

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF WEST MONROE; STACI ALBRITTON MITCHELL, in her official capacity as Mayor of West Monroe; and JAMES D. BRIAN, MORGAN LOWE BUXTON, THOM HAMILTON, TREVOR LAND, and BEN WESTERBURG in their official capacities as members of the West Monroe Board of Aldermen,

Defendants.

Civil Action No. 3:21-cv-0988

JOINT MOTION FOR ENTRY OF CONSENT JUDGMENT AND DECREE

The parties to this action are the United States of America; the City of West Monroe; Staci Albritton Mitchell, in her official capacity as Mayor of West Monroe; and James D. Brian, Morgan Lowe Buxton, Thom Hamilton, Trevor Land, and Ben Westerburg, in their official capacities as members of the West Monroe Board of Aldermen. Through their undersigned counsel, the parties respectfully request that the Court enter the Consent Judgment and Decree attached hereto as Exhibit A. The parties have negotiated in good faith and wish to resolve this matter according to the terms set forth in the proposed Decree. In support of this motion, the parties stipulate as follows:

1. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a), and 52 U.S.C. § 10308(f).
2. The United States' Complaint alleges that the current method of electing the West

Monroe Board of Aldermen results in a violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. Compl. (ECF No. 1).

3. The parties have agreed to entry of the Consent Judgment and Decree attached as Exhibit A. The Decree sets forth a new method of election for the five members of the West Monroe Board of Aldermen that complies with Section 2 of the Voting Rights Act. Under the new method of election, the City of West Monroe will be divided into three election districts, each of which will elect one member of the Board of Aldermen, and two members of the Board of Aldermen will continue to be elected at large. The Decree includes a map of the new election districts and an implementation schedule for the new method of election.

4. On April 13, 2021, the West Monroe Board of Aldermen voted unanimously to resolve this matter through the entry of this Consent Judgment and Decree.

5. Louisiana law permits municipalities to elect its aldermen using a mixed method of election that includes both single-member districts and at-large districts. La. Rev. Stat. § 33:382(D).

6. This Consent Judgment and Decree satisfies the requirement that a consent decree be “fair, adequate and reasonable” and “not the product of collusion between the parties.” *Cotton v. Hinton*, 559 F.2d 1326, 1330 (5th Cir. 1977). Because the Consent Judgment and Decree results in a method of election that complies with Section 2 of the Voting Rights Act, it is also “consistent with the public objectives sought to be attained by Congress.” *United States v. City of Miami*, 664 F.2d 435, 442 (5th Cir. 1981) (en banc) (Rubin, J., concurring); *see also Williams v. City of New Orleans*, 729 F.2d 1554, 1560 (5th Cir. 1984) (“[T]he presence of the Justice Department in the suit allow[s] the Court safely [to] assume that the interests of all affected ha[ve] been considered.” (internal quotation marks and citation omitted)).

WHEREFORE, the parties respectfully request that this motion be granted.

Dated: April 14, 2021

For the Plaintiff United States of America:

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CERTIFICATE OF SERVICE

I hereby certify that on April 14, 2021, a true and correct copy of the foregoing document was served via the Court's ECF system to all counsel of record.

s/ Jasmyn G. Richardson

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EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CITY OF WEST MONROE; STACI ALBRITTON MITCHELL, in her official capacity as Mayor of West Monroe; and JAMES D. BRIAN, MORGAN LOWE BUXTON, THOM HAMILTON, TREVOR LAND, and BEN WESTERBURG in their official capacities as members of the West Monroe Board of Aldermen,

Defendants.

Civil Action No. 3:21-CV-0988

CONSENT JUDGMENT AND DECREE

The Attorney General filed this action to enforce Section 2 of the Voting Rights Act, 52 U.S.C. § 10301. The complaint alleges that the current method of electing the West Monroe Board of Aldermen violates Section 2 of the Voting Rights Act by resulting in denial of an equal opportunity for Black citizens of the City of West Monroe to participate in the political process and to elect candidates of their choice.

The parties, through counsel, have conferred and agreed that it is in the best interest of the parties that this lawsuit be resolved without protracted and costly litigation. Accordingly, the parties have entered into the following Consent Judgment and Decree (the “Decree”) as an appropriate resolution of this civil action.

The parties stipulate as follows:

- i. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331,

1345, and 2201(a), and 52 U.S.C. § 10308(f).

ii. Defendant City of West Monroe is a political and geographical subdivision of the State of Louisiana.

iii. Defendant Staci Albritton Mitchell is the mayor and executive officer of the City of West Monroe. W. Monroe Charter art. III, §§ 301, 307. As mayor, she presides at all public meetings of the mayor and board of aldermen and may cast a tie-breaking vote. W. Monroe Charter art. III, §§ 301, 309. She is sued in her official capacity.

iv. Defendants James D. Brian, Morgan Lowe Buxton, Thom Hamilton, Trevor Land, and Ben Westerburg are elected members of the West Monroe Board of Aldermen, the governing authority of the City for purposes of legislation and policy-making. W. Monroe Charter art. II, § 201. They are sued in their official capacities.

v. The West Monroe Board of Aldermen has five members, elected in at-large contests for concurrent, four-year terms. W. Monroe Charter art. II, § 202. Voters may cast votes for up to five candidates, and the top five finishers are elected. *See* La. Stat. Ann. §§ 18:512(A), 18:522(B).

vi. Louisiana law permits but does not mandate the current method of electing the West Monroe Board of Aldermen. *See* La. Stat. Ann. § 33:382(D).

vii. No Black candidate has ever been elected to the West Monroe Board of Aldermen.

viii. According to the 2010 Census, West Monroe had a population of 13,065, of whom 7,908 were White (60.5%) and 4,458 were Black (34.1%). West Monroe had a voting-age population of 9,975, of whom 6,593 were White (66.1%) and 2,882 were Black (28.9%).

ix. The Black population of West Monroe is now sufficiently numerous and

geographically compact to constitute a majority of the voting-age population in a single-member district under an illustrative five-district plan. Therefore, the United States can establish the first precondition to liability under *Thornburg v. Gingles*, 478 U.S. 30, 50 (1986).

x. Election returns establish that the Black population of West Monroe is politically cohesive and that the White population votes sufficiently as a bloc to usually defeat the preferred candidate of Black voters. Therefore, the United States can establish the second and third preconditions to liability under *Gingles*, 478 U.S. at 51.

xi. Under the totality of circumstances, the current method of electing the West Monroe Board of Aldermen results in Black voters having less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act.

xii. Defendants will therefore discontinue use of the current method of electing members of the West Monroe Board of Aldermen and will, in its place, implement a mixed method of election under which West Monroe will elect three members of the Board of Aldermen from single-member districts and two members of the Board of Aldermen at large. At least one of the three single-member districts should provide Black voters with an opportunity to elect a representative of their choice.

xiii. A fairly-drawn three single-member district plan, drawn in accordance with the Voting Rights Act and the U.S. Constitution, would result in Black citizens of West Monroe having an opportunity to elect candidates of choice in at least one single-member district.

xiv. The remedial election plan attached hereto as Exhibit 1, when used as part of a mixed method of election including three members elected from single-member districts and two elected at large, provides an equal opportunity for Black voters to elect candidates of their

choice.

Therefore, with the consent of the parties, IT IS HEREBY ORDERED, ADJUGED, AND DECREED:

1. This Court has original jurisdiction over this action under 28 U.S.C. §§ 1331, 1345, and 2201(a), and 52 U.S.C. § 10308(f).

2. The current method of electing members of the West Monroe Board of Aldermen violates Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, because it results in Black citizens having less opportunity than other members of the electorate to participate in the political process and elect candidates of their choice.

3. Defendants, their officers, agents, employees, and all other persons acting in concert with any of them are hereafter enjoined from conducting elections for the West Monroe Board of Aldermen under the current at-large method of election.

4. The City of West Monroe shall hereafter elect the West Monroe Board of Aldermen using a mixed method of election. Three members of the Board of Aldermen will be elected from single-member districts, and two members of the Board of Aldermen will be elected at large. All otherwise eligible candidates for single-member district seats on the Board of Aldermen must reside in the aldermanic district from which they run. Only eligible voters residing in an aldermanic single-member district will be allowed to vote for Board of Aldermen candidates running from that district. All eligible voters of the City of West Monroe will be allowed to vote for Board of Aldermen candidates running for at-large positions.

5. Defendants shall implement the agreed-upon remedial plan attached to this Decree as Exhibit 1 for electing three members of the West Monroe Board of Aldermen. The first election under the remedial plan will take place on March 26, 2022, in accordance with State

law. *See* La. Rev. Stat. § 18:402(C)(1). The qualifying period for that election will occur from January 26, 2022 to January 28, 2022, in accordance with State law. *See id.* §§ 18:467(3), 18:468(A).

6. As soon as practicable, Defendants shall codify the agreed-upon mixed method of election for the West Monroe Board of Aldermen in the West Monroe Code of Ordinances. Notwithstanding Sections 202 and 801 of the West Monroe Charter, W. Monroe Charter art. II, § 202; *id.* art. VIII, § 801, and Section 382(D) of Title 33 of the Louisiana Revised Statutes, La. Rev. Stat. § 33:382(D), Defendants may adopt the ordinance to this effect and may do so less than one year before the 2022 election for the West Monroe Board of Aldermen.

7. The West Monroe Board of Aldermen shall reconsider the boundaries of the districts described by Exhibit 1 and established by this Decree within six weeks of the release of the P.L. 94-171 Redistricting Data set for the State of Louisiana from the 2020 Census by the U.S. Census Bureau. At that time, the Board shall determine whether the districts must be revised to comply with federal law, including the Equal Protection Clause of the Fourteenth Amendment and Section 2 of the Voting Rights Act. The Board shall advise counsel for the United States in writing of its determination within ten days of making that determination.

8. If the districts described by Exhibit 1 and established by this Decree remain lawful in light of 2020 Census data, they shall remain in place until the release of 2030 Census data or further order of this Court.

9. If the districts described by Exhibit 1 and established by this Decree do not comply with federal law in light of 2020 Census data, the Board shall make those changes necessary to render the districts lawful by no later than December 1, 2021. If the 2020 Census data show that a redistricting plan that affords Black citizens an equal opportunity to elect

candidates of choice in one single-member district out of three single-member districts for the Board of Aldermen can continue to be drawn in accord with the Constitution and the Voting Rights Act, then the Board's new redistricting plan shall continue to provide for that opportunity. The Board shall advise the United States in writing within ten days of the adoption of a new district plan based on 2020 Census data and shall provide a copy of the plan, along with available demographic information.

10. Defendants shall take all necessary and timely steps to publicize both the new method of election for the West Monroe Board of Aldermen, including the new district plan, and the election schedule, including the candidate qualifying period. Publicity shall include press releases, website and social media updates, large-format notices in public facilities and at community events, personal outreach to community leaders and local civic organizations, announcements at Board of Aldermen meetings, and notices or advertisements in appropriate media, including the Monroe Free Press, the Ouachita Citizen, and the News Star.

11. By no later than December 15, 2021, Defendants shall mail every registered voter in West Monroe a notice explaining the change in the method of election and providing the date of the 2022 Board of Aldermen election, the districts that will be used for that election, and the candidate qualifying period. By no later than February 26, 2022, Defendants shall mail every registered voter in West Monroe a second notice again explaining the change in the method of election and providing the date of the 2022 Board of Aldermen election, the districts that will be used for the election, the district in which the voter resides, the candidate or candidates who have qualified in the district in which the voter resides and at large, and the time, place, and procedures for the election. The parties to this Decree shall confer on the content and timing of the publicity and notices described in Paragraphs 10 and 11.

12. If the Board adopts a new redistricting plan after the release of the 2020 Census that the United States believes denies Black citizens the equal opportunity to elect candidates of choice to the Board of Aldermen in violation of the terms of this Decree or Section 2, the United States will have the right, upon notice to this Court, to challenge the new plan as a violation of the terms of this Decree or Section 2.

13. While this Decree remains in effect, the parties shall provide a report to the Court within sixty days of the certification of an election for the West Monroe Board of Aldermen detailing compliance or noncompliance with the terms of this Decree.

14. Except as inconsistent with or specifically altered by the terms of this Decree, all State and local laws shall continue to govern elections for the Board of Aldermen.

15. All parties shall bear their own costs, expenses, and attorneys' fees in this case.

16. This Decree shall expire after December 31, 2030, unless a party obtains an extension pursuant to Paragraph 17.

17. This Court shall retain jurisdiction over this matter to enforce the provisions of this Decree and for such further relief as may be appropriate. For good cause shown, any party may move to extend the Consent Decree or to reopen the case.

SO ORDERED.

April 14, 2021

HON. TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE

The Undersigned Agree to Entry of this Consent Decree.

For the Plaintiff United States of America:

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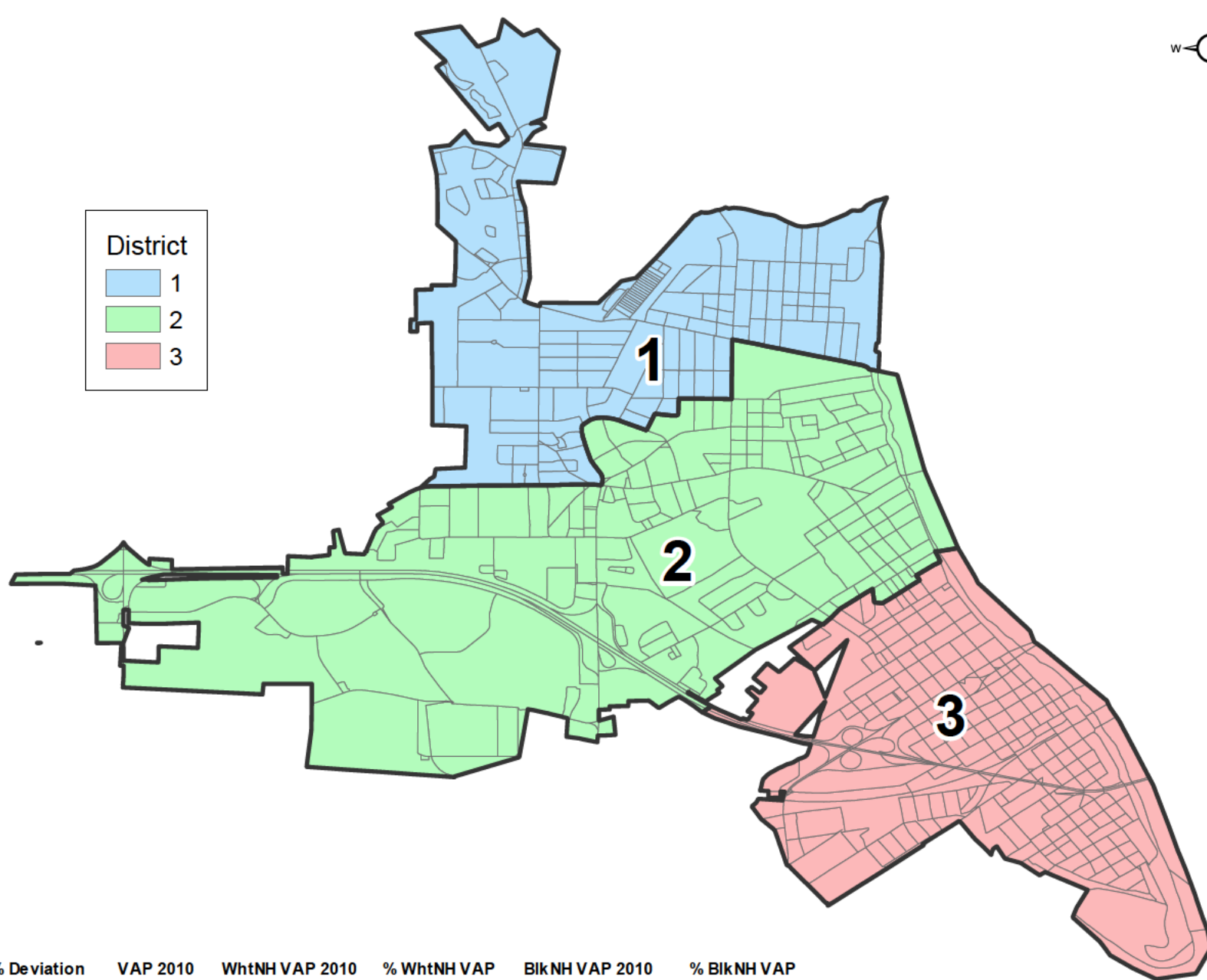
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April 14, 2021
Date

EXHIBIT 1

West Monroe, LA: Three-District Plan



District	Pop 2010	% Deviation	VAP 2010	WhtNH VAP 2010	% WhtNH VAP	BikNH VAP 2010	% BikNH VAP
1	4320	-0.8	3461	3066	88.6	273	7.9
2	4312	-0.99	3454	2449	70.9	789	22.8
3	4433	1.79	3060	1078	35.2	1820	59.5