The Re-Precincting of Louisiana after *Shelby County:* Was Race a Factor?

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Abstract: Following the decision in *Shelby County v. Holder*, previously covered jurisdictions were free to make changes to their electoral laws and administration without their previous restrictions under Section 5. This included redistricting, which goes from congressional and state legislative districts to individual precincts. Voting rights advocates noticed that these jurisdictions after being freed from coverage consolidated or eliminated hundreds of precincts. One of these covered jurisdictions was Louisiana, which had the highest percentage of counties (parishes) of all states that had VRA violations of all fully covered states. It is also a state where all but two of 64 parishes have an African-American population that exceeds 10%. In Louisiana, more than 300 precincts were reduced when comparing the 2012 and 2016 precinct maps using GIS mapping. This paper finds that the reductions in Louisiana had a racially discriminatory effect, in that as the proportion of African-Americans in a precinct increased, so did their likelihood of being consolidated, thus made larger, and harder for those voters to cast a ballot. Despite Chief Justice Roberts in Shelby County announcing to the nation that "our country had changed" when referring to initial passage of preclearance, he may have misjudged how much individual parishes in Louisiana would act to reduce the number of voting precincts that it provides, and would do so in a racially discriminatory manner.

I. Introduction

When the Supreme Court handed down *Shelby County v. Holder*, 570 U.S. ___ (2013), areas of the country that were primarily in the South were freed from federal supervision of their voting practices for the first time in nearly 50 years. Chief Justice Roberts seemed to believe that one would not see the jurisdictions covered under Section 5 of the Voting Rights Act of 1965 to act to immediately implement discriminatory voting laws. Justice Ginsburg argued that the preclearance requirement was what was holding the tide of these laws from taking effect.

Justice Ginsburg seems to have been proven correct. Several southern states pushed through discriminatory voting laws. Some of these laws were blocked by the courts, but many were put into practice for at least some period of time. Among these examples are strict voter identification laws that were stopped by the Justice Department. One of these laws in Texas, was struck down as being enacted with discriminatory purpose. *Veasey v. Abbott*, 830 F.3d 216 (5th Cir. 2016), *cert. denied* 137 S.Ct. 612 (2017). Republicans in Alabama tried to close most of the Bureau of Motor Vehicle sites in the rural African-American parts of the state, but backed down in the face of public outrage (Whitmire, 2017). In North Carolina, Republicans there passed what was referred to by voting rights advocates as a monster voter suppression bill. This law had a strict photo identification provision, limited early voting, ended pre-registration of 16-17 year olds, and eliminated out of precinct voting. This law was passed within days of *Shelby County*, and was later struck down (in large part) as enacted with racially discriminatory intent. *North Carolina State Conference of the NAACP v. McCrory*, 831 F.3d 2014 (4th Cir. 2016), *cert. denied* 137 S.Ct. 1399 (2017).

These are examples of provisions that generated a great deal of publicity. However, many other voting provisions were subject to preclearance, but happened outside of much public

scrutiny. Among the changes that few many close attention to are changes to precincts. This may involve consolidation of precincts, combining multiple precincts into one location, moving precinct locations to that are inconvenient to certain voters, changing polling locations without much advance warning, or even cutting the number of voting machines in a location. These are all changes that would have been subject to preclearance in the past. *Perkins v. Matthews*, 400 U.S. 379 (1971). Before *Shelby County*, the Justice Department objected to more than 75 changes that involved precincts.

One of the more common of these is to take two or more precincts and consolidate them. This has the effect of increasing the costs to voters. At least some of the voters will have to travel further to vote. Other issues may be that lines may be longer, a voter may have trouble parking, and things that could discourage someone from voting. Precinct lines do change from time to time. Fast growing areas often need to add new precincts to accommodate new residents. On the other side, some areas may lose population and there may be a need for less precincts. These things can be benign, but what is a problem is precinct closures are done in a racially discriminatory manner.

A survey by Leadership Conference Education Fund of 381 counties, or about half of the counties in previously covered jurisdictions found that there were a substantially high number of poll closures. They found that 43% of these counties (or county equivalent) cut precinct locations, and that there were 868 less places to vote in the 2016 election than in the 2012 election (Berman, 2016). That survey looks at anecdotal evidence of discrimination, such as the long lines in Phoenix during the Arizona Presidential Primary, but it does not do a comprehensive look at the racial effects of these closures.

The goal of this paper is to examine the racial effects on a statewide basis of these poll closures within the state of Louisiana, which has had a checked past on the issue of race and discrimination. We begin by examining issues involving the Voting Rights Act of 1965, and then moving to a brief literature review. The paper then has a more detailed discussed of recent Louisiana political history and its election laws regarding precincts. Finally, the paper focuses on the research design, results, and discussion of those results.

II. The Voting Rights Act of 1965

The 15th Amendment was ratified in 1870, which guaranteed that the right to vote shall not be abridged or denied on the basis of race, color, or previous servitude. During the period of Reconstruction, when Union troops occupied the South, African-Americans saw this right enforced by the federal government. With the large number of freed African-Americans, over 20 were elected to Congress in the Reconstruction period and the next few decades thereafter, with the last person, Rep. George White (R-North Carolina), leaving office in 1901 (U.S. House of Representatives). However, most of these members served before Union troops formally ended Reconstruction in 1877. When this happened, white Southern Democrats regained control of local governments. With this control, these officials actively worked to suppress or deny African-Americans their right to vote. Those officials and lawmakers passed new laws that instituted poll taxes, all white primaries, grandfather clauses, along with new criminal laws to disenfranchise African-Americans. Other tactics used involved fraud, violence, and intimidation. By the turn of the 20th Century, these laws and tactics led to most African-Americans in the South being denied their right to vote.

While these laws were firmly in place during the first half of the 20th Century, groups such as the National Association for the Advancement of Colored People (NAACP) and their Legal Defense Fund (LDF) challenged discriminatory laws in court, including segregation and voting rights. One of the first targets was the all-white primary in Texas[1], where the Supreme Court in a series of four cases over nearly 20 years finally found against the exclusion of minority voters in primaries in *Smith v. Allwright,* 321 U.S. 649 (1944) as a violation of the Equal Protection Clause. The Supreme Court later struck down a scheme in Tuskegee, Alabama where the General Assembly had passed a law to change that city's boundaries to exclude nearly every African-American as a violation of the 15th Amendment. *Gomillion v. Lightfoot*, 364 U.S. 339 (1960).

Many challenges were moving through the courts thanks to provisions of the Civil Rights Act of 1957 and Civil Rights Act of 1960, which though watered down from their original versions, allowed for the Justice Department to bring lawsuits on behalf of citizens who were being denied their right to vote based on race. However, these lawsuits were met by massive resistance by local officials, and were largely unsuccessful in seeing many new African-Americans registered or being able to vote (Issacharoff, et. al. 2012: 514-515). Another problem faced by those filing lawsuits was that even when they were successful, and a law or practice was struck down and found to be illegal or unconstitutional, a new law or regulation would simply pop up in its place. Some have even referred to this as a "legal whack a mole" (Oremos, 2012). The Justice Department and Civil Rights Acts could not keep up with this vote suppression strategy by southern officials.

[1] The reason this was so important was that since the Democratic Party was completely dominant in the State of Texas (and most of the South in general), that Democratic Primary was in effect the election that mattered. Exclusion from the primaries was essentially exclusion from the entire electoral process in Texas.

When Congress was debating the Voting Rights Act of 1965, this was a critical concern. While Section 2 was a nationwide prohibition on voting practices and procedures that discriminated on the basis of race or color[2], there was a far more severe provision for certain parts of the country. Section 5 would require that any jurisdiction that would be covered under Section 4(b) to submit any and all changes to election laws and procedures to be precleared before they could be implemented. This had the effect of freezing in place all election laws in these areas. Jurisdictions could get changes precleared by the Attorney General via the Civil Rights Division of the Justice Department or by filing a lawsuit for a declaratory judgment in the United States District Court for the District of Columbia[3]. Until either approved by the Justice Department or finding a favorable ruling from that court, no changes could be made. This would mean that when a lawsuit was successful or when a covered jurisdiction wanted to make any changes, a new law or procedure must be found to be non-discriminatory before it could be approved and then implemented.

The formula for who would become a covered jurisdiction was spelled out in Section 4(b) of the Voting Rights Act. The formula would cover the jurisdiction if two conditions were present: (1) the jurisdiction maintained a test or device as of November 1, 1964 that restricted the opportunity to register and vote; and (2) less than 50% of the voting age population was registered to vote by that date, or that less than 50% of the voting age population voted in the 1964 general election for President. This placed the states of Alabama, Georgia, Louisiana, Mississippi, South Carolina, and Virginia under statewide coverage, meaning that all jurisdictions within those states were therefore covered. North Carolina was subject to 40 of its 100 counties were covered. This provision of the Voting Rights Act was upheld by the Court in

[2] This would later extend to members of language minorities as well.
[3] This is before a three judge panel, whose decisions are appealable directly to the United States Supreme Court.

South Carolina v. Katzenbach, 383 U.S. 301 (1966) as a valid exercise of Congress' powers under the 15th Amendment.

The Court made sure that the scope of the preclearance requirement was broad due to an expansive reading of what would be considered a covered change and allowed for private citizens to bring lawsuits under Section 5. *Allen v. State Board of Elections,* 393 U.S. 433 (1969). Chief Justice Warren wrote, "all changes, no matter how small, be subjected to §5 scrutiny." *Allen,* 393 U.S. at 458. In *Perkins v. Matthews,* 400 U.S. 379 (1971) the Court ruled that precinct locations were subject to preclearance, as well as annexation and changes from district to at-large election. The Court also found that redistricting and reapportionment were covered changes. *Georgia v. United States,* 411 U.S. 526 (1973). This meant that vote dilution could be challenged under Section 5.

The Voting Rights Act was initially proposed to be temporary. The initial length was for five years of coverage. However, the Congress extended the provisions in 1970 for an additional five years, then seven years in 1975, and then 25 years in 1982 and again in 2006. During this time, they also made changes to extend coverage to several other jurisdictions, including the states of Alaska, Arizona, and Texas, as well as many other municipalities within states. Protections were also extended to language minorities. Amendments were also made in 1982 to change the standard on how racial vote dilution claims would be decided, in light of a restrictive definition in *City of Mobile v. Bolden*, 446 U.S. 55 (1980) to look at discriminatory effect instead of discriminatory intent. This had the effect of making voting rights claims easier with having to show effect rather than the more troublesome and difficult standard of proving intent. With the decision in *Thornburg v. Gingles*, 478 U.S. 30 (1986), a standard was set for the drawing of minority-majority districts. This led to a large increase in minority representation after the next

Census, but also an increase in Republicans elected to Congress and state legislatures in the South. (Bullock, 2010).

During this time, the Justice Department raised objections to hundreds of voting changes that were proposed by covered jurisdictions, thus blocking their implementation. While it is impossible to quantify, there is little doubt that many other jurisdictions chose not to pass laws or regulations that may have been viewed as discriminatory as to not raise the ire of the Justice Department. This could have meant that these jurisdictions would have had to go through a long and potentially expensive process to defend those changes. As a result of the Voting Rights Act, voter turnout and registration rates of African-Americans soon came to be on par with Whites. While this may seem like a victory for voting rights advocates, it would later be used against them.

When Congress extended the Voting Rights Act in 2006, they heard thousands of hours of testimony and built a substantial record to support extension for another 25 years. Support was broad, with a 98-0 vote in the Senate, and a 390-33 vote in the House (Congress.gov, Senate Roll Call 212, and House Roll Call 374). However, they made no changes in the coverage formula, and did not make the bail-out of coverage any easier, so that covered jurisdictions with no recent voting rights violations could terminate coverage. The Court noted that the formula was not updated and the bail-out process was more difficult than Congress had intended in *Northwest Austin Municipal Util. Dist. No. One v. Holder,* 557 U.S. 193 (2009). Some took this as a warning shot by the Court that Congress should make changes to the coverage formula and/or make the bail-out process easier. The Court was basically making an argument that the coverage formula (with lack of an adequate bail-out) was including states and jurisdictions that perhaps should not still be subject to coverage, while possibly failing to include others.

Congress did not take up the Court's invitation to make any changes after this decision, even when Democrats still controlled the House of Representatives, which they lost in the 2010 midterm elections. The Court then issued its controversial ruling in *Shelby County v. Holder,* 133 S.Ct. 2612 (2013), where a 5-4 ruling by Chief Justice Roberts invalidated the Section 4(b) coverage formula as unconstitutional. The majority reasoned that since the coverage formula was "based on 40 year-old facts having no logical relationship to the present day", that the federalism and equality of state principles that had been put aside in *Katzenbach* were no longer outweighed by these issues. *Shelby County,* 133 S.Ct. at 2628. Since the majority found that the current formula took jurisdictions that it felt perhaps should no longer be covered, the entire formula was thrown out. Roberts went on to say, "The country has changed, and while any racial discrimination in voting is too much, Congress must ensure that the legislation it passes to remedy that problem speaks to current conditions". *Shelby County,* 133 S.Ct. at 2631. Roberts went on to point out that the Voting Rights Act had essentially achieved its purpose by getting African-American turnout and voting rates up to that of whites in the covered jurisdictions.

For Roberts, the remedy here was for Congress to approve a new coverage formula that aligned with this opinion. However, with Republicans in control of the House, this was not to be. While former Judiciary Chairman Rep. James Sensenbrenner (R-Wisconsin) joined with several Democrats on an updated version of a coverage formula, their bill never got a hearing before Judiciary Committee, led by Chairman Robert Goodlatte (R-Virginia) (Dumain, 2014).

In her fiery dissent, Justice Ginsburg felt that the coverage formula was still sufficient. She described many voting practices that were blocked by the use of Section 5. One of these changes was a city that tried to cancel elections when that city became majority African-American. She referred to these and second and third generation barriers, and said "preclearance

remains vital to protect minority voting rights and prevent backsliding". *Shelby County*, 133 S.Ct. at 2651. She further chastised Roberts by stating, "The Court today terminates the remedy that proved to be best suited to block that discrimination." *Shelby County,* 133 S.Ct. at 2633. She also went on to say, "Throwing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet." *Shelby County*, 133 S.Ct. at 2650. This paper will seek to determine whose vision for race in American in regards to voting rights has proven to be correct.

III. Literature Review

Downs (1957) tries to explain why some people choose to vote and others may choose not to vote in an election. He viewed it from the perspective that the costs of voting would outweigh the benefits. Since there is a slim chance that the voter's individual vote would be decisive , and he saw that the costs of voting, through things such as the physical costs of getting to a polling place and potentially having to take off work to vote as being much more costly than the benefits the voter derive get from voting. This is in addition to the costs a voter might take to educate themselves as to the positions of the candidates. In sum, it would be quite irrational for a person to actually turn out to vote.

Riker and Ordeshook (1968) took Downs' argument a few steps forward and were able to break down the calculus of voting into a simple equation: $V = pB - C + D$, where V is the likelihood the voter will vote, p is the probability of the vote mattering multiplied the benefit of the voter to vote based on one candidate winning versus the other (B), C is the cost of voting, and D the civic duty benefit a voter may feel from casting a vote. The D term was added by Riker and Ordeshook to the Downs framework. One can frame this equation as $V = pB + D > C$

to determine whether a person is likely to vote or not vote. Therefore, if the benefits plus the duty are greater than the costs, the voter will choose to vote, but if the costs are greater than the benefits plus the duty, the voter will choose not to vote. Others have worked to flesh out these variables as well (Wolfinger, 1980; Rosenstone and Hansen, 1993).

In regards to P one can see the potential closeness of an election mattering as to the calculus of a voter. A voter may assess this for a high profile race through public opinion polls for federal, state, or larger municipal races. At the local level (especially in a smaller community), it may be by word of mouth through friends, family, co-workers, or acquaintances discussing the race. Others have looked at this variable in terms of both an intensity and pivotal voter model, meaning voters may turn out in higher numbers when they feel more strongly about an issue or candidate, and when they think their vote may be more decisive (Coate, et. al. 2007; Ledyard, 1984; Palfrey and Rosenthal, 1983 and 1985). The D term (civic duty) is also somewhat amorphous as well, and many have developed their own ways of testing it in their particular models (Kanazawa, 1998; Sanders, 1980; Verba and Nie, 1972).

However, lawmakers and/or election administrators have the greatest chance to effect the C term, through changes to voting and electoral laws to make voting more costly, or conversely, less costly. Smaller precincts mean less lines to wait in and shorter distances to travel to vote. Shorter distance to travel to a polling place has been found to be a factor in the likelihood to vote (Hapsel and Knotts, 2005). Convenience measures such as no-fault absentee voting and early voting give voters more options in how they may choose to cast their vote. Extended poll hours on both Election Day and for early voting provide more options as well. Making it easier to register to vote also cuts the cost. Political parties and candidates could strategically manipulate electoral rules to encourage or discourage certain voters from casting a vote by changing the

costs of voting. Since high voter turnout is generally seen as positive, most people generally look favorably on measures to increase voter turnout, but negatively on those that decrease voter turnout.

Making voting more costly has often targeted certain groups of voters that the majority party fears could challenge their grip on power. In most of the South, lawmakers and election officials placed significant burdens on their African-American citizens to make it difficult or impossible for them to vote, even after passage of the 15th Amendment. Among the discriminatory methods were fraud, violence, poll taxes, literacy tests, grandfather clauses, the white primary, and restrictive or arbitrary registration practices (Kousser, 1974). Many counties where African-Americans were a majority of the voting age populations had few or zero African-Americans listed on their respective voter registration rolls (Issacharoff, et. al. 2012).

Congress sought to remedy this problem through the Voting Rights Act of 1965 and the 24th Amendment (which banned the poll tax). The Voting Rights Act banned literacy tests and any other racially discriminatory test or device across the country (U.S. Department of Justice). Further, it placed certain areas of the country under special scrutiny, known as preclearance (Section 5), which meant that any covered jurisdiction would be required to submit any and all changes to elections or voting laws or procedures to either the United States Department of Justice or a three judge panel in the United States District Court for the District of Columbia. Under the original Section 4(b) coverage formula, any jurisdiction that maintained any racially discriminatory test or device in the 1964 general election; and either had a registration or turnout level of below 50% in that general election would be subject to preclearance[4] (U.S. Department of Justice). This changed the burden of proof for covered jurisdictions for any voting or electoral

[4] Initially, the states of Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, and 40 of the 100 counties in North Carolina were in the coverage formula set out in Section 4(b).

changes they sought to make. They were required to prove any changes were not discriminatory before they were allowed to be implemented. This helped to upend the "whack a mole" strategy that voting rights advocates were fighting prior to enactment —spending a significant amount of time and resources fighting one discriminatory law only to have a new law spring up immediately to replace the one that was struck down.

This helped to reduce the cost of voting minority groups, especially in the covered jurisdictions. The act was amended further in 1970[5], 1975[6], and 1982[7], and then renewed for 25 years in 2006. From 1965 to 2013, the Justice Department interposed hundreds of objections to proposed voting and electoral changes across the covered jurisdictions. Among the objections were issues such as redistricting, at-large elections versus districted ones, annexation (and de-annexation), consolidations, majority vote requirements.

Other objections by the Justice Department involved costs placed on a voter's ability to cast their ballot. Some of these objections dealt directly with polling site locations and sizes. This followed precedent from *Perkins v. Matthews*, 400 U.S. 379 (1970), in which the Court ruled that precinct place location falls squarely in the purview of Section 5. Justice Brennan, writing for the Court, stated, "Locations at distances remote from black communities or at places calculated to intimidate blacks from entering, or failure to publicize changes adequately might well have that

[5] The 1970 amendments renewed the Voting Rights Act for five years, and established uniform regulations for Presidential elections in terms of voter registration, absentee voting, and residency requirements. New covered jurisdictions were added.

[6] The 1975 amendments added new groups to the coverage, including American Indians, and language minorities. It renewed the act for seven years. New covered jurisdictions, including Alaska, Arizona, and Texas were added to the coverage formula.

[7] The 1982 amendments allowed for jurisdictions to more easily bail out of coverage under Section 4(a), but the primary objective was to legislatively overturn the Court's decision in *Mobile v. Bolden* (1980) that required a Section 2 discrimination claim to prove discriminatory intent. The new language required only a showing of discriminatory effect.

effect. Consequently, we think it clear that §5 requires prior submission of any changes in the location of polling places." *Perkins,* at 388.

Prior to 2013, the Justice Department objected to precinct site and precinct size issues more than 35 times. Some of the objections dealt with precincts being located in places where African-Americans had traditionally been excluded from entering.[8] Others had to with changing the locations of the polling site within a precinct so that it would be further away for African-Americans to travel to reach their polling site. In an objection to block the consolidation of two precincts in Martinsville, Virginia (Justice Department Determination Letter VA-1070), the Justice Department noted that many African-Americans tended to vote directly before or after work, and this would lead to longer lines, which discourage them from voting. They also discussed how many African-Americans, before the consolidation, could get to their polling places without the need for public transportation and that many would face a substantial hardship if they now had to walk more than one mile to vote.

More recently, an issue regarding the cost of voting has been the length of lines at polling places. A bi-partisan commission appointed by President Obama found that more than five million voters waited more than an hour to vote, while another five million waited between a half an hour to an hour (Stewart and Ansolabehere, 2013). These disparities were not equal by race. African-Americans and Hispanics had to wait in line more than 30 minutes at twice the rate of whites[9] (Stewart, 2013). It is also estimated that one million votes were "lost" (the person did not

[8] In 1970, the Justice Department, in LA-1290, they blocked a polling site change to a fraternal club in which African Americans were not normally permitted free access.

[9] Given that 93% of African-Americans and 71% of Hispanics voted for President Obama in 2012 versus 39% of whites that voted for him, one can expect this racial bias against minorities would also extend to those that identify (or register as) Democrats, as well as those that vote for Democratic candidates.

vote) due to long lines, and of these that chose not to vote, 15% cited long lines as a major factor in their decision not to vote (Stewart and Ansolabehere, 2013).

Waiting in line imposes real monetary cost to voters. Americans that voted on Election Day spent 23 million total hours waiting in 2012, which yields a total economic cost estimate of $544.4 million dollars (Stewart and Ansolabehere, 2013). In real terms to voters, waiting in line may mean having to take off work for a period of time resulting in a loss in wages potentially making voting be too costly. The North Carolina State Board of Elections commissioned a study on wait times and found that in 2014, which was a mid-term year when the ballot was much shorter and turnout much lower than in a presidential election, that 11 counties had precincts where the wait time was more than one hour. Most of these were in urban counties with large African-American populations (Evans, 2015).[10]

While voter turnout and costs of voting are widely studied in political science literature, as well as redistricting, issues regarding precinct size and re-precincting have largely been set aside. Brady and McNulty (2011) that found a drop in turnout the 2003 California recall election in Los Angeles County when—for that election—the county massively consolidated voting precincts that year in comparison to the 2002 election. Amos, Smith, and Ste. Claire (2017) examined the re-precincting of Manatee County Florida. Both of these papers found a significant drop-off in Election Day turnout that was not offset by other methods of voting such as mail-in absentee and early in person voting. Brady and McNulty (2011) found impacts hit younger voters and Democrats harder than others, while Amos, Smith, and Ste. Claire (2017) saw Hispanic voters being most affected by these changes in where they vote.

[10] In that same article, the spokesman for the State Board of Elections did note that tracking wait times is a difficult thing because some may not give a precise amount of time that they waited.

IV. Louisiana and the Voting Rights Act

a. Selected Political and Racial History of Louisiana

Louisiana was one of the states that was initially placed in full statewide coverage under Section 4(b) of the Voting Rights Act of 1965. It was eligible for this coverage under this section because voter turnout in the 1964 election as determined by the U.S. Census was 46.9%, along with the state maintaining a test or device to restrict the opportunity for its citizens to register to vote. However, of the original seven states covered in full by the preclearance requirement, Louisiana had the highest voter turnout, which exceeded that of Alaska and Texas, who were only added to the coverage formula by amendments in 1975.

Louisiana is a very unique place to examine issues of both civil rights and voting rights, given its ethnic and religious mix found nowhere else in the South. Louisiana saw decades of regional factionalism pitting the Protestant North against the Catholic South. But above all of this was the influence of former Gov. and Sen. Huey Pierce Long and his family on state politics, which pitted his brand of populism against the more conservative business interests in the state (Key, 1949).

With few exceptions, discrimination against African-Americans was widely supported among the state's elected officials through the civil rights movement, which was similar to the rest of the South. After all, Louisiana is the state from which *Plessy v. Ferguson* (1896) emanated from, where the Supreme Court endorsed Jim Crow laws requiring segregation under the doctrine of "separate but equal". Beginning the 1950s, African-Americans began to register to vote at higher percentages than in other states in the Deep South. By 1964, 32% of the adult African-American population was registered to vote. *Major v. Treen*, 574 F.Supp. 325, 340 n.19 (E.D. La. 1983); Bullock and Rozell, 1989: 125-127. This put Louisiana ahead of Alabama,

Georgia, and Mississippi, but behind South Carolina and Virginia at the time. S. Rep. No. 109–295, p. 11 (2006); H. R. Rep. No. 109–478, at 12.

Efforts at implementing integration in Louisiana went smoother than some its Southern counterparts. While Arkansas had Oral Faubus, Georgia with Lester Maddox, Mississippi with Ross Barnett, and Alabama with the George Wallace standing in the schoolhouse door of the University of Alabama, Louisiana had leaders that were not nearly as vociferous in their opposition to civil rights. Gov. Jimmie Davis, best known for the song "You Are My Sunshine" served from 1960-1964, and while fighting desegregation efforts, did not let schools in the state close. A bright spot during this time was the influential Archbishop of New Orleans Joseph Francis Rummel, who had desegregated the archdiocese parishes in 1956[11] and then the parochial schools (which received state support for things such as textbooks and transportation) in 1962. This was more significant than other parts of the country since Louisiana had one of the highest concentrations of African-American Catholics in the country (Manning and Rogers, 2002).

Davis was followed by Gov. John McKeithen, who had won in the 1963-1964 election[12] by portraying his New Orleans opponent in the runoff as being too close to the state's African-American population. However, McKeithen, who managed to get the state's Constitution amended to allow him to be the first governor to serve two consecutive terms, managed the state through this period with less tumult than other southern states. McKeithen helped to end the Bogalusa race riots in 1965, and perhaps more importantly, he appointed a bi-racial commission on civil rights to help to ease racial tensions. McKeithen also appointed the first African-

[11] The Archdiocese of New Orleans encompassed a larger territory at this time until the Diocese of Baton Rouge was established in 1961 and the Diocese of Houma-Thibodaux in 1977.

[12] Louisiana elections used to use partisan primaries. If there was a Democratic primary and runoff, the general election would be held in January of the following year.

American judge in the state since Reconstruction, Ernest "Dutch" Morial, who went on to win election as the first African-American Mayor of New Orleans. While during many of these elections one saw race as a factor, other cleavages, such as the fight between the Long and anti-Long factions, and the north-south divide (which included the so-called South Louisiana jinx) proved more important in state elections.

The gubernatorial election of 1971-72 brought change to the political scene in the state, with Rep. Edwin Edwards (D-Crowley) winning a runoff in the Democratic primary by less an a tenth of a percentage of the vote. Edwards, despite an Anglo name, was a French-speaking Cajun, who was the state's first Roman Catholic governor in more than a century. Not only did he break the jinx that stopped South Louisiana politicians from winning the governorship, he did it in an unusual way: by appealing to the newly enfranchised African-American population in the state. While embracing much of the populist rhetoric of the Longs, he had been one of the very few members of the U.S. House from the Deep South in a rural district to vote to renew the Voting Rights Act in 1970.

Edwards would go on to serve four terms as Louisiana's governor. One of the lasting changes he made was to the state's election laws. Louisiana law makes it a closed primary state, which back in that time was not a big deal since there were few registered Republicans in the state.[13] Edwards persuaded the Legislature to create a "blanket primary" system in the state. This meant that all candidates would appear on the first round of elections, no matter their party. If one candidate won 50% plus one vote, they would be elected then. However, if not, the top two finishers would go to a runoff shortly thereafter. This change not only took away partisan primaries, but made it easier for the struggling Republican Party in the state to compete given

[13] Louisiana was so Democratic at this point that the entire State Legislature consisted of Democrats until the 1979 election.

that they needed little infrastructure if they could manage to get a candidate into the runoff, which is what happened in 1979, when Rep. David Treen (R-Metairie) won a less than one-point victory. He was aided by the third and fourth place Democrats in the first round backing him and a lawsuit against his opponent, Louis Lambert (D-Sorriento) by the person he narrowly edged out to face Treen.

Edwards came back in 1983 to easily defeat Treen (Maginnis, 1984). His third term was mired by scandal, and he lost reelection to Rep. Buddy Roemer (D-Shreveport) when he decided not to compete in the 1987 runoff. Roemer, who would switch parties in 1991, saw a darker force rise during his term as governor. In a special election in 1989 (against Treen's brother) in the affluent Jefferson Parish suburb of Metairie, David Duke, the former Imperial Wizard of the Knights of the Ku Klux Klan, who had also be associated with neo-Nazis in college, narrowly won a special election to a seat in the Louisiana House of Representatives. Duke had a record of Holocaust denial and advocated for white rights (he would often refer to European-Americans), even forming the National Association for the Advancement of White People.

Duke used his position to run for the U.S. Senate against Sen. J. Bennett Johnston (D-Shreveport) in 1990. Republicans had initially supported St. Sen. Ben Baggert (R-New Orleans), but he withdrew after the state party had pulled out of the race. The result was the closest race Johnston had ever had for the Senate. He defeated Duke by a 54-44 margin. In that election, Duke managed to win 25 of the 64 parishes, including the vast majority of parishes in the northern part of the state. While there were not exit polls available, a parish population weighted

racially polarized voting analysis (and simple math)[14] indicate that a majority of white voters in the state voted for Duke.

Duke was back in 1991 for the race for governor and so was Edwin Edwards, along with newly minted Republican Gov. Buddy Roemer, who had the backing of the Republican establishment in the state and across the country, including President George H.W. Bush. In the first round, Edwards ran first with Duke only two points behind, thus eliminating Roemer from the runoff four weeks later. Louisiana voters were left with a choice of Edwards, who was considered corrupt versus Duke, a former Klansman. Edwards won an endorsement from Roemer, and even acknowledged the choice facing the voters with a bumper sticker saying, "Vote for the Crook, It's Important". Duke's candidacy helped to boost African-American turnout in the race (and overall turnout) as compared to 1990[15], when Duke's numbers caught many by surprise. This time Duke lost by more than 22%, and only won 19 parishes to Edwards' 45 parishes.

Edwards decided not to seek a fifth term in 1995 due to serious allegations of corruption that would lead to him spending time in federal prison. That open race was a free for all, but ended up featuring a runoff between businessman Mike Foster (R) and African-American Rep. Cleo Fields (D-Baton Rouge), which resulted in highly racially polarized landslide for Foster (64%-36%), and marked the first time an African-American had made the runoff for a statewide office. Foster was reelected in 1999 over another African-American candidate, Rep. Bill Jefferson (D-New Orleans) by a similar margin. Jefferson would also later go federal prison for

[14] Simple math because if one assumes that almost no African-Americans would vote for Duke, and they were about 27% of the electorate, his 44% would have come exclusively from white voters, who were over 70% of the electorate, meaning he may have received around 60% of white voters using this crude method.
[15] While statewide turnout rose around 24%, turnout in Orleans Parish rose 39%, and by more than 30% in five other parishes, three of which were African-American majority, as the other two are over 40% African-American.

corruption. The FBI found nearly $100,000 in a freezer, and he became known as “Dollar Bill”. He was defeated for reelection in 2008 by Joseph Cao (R-New Orleans).

Term limits prevented Foster from seeking reelection in 2003 and the front-runner appeared to be Bobby Jindal, an Indian-American, the Secretary of State Health and Hospitals. He easily led the first round, and faced Lt. Gov. Kathleen Babineaux Blanco (D-Lafayette) in the runoff. Despite most thinking he would win, Blanco eked out a four point win, based largely on her regional home base in Acadia, but also her unusual strength for a Democrat in rural Northern Louisiana, where David Duke had won easily 12 years earlier. Many saw this as racially motivated against Jindal. However, he easily won in the first of two terms in 2007 after Blanco’s perceived disastrous handling of Hurricane Katrina.

Hurricane Katrina was seen by many political analysists as the moment when President George W. Bush lost many Americans due to his response to the disaster. His subsequent drop in approval helped Democrats to score big wins in the 2006 mid-term elections where they gained control of both houses of Congress. However this had a different effect on Louisiana politics. Governor Blanco, and New Orleans Mayor Ray Nagin, both Democrats were also blamed for their command of this disaster, along with Bush. The practical effect on Louisiana politics was the depopulation of parts of Orleans Parish, including the heavily African-American areas of the city. Between 2004 and 2008, there was a drop of more the 50,000 votes cast in the parish. Democrats counted in a massive margin here to overcome losses in the suburban and conservative areas of the state.

The Democratic decline in the state was in full force in the past decade. A slew of Democrats across the state, including State Treasurer John N. Kennedy, Attorney General Buddy Caldwell, Rep. Rodney Alexander, and St. Sen. John Alario (D/R-Westwego), all joined the

Republican Party. A party switch by then St. Sen. Jodee Amodee (D/R-Gonzales) gave Republicans a numerical majority in the State Senate in 2011. Party switches and Republicans winning several special elections also flipped control of the State House of Representatives to the GOP in 2011, but they already had nominal control since 2008 because of a Republican House Speaker, Jim Tucker (R-Terrytown) controlling the body. While Democrats have made gains in Shreveport and Baton Rouge, their numbers outside the metro areas have taken a sharp decline, especially in the predominantly Roman Catholic parishes in the southern portion of the state.

The 2015 election did bring Democrats a bit of good news. When Sen. Mary Landrieu (D-New Orleans) was defeated a 2014 runoff by Rep. Bill Cassidy (R-Baton Rouge), there were no Democrats left that were statewide officeholders. Thanks to the personal scandals that had haunted Sen. David Vitter (R-Metairie) for many years involving the so-called "D.C. Madam", St. Rep. John Bel Edwards (D-Amite) easily won a runoff for governor. However, Republicans won every other statewide office, and expanded their majorities in the State Legislature.

b. Louisiana Election Law

Louisiana provides a unique way of examining precinct consolidation given the nature of the state's election laws. State law puts in place a "block out" period where precinct boundaries are generally, without good reason, are not to be changed. This period covers from years ending in 9 to those ending in 3 (La. R.S. 18: 1903). This means that most of the re-precincting in Louisiana was scheduled to take place in 2014. This happens to be shortly after the state and all localities within the state were freed from preclearance coverage. Before this takes place, the changes that were allowed included to divide precincts because of other types of redistricting (La. R.S. 18: 532.1).

Louisiana had one of the worst records on the issue of voting rights of the covered jurisdictions. The state had the third highest number of objections interposed by the Justice Department of the covered jurisdictions, behind only Texas and Georgia, states with far more counties and population. During the coverage period, 46 of the 64 parishes[16] which can be seen in Figure 7 in Louisiana had objections to some type of voting or election changes, which is the highest share of county equivalents seeing changes blocked. Furthermore, ten parishes had issues with precincts or polling places blocked, and two statewide changes to when parishes could engage in re-precincting were not approved.

The body in the state with the power to establish precinct boundaries is the governing authority within the parish (La. R.S. 18: 532(A)). In Louisiana, there are several different types of parish government. The most common is also the oldest, known as the Policy Jury. It is in place in 38 parishes, and is similar to a county commission form of government found in other states. The Police Jury elects a president among its members, which range from three to 15. This body serves as both the executive and legislative parts of parish government. In some cases, the Police Jury may also hire an administrator to run day to day operations of the county. As is shown in Figure 2, this is widely used in the northern and southwestern portions of the state.

The next most common form is the Council/President form of government, which is allowed under the home rule charters, as established by Article VI, Part I, §5 of the Louisiana Constitution (1974). A critical difference here is that a Parish President is elected, who serves as the executive and runs the day to day operations of the parish, while the council serves as the legislative branch. This is widely used in the eastern part of the state. Three additional parishes

[16] In Louisiana, what most states refer to as counties are identified as parishes. This goes back to when Louisiana was a colony of France and later Spain, and then France again, and was officially Roman Catholic.

(East Baton Rouge, Lafayette, and Terrebonne) have a similar system, but they have chosen to consolidate their largest city with the parish government. The executive there is referred to as the "Mayor-President". The largest city within the parish have their functions merged with the parish, but other smaller cities and towns continue in their governmental operations. Caddo Parish, home to Shreveport, elects a council, similar to other forms of government, but then it hires a parish administrator to run the parish. Finally, the City of New Orleans and Orleans Parish have existed in a Mayor-Council form of government going back to 1954. What is unique here is that the boundaries of both are co-terminus, meaning that no one living in the city fails to also resident in the parish.

[Insert Figure 2 here]

Louisiana election law, unlike states like North Carolina and Texas, that contain some "super-sized" precincts, sets strict limits on precinct size. The maximum size of a precinct is set at 2200 registered voters, which if the county registrar finds that the precinct exceeds this number is required to have the parish authority divide that precinct within 60 days (La. R.S. 18:532(B)(1)(b)(3)). This prevents the super-sized precincts found in other places such as in North Carolina where at one point three precincts in the state exceeded 10,000 registered voters. Further, precincts are also required to be of a number of registered voters above 300 voters. This is subject to a few exceptions, which is not surprising given that some parts of the state are desolate and often only reachable by water transportation. Another justification for dipping below 300 is to keep certain municipalities as their own precincts. The final determination for whether precincts can be below 300 is the Secretary of State, and only after the parish certifies that it will incur the expenses for these small precincts.

V. Research Design

The information strategy that Louisiana provides is that parishes were scheduled to do most of their re-precincting shortly after coverage under the Voting Rights Action Section 5 was lifted. The Louisiana Secretary of State maintains several important elements of data on their website, known as "GeauxVote.com", which is a nod to the state's Cajun heritage and also something associated with sports teams, such as "Geaux Tigers!" Like many other states covered under the preclearance, Louisiana has its voters register by race. However, unlike North Carolina, whose data had several racial groups and asked about whether the person was of Hispanic descent, Louisiana groups voters into White, Black, and Other. The registration form lists White, Black, Asian, Hispanic, American Indian and Other, so the "other" that is reported in the data consists of those that did not answer White or Black. Louisiana is also a closed primary state with party registration.[17] When looking by race, registered voters in the state are 64% White, 31% Black, and 5% in the other category. Despite the overwhelming Republican nature of the state today as evidenced by the makeup of state and federal officeholders[18], Democrats still hold a 48-27 registration edge, but that has narrowed in recent years, with unaffiliated voters seeing the largest increase.

Another feature that is provided by Louisiana (and not many other states) is that they have a statewide GIS map of all the precincts in every parish. These yearly GIS files go back to 2005, and continue to the present day. They are maintained by the State House of Representatives. These match up with the December registration report of the Secretary of State.

[17] Because of Louisiana's "jungle primary" where the top two candidates go to a runoff if no one receives a majority of the vote in the first round, the only time that having a closed primary really applies is for the Presidential preference primary in the state.

[18] Many of the local and parish level officials remain registered Democrats even though their constituents are voting Republican at the state and federal levels.

The method here for Louisiana is to compare (by overlaying) the 2012 precinct map (before *Shelby County*) and the 2016 precinct map. What one initially finds is that Louisiana saw a reduction of more than 300 precincts. In the precincts that were not affected by consolidation, the mean African-American share was .30, while it rose to .36 in the precincts that were consolidated. All but ten of the 64 parishes in the state made changes during this four year span. Several of those that did not were among the faster growing parishes in the state and their changes were made before 2014 because they had only sought to divide precincts that were getting too large.

In the models used here to measure discrimination, the dependent variable is whether the precinct was consolidated (0 or 1). The primary independent variable is the African-American share of the precinct in terms of registered voters. This is also tested with changing this to the total minority proportion of the precinct, by adding the African-American and Other registered voters together.

Other variables are added to Models 3 and 4 to see if the discriminatory effect holds. These are done at the precinct level for some and the parish level for others. As for the precinct level, one is the proportion of registered Democrats by precinct. Given many white voters that generally vote Republican as still registered as Democrats, this variable is unlikely to show much significance. The other precinct level variable is whether the precinct was below the statutory minimum level of 300 registered voters. These should be the precincts most likely to be consolidated, regardless of race.

At the parish level, there are several political variables collected from the Louisiana Secretary of State. The first is the proportion in the parish that David Duke received in the 1991 runoff for Governor. In that election, Duke won around 39% of the vote, but managed to carry 19

parishes, primarily in the northeastern portion of the state. One can observe the Duke share of the vote by parish in Figure 3. One would suffice that parishes in which the voters would cast a vote for the former Grand Wizard of the Ku Klux Klan would also elect officials that would tend to discriminate against African-Americans if given the chance. Two other variables also involve Duke. He was a candidate in the 2016 Senate race for the seat vacated by Vitter. Despite a great deal of publicity, Duke failed to generate much support, and finished with only a little over three percent of the vote. However, he did manage to receive nearly nine percent in Avoyelles Parish. His showing in 2016 is only mildly correlated with his 1991 numbers. The final Duke variable involves his proportion by parish versus what was received by Rep. Bobby Jindal in his narrow loss to Kathleen Babineaux Blanco in the 2003 race for Governor. In that race, Jindal ran strong in the state's urban areas, but he failed in the runoff because much of rural northern Louisiana, which had voted for Duke, decided that they would back Blanco. Many attributed this to these conservative voters not being able to cast a vote for a dark skinned candidate of Indian descent. This variable measures the difference by parish in Jindal's proportion in 2003 versus that of Duke in 1991.

There are several other political parish level variables as well. The first is whether the parish had some type of voting change objected to be the Justice Department during the preclearance period. One would logically think that parishes with bad records during preclearance would take the opportunity to discriminate once given the opportunity. Parishes with objections lodged can be seen in Figure 1. Next, one can seek to examine the type of parish level government. Specifically, whether the parish still employed the Police Jury form of government, which is a throwback to before the modern Louisiana Constitution of 1974. Parishes with a Police Jury can be found in Figure 2, and are colored in red.

The next set of additional variables are demographic in nature. They measure the well-being of persons in the parish, looking at income per household, and the proportion of the parish that is in poverty. One would expect high income parishes to not have to consolidate precincts, especially given that they are often the faster growing parishes in terms of population growth, but that poverty might lead a parish to try to save some money by have less places to vote. These are from data provided by the U.S. Census.

The final variables are also demographic, but look at characteristics of persons in the parish that some could argue are a way to focus on certain regions of the state. The first is the proportion of the parish that speak French, as collected by the U.S. Census. These parishes are concentrated in the south central portion of the state, around the Lafayette and Thibodaux areas. Some refer to this region as Acadiana or simply Cajun Country. The other two are estimates from the American Religious Data Archive (ARDA), for the proportion of the parish that are either Roman Catholic (of all races) or White Evangelical Protestants. The largely Catholic parishes are in the southern portion of the state, with nine parishes containing a majority of that religious group. One can look at whether pro-civil rights attitudes by the local bishops have had an effect on discriminatory behavior. There is a weak correlation between the French speaking parishes and the Catholic ones. A primary reason that it is relatively weak is that the New Orleans metro area and the River Parishes have large Catholic proportions, but not a high number of French speakers. The other religious variable is for White Evangelical Protestants in terms of their proportion by parish. The parishes with the highest share of these residents are in the northeastern part of the state, which is also where David Duke had some of his best numbers in the 1991 election for Governor. White Evangelicals in the South are also known for being rather conservative on racial issues.

VI. Results and Discussion

Louisiana is one of the most racially polarized state in the country, with a precinct level correlation between the black proportion of the precinct and the share won by President Obama in the 2012 election of .95. This is demonstrated graphically in Figure 4, and the model is similar to that to that used by Engstrom and McDonald (1985), which was cited favorably in footnote 20 of *Gingles*. This high level of correlation means that the Obama proportion in 2012 by precinct is excluded from the models.

[Insert Figure 4 here]

The discriminatory effect is more substantial (yet both are statistically significant) when only looking at African-Americans than examining the total minority population. The discriminatory effect is also greater when one changes from the bi-variate logistic regression to a conditional fixed effects model, as demonstrated in Table 1. These two models show that as the proportion of African-Americans in a precinct increases, so does the likelihood of that precinct being consolidated. This increases from around a 1/7 chance of the precinct being consolidated (.15) if it is all white to better than a 1/5 chance (.21) if it is 100% African-American.

Given that that Section 2 of the Voting Rights looks more to effect than intent, the bi-variate model is best to test this proposition as to whether the changes made in the precincts during these years where the state lost nearly 10% of its precincts were done with a racially discriminatory effect. The multi-variate model, however, allows one to introduce other variables to see if they have a discriminatory effect by themselves, and if the black proportion by precinct variable remains significant.

In the multi-variate model, party registration is not significant in either model. This may be due to the fact that party registration in Louisiana has not caught up with partisan voting behavior. With its blanket primary system of electing every office except that of President of the United States, which uses a closed primary, this lack of a partisan primary for every other office decreases the incentive of voters going and switching their registration to match their partisan identification. Many persons end up switching registered affiliations to vote for a candidate in a primary, but with the Louisiana primary system, this is not needed since one can vote for whomever they wish, no matter the partisan affiliation of that candidate. The remaining precinct level variable of whether the precinct is below the statutory minimum of 300 registered voters has a significant positive effect on consolidation, but it should be noted that over 60% of consolidated precincts were above 300 registered voters. Still, despite this, results for the discriminatory effect by race still hold up.

Dep. Variable: Precinct Consolidation	Model #1- Bi-Variate Logit	Model #2- Conditional Fixed Effects (by Parish)	Model #3- Multi-nominal Logit	Model #4- Multi-nominal Logit
Precinct Black Proportion	.4205 (.1237)***	.8040 (.1677)***	1.2381 (.2770)***	
Precinct Minority Proportion				.9415 (.2643)**
Precinct Dem Registration Proportion			-.5484 (.5024)	-.0390 (.4752)
Precinct Below 300			1.7354 (.0999)***	1.7103 (.0996)***
Parish Duke Proportion 1991			1.7274 (.9111)*	4.3720 (.9960)***
Parish Duke Proportion 2016			-17.3961 (5.7201)**	-22.4782 (5.5138)**
Parish Duke 91 vs. Jindal 03			3.1015 (.9176)***	3.1882 (.9080)***

Parish Evangelical Protestant Proportion				-3.8702 (.5875)***
Parish Catholic Proportion			1.5660 (.4712)***	
Parish French Speaking Proportion			-2.7065 (1.1566)*	-3.7409 (.9403)***
Police Jury in Parish			.5563 (.1354)***	.8379 (.1446)***
VRA Violation pre-2013 in Parish			-.5014 (.1193)**	-.2952 (.1223)*
Parish Income (in 1000s)			-.0154 (.0092)	-.0195 (.0086)*
Parish Proportion in Poverty			.1191 (.0245)***	.0957 (.0239)***
Constant	-1.7321 (.0591)***		-1.8844 (.4754)***	-2.2193 (.4419)***
Log Likelihood	-1906.70	-1263.74	-1565.28	-1550.20
N	4213	3355	4213	4213
Pseudo R^2	.003	.009	.1815	.1894

The remaining variables within Models 3 and 4 are at the parish level, and include both demographic and political, which are explained below. Three of these have to do with the person that is perhaps Louisiana's most infamous political figure (which is a great achievement given the state's political history): former Ku Klux Klan leader David Duke (R-Metairie), a Republican who was the de facto Republican Senate nominee in 1990 and only lost by around ten points. Duke then won a spot in the runoff in the 1991 race for Governor, beating out Gov. Buddy Roemer (R-Shreveport)[19], but ultimately losing to former Gov. Edwin Edwards (D-Marksville) in a 61-39 landslide. Interestingly, both would later spend time in federal prison (Maginnis, 2011). Duke's 1991 parish share of the vote had a significant positive effect on consolidation by

[19] Roemer was elected as a Democrat in 1987, but switched parties shortly before the 1991 election. He ran for President in 2016 as a Republican, but left the party to become an Independent when his candidacy failed to attract support and he was not allowed in the Republican debates.

race, but his extremely poor 2016 Senate primary had the opposite effect. Also very positive was how Duke did 1991 relative to that of how Indian-American Bobby Jindal performed in his failed 2003 bid for Governor, when he performed much worse than most other Republicans in the rural parishes in north Louisiana according to an analysis of election results from the Secretary of State.

Among the remaining parish variables, a positive effect was found from parishes that still used the police jury system, which is the oldest form of parish government. These parishes have chosen not to adopt a home rule form of government that would either consolidate the parish and cities, or those that would maintain separate local governments, but would elect a parish-wide President. The police jury is more popular in the state's more rural parishes. However, as Figure 3 demonstrates, this is also regional. Parishes in the northern portion of the state have kept the police jury, as well as those in the southwest. One of the few exceptions is Caddo Parish, home to Shreveport. It is the southeastern parishes that have adopted new forms of parish government, though it should be noted that Orleans Parish-New Orleans had consolidated long before the home rule provision was adopted.

Poverty levels in the parish are positive, but there is a negative weak connection with parish income levels. One also sees a negative effect of parishes that had seen a voting change blocked by Section 5 of the Voting Rights Act under preclearance. The last three variables can be used as regional proxies. One observes a significant negative effect from the parishes with higher levels of French speakers and Evangelical Protestants, but a positive effect from the more Roman Catholic parishes. This seems to point to more discriminatory effect from the New Orleans metropolitan area, which is disproportionately Roman Catholic, but where few speak

French, but less in the south central portion of the state, which has some of the highest county-equivalent proportions of Roman Catholics in the country.

VII. Conclusion

In *Shelby County,* Chief Justice Roberts argued for a color blindness and non-interventionism in terms of voting rights. He believed that the country had moved beyond where it was when the preclearance formula had last been updated. Ginsburg made an argument that to protect voting rights in certain areas of the country, federal intervention had worked and was still needed. She feared that without supervision by the Justice Department that one would see backsliding in voting rights from jurisdictions freed from coverage.

Louisiana is one place to test these propositions. It had a bad history on the issue of voting rights and race in general. It also was that Louisiana was set to redraw its precincts shortly after the *Shelby County* decision. In the previous 48 years, any changes made by parishes to precinct maps, locations, and sites would be subject to preclearance, and the Justice Department had indeed objected to several changes in Louisiana during that period of time. Without this oversight, Louisiana parishes would have more or less free reign (subject still to Section 2 challenges) to make changes to precinct maps and polling locations.

Once freed from coverage, Louisiana eliminated (by consolidation) over 300 precincts (or nearly 10%) across the state. This was done by 54 of the 64 parishes, in that consolidated at least one precinct. This was also done overall in a discriminatory manner in that as the proportion of African-Americans and minorities increased within that precinct, so did the likelihood of that precinct being consolidated. This effect holds under additional models as well. It appears from this evidence, that at least in this context that there was some backsliding in the State of

Louisiana in that there are less places to vote its residents, and African-Americans are more likely than whites to see this.

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Appendix:

Figure 1

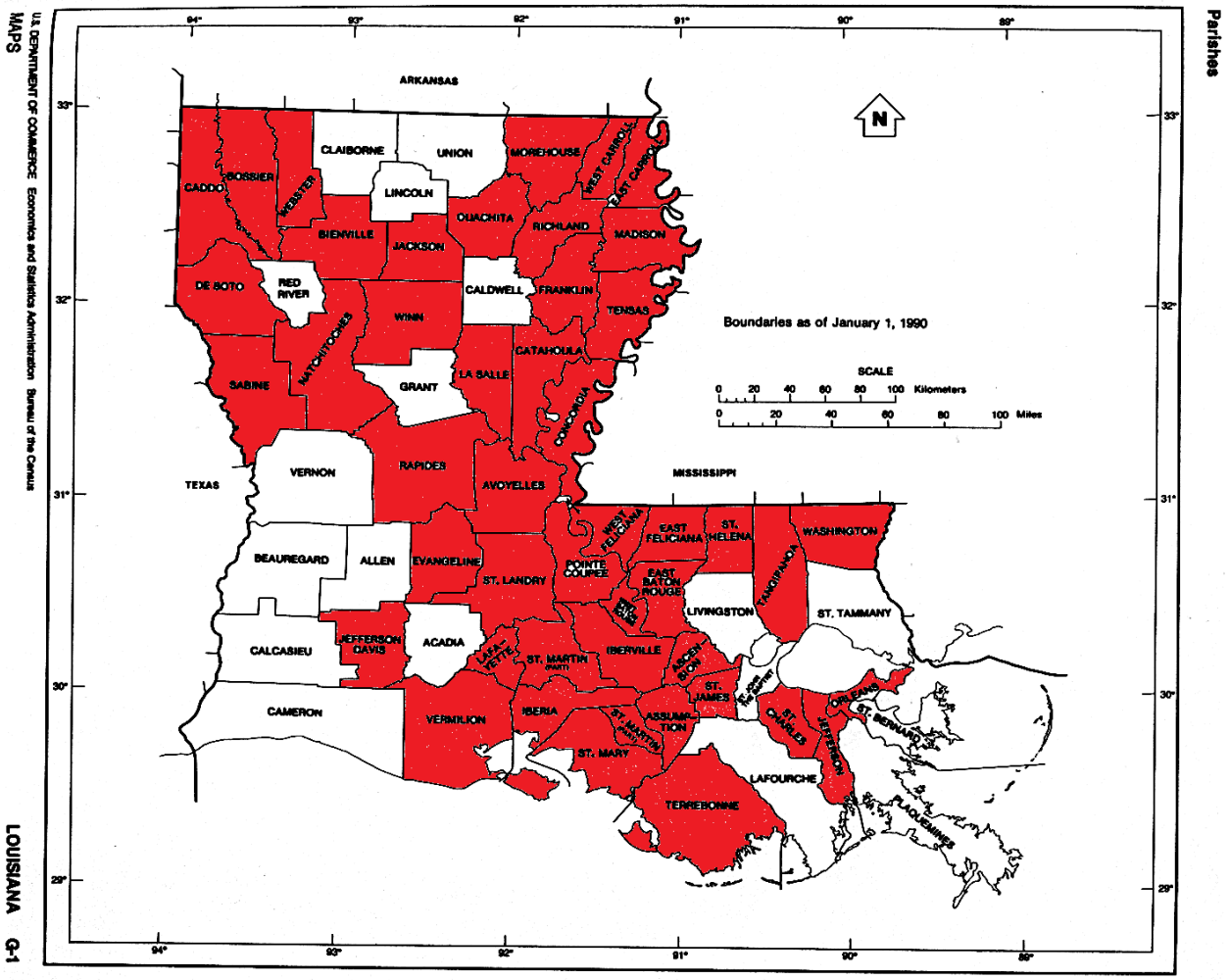

Figure 1: Louisiana Counties with VRA Objections

Figure 2

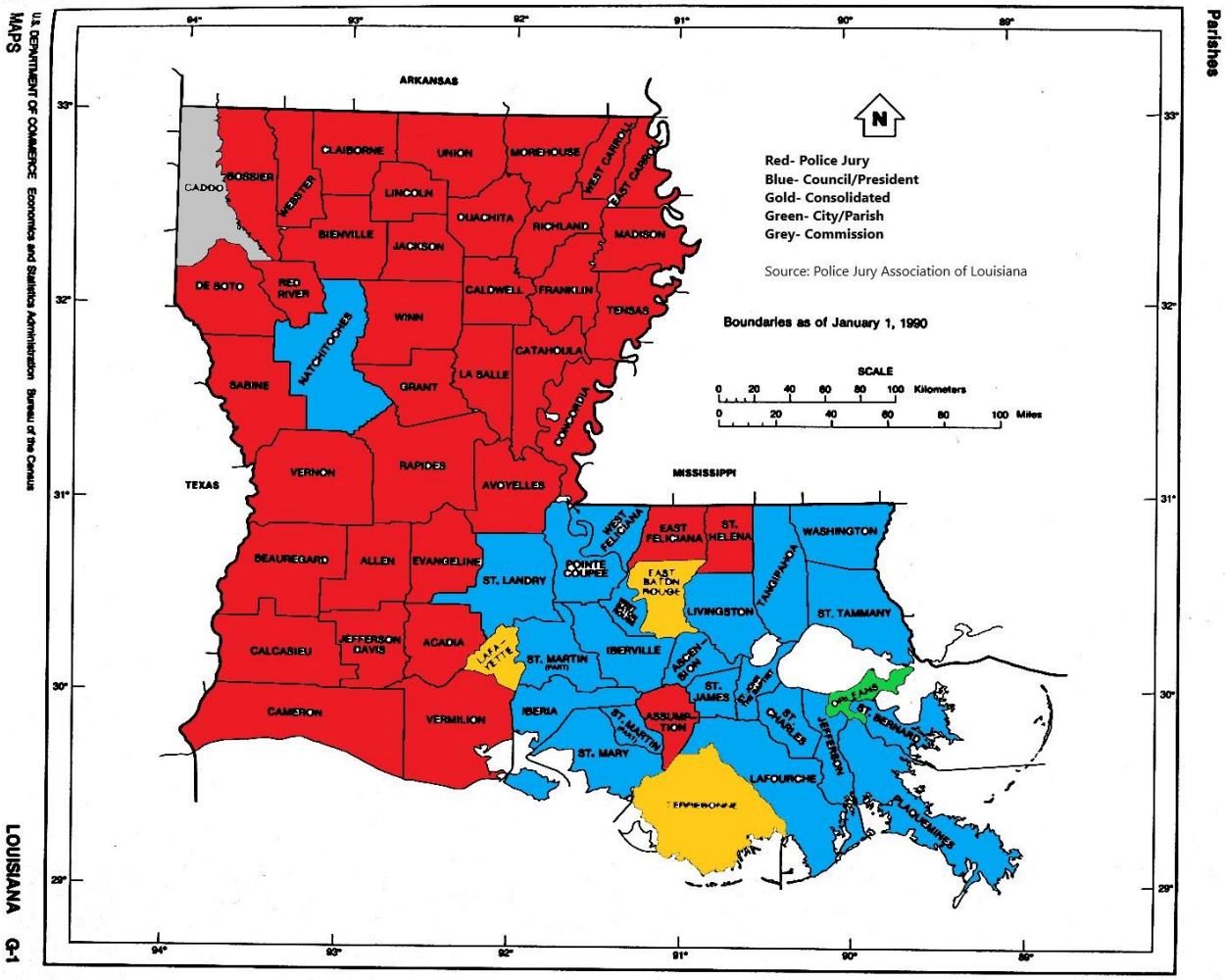

Figure 2: Louisiana Parish Government Types

Figure 3

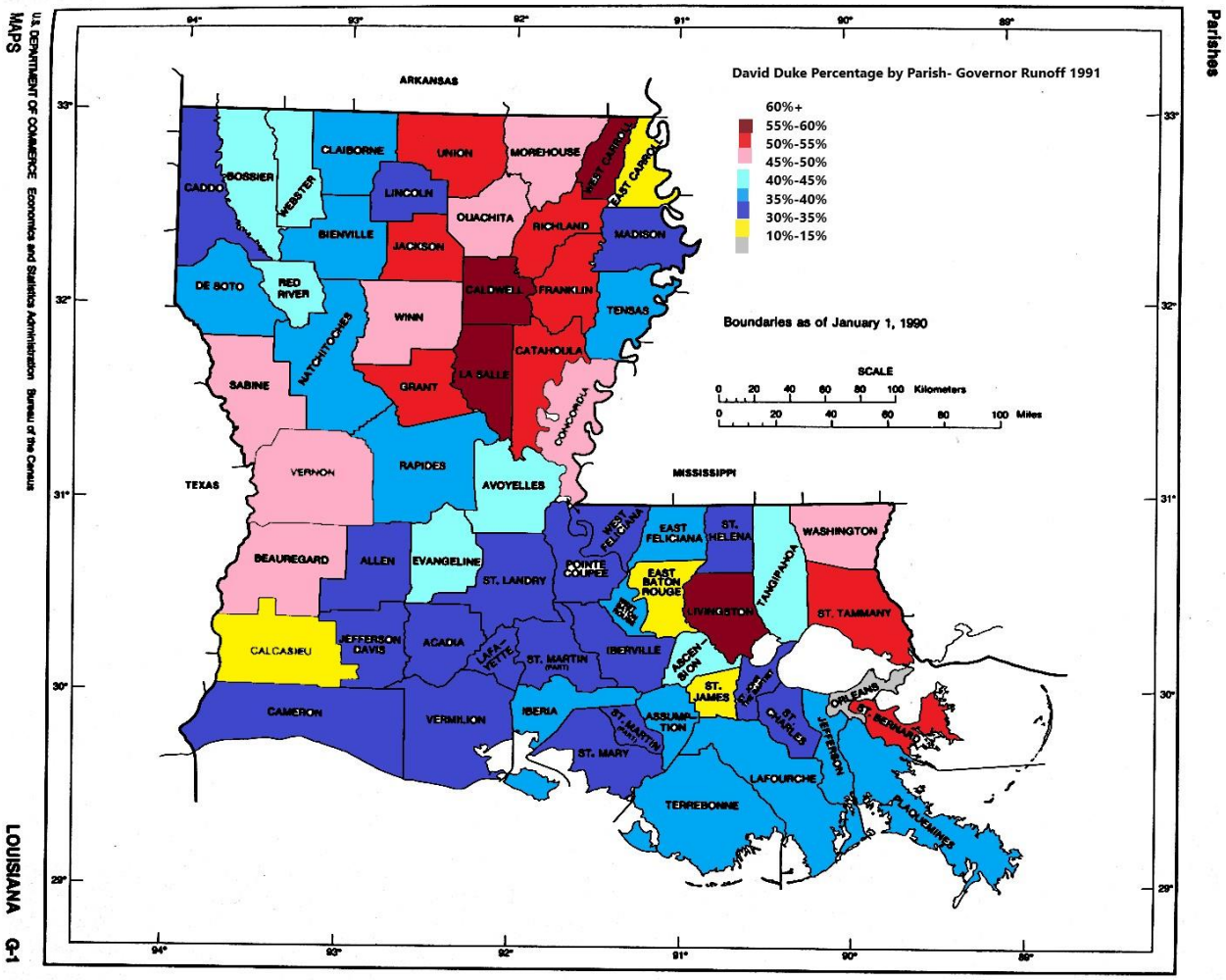

Figure 3: David Duke Vote in 1991 Governor Runoff

Figure 4

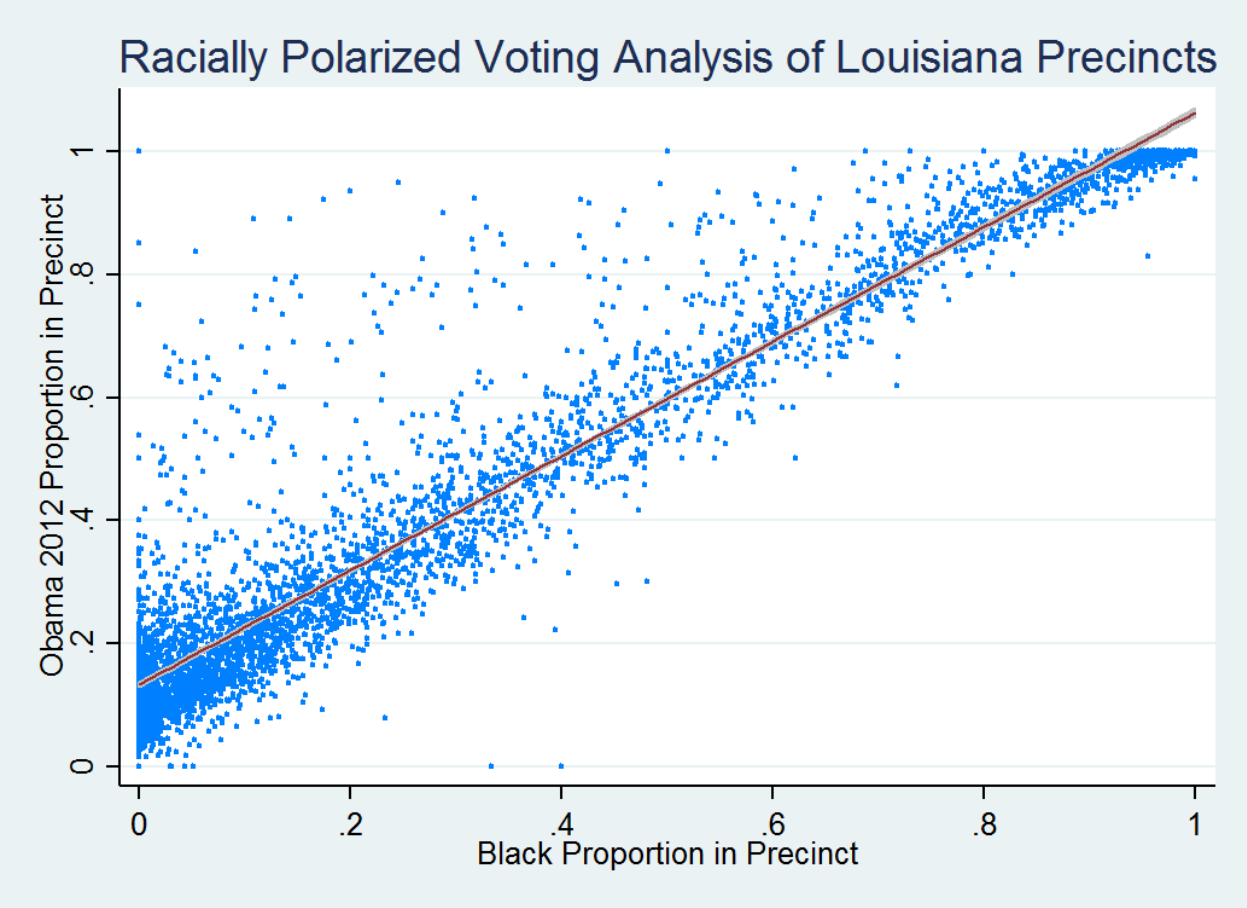

Figure 4: Racially Polarized Voting Analysis of Louisiana for 2012 Presidential Election

Figure 5

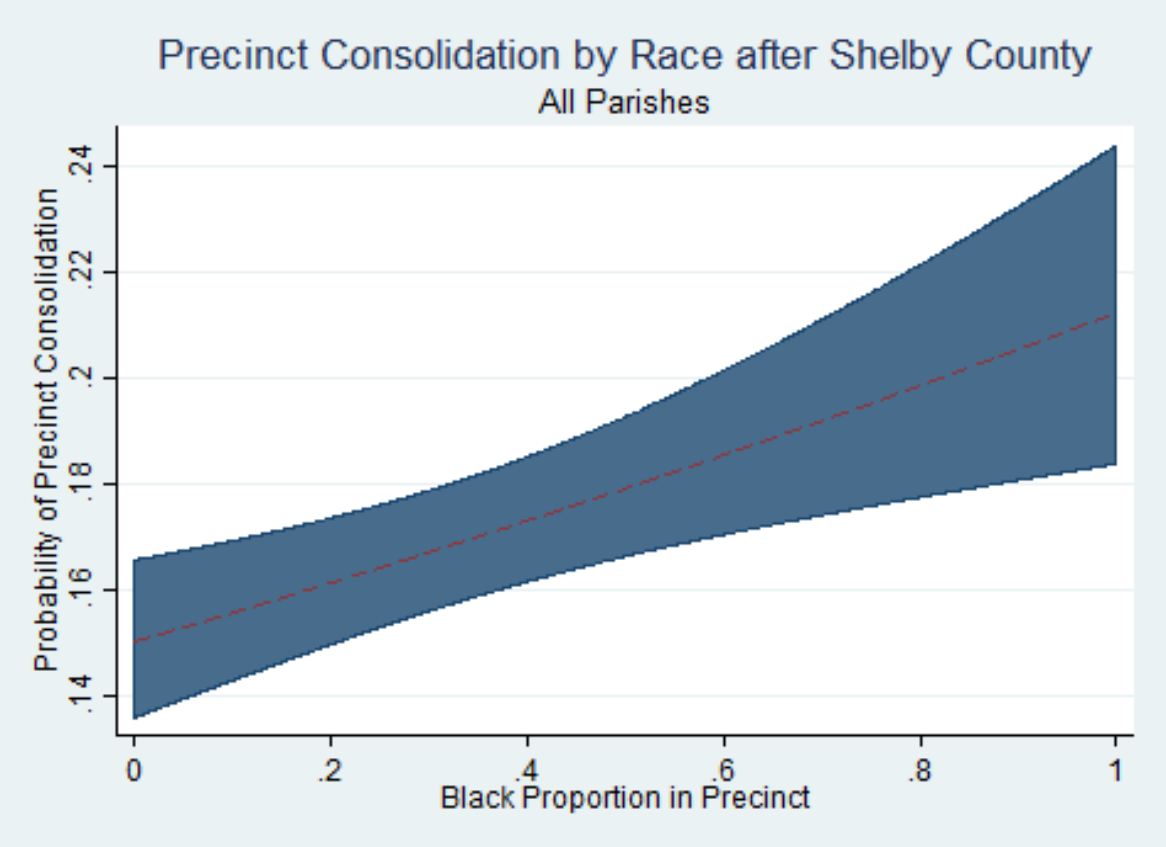

Figure 5: Racial Effect of Precinct Consolidation- Out of Sample Prediction