

Regular Session, 2014

HOUSE BILL NO. 627

BY REPRESENTATIVE LEGER

REAPPORTIONMENT: (Constitutional Amendment) Provides for a redistricting commission to propose three alternative plans for each public body to be redistricted by the legislature and requires the legislature to enact one of such plans without amendment

1 A JOINT RESOLUTION

2 Proposing to amend Article III, Section 6 and to enact Article XI, Section 6 of the
3 Constitution of Louisiana, to provide for a redistricting commission to propose
4 alternative redistricting plans for each public body in state government whose
5 members are elected from districts; to provide certain restrictions on the legislature
6 relative to the redistricting of each such public body; to provide for commission
7 composition and to provide time frames for such action; to provide for certain
8 requirements relative to redistricting; to provide for redistricting by the supreme
9 court upon failure of the commission or the legislature to comply with such
10 requirements; to authorize the legislature to provide relative to the commission and
11 related procedures; to provide for submission of the proposed amendment to the
12 electors; and to provide for related matters.

13 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members
14 elected to each house concurring, that there shall be submitted to the electors of the state of
15 Louisiana, for their approval or rejection in the manner provided by law, a proposal to
16 amend Article III, Section 6 of the Constitution of Louisiana, to read as follows:

1 §6. Legislative ~~Reapportionment~~ Redistricting; Redistricting Commission;
2 ~~Reapportionment~~ Redistricting by Supreme Court; Procedure

3 Section 6.(A) ~~Reapportionment~~ Redistricting by Legislature. By the end of
4 the year following the year in which the population of this state is reported to the
5 president of the United States for each decennial federal census, the legislature shall
6 ~~reapportion the representation in~~ redistrict the districts for the election of the
7 members to each house as equally as practicable on the basis of population shown
8 by the census.

9 (B) Redistricting Commission. The legislature shall comply with Paragraph
10 (A) of this Section as provided in Article XI, Section 6 of this constitution.

11 ~~(B)~~ (C) ~~Reapportionment~~ Redistricting by Supreme Court. If the legislature
12 fails to ~~reapportion~~ redistrict as required in ~~Paragraph~~ Paragraphs (A) and (B) of this
13 Section, the supreme court, upon petition of any elector, shall ~~reapportion the~~
14 ~~representation in~~ redistrict the districts for the election of the members to each house
15 as provided in Paragraph (A) of this Section.

16 ~~(C)~~ (D) Procedure. The procedure for review and for petition shall be
17 provided by law.

18 Section 2. Be it further resolved by the Legislature of Louisiana, two-thirds of the
19 members elected to each house concurring, that there shall be submitted to the electors of
20 the state of Louisiana, for their approval or rejection in the manner provided by law, a
21 proposal to add Article XI, Section 6 of the Constitution of Louisiana, to read as follows:

22 §6. Redistricting Commission; Composition; Duties

23 Section 6.(A)(1) In each year in which the federal decennial census is taken,
24 a redistricting commission shall be established as provided in this Paragraph to
25 propose plans for redistricting of public bodies in the executive, legislative, and
26 judicial branch of state government whose members are elected from districts. The
27 redistricting commission shall be composed of thirteen members who shall be
28 selected not later than May first as follows:

1 (a) Two members shall be elected by the membership of the House of
2 Representatives and two members shall be elected by the membership of the Senate.
3 Of the members so elected by each house, one shall be a voter who is registered as
4 affiliated with the recognized political party in the state with the greatest number of
5 voters registered as affiliated with the party and who is nominated by the members
6 of the house who are registered as affiliated with that recognized political party and
7 the other shall be a voter who is registered as affiliated with the recognized political
8 party in the state with the second greatest number of voters registered as affiliated
9 with the party and who is nominated by the members of the house who are registered
10 as affiliated with that recognized political party.

11 (b) Eight members shall be appointed by the Louisiana Supreme Court and
12 shall include at least one registered voter in each congressional district. Such
13 appointments shall be made from separate lists of at least eight names each,
14 including at least one registered voter in each congressional district, submitted to the
15 court by the Public Affairs Research Council of Louisiana, the Council for a Better
16 Louisiana, the president of Centenary College at Shreveport, the president of Dillard
17 University at New Orleans, the president of Louisiana College at Pineville, the
18 president of Loyola University at New Orleans, the president of Tulane University
19 of Louisiana at New Orleans, and the president of Xavier University at New Orleans.
20 Nominations shall be made to the court not later than April first. If any nominating
21 authority fails to submit nominees in the time required or ceases to exist, the court
22 shall make the appointments to the commission from the nominees submitted or if
23 none are submitted, then the court shall make the appointments without nominations.

24 (c) One member who is a registered voter in this state who is not affiliated
25 with any political party shall be appointed by the governor.

26 (d) No person shall be eligible or selected to serve on the commission who:
27 (i) Holds an elected or appointed public or political party office.
28 (ii) Is a member of the immediate family of a public official who serves in
29 an office subject to redistricting by the commission.

1 (iii) Is a public employee.

2 (iv) Is an employee of a public official who serves in an office subject to
3 redistricting by the commission or of a legal entity in which such public official has
4 a business or financial interest.

5 (v) Is a registered voter in any other state.

6 (2) A vacancy on the commission shall be filled in the manner of the original
7 selection within twenty days of the vacancy.

8 (3) The commission members shall serve until redistricting of each public
9 body in the legislative and executive branch of state government and, as necessary
10 in the judicial branch, has been completed after the decennial census and has become
11 effective, and at that time the commission shall be dissolved until a new commission
12 is established as provided in this Section; however, if a new redistricting is required
13 during the time between decennial censuses, a new commission shall be established
14 in the manner provided in Subparagraph (1) of this Paragraph, and each appointing
15 authority shall select its members of the commission within thirty days of the
16 determination that a new redistricting is required.

17 (4) Each member of the commission shall receive the same per diem and
18 travel allowance as provided for members of the legislature.

19 (B) The redistricting commission shall provide for the redistricting of the
20 districts for the election of members of the House of Representatives and of the
21 Senate of the Legislature of Louisiana, of the members of congress from Louisiana,
22 of the members of the Public Service Commission, of the elected membership of the
23 State Board of Elementary and Secondary Education, of the members of the
24 Louisiana Supreme Court and other courts of which the judges are elected from
25 districts, and of any other public body in the executive, legislative, or judicial branch
26 of state government that has members who are elected by the registered voters of
27 districts. All meetings of the commission shall be open to the public and shall be
28 noticed and advertised in a manner to encourage public participation. All
29 communications to the commission or any member of the commission regarding

1 redistricting shall be placed in the official record of the commission. At a minimum,
2 the commission shall conduct at least one public meeting within each congressional
3 district of the state. The commission may, at its discretion, utilize the assistance of
4 the appropriate staff of the legislature. The commission shall submit to the legislature
5 three alternative plans for redistricting of each house of the legislature at least three
6 days prior to the final date for prefiling of legislation at the regular session in the
7 year following the year in which the population of the state is reported to the
8 president of the United States. The commission shall submit to the legislature three
9 alternative plans for reapportionment of each other public body for which plans are
10 required at least three days prior to the final date for prefiling of legislation at the
11 regular session next preceding qualification of candidates for election at the first
12 election of members of the public body after the release of decennial census
13 information at the precinct level by the federal government. Each plan submitted by
14 the commission shall redistrict the districts in accordance with the requirements of
15 this constitution and in accordance with federal law.

16 (C)(1) The legislature shall enact, without amendment, one of the three plans
17 submitted to it by the commission for each house of the legislature not later than the
18 time provided in Article III, Section 6 of this constitution.

19 (2) qualification of candidates for election at the first election of members
20 of the public body after the release of decennial census information at the precinct
21 level by the federal government.

22 (D) If the commission fails to submit three plans for a public body as
23 required by this Section or if the legislature fails to enact one of those plans for a
24 public body as required by this Section, the supreme court, upon petition of any
25 elector, shall redistrict the legislature as provided in Article III, Section 6(C) of this
26 constitution or other public body as provided in this Section.

27 (E) This Section shall be self-operative, but the legislature may provide by
28 law relative to the redistricting commission and procedures to implement this
29 Section, including but not limited to expenses and staffing for the commission,

1 provided such statutory provisions do not conflict with this Section or any other
2 provision of this constitution.

3 Section 2. Be it further resolved that this proposed amendment shall be submitted
4 to the electors of the state of Louisiana at the statewide election to be held on November 4,
5 2014.

6 Section 3. Be it further resolved that on the official ballot to be used at the election,
7 there shall be printed a proposition, upon which the electors of the state shall be permitted
8 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
9 follows:

10 Do you support an amendment to provide for a redistricting commission to
11 propose alternative redistricting plans for each public body in state
12 government whose members are elected from districts and to require the
13 legislature to enact one of such plans without amendment; to provide for
14 commission composition and to provide the time frame for such action; to
15 provide for redistricting by the supreme court upon failure of the commission
16 or the legislature to comply with such requirements; and to authorize the
17 legislature to provide by law, not in conflict with the constitution, for the
18 commission and related procedures? (Amends Article III, Section 6; Adds
19 Article XI, Section 6)

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Leger

HB No. 627

Abstract: Establishes and provides for a redistricting commission to propose alternative redistricting plans for each public body to be redistricted by the legislature. Requires the legislature to enact one of those plans for each body without amendment.

Proposed constitutional amendment provides for a redistricting commission as follows:

- (1) Establishes a redistricting commission in each year in which the federal decennial census is taken to propose plans for redistricting of public bodies in the executive, legislative, and judicial branch of state government whose members are elected from districts. Provides for the commission to be composed of 13 members selected by May 1 as follows:

- (a) Two elected by the membership of the House of Representatives and two elected by the membership of the Senate; one member elected by each house to be a voter registered as affiliated with the recognized political party in the state with the greatest number of voters registered as affiliated with the party who is nominated by the members of the house who are registered as affiliated with that party and the other to be a voter registered as affiliated with the recognized political party in the state with the second greatest number of voters registered as affiliated with the party who is nominated by the members of the house who are registered as affiliated with that party.
 - (b) Eight appointed by the La. Supreme Court, including at least one registered voter in each congressional district, appointed from separate lists of at least eight names each (at least one registered voter in each congressional district) submitted by April 1 by the Public Affairs Research Council of La., the Council for a Better La., the president of Centenary College at Shreveport, the president of Dillard University at New Orleans, the president of La. College at Pineville, the president of Loyola University at New Orleans, the president of Tulane University of La. at New Orleans, and the president of Xavier University at New Orleans. Provides that if any nominating authority fails to submit nominees in the time required or ceases to exist, the court shall make the appointments from the nominees submitted or, if none are submitted, the court shall make the appointments without nominations.
 - (c) One registered voter in this state who is not affiliated with any political party appointed by the governor.
 - (d) Provides that no person shall be eligible or selected to serve on the commission who: holds elected or appointed public or political party office; is a member of the immediate family of a public official subject to redistricting by the commission; is a public employee; is an employee of a public official subject to redistricting by the commission or of a legal entity in which such public official has a business or financial interest; or is a registered voter in any other state.
 - (e) Provides for filling vacancies in the manner of the original selection within 20 days of the vacancy.
 - (f) Provides that commission members serve until redistricting of each body, as required, has been completed after the decennial census and has become effective, at which time the commission shall be dissolved until a new commission is established in the year of the next federal census. Provides, however, if a new redistricting is required during the time between decennial censuses, a new commission shall be established as provided in proposed law. Specifies that each member shall receive the same per diem and travel allowance as provided to legislators.
- (3) Requires all meetings to be public, requires at least one meeting in each congressional district, and requires all communications to the commission or any member thereof about redistricting to be placed into the official record of the commission.
- (4) Requires the commission to submit three alternative plans for redistricting of each house to the legislature at least three days prior to the final date for pre-filing of legislation at the regular session in the year following the year in which the population of the state is reported to the president of the U.S. and for each other public body, at least three days prior to the final date for pre-filing of legislation at the regular session next preceding qualification of candidates for election at the first

- election of members of the public body after the release of decennial census information at the precinct level.
- (5) Requires that each plan shall redistrict the districts in accordance with the requirements of the La. constitution and in accordance with federal law.
 - (6) Requires the legislature to enact one of the three plans for each body without amendment. Requires the legislature to enact such legislative plans not later than the time as provided in present constitution (Const. Art. III, §6; see below) relative to legislative redistricting and other plans not later than the regular session next preceding qualification of candidates for election at the first election of members of the public body after the release of decennial census information at the precinct level.
 - (7) Provides that if the commission fails to submit three plans for each public body or if the legislature fails to enact one of those plans for a public body, the La. Supreme Court, upon petition of any elector, shall redistrict the public body.
 - (8) Provides that the proposed constitutional amendment is self-operative, but authorizes the legislature to provide by law relative to the redistricting commission and procedures to implement the proposed constitutional amendment, including but not limited to expenses and staffing for the commission, such law to be consistent with the proposed constitutional amendment and the present constitution.

Present constitution (Const. Art. III, §6) provides for legislative reapportionment. Requires the legislature to reapportion each house as equally as practicable on the basis of population shown by the census not later than the end of the year following the year in which the state's population is reported to the president of the U.S. for each decennial federal census.

Proposed constitutional amendment changes the terminology in the present constitution to reflect a change from "reapportion" and "reapportionment" to "redistrict" and "redistricting" and further requires that such redistricting comply with the proposed constitutional amendment (summarized above). Also retains present constitution that provides for "redistricting of the districts to elect members" of the legislature by the supreme court upon petition of any elector if the legislature fails to "redistrict" as required by the present constitution and proposed constitutional amendment. Also retains present constitution that provides that procedure for review and for petition shall be provided by law.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Nov. 4, 2014.

(Amends Const. Art. III, §6; Adds Const. Art. XI, §6)