detail about that?

**ATTY. VICTORIA WENGER:** We've got slide decks on this. I'd be happy to provide a course anytime.

**REPRESENTATIVE WYBLE:** Thank you so much.

**PHILLIP DEVILLIER:** Thank you, Representative Wyble. Members, that clears the board. Representative Farnum has a motion on the table to adopt Amendment Set --

**REPRESENTATIVE MARCELLE:** 68.

**PHILLIP DEVILLIER:** 68. One second, members. Vice Chairman Lyons.

**VICE CHAIRMAN LYONS:** Thank you, Mr. Chairman. I was going to address this to Representative Farnum on your Amendment, and after the table was clear with that information, I just want to say that for the past two years, I've been through every roadshow throughout this state. I was in Calcasieu, and I heard the testimony there, and I sympathized and empathized with the individual residents there as they talked about being whole as other communities of interest throughout the state. That was the most impacting testimony that we received throughout this process. And it went on not only from my community to your community, but everywhere else. And the question remains always, and we don't have an answer for, is, can we draw the perfect map? I don't think we ever can draw the perfect map. I don't think that there's ever going to be a situation where everybody's going to be happy or even whole. But I'm looking at the mission that we have here, and the mission that we have is that we have to create two majority of black

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

districts and performance of those maps that we saw earlier, some that didn't make it through, some that were here, including yours, Senator Womack. Some of them performed, some performed better than others. But we have to look at the center of this piece, and that is to create those districts that perform and some of that's going to be for debate, and some that's going to be for the clearing pieces to happen as we go forward. But I just want to put on the record that I know the senators worked hard on this piece, and that goal is what was in mind, to create these two majority-black districts and to do it with as much of the criteria as possible to be done to make sure that it is conforming. And with that being said, I wanted to get that clear of what that message is and what we're doing here which you remember before we go over this piece. And I want to say that Mr. Chairman, as we go forward with this opportunity. Thank you.

**PHILLIP DEVILLIER:** Thank you, Vice Chairman Lyons members back on the motion. We have a motion by Representative Farnum to adopt, Farnum to adopt Amendment Set 68. Are there any objections to the adoption of that Amendment Set? Hearing no objection, Amendment Set 68 is hereby adopted. On to the next Amendment, we have Amendment Set 70, I believe. Representative Marcelle on your Amendment.

**REPRESENTATIVE MARCELLE:** Ms. Laurie, would you mind reading that in?

**MS. LAURIE:** Thank you, Mr. Chairman. Representative Marcelle brings Amendments at HCASB 8362, No. 70. This is available to members in front of you and also for the members of the public, it's available online.

**PHILLIP DEVILLIER:** Representative Marcelle, on your Amendment.

**REPRESENTATIVE MARCELLE:** Thank you. Amendment No. 3 adds River, the Red River Parish to Congressional District VI. Better preserving the Red River community of interest and the community of interest formed by Red River, Natchitoches, and DeSoto Parishes. It also makes Ouachita Parish whole in Congressional District V. It keeps all the delta parishes whole and together. It reduces the Parish splits to 11, it reduces the deviation to 22, and it keeps more of Shreveport together in Congressional District VI. I did that for Representative Phelps. Substantially improves the compactness of Congressional District VI.

[01:25:02]

Performs as well for black voters as Senate Bill No. 8, with a lower black voting age population. And that's what it does. And I ask for your favorable passes. It's actually a Cleanup Bill, it doesn't change Senator Womack's Bill a whole lot. It's just a Cleanup Bill, and it gives us fewer splits. And I'd ask for your favorable passage.

**PHILLIP DEVILLIER:** Thank you, Representative Marcelle. Members, just as a clarification, the way these Amendments are drafted in a fashion that,

**REPRESENTATIVE MARCELLE:** It's the whole plan.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** It's the whole plan, we're not taking a precinct here or there and adding, so it's a whole plan. So, the Amendment set that we just adopted, Representative Farnum, is currently the whole plan. What Representative Marcelle is proposing is that we abandon Representative Farnum's plan, and adopt Amendments Set 70, which would be a separate whole plan. Should this Amendment pass, it would replace the Representative Farnum Amendment that just passed. So, I just want to make sure we have a clarification on there. Do we have any questions on the Amendment? There are no questions at this time. If you give me a second, I believe we have some cards. I got a bunch of cards up here. We might have some cards on the Amendment set. Bear with me for a second while I sort through some of these.

[BACKGROUND NOISE]

**SENATOR PHELPS:** Mr. Chairman, if I might.

**PHILLIP DEVILLIER:** Go ahead, Senator.

**SENATOR PHELPS:** I just want to clarify that Senator [PH 01:27:17] Fields did come in with the plan, on the plan, but he was not for splitting up Baton Rouge. I want to clarify that.

**REPRESENTATIVE MARCELLE:** I certainly thank you for that because I was going to vote against Senator Fields the next time he ran if you told me he was splitting up Baton Rouge three ways. And I like him, but he was going to have to go if he did that.

**SENATOR PHELPS:** Well, I just want to put that on the record.

**REPRESENTATIVE MARCELLE:** Thank you.

**PHILLIP DEVILLIER:** Thank you. Representative Marcelle, we do have some green cards, all of them present and do not wish to speak. But all in favor of this Amendment set: Ms. Martha Davis, Mr. Jared Evans, Ms. Ashley Shelton, and Ms. Victoria Wenger. So, all those green cards are in favor. There are no questions for you, Representative Marcelle. Members, Representative Marcelle has offered up Amendments Set 70 for your consideration. Representative Farnum has objected. MS. BAKER, would you please call? So, look, a vote yes replaces Representative Farnum's Amendment with Representative Marcelle's Amendment. A vote of no keeps Representative Farnum's Amendment as your primary map, Ms. Baker.

**MS. BAKER:** Thank you, Mr. Chairman. Chairman Devillier?

**PHILLIP DEVILLIER:** No.

**REPRESENTATIVE MARCELLE:** : Representative Billings?

**REPRESENTATIVE BILLINGS:** No.

**MS. BAKER:** Representative Boyd?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE BOYD:** Yes.

**MS. BAKER:** Representative Carlson?

**REPRESENTATIVE CARLSON:** No.

**MS. BAKER:** Representative Carter? Representative Carver?

**REPRESENTATIVE CARVER:** No.

**MS. BAKER:** Representative Farnum?

**REPRESENTATIVE FARNUM:** No.

**MS. BAKER:** Representative Gadberry?

**REPRESENTATIVE GADBERRY:** No.

**MS. BAKER:** Representative Johnson? No.

**MS. BAKER:** Representative Larvadain?

**REPRESENTATIVE LARVADAIN:** Yes.

**MS. BAKER:** Representative, Vice-Chair Lyons?

**REPRESENTATIVE LYONS:** Yes.

**MS. BAKER:** Representative Marcelle?

**REPRESENTATIVE MARCELLE:** Yes.

**MS. BAKER:** Representative Newell?

**REPRESENTATIVE NOEL:** Yes

**MS. BAKER:** Representative Schamerhorn?

**REPRESENTATIVE SCHAMERHORN:** No.

**MS. BAKER:** Representative Thomas?

**REPRESENTATIVE THOMAS:** No.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**MS. BAKER:** Representative Wright?

**REPRESENTATIVE WRIGHT:** No.

**MS. BAKER:** Representative Wyble?

**REPRESENTATIVE WYBLE:** No.

**MS. BAKER:** There are 5 yays and 11 nays.

**PHILLIP DEVILLIER:** Members Amendment Set 70 has failed to pass, so we're back on the Bill, which is the Amendment Set of 68, which we have just adopted. We're going to go ahead and read in some cards present in support and not wishing to speak. We have Ms. Brianna [PH 01:29:54] Robillard. Present and support not wishing to speak Debora [PH 01:29:59] A Bear, Gary [PH 01:29:59] A Bear as well.

**[01:30:03]**

Alice [PH 01:30:06] Blay is present, not been supporting not wishing to speak. All of these are present and support not wishing to speak, Ashley Dooley, Heather [PH 01:30:15] Trice, Catherine Maze, Gail [PH 01:30:20] Berrault, Julia Harris, Joyce [PH 01:30:26] Lequeur, Lucille Harris, Christine Robinson, Kathleen [PH 01:30:37] Forms and Tisha [PH 01:30:44] Lathan. We have a couple of red cards present, and do not wish to speak in opposition Christine Robinson, Gail [PH 01:30:55] Perrault. And then we have some red cards present and would like to speak. I will start with Chris Alexander. Sir if you give the floor, please Senator.

**SENATOR CHRIS ALEXANDER:** Thank you.

**PHILLIP DEVILLIER:** Mr. Alexander, if you please introduce yourself if you're ready. Give me one second Mr. Alexander. Representative Newell, we have a question.

**REPRESENTATIVE NEWELL:** Newell.

**PHILLIP DEVILLIER:** I get it right most of the time.

**REPRESENTATIVE NEWELL:** Sometimes you do it great. These are great clauses because they're on the minute that we just voted on and that Bill.

**PHILLIP DEVILLIER:** So, the Bill now is the Amendment so as the red cards come up if they have a clarification to where they are this is they're not in opposition anymore. They can waive and or correct and we can waive these red cards if they are in favor of this Amendment, so we give the liberty of those who turned in the red card to be able to clarify that I don't want to speak for them.

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**REPRESENTATIVE NEWELL:** Okay, so we listen in to red cards before we do the final vote on that path thing, the Bill as amended.

**PHILLIP DEVILLIER:** Yes, Ma'am.

**REPRESENTATIVE NEWELL:** Okay. Thank you for that clarification, Mr. Chairman.

**PHILLIP DEVILLIER:** No, thank you for asking. Mr. Alexander?

**SENATOR CHRIS ALEXANDER:** Thank you, Representative DeVillier. Members of the committee. My name is Chris Alexander. I'm here simply on behalf of Louisiana Citizen Advocacy Group. As each of you know conservatives in the U.S. House of Representatives now have a two-vote majority, a razor-thin Republican majority. This is a super-majority Republican legislature, and it's that for a reason because 70% of the citizens of Louisiana are conservatives and actually in the U.S. House of Representatives second there's a one-vote majority, Republican majority because Representative Scalise is on medical leave now. So, we're one vote away in our country right now in the U.S. Congress from having the Biden-Schumer agenda essentially unleashed on the country. Some people may say, "It's already been" but there is some protection in the U.S. Congress right now because of that razor-thin majority. By voting for this Bill creating an additional minority district in Louisiana, it's our view that you are giving that majority away and you're putting the very delicate balance of power in the U.S. Congress in very grave jeopardy on matters of profound consequence to citizens of Louisiana and citizens across the country. Everything is at risk here. Now the argument that we've heard from a lot of Republican members here is that if you don't pass a new plan creating an additional minority district in Louisiana, then the federal court judge will make that decision. While her actual order says that the plaintiffs when they went into court for a preliminary injunction never tried on the merits, just a summary proceeding said that they had carried their burden of showing that the current map violates Section 2 of the Voting Rights Act and that the plaintiffs had a substantial likelihood of making their claims successful, which is that we'll have a Second Minority District in Louisiana, but there was no trial on the merits. But the judge essentially said, "If we have a trial on the merits, I'm going to rule in favor of the plaintiffs and I'm going to create a second majority-minority district in Louisiana." That's exactly what this Bill is doing right now. And if our current map goes, and if you do nothing and our current map goes back before Judge Dick she's going to probably end up doing the same thing but at least we have a chance to fight for the current map in our state and no matter how she rules we have the Fifth Circuit Court of Appeal and we have the U.S. Supreme Court and again, everything is at stake and it seems like we're simply giving it all away right now.

[01:35:00]

We believe that this is worth fighting for. We believe that that balance of power is worth fighting for and I would remind the members of this Panel that I know some of whom we helped get elected along with Governor Landry whom we worked very hard for and who we respect and think he's going to be a great Governor that the citizens of Louisiana worked very tirelessly to get you elected to come here not to cave into political pressure, which it appears to hundreds and



0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

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hundreds of citizens across the state and that's what you're doing. You're caving into political pressure and you're giving in without a fight. Speaker Mike Johnson has weighed in on this. We heard some testimony earlier that Congressman Johnson apparently was okay with this proposed legislation. That's not our understanding at all. In fact, Congressman Johnson specifically said that our current map from 2022 needs a full trial on the merits with appellate review all the way to the Supreme Court if necessary because the issue is so profoundly important to the future of this Republic. I want to reiterate before I close. As I said, people all over the state are watching this right now many of whom voted for you to come here some of you who were just elected very recently, and six months or a year from now, the United States Congress will be controlled by Democrats, it started in this house. It started and ended in this capital and that's what we'll have made it possible and the citizens of Louisiana, I can tell you will have a very, very, good memory if that occurs. I would respectfully submit that your responsibility is to represent the interests of the substantial majority of Louisiana citizens, and not to cave to political pressure, and we're asking you to defeat this legislation. Thank you.

**PHILLIP DEVILLIER:** Thank you, Mr. Alexander. I just have a couple of questions, but just from my standpoint, I sat on the committee when we drew the other maps that we all believed were fair and we believe is representative of the state of Louisiana. The Fifth Circuit sent it back to the federal judge and basically held us hostage that if we don't do it, she's going to do it and so none of us like the position we're in but you know -- and a little bit to your point we were elected to serve and we feel that that we would prefer to have the lines drawn in this committee then have some of Obama-appointed judge drawing the lines force. And so, we don't like it. It's painful to do and so I feel your sentiment and I'm not disagreeing with most of what you said. I mean, it would go on in a lot of our minds. So, I appreciate your comments. Thank you. You do have you do have a question, Representative Newell.

**REPRESENTATIVE NEWELL:** Thank you very much, Mr. Chairman. I'm troubled by your statements because this is not a process by which one party is losing power and caving into another party. This is a process by which the other 30% of the people in this state are trying to get the representation that their population and numbers deserve in Congress. This isn't a caving in or power grab or giving away of power or losing the power of the Republican party. It's an opportunity for this body to represent all of the people that they are supposed to represent in a District listening to them and giving them the opportunity to vote for someone of their choice whether that person of their choice is a black Republican or white Democrat. It's an opportunity for black people as some of my colleagues will prefer to be seen, but a minority-majority district to have the opportunity to vote for their candidate of choice, and I'm troubled by the way you said your statement. You're very respectful but I listen to the words. This is not supposed to be a process that is this contentious and this divisive, but it is a very difficult process and we have been fighting this for three years now I've been on this committee since the very start, went to Utah, with the rest of the people from across this country that had same job that we all have here to learn what we're doing.

[01:40:00]

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

Travel this state from north to south, east to west to listen to what all of the people in this state wanted. The White citizens in this state, their issue was keeping their communities together. You know what Black people wanted? Just an opportunity to have a voice in a room and that is what we're trying to do. It's not a power grab. It's not to say that Republicans rule or that if there's another chance where Democrats are ruling that that's a problem. We should not see one party as a problem. We should not see another person that has a different letter behind their name as the enemy like Kim. He's not the enemy because he's a Republican. We just have a different way of looking at things and that's how we should see. We both observing the same problem. We just have different ways as how we get to the solution, and we cannot continue to have this rhetoric on out in the world like it's a problem to be of another party or it's a problem for another party to be in leadership. We're not giving away power. The Republicans are not caving in because they're helping African Americans have an opportunity to vote for a candidate of their choice. That is what we're doing here. And we're going through this fight because as I've said many times before this is the first time that this country has gone through redistricting after the expiration of Section 5 of the Voting Rights Act. Section 5 required all states that had a history of racism that any bills, any laws that were passed that would affect people's access and rights to voting had to be overseen and approved by the Department of Justice. This is our first time doing this where we no longer have that supervision and God knows I wish we still had that supervision because clearly, we can't do this on our own. Because clearly somewhere along the lines the message is getting construed that this is a giving up of power instead of this is an opportunity to let other people enjoy the benefits that another group has had for forever and we're just try -- I just want to see African-Americans across this state have the same privileges you've had all your life and that is voting in someone that they know or believe would have their best interest at heart, whether it's in this building or whether it's in our United States Capitol. It's not a caving in, because if it was a caving in, this process would have been over long time ago and I just needed to say I don't have any questions for you, but your statement kind of disturbed me a little bit.

**PHILLIP DEVILLIER:** Sure.

**REPRESENTATIVE NEWELL:** Because I don't want you to think that it's a caving in of any party.

**PHILLIP DEVILLIER:** Well, I respect you, Representative Newell, and I respect your right to speak and I would always protect your right to speak but we do live in a democracy here and when a majority with a particular ideology is in power and control, policies should reflect that ideology. Our position here is very simple that Congressman Mike Johnson, the Speaker of the House, represents a conservative ideology. Many citizens across Louisiana are very proud and happy that he's there and this legislation threatens the authority that conservatives have in the United States Congress. He has said very clearly that our current map is constitutional and that we should fight for it in federal court in order to reflect the interest of the majority of Louisiana citizens and democracy in a republic means something. But I would always fight, by the way, for your right to speak and I value it greatly as much as I value mine.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE NEWELL:** Thank you for giving me my right and let me know I have a right to speak. I also have a right to vote and I also have had a right all my life coming from Orleans Parish as having an opportunity to vote for a representative of my choosing that I believe represented my interests and this democracy we need to make sure that it enables other people across this state to also have a voice and a right to vote for a candidate of choice that could also be their voices in rooms that they're not able to be in. That is what this process is, sir. So I appreciate you reminding me of my right to speak because I'm going to do it anyway.

**PHILLIP DEVILLIER:** Yes, ma'am.

**REPRESENTATIVE NEWELL:** But it also is my right to ensure that others have their right to speak and their right to vote and keep that access to voting intact and while they have that right in that access that they also have the ability to vote for a person of their choice. Thank you very much, Mr. Chairman.

[01:45:00]

**PHILLIP DEVILLIER:** Thank you, Representative Newell, and we have a handful of representatives that want to exercise their right to speak. Representative Carlson.

**REPRESENTATIVE CARLSON:** Thank you, Mr. Chair. Mr. Alexander, I appreciate your comments.

**MR. ALEXANDER:** Sure, and congratulations on your election.

**REPRESENTATIVE CARLSON:** Thank you very much. I appreciate that. Look, I certainly wish that we are in a different position in the House of Representatives with more than just a one-vote majority and that this wasn't looked at as a we're going to lose the majority or not kind of decision. But unfortunately, that's the position that we find ourselves and I can assure you this that we are 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. We've argued this case before the Fifth Circuit twice. We've asked the Supreme Court to hear it. They said you need to go and do your job first which our job is to draw these maps.

**MR. ALEXANDER:** Sure.

**REPRESENTATIVE CARLSON:** I don't like this position. I wish we were not in this position. I like the maps that the legislature a few years ago voted on and approved. But here we are and so we, as I look at it today, I'm a realist, right? I could say I wish things were different but today what is presented in front of me is either Judge Dick draw the map, or we draw the maps. I feel like this legislative body is going to draw a better map than Judge Stick will, period. And that's why we're here. That's why we're going to vote on the map that we think is the best and I would rather put this decision in the hands of elected representatives than in the hands of an unelected judge.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** I very much appreciate that, Representative Carlson, and I would simply argue in consistent with Speaker Johnson's position that our current map is constitutional and it's worth fighting for when you consider what it so profoundly at stake.

**REPRESENTATIVE CARLSON:** I understand but there is no position to fight at this time. It is either Judge Dick draw a map, or we create a map. There is no continue -- the fight cannot continue on beyond that until we draw a map, or we don't draw a map.

**PHILLIP DEVILLIER:** But if you don't draw a map or do draw a map either way you end up with a one majority-minority increase.

**REPRESENTATIVE CARLSON:** If we don't draw a map, we end up with a map that Judge Dick draws which will be a map with two majority Black districts, but --

**PHILLIP DEVILLIER:** Exactly what we're going to have as a result of this legislation.

**REPRESENTATIVE CARLSON:** But it will not be as good as the Senator's map.

**PHILLIP DEVILLIER:** Well, in the net effect, I would respectfully submit would be the same.

**REPRESENTATIVE CARLSON:** It certainly isn't. Look, I think there is a legal basis for it. Look, I'm glad that we are having this conversation and, in all fairness, and all honesty, I think all of these maps look crazy. Because the truth is, the overarching argument that I've heard from nearly everyone over the last four days has been race first. I wish it weren't that. This is the first argument today that said I'm basing a map on political reasons not on race and I think it's a shame that we are having a conversation where race seems to be, at least based on the conversations, the driving force when we do not live in a segregated society or nearly as segregated as it once was 40, 50 years ago. The reason why this is so difficult is because we are moving in the right direction. We don't have concentrated populations 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 are 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. And so, I hear what you're saying. I respectfully disagree with the characterization that it's been into political pressure.

**PHILLIP DEVILLIER:** Yeah.

**REPRESENTATIVE CARLSON:** You know me, and you know that I wouldn't do that, but I don't see any other path forward. This is the best of two bad options and I'm going to always do my job that's performing.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** And I understand that. Do you think there's anything that an option would be to allow our attorney general to argue the constitutionality of our current map in federal court that circuit court of appeals and supreme court?

**REPRESENTATIVE CARLSON:** Already been done twice in the Fifth Circuit and asked of the Supreme Court and they've refused to do that in here we like today.

**PHILLIP DEVILLIER:** There's never even been a trial on the merits, Representative Carlson, on it's not even in district court.

**REPRESENTATIVE CARLSON:** That is the judge's decision.

**PHILLIP DEVILLIER:** And if we don't do anything, they'll have one.

**REPRESENTATIVE CARLSON:** And if we don't do anything, we'll have a worst map. Thank you, Mr. Chair.

**PHILLIP DEVILLIER:** Thank you. Representative Marcelle.

**REPRESENTATIVE MARCELLE:** Thank you. Mr. Alexander, I guess it's disheartening for me to sit here in 2024 and here that we certainly need to keep the power and if you all do what's right in Louisiana, we're going to lose our thin majority. If we would have done what was right long time ago, you probably wouldn't be in the majority.

[01:50:02]

If Alabama passes what they need to pass and we pass what we need to pass, then perhaps we will have a fair and balanced Congress.

**PHILLIP DEVILLIER:** And you'll be in the majority.

**REPRESENTATIVE MARCELLE:** And what's the problem with that, sir?

**PHILLIP DEVILLIER:** Well, there's millions of Americans you have a problem with.

**REPRESENTATIVE MARCELLE:** Well, and guess what? It's millions of people who have not had an opportunity to have a seat at the table. We have a problem with voter suppression. We have a problem with people thinking that we can't make decisions. And let me say this. On the other side of the aisle, on the other side of the chamber, in the Senate, I have colleagues that have some of the same beliefs that some of you have, right? And they believe in prolife. They are African Americans. I believe in prochoice. So to say that everybody's ideology because they are black is one way is certainly crazy, number one. And number two, I really agree with you with something, and that is send it back to the courts and let Judge Shelly Dick draw the maps.

**PHILLIP DEVILLIER:** You agree with me?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE MARCELLE:** I do agree with that. Because then we could remove all of these different people and these moving parts that everybody, these political interests, because we do deserve two black congressional seats. Because where -- I went to school, it was a black school, though, Capitol high school, when you divide six into a third, a third into six, you get two. And so, we deserve two seats. And that's what we deserve. We're not begging for something that we don't deserve. That's what we deserve. And God forbid maybe somebody will get elected that feels like you have the same ideologies as you, but perhaps they won't. People need an opportunity to have their voices heard. And when I send somebody to Congress that feels like you, that represents my district, then you do not represent what I believe.

**MR. ALEXANDER:** But what if I represent the majority of the people in your district?

**REPRESENTATIVE MARCELLE:** What if what?

**PHILLIP DEVILLIER:** The questions come from this way to you, so we don't go the other way?

**MR. ALEXANDER:** Thank you. I appreciate that.

**PHILLIP DEVILLIER:** We need to keep this timely.

**REPRESENTATIVE MARCELLE:** I think it's disingenuous to sit here and say, and look at us in 2024 and say, black people in Louisiana, you might be a third, you could be 40 percent. But we do not want you at the table making decisions as it relates to what you want, or your constituents want. And that's what I'm hearing. And it's really sad.

**PHILLIP DEVILLIER:** Representative Marcelle, I hear you.

**REPRESENTATIVE MARCELLE:** It's about control. It's about power, and it is really fundamentally wrong. And I said this last year, and I was hoping not to get upset, but we meet afterwards. We barbecue, we go across the street, we hang out. We cool. I love you; you love me. We go up to the Bible study and we pray together, but we do not feel like we are equal. And that is wrong.

**PHILLIP DEVILLIER:** Thank you, Representative Marcelle. Representative Boyd.

**REPRESENTATIVE BOYD:** Thank you, Mr. Chair. Sitting here today thinking about the fact that we are literally fighting for an opportunity. It's not given because people still have to vote. An opportunity to have two black representations of African Americans in DC. The opportunity, nothing is guaranteed. We're here fighting for the last three years just for the opportunity. And with voter apathy, we really don't know where that's going to end up. With closed primaries, we really don't know where that's going to end up. But if we continue along this path, I feel the state as a whole will suffer. The reality of it is that Mike Johnson is the speaker of the House. They still have four Republicans representing Louisiana. We're here trying to stop just one additional

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

African American seat. What does that say for us? We have my chairman referring to the judge as an Obama, judge. We cannot continue to divide this city, the state, and expect to survive. It won't happen. We have to learn to coexist, appreciate our differences, appreciate the culture and differences. There are things that you cannot possibly understand in African American life because you're not one.

[01:55:02]

We cannot continue to throw out and spew divisive words and think that we can survive as a state. It won't happen.

**MR. ALEXANDER:** Representative Boyd, in what you're saying, it makes me think of what Thomas Jefferson said, who's one of the founders of our country. He said, in matters of taste and culture, swim like a fish. In matters of principle, stand like a rock. And that's what I'm asking this committee to do, is stand like a rock and allow our attorney to --

**REPRESENTATIVE BOYD:** That makes no sense. So, you get to further divide the state.

**MR. ALEXANDER:** I'm not here to divide anyone.

**REPRESENTATIVE BOYD:** That's exactly what you're doing. Thank you.

**PHILLIP DEVILLIER:** Thank you. Mr. Alexander, that clears the board.

**MR. ALEXANDER:** Thank you. Appreciate your time.

**PHILLIP DEVILLIER:** Thank you.

**FEMALE 1:** Mr. Chairman, is it possible to have a --

**PHILLIP DEVILLIER:** We have three witnesses left. Let's hold tight on that. Let's try and get through these three witnesses. If y'all could just be respectful of everyone, be respectful of time. Ms. Susie Labry -- What's that? Ms. Susie Labry would like to speak in opposition.

**MS. SUSIE LABRY:** Let me pull it up.

**PHILLIP DEVILLIER:** Ms. Labry, you ready to go?

**MS. SUSIE LABRY:** Okay. Mr. Speaker, Mr. Chair. And all the state representatives and U. S. Representatives. I'm Susie Labry, appropriate situational individualist who takes one issue at a time and represent myself against this bill because I'm in support of J. Hill hormone's proposals. Really? The speaker of the House, Mike Johnson and Congressman Steve Scalise in the power where they sit in Congress. First, gerrymandering is illegal. Number two, I'm for integration, not segregation. Number three, individualism is better in a collective class approach, one size fits all fail by hiding different individuals within a large class fall between the crickets. Number four, this

0118\_24\_hg\_p2

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

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causes interdivision, which we see now within the political, ethnic and cultural areas, causing conflict and confusion, chopping up and pulverizing once contented and happy integrated districts. When more important, deeper issues than just color. Small menaces of both colors, working people, both races disabled of both races, economics and taxation, streets, infrastructure to all races, schools, et cetera. I'm going to skip number five. Well, I want to leave room for other maps to be proposed by JC Harmon, which we had emailed to you last night and I hope you all have seen. It's called Harmon two. Number six, Louisiana is in a better and higher position of power nationally due to Speaker Mike Johnson and Majority Leader Steve Scalise and the different chairs and seniority we enjoy. If we have two minority districts, we will be short two votes in the US House of Representatives. Most estate is conservative, as you see here. When you don't want the house going back to the left with the present map or with JC Harmon's map, we would beat the cost of time, effort and money in the courts and other activities. Number seven, I'm either for the present map or JC Harmon's maps, which we had emailed to you last night. Eight, most everyone I have heard from in Louisiana are against two or any minority districts. Number nine, open it would be other cans of worms opening pandora's box of suits and other descriptions. I love Senator Womack, who is doing well and his best to serve his constituents in his district under restrictive circumstances. I want to thank you to keep up the good work and thank you for rejecting the rest of the bills calling for minority districts. It's been a pleasure coming to you, before you. Representatives, please keep up the good work and God bless you. God bless Louisiana, God bless the USA, and God bless our great Speaker Mike Johnson and Congressman Steve Scalise. Thank you.

**PHILLIP DEVILLIER:** Thank you, Ms. Labry. I have a Bert Kali here and it also says with Chris Alexander. Is there something additional that you wanted to add to Chris's comments?

**BERT KALI:** I don't know if it's so much. In addition, right now, what was going on is Christopher had a conflict, a meeting. He had to make another meeting with Congressman Higgins, so he couldn't be here at the time. But the recess, or at least the at ease went long enough to where had a chance to make it and speak for himself. So, I's here in my own behalf.

[02:00:03]

**PHILLIP DEVILLIER:** Thank you.

**BERT KALI:** My name is [PH 02:00:06] Bert Kali. I'm West Baton Rouge Parish RPEC chairman, and I'm speaking for basically my constituency. And they had some concerns, and I wanted to convey that to you all. They're wondering whether the courage is to stand up to federal judge. Basically, this federal judge, they feel, is ignoring the constitution. The constitution supersedes any act of congress, such as the voting rights act. And the constitution places determining congressional districts solely on the state legislatures. If we feel that it's an overreach of the federal government, and this is what we're having enough of being dictated to by the federal government on state and local issues, especially our own personal sovereignty. The past two, three years, it really brought all that to light, how far the federal government will go to trample on individual rights. So somewhere we got to stop and draw the line. So again, I grew up, I was young, naive, whatever you might want to call it, but I was a person who



0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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supported desegregation when my grandparents and my parents didn't exactly do so given the time of the 60s, early 70s. I don't understand why we seem to be wanting to segregate ourselves again, because all I hear, and from what I understand, gerrymandering is illegal when it comes to prioritizing race. And they say, well, then it's not a priority. But that's all I hear as far as the argument. And I understand having a seat at the table. Trust me, I do. I served in the military. I swore to defend the constitution. I sit on the board of election supervisors. We've had these same kinds of arguments and disagreements. But when I brought up the fact that if we refer to the law and follow the law, no one can really be upset with us unless they're ready to change the law, that is, to go ahead and draw the balls right, with the numbers on it, so that there's no picking and choosing in favoritism, it's a blank slate. So if we follow the constitution, the basics of the constitution, the core of it, we really don't have this issue other than we're having to fight a judge that is trying to dictate what we must do. So, again, as one of them stated, if Martin Luther King or Nelson Mandela had been not as strong willed and cowed to. I don't like the word cowardly in this case, as our current leadership, then apartheid and Jim Crow would still be in place. A country is not lost in an invasion. It's lost to the cowardice on the part of its leadership. So that's why we're not in favor of this. Thank you very much.

**PHILLIP DEVILLIER:** Thank you. Mr. Kali, Mr. Heard, the floor is yours. Would you please introduce yourself? Pick one.

**PAUL HEARD:** My name is Paul Heard. I am an attorney. I was lead counsel when we set this foolishness aside 30 years ago. The district and what I'm going to do is this. I have never represented anyone but voters. I believe in compact, contiguous districts for white, black, Asian voters that live together, work together, go to school together.

[02:04:59]

We have successfully defended that right in Louisiana. We've done it. I've done it in Texas. I've done it in Virginia. The point is this. You're being misled. And you politicians don't get misled. It's the cover. Here's where we are with the Section 2 claim. It is not --

**PHILLIP DEVILLIER:** I think you might have pushed your own button there. Are you trying to tell us something?

**PAUL HEARD:** My wife came and mute me so.

**PHILLIP DEVILLIER:** You leave the button alone; we'll control it for you. How's that?

**PAUL HEARD:** Are we good?

**PHILLIP DEVILLIER:** Yes, sir.

**PAUL HEARD:** All right. I apologize. Here's where we are with Section 2 voting rights claims, it is not unconstitutional to use race to draw districts. It is presumptively unconstitutional. What does that mean? How can I use race to draw a district? I could use race, provided that there is a

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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compelling governmental interest. Compliance with Section 2. There's a compelling governmental interest. Judge Dick has more or less signaled she's that far down the process. The second step, and this is where you're missing the opportunity of a proud vote of your life, and that is this. The second requirement of section two is whatever remedy there is going to be, it must be racially narrow, tailored. What that means is you take a traditional districting plan before you start fixing a section two remedy. And what makes it constitutional is when you have an opportunity to draw a majority minority district based upon communities of interest, whole parishes, whole cities. The points being made today are excellent, but what I'm going to tell you is you've made the full point that what you're considering is a racial gerrymander. This slash. And it's even worse than that. I don't know who was here in the 90s. Ms. Lowrey and I were, and two things happened. The Zorro district was set aside. It went all the way from Caddo. Does this ring a bell? Caddo, all the way down to Baton Rouge, all the way over to Lafayette, all the way a little bit east. And it was held to be a gross racial gerrymander. Unconstitutional under section two. Why? The reason it was held as unconstitutional is because the use of race that is apparent in that district and apparent in this district was not narrowly tailored to meet the requirements of Section 2. Race was overused to the subordination of other districting principles. Or, as Justice O'Connor said, when race predominates, it's unconstitutional. Why can we draw a compact minority district out of Orleans, up the river? The reason why is it's otherwise lots of community interest. It doesn't violate commonalities of interest.

**PHILLIP DEVILLIER:** Mr. Heard, would you entertain a question? I think something may have just come back. Sparked a question. Would you entertain a question?

**PAUL HEARD:** Yeah, if I can just get one second.

**PHILLIP DEVILLIER:** Okay.

**PAUL HEARD:** I've spent all day and I'll spend all night. I'll be glad to help one. But what we have done now. After we voided the Zorro district. The Z district. They enacted what was called by the federal judge the slash. This district that you're considering is 90% of the slash.

**[02:10:00]**

If you will look at Hays versus Louisiana 839F. Supp 1188 and then that's the Zorro district Judge Jacques Wiener, who is still on the fifth circuit, went through racial gerrymandering community by community and said why? It was excessive. He asked the question to start the opinion, can we use race in districting? And he said, the answer is yes. We can use it to comply with a compelling governmental interest. He said that this body, two things, then I'll be glad to go anywhere that a member would like to ask. He said two things. One, this was excessive. He said the same thing about the slash that did exactly what you all are about to do. That went up to East Baton Rouge, goes to Avoyelles then goes up the river taking minority districts. He said they're both racial gerrymanders because they subordinate all interest. This district will hand. I got good news for the plaintiffs. This district, if enacted, will hand them and Judge Dick unrestrained power to redraw your district because you just did it again.

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**PHILLIP DEVILLIER:** Mr. Heard let's get to the question.

**PAUL HEARD:** The last point is what Judge Weiner said, and this is what's equally important for you. He said, the federal government. At this point, it was section five. The federal government, one has no authority to impose on a state the violation of the 14th amendment. So, the idea that we're afraid of Judge Dick may be more demanding of the district, just like the DOJ was under preclearance, is of no concern. That's why our system gives us, the Fifth Circuit and the Supremes, this court. I mean, this body should consider either giving Judge Dick an opportunity to judge it, then submit a remedy plan if you lose or enact a remedy. Now, I've handed in material.

**PHILLIP DEVILLIER:** We've gotten all that. So I'm going to go on to Representative Carlson for a question. Representative Carlson?

**REPRESENTATIVE CARLSON:** Thank you, Mr. Chair. Mr. Heard after the Zorro district was eliminated and the Slash district as you represented was enacted, who created that district?

**PAUL HEARD:** The legislature.

**REPRESENTATIVE CARLSON:** And who did away with that district? Or who said that that was unconstitutional or could not stand?

**PAUL HEARD:** Judge Jacques Wiener wrote the opinion.

**REPRESENTATIVE CARLSON:** Okay and then we went back to the districts that we had up until recently, right?

**PAUL HEARD:** That's correct.

**REPRESENTATIVE CARLSON:** So, as I hear that, I see one major difference between then and now. I know you stated that the district that we're looking at creating through the senator's bill looks very similar. You said about 90% the same as that Slash district.

**PAUL HEARD:** I will reserve because you all done amendments that you've made unavailable to the public. Okay.

**PHILLIP DEVILLIER:** Like the amendments are public, and they are online and public.

**PAUL HEARD:** You put them online 10 minutes before we started a meeting, six hours late. That's not available for the public.

**REPRESENTATIVE CARLSON:** Mr. Heard, I appreciate that, and I understand. I wish we had more time to review those. That's when those were made available, but they are there for the public. I think there's one difference. We are being mandated by the judge to create a second black district, period. In your example, it's complete opposite.

0118\_24\_hg\_p2  
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February 9, 2024  
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**PAUL HEARD:** No, it's not.

**REPRESENTATIVE CARLSON:** The legislature tried to create a district that followed the similar route, and it was ruled unconstitutional. We're being told by the judge, by Shelley Dick, that we must do this, period. It's complete opposite. We must do it or she will. It's a complete opposite scenario than it was 20 years ago.

**PAUL HEARD:** Can I respond?

**REPRESENTATIVE CARLSON:** Absolutely and thank you, Mr. Chair.

**PAUL HEARD:** It's absolutely the same. What they held was in the 90s the federal agency that was telling you, you had to do it was the DOJ under section five, which itself was later held unconstitutional. The answer is they were wrong. They were unconstitutionally demanding racial districting beyond what the federal courts now recognized as the permissible range of remedy. We maybe. Look, I'll give Judge Dick an opportunity. It's not that she's held section two applies. The question is whether or not section two has a constitutional remedy.

[02:15:08]

I.e., I believe that my districting plan that I've handed in, and I did it for 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. The plaintiff's remedy, Senate bill four and five, they're both racial gerrymanders and will not stand up to the Fifth Circuit. There are abilities to draw a compact contiguous majority minority district, second one in Louisiana. What you're going to do, you're going to enact this. If I was Judge Dick, I'd look at and go, I'm sorry. I've already got the judge that wrote the opinion on the Fifth Circuit that says what you all are about to do is a constitutional gerrymander, therefore, I can disregard it. Disregard it. It is null and void, and she's going to draw the plan. If you want a remedy, enact your remedy. That's why it's exactly the same. You read the opinion and you'll see they said, the federal power does not override or force you to violate the constitution. Stand up for the constitution. Stand up if you want a compact district, draw the one that makes sense with our traditional districting principles, because you can do it. The answer is this is an unconstitutional alternative.

**PHILLIP DEVILLIER:** Okay, thank you, Mr. Heard. I think you've been very clear on it. The board is clear. We have no more witnesses. Senator Womack, we're going to go ahead and call you back up to close.

**PAUL HEARD:** Your honor. Your honor, I apologize. I've got a copy of that opinion that outlines all the reasons that what you've got is a racial gerrymander. I had an outline of each criterion that the judge applies on why this is an ineffective remedy and I hope your good judgment finds another solution.

0118\_24\_hg\_p2

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February 9, 2024

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**PHILLIP DEVILLIER:** Thank you. Representative Phelps, you filled out a card, but you didn't say you wanted to speak. Are you trying to speak now? I know you're not on the committee, but you want. All right, come right. All right. So, let's fill this out that says she does want to speak. She's providing information only, not a green card or a red card. So, Representative Phelps?

**REPRESENTATIVE PHELPS:** Thank you for the opportunity to speak. I just wanted to mention to maybe some of our new colleagues here when we talk about why we're here. This started from an increase of the population from our census, and I think we haven't heard a lot of that with the audience on the outside. It just was not a mandate to draw a map. So this does go with the 2020, the census results that resulted in a population increase of African-Americans across the state. Secondly, I hope that there is some passion here about if there were a different population, a white population, and there was so much pushback about creating a district so that everyone would be represented. How that may feel. Just a thought. Thirdly, when I heard Judge Dick's name reference to Obama's judge, I don't know if I've ever heard someone say Trump's judge or Carter's judge or Reagan's judge or whomever. I don't know if we're going to start referencing judges that way, but I hope that we do not do that in this body. I think we should give all of our elected officials a little bit more respect than that, regardless of what president they were appointed to or from. Thank you for your time.

**PHILLIP DEVILLIER:** Thank you, Representative Phelps. The board is clear. Senator Womack, would you come up and close on your bill?

**SENATOR WOMACK:** Thank you, Mr. Chairman, members of the committee, we all know why we're here. We were ordered to draw a new black district, and that's what I've done. At the same time, I've tried to protect Speaker Johnson, minority Leader Scalise, and my representative, Congresswoman Letlow. I'm agreeable to the amendment, and we complied with everything the judge has asked, and I just ask for favorable passage.

**PHILLIP DEVILLIER:** Thank you. Senator Womack. Representative Farnum has made a motion that we adopt Senate bill eight, as amended. Is there any objection?

[02:20:03]

Representative Marcelle objects. Ms. Baker. Let's see. Do we have anybody in the ante room? Needs to come in real quick. We have everyone here. Looks like everyone's here. Okay. Ms. Baker, would you please call the roll? So let me clarify the vote. A vote of yes moves Senator Womack's bill is amended by Representative Farnum forward. Vote of no leaves it here in the committee, Ms. Baker?

**MS. BAKER:** Thank you, Mr. Chairman. Chairman Beaulieu?

**CHAIRMAN BEAULLIEU:** Yes.

**MS. BAKER:** Yes. Representative Billings?

0118\_24\_hg\_p2  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE BILLINGS:** Yes.

**MS. BAKER:** Yes. Representative Boyd?

**REPRESENTATIVE BOYD:** Yes.

**MS. BAKER:** Yes. Representative Carlson?

**REPRESENTATIVE CARLSON:** Yes.

**MS. BAKER:** Yes. Representative Carter? Representative Carver?

**REPRESENTATIVE CARVER:** Yes.

**MS. BAKER:** Yes. Representative Farnum?

**REPRESENTATIVE FARNUM:** Yes.

**MS. BAKER:** Yes. Representative Gadbury? Yes. Representative Johnson? Representative Larvadain? Yes. Representative Lyons?

**REPRESENTATIVE LYONS:** Yes.

**MS. BAKER:** Yes. Representative Marcel? Representative Newell.

**REPRESENTATIVE MARCELLE:** [INDISCERNIBLE 02:21:02]

**MS. BAKER:** No for Representative Marcelle. Representative Noel, yes. Representative Schamerhorn?

**REPRESENTATIVE SCHAMERHORN:** Yes.

**MS. BAKER:** Yes. Representative Thomas?

**REPRESENTATIVE THOMAS:** Yes.

**MS. BAKER:** Yes. Representative Wright?

**REPRESENTATIVE WRIGHT:** Yes.

**MS. BAKER:** Yes. Representative Wyble?

**REPRESENTATIVE WYBLE:** Yes.

0118\_24\_hg\_p2

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February 9, 2024

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**MS. BAKER:** Yes. There are 14 yays and one nay.

**PHILLIP DEVILLIER:** Members who a vote of 14 yea and one nay. Senate bill eight is hereby adopted as amended. Reported as amended. There are no other matters before this committee. Representative Thomas have made a motion that we adjourn. Look, as we adjourn, thank you, everyone, for your patience. Thank everyone for your time. It's been a great debate, and we appreciate you. Meeting adjourned. Thank you all.

[02:22:27]



I, Anders Nelson, hereby certify that "0118\_24\_hg\_p2" is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson  
Anders Nelson (Feb 26, 2024 13:31 EST)

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Anders Nelson  
Project Manager  
TransPerfect Legal Solutions

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# **Exhibit 5**

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**ALL:** America and to the Republic, for which sustains one nation indivisible liberty and justice for all.

**MR. SPEAKER:** Morning hour number four.

**MADAM CLERK:** Official journal. The House of Representatives. The House of Representatives was called to order at 5:55 p.m. by the Honorable Phillip

[OVERLAY]

**MR. SPEAKER:** Representative Bacala moves to dispense the reading of the journal and moves to adopt the journal without objection, so ordered. Members, we are going to stand at ease for a little bit for the respective delegations to meet and discuss some of the conversations going on with the maps that we have in front of us. So I think each delegation is going to make announcement on where you all will be meeting. Representative Willard, do you want to make announcement? He does not need to make-- What about Representative Wright. Do you need to make announcement on a meeting?

**REPRESENTATIVE WRIGHT:** Thank you, Mr. Speaker. Republicans we are going to meet downstairs [INDISCERNIBLE 00:01:13] effective now.

**MR. SPEAKER:** The House will stand at recess.

[00:01:20]

[BACKGROUND NOISE]

[02:39:09]

**MR. SPEAKER:** Roll call. Members, vote your machines. Rep. Freeman, Rep. Emerson, Rep. Green. We have 104 members. Present in a quorum.

**MADAM CLERK:** Mr. Speaker and members, Representative [PH 02:39:42] Boyer moves to advance to regular order number six. Senate bills on third reading and final passage.

**MR. SPEAKER:** Without objection.

**MADAM CLERK:** Mr. Speaker and members, first instrument in this order, only instrument in this order is Senate Bill 8 by Senator Womack to enact Title 18. Relative to congressional districts, provide relative to redistricting Louisiana's congressional districts provide with respect to offices, positions other than congressional, which are based on congressional districts.

[02:40:11]

**MR. SPEAKER:** Representative Boyer, on the bill.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE BOYER:** Thank you, Mr. Speaker. Thank you, Madam Clerk, members. Also thank you, thank you for your patience this week. I know we have been charged with a tall task and your patience, your fortitude, your strong desires to represent your district. It's impressive. It's nice to see, especially with some of the new members, you've been awesome this week and you've stood strong. And to say it's impressive is just the bit of it. Members, I'm bringing you this congressional redistricting map that Senator Womack presented. You've heard it debated a couple of times. You heard it in committee as well. Yesterday, we added an amendment in committee to Senator Womack's bill. And so my first order of business, even before I make my opening remarks, is going to get this bill in the proper posture. I'd like to offer up an amendment to delete the amendments that we added in committee yesterday. So if you'll check your monitors, or Madam Clerk, would you mind reading in the amendment?

**MADAM CLERK:** Mr. Speaker and members, Representative Boyer, as he's just discussed is offering up a one-page set of amendments, that set is online. It's set number 83.

**REPRESENTATIVE BOYER:** So, members, after hearing from a lot of you, it's my thought that this instrument was in its best posture when it came over here from the Senate. And so, I am offering an amendment to put it back in that posture, and I'd ask for your support.

**MR. SPEAKER:** I see no questions on the amendment. Representative Morse for the floor on the amendment.

**REPRESENTATIVE MORSE:** Thank you, Mr. Speaker and chairman, and thank you, members. On yesterday, we had a pretty-- I would say, heated debate in H&G about these amendments. And so, I rise in support of removing those amendments. And I had a lot of questions after I got home about why didn't I object to the amendments. But I'd stepped out of the room, and so that's the reason for me not objecting to the amendments. I did object to the bill because the amendments had been added. I know this is the process. I think that the bill was in its best posture when it came over with representative-- I mean, with Senator Womack, Senate Bill 8; however, I tried to put that bill in a better posture. That matter failed. I know the process. I appreciate the process, and I appreciate the chairman taking that amendment off. That I think does us no good to get to a better place where we can get the second congressional district. And I'd ask that you all would support the chairman in removing the amendment that was placed on there on yesterday. Thank you.

**MR. SPEAKER:** Are there any objections to the adoption of the amendment? Representative [INDISCERNIBLE 02:43:43] objects. Would you like to speak on your objection? President Boyer, would you like to close on your amendment?

**REPRESENTATIVE BOYER:** Members, I just ask you to support the removal of the amendment that we added in house and governmental. Thank you.

**MR. SPEAKER:** Representative Boyer has offered up an amendment which Representative [INDISCERNIBLE 02:44:00] objects. All those in favor, vote yai. All those opposed, vote nay.

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February 9, 2024  
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The clerk will open the machine. Write, yay, Emerson, yay. Are you through voting, members? The clerk will close the machine. We have 84 yays and 16 nays. And the amendment passes. President Boyer on the bill.

**REPRESENTATIVE BOYER:** Thank you, Mr. Speaker. Thank you, members, for supporting me on that amendment. You'll bear with me for a second. I appreciate you giving me the opportunity to be with you here today. Two years ago, I sat on the committee that passed the original congressional map after redistricting, and we spent a lot of time going around the state, listening to folks from all over our state.

[02:45:05]

And this house, by over two-thirds vote supported a map that we thought was fair, that we thought was representative of the State of Louisiana. As Senator Stein 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. We have the Federal Voting Rights Act litigation. It's still going on in the US District Court in the Middle District of Louisiana. The map in this bill that I'm presenting is one of a product of long, detailed process with several goals. First, and as a lot of you are aware, Congresswoman Julia Letlow represents North Louisiana in our nation's capital and serves on both the appropriations and agricultural committees. The boundaries in the bill that I'm presenting ensure that Congresswoman Letlow remains both unimpaired with any other incumbents and in congressional district that should continue to elect a Republican Congress for the remainder of this decade. I have great pride in the work Congresswoman Letlow has accomplished. And this map will ensure that Louisians will continue to benefit from her presence in the halls of Congress for as long as she decides to continue serving our great State of Louisiana. Second, of Louisiana's six congressional districts, the map in the proposed bill ensures that are for safe Republican seats. Louisiana's Republican presence in the United States Congress has contributed tremendously to the national discourse, and I'm very proud and it's remarkable that both the speaker of the United States House of Representative Mike Johnson and the US House Majority Leader Steve Scalise, are both from our great state. This map ensures that the two of them will have solidly republican districts at home so they can focus on the national leadership that we need in Washington, DC. The map proposed in this bill ensures that the conservative principles retained by the majority of those in Louisiana will continue to extend past our boundaries to our nation's capital. Finally, the maps in the proposed bill respond appropriately to the ongoing federal litigation the ongoing Federal Voting Rights Act case in the Middle District of Louisiana. For those who are unaware of the background, the congressional maps that we enacted that I mentioned a second ago in March of 2022, have been the subject of litigation roughly since the day the 2022 congressional redistricting bill went into effect, and even before we enacted it. So the suit was filed before we actually enacted the bill. After a substantial amount of prolonged litigation, two trips to the Fifth Circuit asking it to reverse it, and a trip to the US Supreme Court, the Federal District Court has adhered to its view that the federal law requires that the state have two congressional districts with a majority of black voters. It's that simple. Our Secretary of State, our Attorney General, and our prior legislative leadership appealed, but have yet to succeed. And we are now here because the federal court's order that we have a first opportunity

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

to act. If we don't act, it is very clear that the federal court will impose the plaintiff's proposed map on our state, and we don't want that. The district court's order that we must have two majority black voting age population districts, combined with the political imperatives I just described, have largely driven the boundaries for District 2 and District 6, both of which are over 50% black voting age population, or BVAP, as you've heard discussed a lot in committees and may hear with folks discussing today. Given the state's current demographics, there is not a high enough black population in the southeast portion of Louisiana to create two majority black districts and to also comply with the US Constitution's one vote; one person requirement. That is the reason why District 2 is drawn around Orleans Parish, while District 6 includes the black population of East Baton Rouge Parish and travels up the I-49 corridor and the Red River to include black population in Shreveport. While this is a different map than the plaintiffs in the litigation have proposed, this is the only map I reviewed that accomplishes the political goals I believe are important for my district for Louisiana and for our country.

[02:50:00]

While I did not draw these boundaries myself and I'm bringing the bill to the floor for the Senator Womack carried through the Senate and through committee yesterday in this House, I firmly submit that the congressional voting boundaries represented in this bill best achieve the goals of protecting Congresswoman Letlow's seat. Maintaining strong districts for Speaker Johnson and Majority Leader Scalise ensuring four republican districts and adhering to the command of the federal court in the middle district of Louisiana. I submit to you this map and I'll be happy to take any questions.

**MR. SPEAKER:** Representative Taylor on a question.

**MADAM CLERK:** She waives.

**MR. SPEAKER:** Representative Amedee on a question.

**REPRESENTATIVE AMEDEE:** Thank you, Mr. Speaker. Rep. Boyer thanks for carrying the bill over here. Is this bill intended to create another black district?

**REPRESENTATIVE BOYER:** Yes, ma'am. And to comply with the judge's order.

**REPRESENTATIVE AMEDEE:** Thank you.

**MR. SPEAKER:** Seems no further questions. Representative Bayham for the floor.

**REPRESENTATIVE BAYHAM:** When I ran for the legislature, I had one goal and that is to give my community a voice. I've studied some of the plans that were submitted by my colleagues here. Representative Wilford Carter had a plan, I believe, that kept St. Bernard Parish intact and I appreciate that. Representative Carter. I am here to stand up for my community. St. Bernard has never been split into two congressional districts. We've already been split into two Senate districts. And to be brutally honest, looking at the way these precincts are and I know

0119\_24\_1es\_day5

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

every precinct, I've campaigned in every precinct in St. Bernard. We have two precincts, for example, that are in the second congressional district. One Precinct 24 gave President Trump 75% of the vote. Precinct 25 gave President Trump 69% of the vote. Those are in the second district. The first district is Precinct 44 which gave President Biden 83% of the vote. Precinct 45 gave President Biden 85% of the vote. It seems like these precincts were just thrown together like a mechanical claw machine just grabbing people and dropping them off. Now, I participated in the hearings on the congressional reapportionment where they toured the state. And I appreciated the leadership of the House and the Senate, the committees, in doing this, I took advantage of it. I testified. We are being told that we have to redraw all of this in a period of less than eight days. That is not how you make sausage. That's how you make a mess. I cannot in good conscience vote for this bill that divides my community and I will stand by that for my community. Thank you.

**MR. SPEAKER:** There's no questions.

**REPRESENTATIVE BAYHAM:** Thank you.

**MR. SPEAKER:** Representative Boyer to close on the bill.

**REPRESENTATIVE BOYER:** As a colleague mentioned earlier. Sorry, Representative Cox, if I have to quote you. Everybody likes to eat sausage but nobody likes to see how it's made. And it has been painful, and it has been painful for all of us. But it's simple. We're under federal judge's mandate and this bill is our best attempt to comply with her decision. So, members, I ask you to support me in voting for this map. Thank you.

**MR. SPEAKER:** Representative Boyer moves for final passes of the bill. Those in favor of, vote yea. Those opposed vote nay. The clerk will open the machine. Vote your machine, members. Members, are you through voting? The clerk will close the machine. We have 86 yeas, 16 nays, and the bill is finally passed. Representative Boyer moves to adopt the title and moves to reconsider the vote for which the bill finally passed and lay that motion on the table without objection.

[BACKGROUND NOISE]

[02:55:00]

Open the machine for co-authors. The clerk will close the machine. We have 10 co-authors. Morning hour number five.

**MADAM CLERK:** Mr. Speaker and members, the House has received a message from the Senate. The Senate has passed the following House Bills. Senate House Bill 16 return with amendments respectfully submitted. Yolanda Dixon, secretary of the Senate. The House in receipt of another message from the Senate. Senate has passed. House Bill 17 return with amendments respectfully submitted. Yolanda Dixon, secretary of the Senate.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[02:56:09]

[BACKGROUND NOISE]

[03:06:00]

**MR. SPEAKER:** Representative Bagley for a motion to move to correct his vote.

**REPRESENTATIVE BAGLEY:** I want to correct on Senate Bill No. 8. I want to correct from absent to nay.

**MR. SPEAKER:** Without objection.

**REPRESENTATIVE BAGLEY:** Thank you, Mr. Speaker.

**MR. SPEAKER:** Representative Taylor moves for a motion to correct her vote.

**REPRESENTATIVE TAYLOR:** Good afternoon, I would also like to vote from absent to yay on the amendment.

**MR. SPEAKER:** Without objection. Representative Jackson moves to correct his vote.

**REPRESENTATIVE JACKSON:** Yes, I want to change my vote from nay to yay.

**MR. SPEAKER:** Without objection.

**REPRESENTATIVE JACKSON:** Thank you.

[BACKGROUND NOISE]

**MADAM CLERK:** Mr. Speakers and members. Representative McFarland moves suspend the rules for the purpose of considering House Bills amended by the Senate at this time.

**MR. SPEAKER:** Without objection.

**MADAM CLERK:** Mr. Speaker and members first instrument in this order is House Bill 16 by Representative McFarland to appropriate funds make certain reductions from certain sources be allocated to designated agencies purposes. Mr. Speaker and members, as a reminder there were Senate committee amendments adopted from Senate Committee on Finance.

**MR. SPEAKER:** Representative McFarland.

**REPRESENTATIVE MCFARLAND:** Thank you, Mr. Speaker. Colleagues, I'm going to ask at this time that you concur with the Senate amendments. Just simply put the bill in its best posture.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

[03:10:00]

**MR. SPEAKER:** Representative Willard on a question.

**REPRESENTATIVE WILLARD:** Chairman McFarland, could you just hit on what those Senate Amendments did?

**REPRESENTATIVE MCFARLAND:** Yes, I can. So since there were no constitutional amendments that advanced, they removed the money we had allocated for the constitutional amendments. Since the closed primaries are going to be delayed until 2026, that allocation was no longer needed as well. So the only thing left now is the \$1.4 million for the congressional mail outs notifying our constituents and voters of a change in the congressional districts.

**REPRESENTATIVE WILLARD:** So to be clear, the only funding in this bill now is \$1.4 million, and the purpose of that is to send a mailer out to constituents to let them know of the changes of the congressional districts.

**REPRESENTATIVE MCFARLAND:** That's correct. It's \$1,401,377, to be exact.

**REPRESENTATIVE WILLARD:** Thank you so much, Mr. Chair.

**REPRESENTATIVE MCFARLAND:** Thank you.

**MR. SPEAKER:** Representative Phelps for a question.

**REPRESENTATIVE PHELPS:** Thank you, Mr. Speaker. Just real quickly, Representative McFarland. Obviously, this is a new cost for mail out for our new congressional districts, and this is not what we do for when we redistrict for the House -- for the legislature.

**REPRESENTATIVE MCFARLAND:** I'm sorry? I couldn't understand.

**REPRESENTATIVE PHELPS:** This is a new first for the mail out for new congressional districts.

**REPRESENTATIVE MCFARLAND:** That's correct.

**REPRESENTATIVE PHELPS:** And we do not do this for redistricting in the legislature, correct?

**REPRESENTATIVE MCFARLAND:** That's correct.

**REPRESENTATIVE PHELPS:** Thank you.

**MR. SPEAKER:** Representative McFarland, would you like to close?



0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE MCFARLAND:** I'd appreciate your favorable passage.

**MR. SPEAKER:** Representative McFarland moves to concur in the Senate Amendments, those in favor, vote yea, those opposed vote nay. The clerk will open the machine. Vote your machine, members. Are you through voting Geymann yea, Representative Miller yea, Representative Green yea, Representative Jordan yea, Deshotel yea, Representative Zeringue yea. Are you through voting, members? The clerk will close the machine. We have 104 yeas, 0 nays, and amendments are concurred in.

**MADAM CLERK:** Mr. Speaker and members, the next instrument in this Order is House Bill 17 by Representative Emerson to amend Title 18 relative to elections provide for a party primary system for elections for certain offenses, provide relative to nomination of candidates, qualification of candidates, voting, election dates, qualifying fees.

**MR. SPEAKER:** Representative Emerson?

**REPRESENTATIVE EMERSON:** Thank you, Mr. Speaker. Members, I'm going to ask you to concur in the Senate Amendments. Basically, it does four main things. It moves the effective date to 2026 to start the party primaries. Well, first they removed everything but Congress and the Supreme Court. And when I say Congress, I mean all of our federal elections. So Congress and Senate. But then they added back BESE and PSE. So this will include our Federal elections, Congress and Senate, Supreme Court, BESE and PSE. It's also going to move it back to having a primary or not back -- but it's going to move it to having a primary and a runoff, so you'd have to have a majority vote. If you get over 50% in the first round, then you would obviously be the winner. If not, you would go through a runoff. And then it also allows unaffiliated voters to pick a party primary to vote in. So they would walk in and say if they wanted to vote in the Republican or Democrat party primary and they would get to choose on election day.

**MR. SPEAKER:** Representative Jackson for a question.

**REPRESENTATIVE JACKSON:** Thank you, Mr. Speaker. Representative Emerson or Chairwoman Emerson, I have a question just on the logistics of the bill with these amendments. One, thank you for accepting to move the date back, and also thanks for agreeing to the --

**REPRESENTATIVE EMERSON:** I mean, frankly, we accepted your amendment that you had in the House.

**REPRESENTATIVE JACKSON:** Somewhat yeah.

**REPRESENTATIVE EMERSON:** So you're happy, right?

**REPRESENTATIVE JACKSON:** I am. But I do have some confusion or some questions about in 2026 Shreveport, we'll have a local election. So we'll have a Mayor's race, a School Board race, City Marshal and all that. We'll also have a U.S. Senate race and a Congressional

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

race. Will people be able to vote whatever party they want in those local elections, or will they be confined to voting for a specific party in that local election because they're going to be on the same ballot.

**REPRESENTATIVE EMERSON:** Yeah. So the local elections would not be included in the party primary process.

[03:15:00]

And so, as of now, they are not in this bill at all and they would still be under our current laws and how the election process works.

**REPRESENTATIVE JACKSON:** Right. So do we think we need to do some education on letting folks know that, hey, if you have a local election on your ballot, you're free to vote for whomever you want as opposed to making -- I can just see people going into the ballot when you have two different types of elections on the ballot. And people may think, well, I can only vote for a Republican, for School Board, Mayor, Sheriff, that could lead to some confusion.

**REPRESENTATIVE EMERSON:** So I understand the question. Of course, in that instance, when they would go in and see their ballot, obviously, they would see the different people that are on it. And if they're choosing to vote in a Republican primary, in a race that had a primary, then they obviously would choose from those candidates. In the event of the other races that would fall under the jungle primary system, they would see all those candidates on the ballot regardless of party.

**REPRESENTATIVE JACKSON:** Okay. Well, I thank you. I appreciate you for your willingness to bring forth those amendments and hope good luck on your bill. Thank you.

**REPRESENTATIVE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Hilferty?

**REPRESENTATIVE HILFERTY:** Thank you, Mr. Speaker. Chairwoman Emerson, so we have moved this from a plurality to a majority, correct?

**REPRESENTATIVE EMERSON:** Yes.

**REPRESENTATIVE HILFERTY:** What is the five-year total on the fiscal note now?

**REPRESENTATIVE EMERSON:** Well, if you look at it in front of you, the five-year total says 46 million.

**REPRESENTATIVE HILFERTY:** So we're looking at a \$46 million, almost \$47 million fiscal note to move to this and then ongoing. So after 2027, let's say 2028 to 2029, would that be a \$10 million continuation going on?

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE EMERSON:** Well, you're obviously looking at the same fiscal note as I am right here. And obviously, it's a five-year total. So my understanding, in the initial phases of just trying to prepare and get ready, and, of course, there were a lot of changes to this bill along the way. And so, there were also a lot of very fast changes to the fiscal note. So I think over time, hopefully we'll be able to curb those costs. But I think initially there is going to be a cost for set up to prepare for this because it is a different election system. But, Representative Hilferty, we are charged with funding our elections and it is an important thing for us to fund. Obviously, we are required to and I believe it's an important thing.

**REPRESENTATIVE HILFERTY:** My concern is this is \$47 million over five years. That's a lot of money, \$47 million over five years to implement this system. I know this isn't quite what you had when this initially came out, but in its current, it wasn't posture. It's a \$47 million plan that we're voting on. Thank you, chairwoman.

**REPRESENTATIVE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Hughes for a question.

**REPRESENTATIVE HUGHES:** Thank you, Mr. Speaker. Chairwoman, first of all, let me thank you for your extraordinary leadership and for the manner of respect in which you have guided this process. I really appreciate it. For clarity, I want to understand, I know you said that we're going to a majority system. Does that majority system apply to both the primary election and the general election, or just the primary election?

**REPRESENTATIVE EMERSON:** It applies to the primary election.

**REPRESENTATIVE HUGHES:** Okay. So hypothetically, correct me if I'm wrong, but a voter can go to the ballot. We can have a race for public service commissioner and mayor on the same ballot. And in essence, what we're saying is we could find ourselves in a situation where the public service commissioner is being elected by plurality, but the voter would still have to potentially go to a runoff election to select their mayor. So we're using two different standards for our elected officials. Is that accurate?

**REPRESENTATIVE EMERSON:** Change takes time and sometimes it's difficult.

**REPRESENTATIVE HUGHES:** Do you think that would create voter confusion for our voters?

**REPRESENTATIVE EMERSON:** Look, I think that it's the responsibility of us and also of candidates to make sure that voters are educated and understand what they're going to see on election day. I mean, look, Representative Hughes, our process right now is long and complicated. We have very long ballots. This is an attempt honestly in the general elections to try to make those ballots a little bit shorter. I will totally agree with you that we need further work on this issue. We have more elections than most states. The secretary of state and the

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

election commissioner testified to that in committee. We do have an enormous amount, so we'll certainly be working with them and everybody in here to try to make that better, showing that situation better.

[03:20:00]

**REPRESENTATIVE HUGHES:** Yeah. The argument was made previously that we really needed to elect members of Congress under a plurality system so that they could get to Washington as soon as possible to get their committee assignments. What is the wisdom for electing members of BESE and members of the Public Service Commission and members of the Supreme Court by a plurality rather than a majority?

**REPRESENTATIVE EMERSON:** Well, Representative Hughes, as in your previous question, you mentioned that we're looking at a couple of different systems here. It is my preference that we would move toward one system, and certainly, as you know, in the previous versions of this bill, we had a lot more offices in it. Representative Landry also brought an amendment that added even more offices to it. So I tend to agree with that. I would love to see us move to the same system for a lot, but as you know, how this process works in this building, negotiations go back and forth, and this is what I believe is the appetite of the body.

**REPRESENTATIVE HUGHES:** Great. Well, I appreciate you indulging my questions, and again, thank you for your leadership and your respect. Thank you, Speaker.

**MR. SPEAKER:** Representative Brown for a question.

**REPRESENTATIVE BROWN:** Thank you, Mr. Speaker. Chairwoman Emerson, let me just -- clarification. So when you refer to unaffiliated voters, we're talking no party voters, correct?

**REPRESENTATIVE EMERSON:** That's correct. They're not registered in a party.

**REPRESENTATIVE BROWN:** So because the independent party is a recognized party.

**REPRESENTATIVE EMERSON:** There is a political party in Louisiana that is called the Independent Party. Yes.

**REPRESENTATIVE BROWN:** So those would not be considered unaffiliated. When we refer to unaffiliated, we're just saying no party voters that would be able to vote in [INDISCERNIBLE 03:21:53].

**REPRESENTATIVE EMERSON:** That's correct.

**REPRESENTATIVE BROWN:** Okay. Thank you.

**MR. SPEAKER:** Representative Willard for a question.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE WILLARD:** Thank you, Mr. Speaker. Rep. Emerson, I just have a couple of questions. So you talked about those unaffiliated voters being able to participate in the primary. Would they have to change their party or temporarily change their party to vote in a democratic or republican primary?

**REPRESENTATIVE EMERSON:** This bill does not do that.

**REPRESENTATIVE WILLARD:** Okay. So they could just show up and pick which one they want to vote in?

**REPRESENTATIVE EMERSON:** That is what is. That's what's in this amendment that the Senate added in my understanding.

**REPRESENTATIVE WILLARD:** Okay. So I know what Representative Hughes was going through about the general election. So is it still possible in your bill to have more than two people end up in a general election?

**REPRESENTATIVE EMERSON:** Yes. So you would have a nominee from the parties that fall under the provisions that we have in the bill as far as having party primaries, and then other candidates from other parties or unaffiliated candidates can join the general election ballot. That's correct.

**REPRESENTATIVE WILLARD:** So in an instance where you have three candidates in a general election, is it possible that somebody could win election to that seat with only 34% of the vote?

**REPRESENTATIVE EMERSON:** Mathematically, yes. Likely, no.

**REPRESENTATIVE WILLARD:** But it's possible?

**REPRESENTATIVE EMERSON:** Mathematically possible.

**REPRESENTATIVE WILLARD:** Okay. What about how we're going to treat those third-party candidates? Was anything changed on that side? Do they still have to require the signatures in order to run?

**REPRESENTATIVE EMERSON:** So candidates that would like to join the general election ballot would still have to get these signatures and do a nominating petition to be on the ballot? Yes.

**REPRESENTATIVE WILLARD:** So for those signatures, can they get those signatures from all across the state?

**REPRESENTATIVE EMERSON:** If they're running statewide, yes. From their respective districts, they would be running in if they're running in a district.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE WILLARD:** So somebody brought up BESE. So let's say somebody was running for BESE. They would not be able to get signatures from across the state. They would have to get those from that BESE District.

**REPRESENTATIVE EMERSON:** That's correct.

**REPRESENTATIVE WILLARD:** Would they be able to get signatures from anybody, regardless of their party affiliation?

**REPRESENTATIVE EMERSON:** They would be able to get signatures from those that are not involved in the party primary process.

**REPRESENTATIVE WILLARD:** So they would have to get signatures from people that identify as them?

**REPRESENTATIVE EMERSON:** Not necessarily. It would be people who did not identify with one of the parties that was eligible for a party primary.

**REPRESENTATIVE WILLARD:** So if the Democrats and the Republicans have a primary and I'm running as birthday party candidate, I could get signatures from --

**REPRESENTATIVE EMERSON:** I know you joined that party.

**REPRESENTATIVE WILLARD:** No, I haven't. But I'm just giving you --

**REPRESENTATIVE EMERSON:** You and [PH 3:24:49] Kanya.

**REPRESENTATIVE WILLARD:** I'm just giving an example. I could get signatures from birthday party people, independents, green party, tea party. Okay.

[03:25:00]

You don't think that's still discriminatory on how we're treating candidates who want to run outside of the democratic or republican party?

**REPRESENTATIVE EMERSON:** So, Representative Willard, I think that as we debated when this was on the floor before. I think it makes the process fair because you're asking the candidates that would have to go through a party primary process and election. You're asking them to campaign to raise money to put themselves on a ballot, to go through that situation, to be in the general election. This, in my opinion, kind of levels the playing field of requiring some type of process for unaffiliated, independent, any other party candidate to be on the ballot. So I feel comfortable with it, and I understand if you don't, and certainly the will of the body as far as how they feel about it.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE WILLARD:** I mean, I don't feel comfortable with it because I do feel it's discriminatory, but I appreciate you answering my questions. Thank you, Rep.

**REPRESENTATIVE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Stagni for a question.

**REPRESENTATIVE STAGNI:** Thank you, Mr. Speaker. Rep. Chairman Emerson, I appreciate the work that's been done on the bill, and I appreciate the Senate doing its best to try to make the bill better. You and I talked last night.

**REPRESENTATIVE EMERSON:** I don't know if I totally agree it's better, but it is in the posture that I think the body has an appetite for.

**REPRESENTATIVE STAGNI:** I'll say in my view, it's a little bit better. I think there's still a ballot access issue for candidates that subjects your bill if it passes or when it passes to a legal challenge, because you allow Republicans and Democrats to get on the ballot by way of a qualifying fee, and yet you put a high hurdle for all other parties and non-affiliated voters by not giving them the ability to be on the ballot by a qualifying fee. So that's what really does make your -- you said change takes time and we want to make the ballots shorter. Is that how it makes it shorter?

**REPRESENTATIVE EMERSON:** I don't think so. I mean, I think this alleviates multiple candidates from the same party by going through a party primary process. Now, of course, if you have five libertarians that want to qualify to be on the general election ballot, they certainly have the ability to do so. But again, you have those candidates, if they're running in the party primaries, they actually can choose to do the nominating petition, but they can also choose to pay the qualifying fee.

**REPRESENTATIVE STAGNI:** So why not give them the same ability of just paying a qualifying fee and getting on the ballot? Why is that a problem for these other parties, but you feel like it's fair for just Republicans and Democrats to do that?

**REPRESENTATIVE EMERSON:** Because the two parties that you're mentioning that meet the threshold that we laid out in the bill, again, they have to go through a process that is a proper vetting process that they're going to go through their party primary. And the other candidates, I think it's also fair that they go through some type of vetting process and get other people to basically agree that they would like to see them on the ballot as well.

**REPRESENTATIVE STAGNI:** The difference is we elect people, not parties, and every person ought to have had the opportunity to qualify for that seat. I think that could be a legal issue. I want to touch on the voter confusion because that's why they repealed the closed primary back in 2010. So I go in to vote and the person in front of me is a non-party voter and they're allowed to vote. Person behind me is an independent, of which I have 8,000 in my district and

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

there's a number of districts that have a whole lot of independent voters. They are not allowed to vote. Is that correct based on the amendment from the Senate?

**REPRESENTATIVE EMERSON:** The Senate Amendment allows unaffiliated voters to walk in and choose the party primary they would like to vote.

**REPRESENTATIVE STAGNI:** The unaffiliated voter is a voter who's not chosen a party. So the non-party voter can vote. The person behind me who's the independent voter cannot. I just want to close with this question. We are ranked in the top 10 on holding elections. Anybody who wants to run for office can qualify and run. Anybody who wants to vote can vote for any of those people qualified. We're in the top 10. What necessitates do you think we'll get better? Why should we change the system we're in?

**REPRESENTATIVE EMERSON:** Well, I do have a lot of faith in the Secretary of State's office to make sure that our election stays secure and full of integrity.

[03:30:00]

So I don't think that this is going to confuse that process or make that not the case.

**REPRESENTATIVE STAGNI:** Thank you, chairwoman.

**REPRESENTATIVE JULIE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Marcelle, for a question.

**REPRESENTATIVE MARCELLE:** Thank you, chair lady and thank you for the process that you've use to get here. I am still a little bit confused about what the amendments have done in the Senate. With the amendments, if you're an independent, you can just come in and participate in the primaries. Is that it?

**REPRESENTATIVE JULIE EMERSON:** If you're an unaffiliated voter, so if you're a no party voter.

**REPRESENTATIVE MARCELLE:** If you're no party.

**REPRESENTATIVE JULIE EMERSON:** If you were part of the capital I independent party, you are part of an actual party because we have that in Louisiana.

**REPRESENTATIVE MARCELLE:** So help me to understand what is the difference between them being able to vote and an unaffiliated. I guess my question would be why wouldn't all the independents in the state just go and make themselves an unaffiliated voter so they can just vote how they want to? I mean what would that change?



0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE JULIE EMERSON:** And this may clear that up for them. They may realize they would like to be unaffiliated and it may have been their intention to be unaffiliated.

**REPRESENTATIVE MARCELLE:** Are you aware that when, I don't know how long ago, but hundreds of years we've had Democrats and Republicans, but not so many independents. Are you aware of the growth in the independent party in this state?

**REPRESENTATIVE JULIE EMERSON:** I've heard about it, yes.

**REPRESENTATIVE MARCELLE:** You are?

**REPRESENTATIVE JULIE EMERSON:** I've heard about it.

**REPRESENTATIVE MARCELLE:** You've heard about it. So why would we want to disenfranchise those voters?

**REPRESENTATIVE JULIE EMERSON:** I don't feel that we are, Representative Marcelle. Everyone can go vote in a general election. This is a party primary process. This is about the individual parties selecting their nominee to go on the general election ballot.

**REPRESENTATIVE MARCELLE:** And I guess my question would be they would have to do something in addition to what I as a Democrat would have to do and you as a Republican, is that accurate? So they have to get signatures but they have --

**REPRESENTATIVE JULIE EMERSON:** To be a candidate in the general election, yes.

**REPRESENTATIVE MARCELLE:** Do you have to get petitions and pay the money or you can do either or, right?

**REPRESENTATIVE JULIE EMERSON:** I can do either or. If I want to be in the republican party primary, I can do either or. But this doesn't apply to the legislature.

**REPRESENTATIVE MARCELLE:** Right. No, I'm just using us as citizens, as Democrats and Republicans. And let's just say it was PSC and I wanted to run for that. As a Democrat, I can get the signatures or I can pay the money. Correct?

**REPRESENTATIVE JULIE EMERSON:** To qualify for the party primary, yes.

**REPRESENTATIVE MARCELLE:** To qualify.

**REPRESENTATIVE JULIE EMERSON:** In order to qualify for the general election, you would just have to win the party primary.

**REPRESENTATIVE MARCELLE:** Okay. But if I'm an independent. I would not have that same opportunity. Is that accurate by this bill? If this bill passed?

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE JULIE EMERSON:** Well, again, to be on the general election ballot as a Republican or a Democrat, as laid out by the threshold in this bill, if you win your party primary, you advance to the general election. In order for other candidates to get on the general election ballot, you would have to use the nominating petition process. Yes.

**REPRESENTATIVE MARCELLE:** Okay. And I just think that's additional for them to have to go through a hurdle, additional hurdle then we have to go through.

**REPRESENTATIVE JULIE EMERSON:** I would argue that the candidates and the other two parties have to go through an additional hurdle of being in the party primary.

**REPRESENTATIVE MARCELLE:** Well, let me just say I'm wondering if it will pass the threshold of the legal system and will it be challenged in a court of law if this bill passed? And that's my concern. It's about the 900,000 independents that we represent, and I think that they should have access as equal as possible to the Democrats and the Republicans. And thank you for your work.

**REPRESENTATIVE JULIE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Bagley, for a question.

**REPRESENTATIVE BAGLEY:** Thank you, Mr. Speaker. Are we growing government here, Representative? I mean, I'm sorry.

**REPRESENTATIVE JULIE EMERSON:** I'm not trying to grow any government. I'm actually trying to just change the process about how people get elected.

**REPRESENTATIVE BAGLEY:** Well, I wasn't going to ask the question until you made a couple of statements about all the elections we're about to have. And I was understanding this is going to cause fewer, but I've not heard anything that came from you about fewer elections. It's been about more elections. And so, I was just wanting to be sure that I was thinking right.

**REPRESENTATIVE JULIE EMERSON:** Well, change takes time, Representative Bagley.

**REPRESENTATIVE BAGLEY:** Will it'll be fewer elections. That's the question.

**REPRESENTATIVE JULIE EMERSON:** What's that?

**REPRESENTATIVE BAGLEY:** Will there be fewer elections?

[03:35:02]

**REPRESENTATIVE JULIE EMERSON:** Will there be fewer elections? I hope there are going to be fewer elections in the future. But in this bill, the intention is to have the primary on

0119\_24\_1es\_day5

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

an already scheduled election day. Of course, the decision was made to move back to majority instead of plurality. So if nobody gets 50%, you would have an additional election in that scenario. But my hope is that we continuously try to reduce those situations.

**REPRESENTATIVE BAGLEY:** And in my district, I have a large number of independent, several of them are office holders who are not happy at all with this. And certainly, I've already voted no the first time. I'll vote no again this time. It's like we're picking out groups. Everybody's an American citizen should have the right to vote. Could not be abridged by anybody else. In this particular bill, I think we're changing that right of Louisiana citizens to vote or hold office in any election, because you've named several times where they'd have to go through certain things that they couldn't, that sort of thing. So I'm going to say [INDISCERNIBLE 03:36:04].

**REPRESENTATIVE JULIE EMERSON:** Okay. I don't think most other states do their elections in this way and have a party primary. So I don't think that we're doing anything that, like 40 something other states don't do or do.

**REPRESENTATIVE BAGLEY:** Thank you, Mr. Chairman.

**REPRESENTATIVE JULIE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Freiberg, for a question.

**REPRESENTATIVE FREIBERG:** Thank you, Mr. Speaker. Madam chair. If you're running for the presidential, if you're running in the presidential election, do you have to have a qualifying -- do you have to have a list? Do you have to have signatures? Or can you just pay a fee?

**REPRESENTATIVE JULIE EMERSON:** So when you qualify for the presidential preference primary, you pay a fee, obviously, from the national candidates. They pay a fee to be in the presidential preference primary. And president's a little bit different because the process for electing the president actually comes from the national conventions. It's a little bit more of a formality now, but it comes from delegates in the national convention. So what happens is we have the PPP, and then those delegates go to convention and different states do different things as far as how they allocate delegates. And then the delegates at the convention officially nominate the person, and then those people and then those nominees have to re qualify for the general election ballot as president.

**REPRESENTATIVE FREIBERG:** So I guess that's --

**REPRESENTATIVE JULIE EMERSON:** That's a slightly more complicated process.

**REPRESENTATIVE FREIBERG:** I go back to having to have signatures and not also having the option of paying the fee. That does seem fair. Thank you.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE JULIE EMERSON:** Thank you.

**MR. SPEAKER:** Representative Taylor, for a question.

**REPRESENTATIVE TAYLOR:** Thank you. [INDISCERNIBLE 03:37:59].

**REPRESENTATIVE JULIE EMERSON:** Microphone. Yeah. There you go.

**REPRESENTATIVE TAYLOR:** Good afternoon. I'd like to thank you for allowing me to ask the question. But my question is, how much would this process cost?

**REPRESENTATIVE JULIE EMERSON:** So if you look on, there's a fiscal note that you should have received. And look, honestly, this changed very quickly as the senate added some of these amendments. Frankly, my hope is to continue to work through this process to make sure it doesn't cost as much. But I do realize there's some upfront costs in it. So if you look on the fiscal note, it has a 2025, 26 fiscal year. It has a \$19 million fiscal note in order to prepare for the process of doing this. And then in subsequent years, it begins to fall off.

**REPRESENTATIVE TAYLOR:** Okay. And my subsequent question would be, why will we spend millions of dollars for this new process? Aren't there more important things in the budget that we can allocate these funds for rather than spending this money to change an election process?

**REPRESENTATIVE JULIE EMERSON:** Thank you for the question, Representative Taylor. Look, I think there's a lot of really important things that we pay for in the state, and I certainly think that elections are a very important thing that we have to pay for in the state. In my opinion, there's also a lot of things that are not important that we put in the budget. Thank you.

**MR. SPEAKER:** Representative Travis Johnson, for a question.

**REPRESENTATIVE TRAVIS JOHNSON:** Thank you, Mr. Speaker. Chairwoman Emerson, I know you intend for this bill to clean up the elections, but do you see any unattended consequences with having two different elections and also having independence paid? Do you see any unintended consequences making her pay and have a thousand signatures correct to get on the ballot?

**REPRESENTATIVE JULIE EMERSON:** Well, it depends on the office that you're running for. We were talking about congress a lot and for congress it is a thousand. Yes.

[03:40:01]

**REPRESENTATIVE TRAVIS JOHNSON:** How many signatures is it for the PSC and for BESE?

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE JULIE EMERSON:** I think it, I'm not sure on PSC and BESE, either 750 or 1000.

**REPRESENTATIVE TRAVIS JOHNSON:** Okay.

**REPRESENTATIVE JULIE EMERSON:** It trickles down from there as far as legislative races, but I believe in the districts of those size, it would probably still be 1000.

**REPRESENTATIVE TRAVIS JOHNSON:** Well, when I say unattended consequences, did you know that in some states this create more bureaucracy? For example, let's say you have a PSC member independent and it takes 750 signatures to qualify. Let's say they get 850 signatures. You have a well-funded Democrat, well-funded Republican who wants to get them kicked off the ballot. They challenge the signatures. Now you have to have a staff to go to each signature, make sure that that constituent reside in that district, they make sure it's their legible signature. It's a whole process. Right now, I'm witnessing other states where those individuals have had to go line item by line item making sure that each constituent can sign that particular ballot. Then if they make the ballot, have a retired judge, may make a decision, board of ethics, then they can appeal it. It can go on in a court process time and time again, so I just know that other states have many unattended consequences when using this particular process. So do you think that this situation can lead to that unacquainted consequence?

**REPRESENTATIVE JULIE EMERSON:** You know, Representative Johnson, you and I have served together here we're in our fifth year, and I think there's a lot of bills that we pass here that may or may not have some unintended consequences. The good thing about this bill is the implementation is not until 2026. So I'll be happy to work on any type of cleanup language that we need even in the upcoming general session and over the next couple of years.

**REPRESENTATIVE TRAVIS JOHNSON:** You don't think of this big or disenfranchised independent voters?

**REPRESENTATIVE JULIE EMERSON:** I don't.

**REPRESENTATIVE TRAVIS JOHNSON:** Thank you.

**MR. SPEAKER:** Representative Knox, for a question.

**REPRESENTATIVE KNOX:** Thank you, Mr. Speaker. Chairwoman.

**REPRESENTATIVE JULIE EMERSON:** Yes.

**REPRESENTATIVE KNOX:** Are you aware that there's approximately 200 plus thousand veterans in the State of Louisiana?

**REPRESENTATIVE JULIE EMERSON:** I'm sorry, what did you say?

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**REPRESENTATIVE KNOX:** The veteran population, are you aware? Both those --

**REPRESENTATIVE JULIE EMERSON:** I'm not sure how many we have, but I certainly appreciate their service and I'm glad they're here.

**REPRESENTATIVE KNOX:** Thank you. I appreciate you making that comment. As a veteran, I have a large population of veterans in my district, many of whom are independent or non-party affiliated. So my question, is there any consideration or exception that would allow these veterans to vote in the primary?

**REPRESENTATIVE JULIE EMERSON:** So thank you for the question, Representative Knox. And again, certainly I'm glad that we have so many veterans that live in the State of Louisiana. Just like all of our other citizens who certainly enjoy the right to vote, they're going to be able to vote in the general election process. This process is a party primary process that is specifically related to choosing the nominees of those individual parties. And if those veterans are part of the parties that meet this threshold, which in current case would be Republican and Democrat, or if they're unaffiliated, they would be able to go vote in the party primary.

**REPRESENTATIVE KNOX:** So they would have to go through the extra hurdle to vote in the general if they're not affiliated?

**REPRESENTATIVE JULIE EMERSON:** There's no extra hurdle for them to vote in the general. No.

**REPRESENTATIVE KNOX:** Thank you.

**MR. SPEAKER:** Representative Boyd, for a question.

**REPRESENTATIVE BOYD:** Thank you, Mr. Chair. Good afternoon, Madam. Thank you, Mr. Speaker. I want to piggyback on something Rep. Knox just said, because it does seem like they have an additional hurdle as an independent. Because if we have a party primary, an independent with the big eye, as you called it, is a party but they can't qualify in a primary. They have to get the signatures for the general. It does appear that they're getting like a double standard because the no party can just go the day of the election, the general election, and decide where they want to vote, but not the independent. But the independent can't qualify in a primary party election. Is that correct?

**REPRESENTATIVE JULIE EMERSON:** That's correct. I just want to be clear. I wasn't trying to misspeak. Representative Knox asked me if the voters would have an additional hurdle to be able to vote. That's how I understood his question. So they would not have an additional hurdle to be able to vote.

**REPRESENTATIVE BOYD:** I'm making his question more specific then, because the independent party can't qualify in the party primary. Correct?

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
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**REPRESENTATIVE JULIE EMERSON:** The members of the independent party, which is a recognized party in this state would be eligible to be on the general election ballot by nominating petitions.

**REPRESENTATIVE BOYD:** So it is an additional hurdle because we have a party primary with the Republican and Democrats, independent is a party.

**REPRESENTATIVE JULIE EMERSON:** I disagree with -- okay.

**REPRESENTATIVE BOYD:** On the day of the question, on the day of the general, a no party person can go in and vote, but the independent would not have the same privilege?

[03:45:11]

**REPRESENTATIVE JULIE EMERSON:** To vote in a party primary?

**REPRESENTATIVE BOYD:** Yeah.

**REPRESENTATIVE JULIE EMERSON:** So unaffiliated voters can vote in party primary.

**REPRESENTATIVE BOYD:** That's what I said.

**REPRESENTATIVE JULIE EMERSON:** Yes.

**REPRESENTATIVE BOYD:** So it is an additional -- it's almost like a double standard for the independent.

**REPRESENTATIVE JULIE EMERSON:** To be a candidate or to vote?

**REPRESENTATIVE BOYD:** Yeah.

**REPRESENTATIVE JULIE EMERSON:** I'm sorry. I'm just trying to clarify. There's not an additional hurdle for anyone to vote in the general election.

**REPRESENTATIVE BOYD:** I called it a double standard.

**REPRESENTATIVE JULIE EMERSON:** Okay.

**REPRESENTATIVE BOYD:** Because the independent with the big eye is a party.

**REPRESENTATIVE JULIE EMERSON:** It is.

**REPRESENTATIVE BOYD:** But they cannot participate in the party primary.

**REPRESENTATIVE JULIE EMERSON:** They're not holding a party primary. Correct.

0119\_24\_1es\_day5  
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February 9, 2024  
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**REPRESENTATIVE BOYD:** Correct. But they are a party. They would have to then get signatures to participate in the general election.

**REPRESENTATIVE JULIE EMERSON:** In order to be a candidate. Yes.

**REPRESENTATIVE BOYD:** Okay. To vote on that day as an independent, the no party person can go in that day and decide if they want to vote Democrat or Republican.

**REPRESENTATIVE JULIE EMERSON:** Unaffiliate, yes. No party unaffiliated voters in the senate amendment --

**REPRESENTATIVE BOYD:** No party unaffiliated whatever we want to ask with that. But the independent party person could not.

**REPRESENTATIVE JULIE EMERSON:** They are recognized party, so that is not the case.

**REPRESENTATIVE BOYD:** Thank you. Because you just proved my point. Thank you, Madam Chair.

**MR. SPEAKER:** Representative Cox.

**REPRESENTATIVE COX:** Thank you, Chairman Emerson. Just about personal info, how many signatures will be required for the three elections that are going to the closed primary for the general election?

**REPRESENTATIVE JULIE EMERSON:** I'm sorry, can you put your microphone a little closer?

**REPRESENTATIVE COX:** How many signatures will be required for those non-affiliated candidates to get the general election?

**REPRESENTATIVE JULIE EMERSON:** So it's a thousand signatures.

**REPRESENTATIVE COX:** It's the same for all three? A thousand?

**REPRESENTATIVE JULIE EMERSON:** My understanding is yes. For congress, BESE and PSC, it's a thousand signatures and supreme court so, yes. Every single one of these offices included in here is a thousand signatures.

**REPRESENTATIVE COX:** Thank you.

**REPRESENTATIVE JULIE EMERSON:** Thank you.

**MR. SPEAKER:** I see no further questions. You have a right to close.



0119\_24\_1es\_day5

Paul, Weiss, Rifkind, Wharton & Garrison LLP

February 9, 2024

Transcript by TransPerfect

**REPRESENTATIVE JULIE EMERSON:** Thank you Mr. Speaker, members. I really appreciate the in depth debate that we've had on this bill the last few days. It's not exactly how I wanted it, but again, this is a process that we go through, and we have 144 different voices here and represent 144 different constituencies. And I certainly appreciate the process and also just really want to thank the house and governmental staff, Trish and Annie, of all of the hours they put into helping me draft this bill so appreciate your favorable passage.

**MR. SPEAKER:** Representative Emerson moves to concur in the senate amendments. Those in favor, vote yea. Those opposed vote nay. The clerk will open the machine. Vote your machine, members. Are you through voting members? Representative Green, no. Representative Jackson, yea. Representative Bacala, yea. Representative Boyer, yea. Representative [INDISCERNIBLE 03:48:16], yea. Representative Bayham, yea. Representative Mena, yea. Are you through voting members? Representative Mena, yea. The clerk will close the machine. Representative Mena, are you a yea or a nay?

[OVERLAY]

He's a nay. Thank you. The clerk will close the machine. We have 67 yeas, 36 nays, and the amendments are concurred in. Members, we're going to stand at ease. We're going to wait on the senate. Representative Boyer for a personal privilege. Representative Willard for a personal privilege.

**REPRESENTATIVE WILLARD:** Thank you so much, Mr. Speaker. Members, I just wanted to take a second to acknowledge and thank the plaintiffs in the redistricting lawsuit who are here with us today. We have Dr. Perez, Robinson, Dr. Alice Washington, Ashley Shelton. For the Power Coalition. We have Commissioner Davante Lewis.

[03:50:01]

We have president of the NAACP, Mike McClanahan. We have Mr. Edgar Cage. We have Ms. Dorothy Nairne. We have Bishop Edwin Soule, Reverend Clee Earnest Lowe, and we have Martha Davis and Ms. Ambrose Sims. Thank you for all of your hard work. We appreciate you being here with us today. Thank you.

**MR. SPEAKER:** Representative Boyer for a personal privilege.

**REPRESENTATIVE BOYER:** Members, I know that this has been a long week for you all. It's also been a long week for staff, in particular our house and governmental staff. So I think they might be hiding in the amendment room right now, but if they could step out for a second. Is Ms. Annie and Ms. Patricia in there? So these ladies have worked tirelessly this week. They work well into the weekend and late nights. And so I want to publicly thank Ms. Sarah Baker. She's not up here with us, but Ms. Annie Smith and Ms. Trish Lowry, thank you for everything you've done for us over this week and continue to do. We can't thank you enough. Thank you.

0119\_24\_1es\_day5  
Paul, Weiss, Rifkind, Wharton & Garrison LLP  
February 9, 2024  
Transcript by TransPerfect

**MR. SPEAKER:** Thank you for your service. Should I say it again? Members, we're going to go ahead and stand at ease, and we're going to be waiting on the senate.

[03:51:51]

[BACKGROUND NOISE]

[04:49:20]

Roll call. Members, vote your machines. Vote your machine, members. Are you through voting? Green? Newell? Weibel? Firmment? Are you through voting, members? We have 102 members present in a quorum.

**MADAM CLERK:** Somebody's TV is glaring.

**MR. SPEAKER:** Can someone turn their tv down, please? Morning hour number 12.

**MADAM CLERK:** Mr. Speaker and members, Representative Boyer moves to revert to morning hour 12 at this time.

[04:50:01]

**MR. SPEAKER:** Without objection.

**MADAM CLERK:** And Mr. Speaker and members, Representative Boyer moves to discharge House Bill 19 from the House and Governmental Affairs Committee for the purpose of withdrawing this bill from the files of the House.

**MR. SPEAKER:** Without objection. Representative Thompson for a motion.

**REPRESENTATIVE THOMPSON:** Mr. Speaker, members, I move we adjourn sine die.

**MR. SPEAKER:** Without objection.

[04:52:02]



I, Anders Nelson, hereby certify that "0119\_24\_1es\_day5" is, to the best of my knowledge and belief, a true and accurate transcription in English.

Anders Nelson  
Anders Nelson (Feb 15, 2024 13:31 EST)

Anders Nelson  
Project Manager  
TransPerfect Legal Solutions

February 15, 2024

UNITED STATES DISTRICT COURT FOR THE  
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,*

v.

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

*Defendant.*

Civil Action No.3:24-cv-00122

Judge David C. Joseph

Circuit Judge Carl E. Stewart

Judge Robert R. Summerhays

**[PROPOSED] ORDER**

The Court having considered the *Robinson* plaintiffs' unopposed Motion and Memorandum Requesting Leave to File Amicus Brief in Opposition to Plaintiffs' Motion for Preliminary Injunction, it is hereby ORDERED that the motion is GRANTED. The proposed brief that accompanied the motion shall be deemed to have been filed and served by ECF on the date of this Order. It is further hereby ORDERED that the *Robinson* plaintiffs' request for permission for file a brief of 35 pages is GRANTED.

IT IS SO ORDERED. This \_\_\_\_ day of \_\_\_\_\_ 2024.

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Judge Carl E. Stewart  
United States Circuit Judge

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Judge Robert R. Summerhays  
United States District Judge

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Judge David C. Joseph  
United States District Judge