

## HOUSE SUMMARY OF SENATE AMENDMENTS

House Bill No. 627 by Representative Gallot

ELECTIONS/PRECINCTS: Provides relative to the prohibition on certain precinct changes during certain time periods

### Synopsis of Senate Amendments

1. Adds provision to allow a parish governing authority to divide precincts to comply with "traditional redistricting principles".
2. Removes provision that any plan adopted by a parish governing authority in contravention of proposed law relative to division of precincts shall be null and void and any election using any ballot based on such a plan shall be null and void and provides instead that such a plan "may" be subject to nullification by a court.
3. Adds a provision notwithstanding present law to allow a school board in the creation of its redistricting plan to divide a precinct into two portions to comply with applicable law and "traditional redistricting principles". Allows a school board district to contain one or more of such divided portions.
4. Adds a provision notwithstanding present law to allow a municipal governing authority in the creation of its redistricting plan to divide a precinct into portions. Specifies that the portion of a precinct within a municipality divided as a result of the boundary between a municipality and the parish crossing the precinct boundary shall be considered to be a whole precinct within the municipality.

### Digest of Bill as Finally Passed by Senate

Present law (R.S. 18:532.1(D) and 1903) relative to precinct changes, provides that no election precinct shall be created, divided, abolished, or merged, or the boundaries thereof otherwise changed between Jan. first of any year of which the last digit is nine and Dec. thirty-first of any year of which the last digit is three, unless ordered by a court of competent jurisdiction. Present law (R.S. 18:1903) specifies that if a change is made by court order during the time specified the affected governing body shall, within 15 days after the entry of the court order and, if any, ordinance changing the precinct boundaries pursuant to the court order, send to the secretary of the Senate and the clerk of the House a certified copy of the order or ordinance, a copy of a map showing the new boundaries, and a corrected word description of the boundaries. Requires the secretary and the clerk to likewise be notified of appeals filed or other actions that pertain to any such order or ordinance.

Proposed law removes the specific language regarding precinct changes ordered by a court of competent jurisdiction. Proposed law further authorizes a parish governing authority (parish) to divide a precinct into two or more precincts by a visible feature which is a census tabulation boundary if after the release of the federal decennial census data the parish is unable to comply with applicable law and traditional redistricting principles regarding redistricting and reapportionment in the creation of its redistricting or reapportionment plan using the whole precincts submitted to the U. S. Census Bureau. Requires the parish to (1) include the precinct changes in its ordinance establishing its plan; (2) send the secretary of the Senate and the clerk of the House a certified copy of the ordinance and a copy of a map showing the new precinct boundaries together with a written description of such boundaries within 15 days after the adoption of the ordinance; and (3) if the precinct changes were the result of action in a court of competent jurisdiction, include a certified copy of the court order and notify the secretary and the clerk of appeals filed or other actions that pertain to any such

order or ordinance.

Proposed law specifies that it shall not be construed as authority for a parish which has adopted or accomplished redistricting or reapportionment or is able to redistrict or reapportion itself in accordance with applicable law and traditional redistricting principles using the whole precincts submitted to the U.S. Census Bureau to divide precincts into two or more precincts. Further provides that any plan adopted by a parish in contravention of present law and proposed law shall be null and void, and no election shall be conducted using any ballot based on the null and void plan.

Present law (R.S. 17:71.3) provides that in creating a reapportionment plan, a school board which has a number of members which is different from the number of parish governing authority members and which is unable to meet federal guidelines regarding population deviation by using only whole precincts may divide a precinct into portions bounded by visible census tabulation boundaries. Prohibits divided a precinct into two or more school board districts and prohibits a school board district from containing more than two divided precincts. Specifies that the division of a precinct as a result of the boundary between a city school system and a parish school system shall be precleared by the U.S. Dept. of Justice and shall not be counted towards the limitation on the number of divided precincts allowed in each district. Further authorizes a school board denied preclearance, if the defect may be remedied by the subdivision of precincts to utilize the present law provisions. Specifies that present law shall not be construed as authority for a school board who has or is able to reapportion itself using whole precincts to divide precincts and further provides that any plan adopted by a school board in contravention of present law shall be null and void, and no election shall be conducted using any ballot based on the null and void plan.

Proposed law provides that if a school board is unable to comply with applicable law and traditional redistricting principles in the creation of its redistricting plan using whole precincts created by the parish governing authority, the school board may divide a precinct into not more than two portions that are bounded by census tabulation boundaries. A school board district may contain one or more of such divided precinct portions. The portion of any precinct divided as a result of the boundary between a city school system and a parish school system crossing the precinct boundary will be considered a whole precinct within the geography of the parish school system or city school system in which it is included.

Present law (R.S. 33:382 and 1371) provides that the boundaries of any election district for a new apportionment plan for which members of a municipal governing authority are elected shall contain, to the extent practicable, whole election precincts established by the parish governing authority as provided in present law (R.S. 18:532 or 532.1)

Proposed law provides that notwithstanding provisions of present law if the governing authority of a municipality is unable to comply with applicable law and traditional redistricting principles in the creation of its redistricting plan using whole precincts created by the parish governing authority, the municipal governing authority may divide a precinct into two portions that are bounded by census tabulation boundaries. A municipal governing authority district may contain one or more of such divided precinct portions. The portion of any precinct within the boundary of the municipality divided as a result of the boundary between the municipality and the parish crossing the precinct boundary will be considered a whole precinct within the geography of the municipality in which it is included.

Present law (R.S. 18:537) requires the attorney general to institute actions to enforce the provisions of present law (R.S. 18:532.1), provides that the defendant must pay court costs and reasonable attorney fees incurred by such action, and specifies that the state shall not pay specified election costs or expenses while a parish governing authority is noncompliant. Proposed law retains present law.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 18:532.1(D) and 1903)