

2016 Regular Session

HOUSE BILL NO. 82

BY REPRESENTATIVE RICHARD

REAPPORTIONMENT/LEGIS: (Constitutional Amendment) Provides relative to the authority for redistricting the legislature

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A JOINT RESOLUTION

Proposing to amend Article III, Section 6 and to add Article III, Section 6.1 of the Constitution of Louisiana, to provide for a redistricting commission to propose alternative redistricting plans for state legislative districts and to require the legislature to enact one of such plans without amendment; to provide for the composition of the commission; to provide timeframes for action; to provide for redistricting by the supreme court upon failure of the commission or the legislature to comply with certain requirements; to authorize the legislature to provide by law relative to the commission and related procedures; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article III, Section 6 and to add Article III, Section 6.1 of the Constitution of Louisiana, to read as follows:

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

Section 6.(A) ~~Reapportionment~~ Redistricting by Legislature. By the end of the year following the year in which the population of this state is reported to the president of the United States for each decennial federal census, the legislature shall

1 ~~reapportion the representation in~~ redistrict the districts for the election of the
2 members to each house as equally as practicable on the basis of population shown
3 by the census.

4 (B) Redistricting Commission. The legislature shall comply with Paragraph
5 (A) of this Section as provided in Section 6.1 of this Article.

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

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

13 §6.1. Redistricting Commission; Composition; Duties

14 Section 6.1.(A)(1) In each year in which the federal decennial census is
15 taken, a redistricting commission shall be established as provided in this Paragraph
16 to propose plans for redistricting of each house of the legislature. The redistricting
17 commission shall be composed of thirteen members who shall be selected to be
18 representative of the state's population by race and by gender to ensure diversity. The
19 members shall be selected as follows:

20 (a) Two members shall be elected by the membership of the House of
21 Representatives and two members shall be elected by the membership of the Senate.
22 Of the members so elected by each house, one shall be a voter who is registered as
23 affiliated with the recognized political party in the state with the greatest number of
24 voters registered as affiliated with the party and who is nominated by the members
25 of the house who are registered as affiliated with that recognized political party, and
26 the other shall be a voter who is registered as affiliated with the recognized political
27 party in the state with the second greatest number of voters registered as affiliated
28 with the party and who is nominated by the members of the house who are registered

1 as affiliated with that recognized political party. The members shall be elected not
2 later than May first of the year in which the federal decennial census is taken.

3 (b) Eight members shall be appointed by the Louisiana Supreme Court
4 within thirty days after the members are elected pursuant to Subsubparagraph (a) of
5 this Paragraph and shall include at least one registered voter from each congressional
6 district. Such appointments shall be made from separate lists of at least eight names
7 each, including at least one registered voter from each congressional district,
8 submitted to the court by the president of Centenary College at Shreveport, the
9 president of Dillard University at New Orleans, the president of Louisiana College
10 at Pineville, the president of Loyola University at New Orleans, the president of
11 Tulane University of Louisiana at New Orleans, and the president of Xavier
12 University at New Orleans. Nominations shall be made to the court not later than
13 May first. If any nominating authority ceases to exist or fails to submit nominees in
14 the time required, the court shall make the appointments to the commission from the
15 nominees submitted, or if none are submitted, the court shall make the appointments
16 without nominations.

17 (c) One member shall be appointed by the chief justice of the supreme court
18 within thirty days after the members are elected pursuant to Subsubparagraph (a) of
19 this Subparagraph. The member shall be a voter who is not affiliated with any
20 political party and shall serve as chairman of the redistricting commission.

21 (d) No person shall be eligible or selected to serve on the commission who:

22 (i) Holds an elected or appointed public or political party office.

23 (ii) Is a member of the immediate family of a legislator.

24 (iii) Is a state employee.

25 (iv) Is a registered voter in any other state.

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

28 (3) The members of the commission shall serve until redistricting of each
29 house of the legislature after the decennial census has been completed and has

1 become effective, and at that time the commission shall be dissolved until a new
2 commission is established as provided in this Section. However, if another
3 redistricting is required during the time between decennial censuses, another
4 commission shall be established in the manner provided in Subparagraph (1) of this
5 Paragraph, and each house of the legislature shall select its members of the
6 commission within thirty days of determining that redistricting is required.

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

9 (B) The redistricting commission shall provide for the redistricting of the
10 districts for the election of members of the House of Representatives and of the
11 Senate of the Legislature of Louisiana. All meetings of the commission shall be
12 open to the public and shall be noticed and advertised in a manner to encourage
13 public participation. All communication between members of the commission and
14 members of the legislature shall either be in writing or occur on the record at a public
15 meeting of the commission. All communications to the commission or any member
16 of the commission regarding redistricting shall be placed in the official record of the
17 commission. At a minimum, the commission shall conduct at least one public
18 meeting within each congressional district of the state. The commission may, at its
19 discretion, utilize the assistance of the appropriate staff of the legislature. The
20 commission shall submit to the legislature three alternative plans for redistricting of
21 each house of the legislature. Such plans shall be submitted at least three days prior
22 to the final date for prefiling of legislation at the regular session in the year following
23 the year in which the population of the state is reported to the president of the United
24 States. Each plan submitted by the commission shall redistrict the districts in
25 accordance with the requirements of this constitution and in accordance with federal
26 law.

27 (C) The legislature shall enact, without amendment, one of the three plans
28 submitted to it by the commission for each house of the legislature not later than the
29 time provided in Section 6 of this Article.

1 (D) If the commission fails to submit three plans for each house of the
2 legislature as required by this Section or if the legislature fails to enact one of those
3 plans for each house of the legislature as required by this Section, the supreme court,
4 upon petition of any elector, shall redistrict the legislature as provided in Section
5 6(C) of this Article.

6 (E) This Section shall be self-operative, but the legislature may provide by
7 law relative to the redistricting commission and procedures to implement this
8 Section, including but not limited to expenses and staffing for the commission. Such
9 statutory provisions shall not conflict with this Section or any other provision of this
10 constitution.

11 Section 2. Be it further resolved that this proposed amendment shall be submitted
12 to the electors of the state of Louisiana at the statewide election to be held on November 8,
13 2016.

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

18 Do you support an amendment to provide for a redistricting commission to
19 propose alternative redistricting plans for each house of the legislature and
20 to require the legislature to enact one of those plans for each house without
21 amendment; to provide for commission composition and to provide the
22 timeframe for such action; and to authorize the legislature to provide by law
23 for the commission and related procedures? (Amends Article III, Section 6;
24 Adds Article III, Section 6.1)

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)]

HB 82 Original

2016 Regular Session

Richard

Abstract: Establishes and provides for a redistricting commission to propose alternative redistricting plans for each house of the legislature. Requires the legislature to enact one of those plans for each house 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 the districts for the election of members to each house of the legislature. Provides for the commission to be composed of 13 members selected to be representative of the state's population by race and gender to ensure diversity as follows:
 - (a) Two elected by the membership of the House of Representatives and two elected by the membership of the Senate by May 1 of the year in which the federal decennial census is taken; 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 within 30 days of the election of the members above, including one registered voter from each congressional district, from separate lists of at least eight names each (at least one registered voter from each congressional district) submitted by May 1 by 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 ceases to exist or fails to submit nominees in the time required, 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 appointed by the chief justice within 30 days of the members elected above. Provides that the member be a voter who is not affiliated with any political party and provides that the member shall serve as chairman of the commission.
 - (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 legislator; is a state employee; 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 house 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. Requires all communications from legislators to the commission to be in writing or occur on the record during a public hearing.
- (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 prefiling 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.
- (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 house without amendment. Requires the legislature to enact such plan not later than the time as provided in present constitution (Const. Art. III, §6; see below) relative to legislative redistricting.
- (7) Provides that if the commission fails to submit three plans for each house or if the legislature fails to enact one of those plans for each house, the La. Supreme Court, upon petition of any elector, shall redistrict the legislature.
- (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 November 8, 2016.

(Amends Const. Art. III, §6; Adds Const. Art. III, §6.1)