

Regular Session, 2010  
HOUSE BILL NO. 627

# ACT No. 824

BY REPRESENTATIVE GALLOT

1 AN ACT

2 To amend and reenact R.S. 17:71.3(E)(2), R.S. 18:532.1(D) and 1903, and R.S. 33:382(G)  
3 and 1371(C), relative to precinct changes; to authorize the division of a precinct  
4 under certain circumstances during a certain time period; to require certain  
5 submissions relative to such changes; to provide for penalties; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 17:71.3(E)(2) is hereby amended and reenacted to read as follows:

9 §71.3. Procedure for accomplishing reapportionment, special election districts;  
10 effective date of same

11 \* \* \*

12 E.

13 \* \* \*

14 (2)(a) Notwithstanding the provisions of R.S. 17:71.3(E)(1) or any other law  
15 to the contrary, if a school board is unable to ~~meet the federal guideline of plus or~~  
16 ~~minus five percent deviation~~ comply with applicable law regarding redistricting and  
17 reapportionment, including adherence to traditional redistricting principles, in the  
18 creation of its redistricting or reapportionment plan through the use of whole  
19 precincts, the school board may, in the creation of its redistricting or  
20 reapportionment plan, divide a precinct into portions which are bounded by visible  
21 features which are census tabulation boundaries. No such precinct shall be divided  
22 into more than two school board districts. No school board district shall contain  
23 more than ~~two~~ three divided precincts. The division of any precinct as a result of the  
24 boundary between a ~~city school system and a parish school system~~ different school

1 ~~systems~~ crossing the precinct ~~shall be pre-cleared by the United States Justice~~  
 2 ~~Department~~ and shall not be counted towards the limitation on the number of divided  
 3 precincts allowed in each school board district.

4 ~~(b) The provisions of this Paragraph shall be applicable only in cases in~~  
 5 ~~which the number of members of the school board is not equal to the number of~~  
 6 ~~members of the parish governing authority of the parish in which the school board~~  
 7 ~~is domiciled.~~

8 ~~(c) The provisions of this Paragraph shall not be construed as authority for a~~  
 9 ~~school board which has adopted or accomplished reapportionment or is able to~~  
 10 ~~reapportion itself using whole precincts to divide precincts.~~

11 (b) Any plan adopted by a school board in contravention of this Subsection  
 12 shall be null and void, and no election shall be conducted using any ballot based on  
 13 such a null and void plan. Any declaration of nullity of a plan pursuant to this  
 14 Subparagraph shall be by a court of competent jurisdiction. In the event a plan is  
 15 declared null, such declaration shall not affect the validity or legality of any actions  
 16 taken by, ordinances or regulations adopted by, or contracts entered into by the  
 17 school board elected pursuant to the null plan.

18 ~~(d) In the event that a school board is denied preclearance of its~~  
 19 ~~reapportionment plan pursuant to the Voting Rights Act and the defect which serves~~  
 20 ~~as the basis for that denial can be remedied by the subdivision of precincts, the~~  
 21 ~~school board shall use the provisions of this Paragraph to remedy such defect.~~

22 \* \* \*

23 Section 2. R.S. 18:532.1(D) and 1903 are hereby amended and reenacted to read as  
 24 follows:

25 §532.1. Changing boundaries

26 \* \* \*

27 D.(1) Notwithstanding any other law to the contrary, no election precinct  
 28 shall be created, divided, abolished, or merged, or the boundaries thereof otherwise  
 29 changed between January first of any year of which the last digit is nine and

1 December thirty-first of any year of which the last digit is three, ~~unless ordered by~~  
2 ~~a court of competent jurisdiction.~~

3 (2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection or  
4 R.S. 18:1903 to the contrary, if after the release of the federal decennial census data  
5 a parish governing authority is unable to comply with applicable law regarding  
6 redistricting and reapportionment, including adherence to traditional redistricting  
7 principles, in the creation of its redistricting or reapportionment plan using the whole  
8 precincts submitted to the United States Bureau of the Census, the parish governing  
9 authority may divide a precinct into two or more precincts; any such division shall  
10 be by a visible feature which is a census tabulation boundary.

11 (b) Any such parish governing authority shall include the precinct changes  
12 in its ordinance establishing its redistricting or reapportionment plan.

13 (c) Within fifteen days after the adoption of the ordinance, the parish  
14 governing authority shall send to the secretary of the Senate and the clerk of the  
15 House of Representatives a certified copy of the ordinance and a copy of a map  
16 showing the new precinct boundaries together with a written description of such  
17 boundaries. If the precinct changes were the result of action in a court of competent  
18 jurisdiction, the parish governing authority shall include a certified copy of the court  
19 order, and the secretary and the clerk shall likewise be notified of appeals filed or  
20 other actions that pertain to any such order or ordinance.

21 (d) The provisions of this Paragraph shall not be construed as authority for  
22 a parish governing authority which has adopted or accomplished redistricting or  
23 reapportionment or is able to redistrict or reapportion itself in accordance with  
24 applicable law using the whole precincts submitted to the United States Bureau of  
25 the Census to divide precincts. Any plan adopted by a parish governing authority in  
26 contravention of this Subsection shall be null and void, and no election shall be  
27 conducted using any ballot based on such a null and void plan. Any declaration of  
28 nullity of a plan pursuant to this Paragraph shall be by a court of competent  
29 jurisdiction. In the event a plan is declared null, such declaration shall not affect the

1 validity or legality of any actions taken by, ordinances or regulations adopted by, or  
2 contracts entered into by the governing authority elected pursuant to the null plan.

3 \* \* \*

4 §1903. Precincts; boundary changes

5 ~~A. No~~ Except as otherwise provided in R.S. 18:532.1(D)(2), no election  
6 precinct shall be created, divided, abolished, or merged, or the boundaries thereof  
7 otherwise changed between January first of any year of which the last digit is nine  
8 and December thirty-first of any year of which the last digit is three ~~unless ordered~~  
9 ~~by a court of competent jurisdiction.~~

10 ~~B. If a change in the boundaries of a precinct is made as specified in~~  
11 ~~Subsection A of this Section, during the time specified therein, the affected~~  
12 ~~governing body shall, within fifteen days after the entry of the court order and, if~~  
13 ~~any, ordinance changing the precinct boundaries pursuant to the court order, send to~~  
14 ~~the secretary of the Senate and the clerk of the House of Representatives a certified~~  
15 ~~copy of the order or ordinance and a copy of a map showing the new boundaries~~  
16 ~~together with a corrected word description of such boundaries. The secretary and the~~  
17 ~~clerk shall likewise be notified of appeals filed or other actions that pertain to any~~  
18 ~~such order or ordinance.~~

19 Section 3. R.S. 33:382(G) and 1371(C) are hereby amended and reenacted to read  
20 as follows:

21 §382. Number of aldermen; election; municipal districts; divisions of the board

22 \* \* \*

23 G.(1) The boundaries of any election district for a new redistricting or  
24 apportionment plan from which members of a municipal governing authority are  
25 elected shall contain, to the extent practicable, whole election precincts established  
26 by the parish governing authority under R.S. 18:532 or 532.1.

27 (2) If the municipal governing authority is unable to comply with applicable  
28 law regarding redistricting and reapportionment, including adherence to traditional  
29 redistricting principles, in the creation of its redistricting or apportionment plan using

1           whole precincts, the municipal governing authority may divide a precinct into  
 2           portions that are bounded by visible census tabulation boundaries or census  
 3           tabulation boundaries that are the boundaries of the municipality, as applicable.

4           (3) The portion of any precinct within the boundary of a municipality which  
 5           is divided only because it contains incorporated and unincorporated portions shall  
 6           be considered to be a whole precinct for the purposes of this Subsection.

7           (4) The municipal governing authority shall make every effort to minimize  
 8           the number of portions the governing authority divides a precinct into and the  
 9           number of precincts the governing authority divides into portions.

10                                   \*       \*       \*

11           §1371. Reapportionment of municipal districts required after each decennial census;  
 12                                   effective date

13                                   \*       \*       \*

14           C.(1) The boundaries of any election district for a new redistricting or  
 15           apportionment plan from which members of a municipal governing authority are  
 16           elected shall contain, to the extent practicable, whole election precincts established  
 17           by the parish governing authority under R.S. 18:532 or 532.1.

18           (2) If the municipal governing authority is unable to comply with applicable  
 19           law regarding redistricting and reapportionment, including adherence to traditional  
 20           redistricting principles, in the creation of its redistricting or apportionment plan using  
 21           whole precincts, the municipal governing authority may divide a precinct into  
 22           portions that are bounded by visible census tabulation boundaries or census  
 23           tabulation boundaries that are the boundaries of the municipality, as applicable.

24           (3) The portion of any precinct within the boundary of a municipality which  
 25           is divided only because it contains incorporated and unincorporated portions shall  
 26           be considered to be a whole precinct for the purposes of this Subsection.

27           (4) The municipal governing authority shall make every effort to minimize  
 28           the number of portions the governing authority divides a precinct into and the  
 29           number of precincts the governing authority divides into portions.

1           Section 4. This Act shall become effective upon signature by the governor or, if not  
 2 signed by the governor, upon expiration of the time for bills to become law without signature  
 3 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 4 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 5 effective on the day following such approval.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_