

## RÉSUMÉ DIGEST

SB 5

2022 First Extraordinary Session

Hewitt

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

Proposed law would have provided district boundaries for the six congressional districts, and would have been effective upon signature of the governor or lapse of time for gubernatorial action for purposes of the 2022 election.

Proposed law would have retained present districts until noon on January 3, 2023, at which time present law would have been repealed and the proposed districts would have been effective for all other purposes.

Proposed law specified that precincts referenced in district descriptions are those precincts identified as Voting Districts (VTDs) in the 2020 Census Redistricting TIGER/Line Shapefiles for the state of La. as validated through the data verification program of the La. legislature. Also specified that if any such precinct had been subdivided by action of the parish governing authority on a nongeographic basis or subdivided by action of the parish governing authority on a geographic basis in accordance with present law, the enumeration of the general precinct designation would have included all nongeographic and all geographic subdivisions thereof. Further provided that the territorial limits of the districts as enacted would have continued in effect until changed by law regardless of any subsequent change made to the precincts by the parish governing authority.

Proposed law specified that proposed law did not reduce the term of office of any person holding any position or office on the effective date of proposed law for which the appointment or election is based upon a congressional district as composed pursuant to present law. Specified that any position or office filled after January 3, 2023, for which the appointment or election is based on a congressional district shall be appointed or elected from a district as it is described in proposed law.

Provided that population data in the summaries accompanying the digest were derived from 2020 Census Redistricting Data (Public Law 94-171), Summary File for Louisiana. Population data, statistical information, and maps were supplied for purposes of information and analysis and comprised no part of proposed law.

Would have become effective for election purposes only for the regular congressional elections in 2022; would have become effective for all other purposes at noon on January 3, 2023.

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

**VETO MESSAGE:** "Please be advised that I have vetoed Senate Bill 5 of the First Extraordinary Session of 2022.

This bill is the Legislature's effort to conduct the mandatory reapportionment of the congressional map for the United States House of Representatives. While much work was put into the development of this map by members of the Legislature, it is clear that the primary rationale behind the creation and passage of the map was to protect incumbents and to preserve the party split in the current congressional delegation. In so doing, the Legislature disregarded the shifting demographics of the state, which unquestionably call for the addition of a second majority minority district. Specifically, the Black voting age population in the state increased by 4.4% from the 2010 census to the 2020 census, resulting in the Black voting age population making up 31.2%, almost one-third of the State's population. Instead of accounting for this increase in population, the Legislature preserved the status quo and enacted a map where Black voters in five of the six congressional districts are deprived of the opportunity to elect a candidate of their choice.

It is my firm belief that this map violates Section 2 of the Voting Rights Act of 1965 and further is not in line with the principle of fundamental fairness that should have driven this process. In choosing this map, the Legislature rejected numerous alternative maps with two majority minority districts, which happen to be one-third of the six congressional districts, that would have given more Black voters an opportunity to elect a candidate of their choice. While no electoral map is perfect, and no map is a guarantee of success for a certain candidate, these alternatives would have allowed for a fairer allocation of voting strength to a population that has been historically disadvantaged. As eloquently discussed by Senator Cleo Fields on the floor of the Senate, only five Black members from Louisiana have been elected and seated in the United States House of Representatives since statehood. This injustice cannot continue.

This veto need not be the conclusion of the Legislature's efforts to create a map that is in compliance with Section 2 of the Voting Rights Act. There are multiple pre-filed bills for the 2022 Regular Session where the Legislature can - and should - enact a map that creates a second majority minority seat. By vetoing this bill, I am asking the Legislature to get back to work in a real effort at compromise and fairness. I remain confident that the Legislature can get this right."