

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION**

NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED
PEOPLE, VERMILION PARISH
CHAPTER,

Plaintiff,

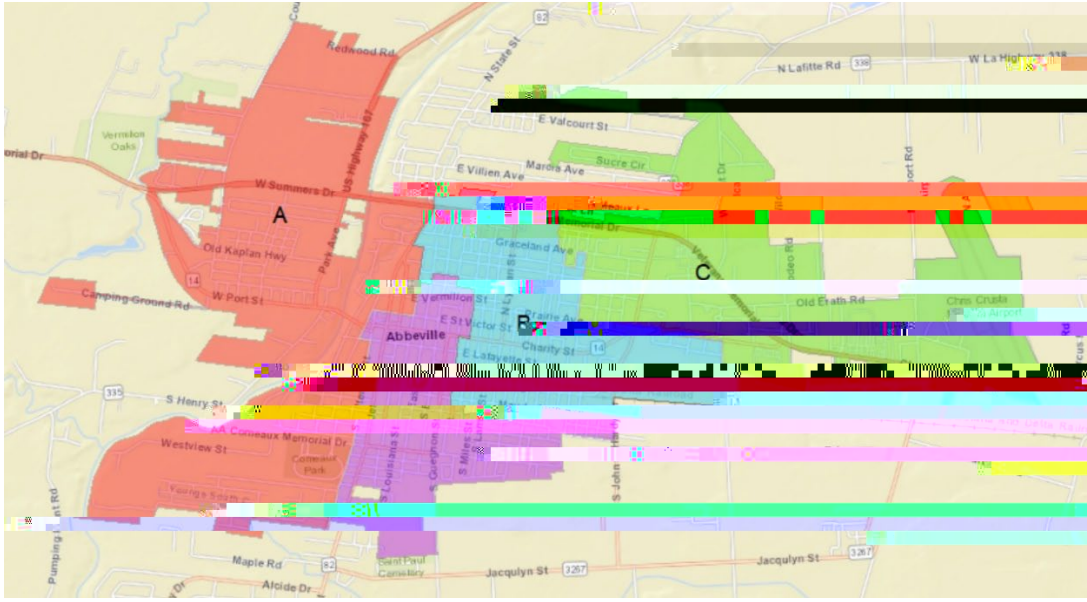
v.

CITY OF ABBEVILLE,

Defendant.

2. According to the 2020 Census, Abbeville’s population is 11,186.² Thus, the ideal population for each of Abbeville’s four single-member districts is 2,797.³ Below is the Enacted Map⁴ and a table of the current population and deviation percentage of each district:

District	2020 Population	Deviation Percent
A	2,710	-3%
B	3,086	10%
C	2,544	-9.28%



District	2020 Population	Deviation Percent
A	2,798	0.04
B	2,796	-0.04
C	2,796	-0.04
D	2,796	-0.04

6. To protect the voting rights of its members in Abbeville, the Vermilion NAACP now files this action because “[d]iluting the weight of votes because of place of residence impairs basic constitutional rights under the Fourteenth Amendment just as much as invidious discrimination based upon factors such as race.” *Reynold v. Sims*, 377 U.S. 533, 566 (1964). Plaintiff respectfully asks this Court for injunctive relief and a declaratory judgment that the Enacted Map violates the Fourteenth Amendment’s OPOV requirement.

JURISDICTION AND VENUE

7. This Court has jurisdiction to hear this case pursuant to 28 U.S.C. §§ 1331; 1343; and 1357. This action arises under the Fourteenth Amendment of the U.S. Constitution, U.S. Const. amend. XIV, § 1, and 42 U.S.C. § 1983.

8. This Court also has jurisdiction under the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202; and Rules 57 and 65 of the Federal Rules of Civil Procedure to grant the declaratory and injunctive relief requested. Upon prevailing, Plaintiff would further be entitled

this mission, the Vermilion NAACP advocates for the voting rights of Black voters and other voters of color in Abbeville, including its members.

13. The Vermilion NAACP conducts monthly member meetings which consist of educating members about their voting rights, and how to become more civically engaged. The Vermilion NAACP also hosts voter registration and voter advocacy events in Abbeville such as phone banking, canvassing, and rides to the polls.

14. Defendant the City of Abbeville is an incorporated city in Vermilion Parish. It has the capacity to sue and be sued. Abbeville, La. ORDINANCES Part 1 § 3(1). Through its city council, Abbeville has the authority to “reapportion its voting districts”. La. Stat. Ann. § 18:1921,

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16. On November 5, 2021, Louisiana Secretary of State Kyle Ardoin sent a letter to Mark Piazza, the former mayor of Abbeville, explaining the Council's obligations under La. Stat. Ann. § 33:1371. On December 7, 2021, the Ordinance Committee of the City Council held a meeting reviewing a presentation from Sellers and Associates, Inc. that included proposed illustrative maps. Sellers explained to the Council that Abbeville's population decreased from 12,257 to 11,186, but that District B increased in population.

17. During this committee meeting, the Council stated that the reason Abbeville's population decreased was because the Census employees did not do a "good job" in Abbeville.⁵ Mayor Piazza explained though, "[t]he numbers are what they are and there isn't much we can do but live with them for the next ten years."⁶

18. Marilyn Mitchell, a Vermilion NAACP member, attended this meeting and explained that the community desired fair representation. Ms. Mitchell encouraged the Council to review the letter

She stated that the Council did not believe that Abbeville “lost 1,000 people.”¹³ However, neither Sellers nor Mayor White were able to support their beliefs with actual evidence.

24. Both the SPLC and Vermilion NAACP members were present at this meeting and explained to the Council that the current plan was a *prima facie* OPOV violation, and presented the illustrative map that was sent with the letter. Additionally, the SPLC representative clarified to the Council that prior preclearance would not excuse the Enacted Map from being a *prima facie* violation because of the new Census results, and that Abbeville was no longer required to obtain preclearance after *Shelby Cnty., Ala. v. Holder*, 570 U.S. 529 (2013).

25. Nevertheless, on December 20, 2022, the City Council unanimously passed Ordinance 22-12, which declared that there was not a “substantial variation.”¹⁴

26. On February 23, 2023, the SPLC sent a public records request to the Council for all records related to redistricting of the Council since January 1, 2010. The Council’s response did not sufficiently address the 19% deviation.

27. Notably, the Council sent its 2010 preclearance submission where it reapportioned due to an almost 50% total deviation. With a total population of 12,257, the ideal population for each district in 2010 was 3,064. Sellers set a permissible population range of 3,217 to 2,911. The Council enacted a map that had a 9% deviation. This map, reenacted as Ordinance 22-12, currently has more than double that deviation percentage and is a clear *prima facie* violation.

28. The Council understood its obligations in 2010 under OPOV, but has now set aside this constitutional requirement due to a belief that is *only* supported by the Council’s own assertion and without any actual evidence.

¹³ *Id.*

¹⁴ Abbeville City Council Regular Meeting Minutes at 3, December 20, 2022.

29.

DATED: October 17, 2023