#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, and POWER COALITION FOR EQUITY AND JUSTICE,	Case No. 3:22-cv-00211-SDD-SDJ c/w
Plaintiffs,	
V.	
KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana,	
Defendant.	
EDWARD GALMON, SR., CIARA HART, NORRIS HENDERSON, and TRAMELLE HOWARD,	
Plaintiffs,	Case No. 3:22-cv-00214-SDD-SDJ
V.	
R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State,	
Defendant.	

# *GALMON* PLAINTIFFS' REPLY IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION\*

<sup>\*</sup> In this combined reply, Plaintiffs respond to the opposition briefs filed by Defendant R. Kyle Ardoin, in his official capacity as Louisiana Secretary of State (the "Secretary"), *see* Rec. Doc. No. 101 ("Sec'y Opp'n"); Intervenor-Defendant the State of Louisiana (the "State Intervenor"), *see* Rec. Doc. No. 108 ("State Opp'n"); and Intervenor-Defendants Clay Schexnayder, in his official capacity as Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, in his official capacity as President of the Louisiana Senate (the "Legislative Intervenors," and together with the Secretary and the State Intervenor, "Defendants"), *see* Rec. Doc. No. 109 ("Legis. Opp'n"). Plaintiffs previously filed a motion pursuant to

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Local Civil Rule 7(g) for leave to file a reply that exceeds the 10-page limit, for a total of 20 pages. *See* Rec. Doc. No. 118.

#### **INTRODUCTION**

The opposition briefs and expert reports filed by Defendants are an elaborate act of misdirection. Rather than engage with the merits of Plaintiffs' Section 2 claim, Defendants instead rely on irrelevant digressions, novel legal theories, and distortions of binding caselaw. And, most egregiously, they rewrite precedent to serve their own ends—a tactic most glaringly illustrated by the State Intervenor's qualifier, "Assuming for now that *Gingles* controls . . ." State Opp'n 5.

Make no mistake: *Gingles* and its progeny *do* control, no assumptions required. The elements of a Section 2 claim are well established and settled law. And because Plaintiffs have proved the merits of their Section 2 claim—and the equitable preliminary injunction factors readily support immediate relief to safeguard the fundamental rights of Black Louisianians—Plaintiffs' motion should be granted.

#### ARGUMENT

None of the legal or factual arguments raised by Defendants has merit.

#### I. Plaintiffs have standing and Section 2 confers a private right of action.

Defendants raise two threshold issues in their opposition briefing: The Secretary contends that Plaintiffs lack standing to assert their claim, *see* Sec'y Opp'n 7–8, while the State Intervenor boldly suggests that, contrary to decades of precedent, Section 2 does not confer a private right of action, *see* State Opp'n 19–21. Neither argument is persuasive.

Plaintiffs clearly have standing because, as Black Louisianians, *see* Exs. 6–9,<sup>1</sup> they have suffered the injury of vote dilution, either because they have been cracked into an area where a Black-performing district should have been drawn under Section 2 or because they have been

<sup>&</sup>lt;sup>1</sup> Exhibits 1 through 28 were attached to the Declaration of Darrel J. Papillion, filed with Plaintiffs' motion for preliminary injunction. *See* Rec. Doc. No. 42-2. Exhibits 29 through 34 are attached to the Second Declaration of Darrel J. Papillion, filed concurrently with this reply.

packed into a majority-Black district that prevents that required district from being drawn. *See*, *e.g.*, *Pope v. County of Albany*, No. 1:11-cv-0736 (LEK/CFH), 2014 WL 316703, at \*5 (N.D.N.Y. Jan. 28, 2014) ("[S]upported allegations that Plaintiffs reside in a reasonably compact area that could support additional [majority-minority districts] sufficiently prove[] standing for a Section 2 claim for vote dilution."). The Secretary questions Plaintiffs' standing because they "challenge the entire congressional plan, but only have Plaintiffs living in Congressional Districts 2,[]5, and 6," Sec'y Opp'n 8, but no authority holds that plaintiffs must represent *every* district that might be impacted by a remedial districting plan—either in a Section 2 case or in *any* redistricting matter.<sup>2</sup>

The State Intervenor's claim that Section 2 does not confer a private right of action fares no better. In *Morse v. Republican Party of Virginia*, a majority of the U.S. Supreme Court agreed that "the existence of the private right of action under Section 2 . . . has been clearly intended by Congress since 1965." 517 U.S. 186, 232 (1996) (Stevens, J.) (plurality opinion on behalf of two justices) (quoting S. Rep. No. 97-417, pt. 1, at 30 (1982)); *accord id.* at 240 (Breyer, J., concurring) (expressly agreeing with Justice Stevens on this point on behalf of three justices); *see also, e.g.*, *Ga. State Conf. of NAACP v. Georgia*, 269 F. Supp. 3d 1266, 1275 (N.D. Ga. 2017) (three-judge court) (citing *Morse* and concluding that "Section 2 contains an implied private right of action").

Rather than engage with (or even acknowledge) *Morse*, the State Intervenor instead relies on a method for assessing the existence of implied rights of action that the Court later adopted in *Alexander v. Sandoval*, 532 U.S. 275 (2001). *See* State Opp'n 20–21. But where "a precedent of

<sup>&</sup>lt;sup>2</sup> Indeed, the Secretary's argument is inconsistent with standing doctrine in the redistricting context. Under his theory, a viable malapportionment claim would need at least one plaintiff from *every* district in a challenged map, since each district would need to be redrawn to remedy the malapportionment injury—and yet binding precedent holds that voters in underpopulated districts do *not* have standing to challenge malapportionment because "injury results only to those persons domiciled in the under-represented voting districts." *Fairley v. Patterson*, 493 F.2d 598, 603 (5th Cir. 1974); *see also, e.g.*, *United States v. Hays*, 515 U.S. 737, 744–45 (1995) (only voters in racially gerrymandered districts have standing to challenge map).

[the Supreme] Court has direct application in a case," courts "should follow the case which directly controls, leaving to [the Supreme] Court the prerogative of overruling its own decisions"-even if it "appears to rest on reasons rejected in some other line of decisions." Rodriguez de Quijas v. Shearson/Am. Express, Inc., 490 U.S. 477, 484 (1989). Morse has not been overruled, and the Court has given no indication that a majority of justices intends to revisit its conclusion; indeed, it has repeatedly heard private cases brought under Section 2 without questioning this predicate foundation. See, e.g., Abbott v. Perez, 138 S. Ct. 2305, 2331–32 (2018); LULAC v. Perry, 548 U.S. 399, 409 (2006) (plurality opinion); see also Shelby County v. Holder, 570 U.S. 529, 537 (2013) ("Both the Federal Government and individuals have sued to enforce § 2." (emphasis added)). Only Justice Thomas joined Justice Gorsuch's recent suggestion that whether or not Section 2 furnishes a private right of action is "an open question," Brnovich v. DNC, 141 S. Ct. 2321, 2350 (2021) (Gorsuch, J., concurring)—a concurrence that did not cite *Morse* or any post-*Morse* Section 2 cases. And although the State Intervenor claims that the Fifth Circuit recently "acknowledged that [this issue] is an open question," State Opp'n 20, the concurring opinions it cites said nothing of the sort. See Thomas v. Reeves, 961 F.3d 800, 808 (5th Cir. 2020) (per curiam) (Costa, J., concurring) (noting only that "[i]t was not established in the 1970s that Section 2 of the Voting Rights Act provided a private right of action" without suggesting that this remains open question); id. at 818 (Willett, J., concurring) (observing only that "[a]s late as 1980, the Supreme Court had not even definitely determined whether § 2 of the Voting Rights Act created a private right of action for voters" (cleaned up)).<sup>3</sup>

<sup>&</sup>lt;sup>3</sup> In just the last five months, seven federal judges on three district courts have expressly rejected the argument that the State Intervenor offers here. *See Pendergrass v. Raffensperger*, No. 1:21-CV-05339-SCJ, slip op. at 17–20 (N.D. Ga. Jan. 28, 2022); *Singleton v. Merrill*, Nos. 2:21-cv-1291-AMM, 2:21-cv-1530-AMM, 2022 WL 265001, at \*78–79 (N.D. Ala. Jan. 24, 2022) (per curiam) (three-judge court); *LULAC v. Abbott*, No. EP-21-CV-00259-DCG-JES-JVB, 2021 WL 5762035, at \*1 (W.D. Tex. Dec. 3, 2021) (three-

In short, Plaintiffs have both standing to assert their claim and a private right of action with which to bring it—and the Court can and should proceed to the merits.

#### **II.** Plaintiffs' illustrative maps satisfy the first *Gingles* precondition.

Plaintiffs have readily proved each of the three *Gingles* preconditions—including demonstrating that "it is possible to 'creat[e] more than the existing number of reasonably compact districts with a sufficiently large minority population to elect candidates of its choice." *Galmon* Pls.' Mem. of Law in Supp. of Mot. for Prelim. Inj. 6–7, Rec. Doc. No. 42-1 ("Mot.") (alteration in original) (quoting *LULAC*, 548 U.S. at 430). In response, Defendants contend that Mr. Cooper's illustrative maps are insufficient or even unconstitutional. Neither claim is true.

#### A. Mr. Cooper properly employed the any-part Black metric.

Defendants dispute Mr. Cooper's satisfaction of the numerosity requirement of the first *Gingles* precondition by focusing on one narrow point: his use of the any-part Black voting-age population ("BVAP") metric. *See* State Opp'n 6–10; Legis. Opp'n 14.<sup>4</sup> But where, as here, "the case involves an examination of only one minority group's effective exercise of the electoral franchise," it is "proper to look at *all* individuals who identify themselves as black." *Georgia v. Ashcroft*, 539 U.S. 461, 473 n.1 (2003). Although the State Intervenor suggests that the use of any-part BVAP in *Ashcroft* was somehow a "big . . . exception" to the norm, State Opp'n 8, they point to nothing in that or any other Supreme Court opinion that cabins use of the metric in any way—and courts across the country have followed the Court's lead and relied on the any-part BVAP

judge court); *see also* Statement of Interest of the United States at 1, *LULAC v. Abbott*, No. 3:21-cv-259 (DCG-JES-JVB) (W.D. Tex. Nov. 30, 2021) ("Private plaintiffs can enforce Section 2 as a statutory cause of action[.]"). Against this backdrop, the recent conclusion of a single district court that Section 2 does not confer a private right of action, *see Ark. State Conf. NAACP v. Ark. Bd. of Apportionment*, No. 4:21-cv-01239-LPR, at \*9 (E.D. Ark. Feb. 17, 2022), can be understood only as a lone outlier.

<sup>&</sup>lt;sup>4</sup> Curiously, despite Defendants' insistence that any-part BVAP is an improper metric, their own experts employ this standard measurement in their analyses. *See* State Opp'n Ex. A, at 10 n.2 (Dr. Murray); Legis. Opp'n Ex. C, ¶ 3 n.1 (Dr. Blunt).

metric in Section 2 cases, *see, e.g., Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 419–20 (M.D. La. 2017), *rev'd on other grounds sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020); *Covington v. North Carolina*, 316 F.R.D. 117, 125 n.2 (M.D.N.C. 2016) (three-judge court), *aff'd*, 137 S. Ct. 2211 (2017), including cases in which Mr. Cooper has served as an expert, *see, e.g., Alpha Phi Alpha Fraternity Inc. v. Raffensperger*, Nos. 1:21-CV-5337-SCJ, 1:21-CV-5339-SCJ, 1:22-CV-122-SCJ, 2022 WL 633312, at \*16 (N.D. Ga. Feb. 28, 2022); *Singleton v. Merrill*, Nos. 2:21-cv-1291-AMM, 2:21-cv-1530-AMM, 2022 WL 265001, at \*12 n.5 (N.D. Ala. Jan. 24, 2022) (per curiam) (three-judge court); *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs*, 118 F. Supp. 3d 1338, 1343 (N.D. Ga. 2015); *Mo. State Conf. of NAACP v. Ferguson-Florissant Sch. Dist.*, 201 F. Supp. 3d 1006, 1033 (E.D. Mo. 2016). This precedent makes eminent sense: There is no better way to determine who qualifies as Black than by relying on the very people who identify as such.<sup>5</sup>

In any event, Mr. Cooper's illustrative majority-Black districts satisfy even the most restrictive metric of eligible Black voters: non-Hispanic single-race Black citizen voting-age population. See Ex. 29 ¶¶ 41–42 & fig. 5. In short, Plaintiffs indisputably satisfy the numerosity requirement of the first *Gingles* precondition.

#### B. Mr. Cooper's illustrative plans are not racial gerrymanders.

The State Intervenor claims that Mr. Cooper's "exemplar maps are racial gerrymanders," State Opp'n 13–15—a risible suggestion with no basis in the facts or the law.

Mr. Cooper's illustrative maps are not based predominantly on race. Instead, his proposed districts comply with the neutral criteria adopted by the Legislature, *see* Ex. 20, which "serve[s]

<sup>&</sup>lt;sup>5</sup> The State Intervenor's attempt to parse who properly counts as "Black" is a chilling reminder of previous efforts to racially classify citizens based on arbitrary guidelines. *See* State Opp'n 7 n.3.

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to defeat a claim that a district has been gerrymandered on racial lines." *Shaw v. Reno*, 509 U.S. 630, 647 (1993). Mr. Cooper's illustrative maps are just as or even more compact than the new congressional map enacted by House Bill 1 ("HB 1"), both averaged across districts and as to the maps' majority-Black districts in particular. *See* Ex. 3 ¶¶ 72–77 & figs. 18–19. His maps split fewer parishes and municipalities than HB 1, *see id.* ¶¶ 78–82 & fig. 20, and his fourth illustrative map reduces voting district splits to zero, Ex. 29 ¶¶ 11–12. And unlike the enacted congressional plan, Mr. Cooper's maps "comply with ... Section 2 of the Voting Rights Act," just as the Legislature intended. Ex. 20.

Nevertheless, Defendants contend that Mr. Cooper's maps are noncompact and thus evince improper racial motivation. *See* Sec'y Opp'n 8–13; State Opp'n 11–13. "While no precise rule has emerged governing § 2 compactness, the inquiry should take into account traditional districting principles such as maintaining communities of interest and traditional boundaries." *LULAC*, 548 U.S. at 433 (cleaned up). As described above, Mr. Cooper's districts do indeed adhere to traditional principles. And his maps further preserve the communities of interest that link St. Landry Parish, Baton Rouge, and the delta parishes along the Louisiana/Mississippi border, *see* Exs. 4–5 testimony that Defendants simply ignore. Defendants might quibble with the extent to which Mr. Cooper's maps preserve their preferred communities of interest,<sup>6</sup> but "there is more than one way to draw a district so that it can reasonably be described as meaningfully adhering to traditional principles." *Chen v. City of Houston*, 206 F.3d 502, 519 (5th Cir. 2000). Mr. Cooper's maps, which

<sup>&</sup>lt;sup>6</sup> And those preferred communities of interest, at least as conceived by Mr. Hefner, *see* State Opp'n Ex. C, are highly problematic. *See* Ex. 29 ¶¶ 28–32 (critiquing Mr. Hefner's analysis); Ex. 31 at 10–13 (same).

preserve communities of interest and otherwise adhere to neutral redistricting criteria, easily clear this bar.<sup>7</sup>

Notwithstanding Mr. Cooper's compliance with traditional redistricting principles, Defendants try and fail to demonstrate that race was the predominant factor in his illustrative maps. But their arguments, and the expert analyses that buttress them, fall flat.

**Dr. Blunt's simulations analysis.** Dr. Blunt's 10,000 simulated maps, *see* Legis. Opp'n Ex. C, have no bearing on whether a plan complies with all relevant redistricting criteria. As Dr. Blunt recognizes, his simulations can only incorporate a limited number of traditional districting factors, *see id.* Ex. C, ¶ 15, and notably *cannot* account for communities of interest—a paramount redistricting criterion in Louisiana, *see* Ex. 20, and one that, as described above, naturally gives rise to an additional majority-minority district. Dr. Blunt's simulation sets are of limited value in determining what is likely to occur when drawing maps under real-world constraints, as evidenced by the fact that *HB 1 itself* would not satisfy his prescribed parameters. *See* Ex. 30 ¶ 11. His excessively theoretical simulations certainly cannot be used to demonstrate that race predominated in the creation of Mr. Cooper's illustrative maps.

**Mr. Bryan's geographic splits analysis.** The upshot of Mr. Bryan's report is that Mr. Cooper's illustrative majority-Black districts were designed to include Black voters. *See* State Opp'n Ex. A. But there is nothing surprising about a conclusion that a district offered to satisfy the first *Gingles* precondition—which poses an "objective, numerical test: Do minorities make up

<sup>&</sup>lt;sup>7</sup> Defendants repeatedly compare Mr. Cooper's illustrative majority-Black Fifth Congressional Districts with the state's majority-Black Fourth Congressional Districts from the mid-1990s, multiple iterations of which were ruled unconstitutional by federal courts. *See, e.g.*, Sec'y Opp'n 9. But even a cursory comparison demonstrates the significant differences between these districts in terms of compactness and communities of interest. *Compare Hays v. Louisiana*, 936 F. Supp. 360, 373–74 (W.D. La. 1996) (per curiam) (three-judge court) (depicting snaking districts stretching from Baton Rouge to Shreveport), *with* Ex. 3 ¶¶ 58, 64, 69 & figs. 12, 14, 16 (depicting Mr. Cooper's compact illustrative districts).

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more than 50 percent of the voting-age population in the relevant geographic area?" *Bartlett v. Strickland*, 556 U.S. 1, 18 (2009) (plurality opinion)—includes significant minority populations. Moreover, as Mr. Cooper notes, Mr. Bryan's theory of "misallocation" is not useful in the context of redistricting because, "[d]ue to segregated housing patterns in Louisiana, population distribution across a jurisdiction is not uniform by race," and it is therefore "difficult to split areas that mirror the jurisdiction-wide racial percentages." Ex. 29 ¶ 27.

**Dr. Hood's core retention and district racial composition analyses.** Dr. Hood's analyses do nothing more than prove that Mr. Cooper's illustrative plans are dissimilar to HB 1 and the state's 2011 congressional plan. *See* Legis. Opp'n Ex. A. This is hardly a revelatory discovery given that an enacted map must necessarily change to create a new majority-minority district. *See* Ex. 29 ¶ 33. As for Dr. Hood's district racial composition analysis, his conclusion that more Black Louisianians are drawn into the illustrative Fifth Congressional Districts than HB 1's Fifth Congressional District is again unsurprising. *See* Legis. Opp'n Ex. A, at 5. It only illustrates what Dr. Hood eventually concedes: that Plaintiffs' illustrative plans successfully create *two* Black-opportunity districts, whereas HB 1 includes only one.

**Dr. Murray's spatial analysis.** All Dr. Murray's expert report demonstrates is that Black and white voters in Louisiana are clustered differently—hardly a novel finding, and one that leads Dr. Murray to *no* specific claims or conclusions about redistricting. *See* State Opp'n Ex. B. In its brief, the State Intervenor interprets Dr. Murray's findings about the distances between the centers of Black populations to conclude that Mr. Cooper's illustrative majority-Black districts are noncompact. *See id.* at 12. But it is inevitable that not all Black population clusters are spatially proximate to one another in a large congressional district with nearly 800,000 Louisianians. Mere

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distance alone cannot be offhandedly treated as a proxy for dissimilarity—especially given the other evidence about shared communities of interest presented by Plaintiffs.<sup>8</sup>

Ultimately, these experts demonstrate nothing more than that race was *considered* by Mr. Cooper when he drew his maps, and that likewise "some awareness of race likely is required to draw two majority-Black districts." Singleton v. Merrill, Nos. 2:21-cv-1291-AMM, 2:21-cv-1530-AMM, 2022 WL 272636, at \*5 (N.D. Ala. Jan. 27, 2022) (three-judge court). This conclusion "is unremarkable, not stunning," id. (cleaned up)—"the first Gingles factor is an inquiry into causation that necessarily classifies voters by their race." Clark v. Calhoun County, 88 F.3d 1393, 1407 (5th Cir. 1996).<sup>9</sup> Because courts "require plaintiffs to show that it is possible to draw majority-minority voting districts," "[t]o penalize [Plaintiffs] ... for attempting to make the very showing that Gingles and its progeny demand would be to make it impossible, as a matter of law, for any plaintiff to bring a successful Section Two action." Davis v. Chiles, 139 F.3d 1414, 1425-26 (11th Cir. 1998); accord Singleton, 2022 WL 272636, at \*7 ("[A] rule that rejects as unconstitutionally race-focused a remedial plan for attempting to satisfy the Gingles I numerosity requirement would preclude any plaintiff from ever stating a Section Two claim."). Consideration is not the same as predominance, and none of Defendants' arguments or expert analyses provide any compelling evidence that race predominated in Mr. Cooper's illustrative districts. Cf., e.g., Ex. 29 ¶ 6 ("[R]ace did not predominate in the drawing of any of these illustrative plans.").

<sup>&</sup>lt;sup>8</sup> Indeed, Dr. Murray's report also demonstrates the vast distances between clusters of Louisiana's *white* population, which are nevertheless grouped together in the same congressional districts in HB 1. Given the predominant position of communities of interest among the Legislature's redistricting criteria, *see* Ex. 20, *none* of the enacted districts would apparently satisfy these adopted principles based on spatial analysis.

<sup>&</sup>lt;sup>9</sup> The State Intervenor suggests that *Clark* is inapplicable here because "[t]he posture of this case is demonstrably different," State Opp'n 15, but that is a distinction without a difference—the Fifth Circuit's conclusions about the interplay between Section 2 and the racial gerrymandering doctrine are relevant regardless of the procedural posture of the case.

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In the end, the fact that race was a factor in Mr. Cooper's map drawing is not impermissible, but inevitable: As the U.S. Supreme Court has observed, "redistricting differs from other kinds of state decisionmaking in that the legislature always is *aware* of race when it draws district lines, just as it is aware of age, economic status, religious and political persuasion, and a variety of other demographic factors. That sort of race consciousness"—the sort that Mr. Cooper had when he drew his illustrative maps—"does not lead inevitably to impermissible race discrimination." *Shaw*, 509 U.S. at 646; *see also Ga. State Conf. of NAACP*, 118 F. Supp. 3d at 1344–45 (rejecting same argument Defendants offer here).<sup>10</sup>

#### **III.** Voting in Louisiana is racially polarized.

Neither Defendants nor their experts credibly contest Dr. Palmer's conclusions that the second and third *Gingles* preconditions are satisfied here. To the contrary, Dr. Alford and Dr. Lewis both rely on Dr. Palmer's data, and Dr. Alford expressly endorses Dr. Palmer's methodology for estimating racially polarized voting. *See* Ex. 30 ¶¶ 3–4.

Rather than dispute Dr. Palmer's conclusion that voting in Louisiana is racially polarized, Defendants instead try to move the goalposts, arguing that Plaintiffs must prove that polarization

<sup>&</sup>lt;sup>10</sup> Even if the racial gerrymandering doctrine could be applied to Plaintiffs' Section 2 claim—a gambit that courts have rejected, *see, e.g., Clark*, 88 F.3d at 1406–07—and even if race did predominate over other factors in Mr. Cooper's illustrative plans—a conclusion with no basis in the record—"a district created to comply with § 2 that uses race as the predominant factor in drawing district lines may survive strict scrutiny." *Ga. State Conf. of NAACP v. Fayette Cnty. Bd. of Comm'rs*, 950 F. Supp. 2d 1294, 1305 (N.D. Ga. 2013), *aff'd in part, rev'd in part on other grounds*, 775 F.3d 1336 (11th Cir. 2015); *see also Miller v. Johnson*, 515 U.S. 900, 916, 920 (1995) (applying strict scrutiny to racial gerrymandering claims and requiring that such maps be "narrowly tailored to achieve a compelling interest"); *Bethune-Hill v. Va. State Bd. of Elections*, 137 S. Ct. 788, 801 (2017) ("As in previous cases . . . the Court assumes, without deciding, that the State's interest in complying with the Voting Rights Act was compelling."). Here, the sum total of Plaintiffs' evidence, along with the numerous maps rejected during the legislative process and Governor Edwards's veto, provides indisputably "good reasons" to believe a second majority-opportunity district is required under the Voting Rights Act. *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254, 278 (2015) (cleaned up). Plaintiffs' illustrative plans would thus satisfy the requirements of strict scrutiny against a hypothetical racial gerrymandering claim.

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is caused by race and not partisanship. *See* State Opp'n 16–19; Legis. Opp'n 16–17. But the Fifth Circuit has never held that Section 2 requires a threshold determination that voters are motivated solely by race when evaluating the existence of racially polarized voting. In fact, it has indicated the opposite, concluding that a district court "err[ed] by placing the burden on plaintiffs to disprove that factors other than race affect voting patterns" as part of the *Gingles* analysis. *Teague v. Attala County*, 92 F.3d 283, 290 (5th Cir. 1996). This is consistent with the position of the *Gingles* plurality, which held that racially polarized voting "refers only to the existence of a correlation between the race of voters and the selection of certain candidates." *Thornburg v. Gingles*, 478 U.S. 30, 74 (1986) (plurality opinion); *see also id.* at 73 ("All that matters under § 2 and under a functional theory of vote dilution is voter behavior, not its explanations."). A showing that party and *not* race is the source of polarization "is for the defendants to make." *Teague*, 92 F.3d at 290. And all Dr. Alford demonstrates is the mere existence of a partisan divide, which reveals nothing about *why* Black and white voters support candidates from different parties—and is therefore not enough to shift the burden to Plaintiffs.

Even if it were, Dr. Lichtman demonstrates that any partisan correlation is inextricably tied to race. As he explains, "party labels by themselves do not motivate racially polarized voting," but rather "to the extent that racial voting aligns along party lines, race not party is the driving causal mechanism." Ex. 3 at 28; *see also* Ex. 31 at 3–7. Voting in Louisiana is the product of significant ideological changes between the two major parties, which in turn facilitated a seismic party realignment among Black and white voters across the Deep South: "Through the late twentieth and early twenty-first centuries, the parties reversed their traditional roles in the state with Democrats now associated with racial values, policies, and attitudes appealing to Blacks and Republicans the reverse." Ex. 3 at 29. Indeed, "[t]he conjoining of party and race in Louisiana is

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demonstrated both by the policy positions held by Democratic and Republican officeholders and by the race-related attitudes and beliefs of rank-and-file Democratic and Republican voters"; for example, "all Republicans Senators and House members in Louisiana receive very low scores ... on the rankings of both the NAACP and the Leadership Conference on Civil and Human Rights, organizations dedicated to promoting minority rights." *Id.* at 29–30. Dr. Lichtman also found that "there are substantial differences among rank-and-file Republican and Democratic voters in Louisiana on racial attitudes and views." *Id.* at 31; *see also* Ex. 31 at 4–6. In short, because race drives party affiliation in Louisiana, race explains the polarization of Louisiana's electorate.<sup>11</sup>

Defendants' other arguments regarding racially polarized voting fare no better. The Secretary suggests that Plaintiffs' case fails because Mr. Cooper's illustrative majority-Black districts contain East Baton Rouge Parish, which they claim has "no evidence of legally significant racially polarized voting" and "significant white cross over voting." Sec'y Opp'n 16–17. But the U.S. Supreme Court has made clear that "redistricting analysis must take place at the district level," and cannot look at "only one, small part of the district" like a single county or parish. *Abbott*, 138 S. Ct. at 2331–32. And at any rate, East Baton Rouge Parish *does* have racially polarized voting, as both Dr. Palmer and Defendants' own experts confirm. *See* Ex. 30 ¶¶ 9–10.

The Legislative Intervenors argue that the third *Gingles* precondition cannot be satisfied because "there are sufficient levels of white crossover voting to afford Black voters an equal electoral opportunity without a 50% BVAP district." Legis. Opp'n 14–16. But that is simply irrelevant: While a crossover district might be a sufficient *remedy* in a Section 2 case, the initial

<sup>&</sup>lt;sup>11</sup> Dr. Lichtman also notes "evidence of racially polarized voting in Louisiana independent of party": the 2008 Democratic primary in Louisiana between Barack Obama and Hillary Clinton saw racial polarization, with Black voters supporting Obama 86% to 13% and white voters supporting Clinton 58% to 30%. Ex. 3 at 32–33; *see also* Ex. 31 at 6.

*liability* determination requires Section 2 plaintiffs to offer a majority-Black district, *see Bartlett*, 556 U.S. at 19–20—precisely what Plaintiffs and their experts have provided.

#### **IV.** The Senate Factors support a finding of vote dilution.

Plaintiffs and their experts have proved that the Senate Factors uniformly support a finding of vote dilution. None of Defendants' counterarguments is persuasive.

**Voting-related discrimination in Louisiana is not a vestige of the past.** Although the Legislative Intervenors suggest that Plaintiffs "have little to say" on the topic of recent evidence of discrimination, Legis. Opp'n 20, Dr. Lichtman's report discusses at length instances of Statesponsored discrimination from the 21st century in voting and other areas, *see* Ex. 3 at 13–27; Ex. 31 at 2.

Louisiana's de facto majority-vote requirement was not the product of innocent motivations. The Legislative Intervenors also contend that the state's open primary system and consequent majority-vote requirement were simply responses to *Foster v. Love*, 522 U.S. 67 (1997), and not the results of discriminatory impulses. *See* Legis. Opp'n 20–21. Setting aside the fact that this Senate Factor is not concerned with discriminatory motive—it instead asks only whether the "electoral practices [] enhance vote dilution," *E. Jefferson Coal. for Leadership & Dev. v. Parish of Jefferson*, 926 F.2d 487, 494 (5th Cir. 1991), which the majority-vote requirement certainly does, *see* Mot. 13–14; Ex. 3 at 33–34—Dr. Lichtman's rebuttal report demonstrates that the majority-vote requirement predates *Foster* by decades and was designed to insulate *white* incumbents from competitive electoral challenges. *See* Ex. 31 at 7–8.

Socioeconomic disparities hinder Black Louisianians' participation in the political process. The Legislative Intervenors baldly suggest that Black Louisianians do not experience reduced political participation, *see* Legis. Opp'n 21–22—a conclusion that again ignores Dr. Lichtman's findings *and* the findings of the Secretary's own expert, *see* Ex. 3 at 36–39; Ex. 31 at

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8–9; *see also Citizens for a Better Gretna v. City of Gretna*, 636 F. Supp. 1113, 1120 (E.D. La. 1986) (describing how "historical disadvantages continue through the present day and undoubtedly hinder the ability of the black community to participate effectively in the political process"), *aff'd*, 834 F.2d 496 (5th Cir. 1987).

**Core retention is a tenuous justification for HB 1.** Defendants repeatedly emphasize core retention as the Legislature's primary objective in enacting HB 1. *See* Sec'y Opp'n 17–18; Legis. Opp'n 4–8, 12–13. But core retention was *not* one of the Legislature's enumerated redistricting criteria, *see* Ex. 20, and so justification on this basis is tenuous at best.

**Plaintiffs appropriately used proportionality.** Lastly, the Legislative Intervenors suggest that Plaintiffs have demanded proportional representation under Section 2. *See* Legis. Opp'n 17–18. Not so—Plaintiffs have not claimed and do not argue now that the Voting Rights Act mandates proportional representation. Instead, Plaintiffs have relied on proportionality analysis for the proper purpose: as helpful evidence of vote dilution. *See* Mot. 20–21; *see also, e.g., LULAC*, 548 U.S. at 437.

#### V. It is not too late for this Court to order preliminary injunctive relief.

Defendants do not dispute that Plaintiffs and other Black Louisianians would suffer irreparable harm if an election is held under a congressional map that violates Section 2, or that the "cautious protection of . . . franchise-related rights is without question in the public interest." *Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1355 (11th Cir. 2005). Instead, they sound the same drumbeat: that it is too late in the election cycle to offer the relief Plaintiffs seek. *See* Sec'y Opp'n 18–24; State Opp'n 21–23; Legis. Opp'n 23–25. But their arguments ignore the underpinnings of the doctrine they seek to vindicate, Louisiana's unique—and uniquely delayed—election calendar, and their own representations in prior litigation.

#### A. The *Purcell* doctrine exists to protect voters, not the State.

As an initial matter, it is essential to remember why the *Purcell* doctrine exists and the principle's stated limitations. The doctrine has its origins in the U.S. Supreme Court's recognition that "[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls." Purcell v. Gonzalez, 549 U.S. 1, 4–5 (2006) (per curiam). The focus was on *voter protection*; the Court did *not* base its decision on general concerns about election machinery or administrative inconvenience. And while the Court noted that "[a]s an election draws closer, that risk will increase," *id.* at 5, the *Purcell* opinion was issued on October 20, 2006-less than three weeks before that year's midterm elections. Although subsequent Court activity broadened application of the Purcell principle beyond that temporal limitation, none of those cases involved a challenge to an unlawful districting plan considered six months before a primary election and more than two months before a candidate qualifying deadline. Moreover, Justice Kavanaugh's recent concurrence acknowledged that the Purcell doctrine is not "absolute"; instead, it is simply "a sensible refinement of ordinary stay principles for the election context" that considers whether "the changes in question are at least feasible before the election without significant cost, confusion, or hardship." Merrill v. Milligan, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring). Here, the change Plaintiffs propose-a new congressional map—is feasible.

# B. Defendants previously represented that a new congressional map was not urgently needed.

As a consequence of Louisiana's open primary system, the state's primary election day is the same as the general election day in the rest of the country: November 8, 2022. Ex. 24. That is more than six months from now. As noted by Sherri Wharton Hadskey, the Secretary's election administration witness, most of the other applicable deadlines for this election cycle follow July 22, the close of the candidate qualifying period. *See* Sec'y Opp'n Ex. D, ¶ 16. The only earlier date identified by Ms. Hadskey is June 22, the deadline for nominating petitions. *See id.* Ex. D, ¶¶ 14–16. But although Ms. Hadskey treats this date as inviolable—and the Secretary suggests that "election chaos" would result if a new map is implemented, Sec'y Opp'n 23—the Legislative Intervenors asserted exactly the opposite just six weeks ago before a state court:

[T]he candidate qualification period could be moved back, if necessary, as other states have done this cycle, without impacting voters. . . .

*The election deadlines that actually impact voters do not occur until October 2022*, like the deadlines for voter registration (October 11, 2022, for in-person, DMV, or by mail, and October 18, 2022 for online registration) and the early voting period (October 25 to November 1, 2022)...

Therefore, there remains several months on Louisiana's election calendar to complete the [redistricting] process.

Findings of Fact, Conclusions of Law, & Proposed Judgments on Behalf of Intervenors, Louisiana House of Representatives Speaker Clay Schexnayder & Louisiana Senate President Patrick Page Cortez at 7–8, *Bullman v. Ardoin*, No. C-716690 (La. 19th Jud. Dist. Ct. Mar. 25, 2022) (emphasis added) (attached as Ex. 32). These representations mirror those previously made by counsel for the Secretary, who explained to the state court that a new congressional map could be successfully enacted and implemented *after* June 6 of this year. *See* Mot. 23 & n.3; Exs. 26–28. Counsel for the Secretary indicated that "[e]ven if the Governor ends up vetoing a bill" passed in the Legislature's regular session—which is set to end on June 6, *see* Ex. 25—the Legislature could still "override" or "call themselves into another session," thus pushing enactment of a new congressional map well into the summer. Transcript of Exception Hearing at 35:26–31, *Bullman v. Ardoin*, No. C-716690 (La. 19th Jud. Dist. Ct. Apr. 11, 2022) (attached as Ex. 33); *see also id.* at 14:3–8 (noting that Legislature "ha[s] the ability to go into a[n] override session" to pass new congressional map); *id.* at 30:21–32 (claiming that judicial redistricting deadline of June 17 would allow court to

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"substitute [its] judgment . . . with regard to . . . a clearly legislative function"); *id.* at 32:3–20 (observing that Louisiana does not have "a hard deadline for redistricting" and that "the Legislature . . . can also amend the election code if necessary to deal with congressional reapportionment"); *id.* at 37:5–22 (similar). Counsel for the Secretary also suggested that "[t]here is just not a protectable interest as to a candidate [who] wants to have more time to be able to decide to run in an election," *id.* at 37:17–19, which further belies the Secretary's newfound concern over "the effect of jeopardizing the ability of lower-income citizens to run for office," Sec'y Opp'n 20.<sup>12</sup>

At best, Defendants have been inconsistent in their descriptions of the state's election calendar and the import of the deadlines that comprise it. At worst, they have been disingenuous, recharacterizing the urgency of the situation to best serve their own litigation strategy rather than the needs of Louisiana voters. Given that the voting rights of more than 1.5 million Black Louisianians are at issue in this case—and that the *Purcell* doctrine implicates *equitable* considerations—even inconsistency is difficult to accept.

# C. Even under Defendants' characterization of the election calendar, relief can be implemented ahead of the midterm elections.

Taking Defendants at their word in this case and treating the June 22 date as a functional deadline, there is still ample time to implement a remedial congressional plan for Louisiana—even if this Court were to wait several weeks to order a new map. The Legislature would need only a brief period to craft a new congressional map. *See, e.g., Harper v. Hall*, 867 S.E.2d 554, 558 (N.C.

<sup>&</sup>lt;sup>12</sup> No more compelling is the Secretary's apparent concerns with the cost of a remedial plan, given that the State's interests in this litigation are now being represented by *three* sets of defendants and nearly two dozen lawyers, including from four private law firms. *See* Sec'y Opp'n 24–25; State Opp'n 24–25; Legis. Opp'n 26; *see also* Ex. 34 (noting that as of March counsel for Legislative Intervenors had "charged the Louisiana Legislature \$78,081 for providing 'redistricting advice'" and planned to "escalate" fees "to \$60,000 per month once the state was sued over the maps").

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2022) (providing 14 days for legislature to adopt new congressional *and* state legislative plans); *League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, Nos. 2021-1193, 2021-1198, 2021-1210, 2022 WL 110261, at \*28 (Ohio Jan. 12, 2022) (providing 10 days for redistricting body to adopt new state legislative plans); *Harris v. McCrory*, 159 F. Supp. 3d 600, 627 (M.D.N.C. 2016) (three-judge court) (providing 14 days for legislature to adopt new congressional plan); *Larios v. Cox*, 300 F. Supp. 2d 1320, 1357 (N.D. Ga. 2004) (per curiam) (three-judge court) (providing two-and-a-half weeks for legislature to adopt new legislative plans). Although the Legislative Intervenors observe that "it took the Legislature much longer here" to enact HB 1, Legis. Opp'n 25, the remedial redistricting process can proceed at a much more expeditious pace given the various alternative plans proposed during the legislative process that contained two districts where Black voters could elect their candidates of choice, *see* Mot. 2–3; Ex. 12, and the illustrative plans produced by Mr. Cooper and Anthony Fairfax in these consolidated cases. The redistricting process need not start from scratch, and the Legislature should not sell itself short to forestall relief ahead of the midterm elections.

Moreover, in the event that the Legislature cannot or will not implement a remedial map ahead of the June 22 deadline, this Court can do so—and can undertake that process concurrently with the Legislature to ensure that a new map is timely implemented. *See Connor v. Finch*, 431 U.S. 407, 414–15 (1977); *see also, e.g., N.C. League of Conservation Voters v. Hall*, Nos. 21 CVS 015426, 21 CVS 500085, slip op. at 2 (N.C. Super. Ct. Feb. 8, 2022) (three-judge court) (describing plan for court adoption of remedial congressional and state legislative maps).<sup>13</sup>

<sup>&</sup>lt;sup>13</sup> Moreover, if the Legislature is concerned about the deadline for nominating petitions, it retains the authority to move it. Notably, the deadline for nominating petitions for certain special elections is only 14 days prior to the end of the qualifying period, not 30 days, while nominating petitions are due *during* the qualifying period when qualifying is reopened following the death of a candidate. *See* La. R.S. 18:465(E)(1)(a)–(b). These alternatives are open to the Legislature at its discretion, and indeed, in previous

Ultimately, the purpose of the Purcell doctrine is to protect voters-not to insulate the State

from its obligations under federal law. The weaponization of Purcell to deny timely relief under

the Voting Rights Act should not be tolerated here.<sup>14</sup>

#### CONCLUSION

In closing, the Legislative Intervenors suggest that a preliminary injunction is unwarranted

here because it would "create a new state of affairs that never before existed at this stage." Legis.

Opp'n 23. But as the Fifth Circuit recognized decades ago,

[t]he purpose of a preliminary injunction is always to prevent irreparable injury so as to preserve the court's ability to render a meaningful decision on the merits. It often happens that this purpose is furthered by preservation of the status quo, but not always. If the currently existing status quo itself is causing one of the parties irreparable injury, it is necessary to alter the situation so as to prevent the injury . . . The focus always must be on prevention of injury by a proper order, not merely on preservation of the status quo.

Canal Auth. v. Callaway, 489 F.2d 567, 576 (5th Cir. 1974); accord Second Baptist Church v. City

of San Antonio, No. 5:20-CV-29-DAE, 2020 WL 6821334, at \*3 (W.D. Tex. Feb. 24, 2020). Such

is the case here. Louisiana's new congressional map dilutes the electoral strength of Black voters,

litigation, the Legislative Intervenors noted that election deadlines could be "moved back, if necessary, . . . without impacting voters." Ex. 32 at 8. And this Court itself could delay the deadline for nominating petitions (and any other deadlines) as needed. *See, e.g., Sixty-Seventh Minn. State Senate v. Beens*, 406 U.S. 187, 201 n.11 (1972) (per curiam) (federal courts "ha[ve] the power appropriately to extend the time limitations [set by election calendars] imposed by state law"); *United States v. New York*, No. 1:10-cv-1214 (GLS/RFT), 2012 WL 254263, at \*2 (N.D.N.Y. Jan. 27, 2012) (moving primary date to ensure UOCAVA compliance); *Quilter v. Voinovich*, 794 F. Supp. 760, 762 (N.D. Ohio 1992) (three-judge court) (court ordered rescheduling of primary election to permit drawing of remedial legislative plans).

<sup>&</sup>lt;sup>14</sup> As a final equitable flourish, the State Intervenor grouses—"in the most strenuous terms"—about the expedited treatment of Plaintiffs' motion, claiming that "[t]he actions of this Court are prejudicial to the defense and, as such, are prejudicial to both Defendants and the public interest." State Opp'n 23–24. Their objections ring hollow for several reasons: The State Intervenor *chose* to participate in this lawsuit via intervention; counsel for the State Intervenor represented to the Court at the April 14 status conference that this proposed schedule was acceptable; and the State Intervenor managed to produce a robust opposition brief and *four* expert reports in the time provided. And at any rate, the public interest will be best served here by remedying a clear violation of Section 2—not in delaying relief and irreparably harming Black Louisianians' voting rights.

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and so disruption of the status quo is required to prevent irreparable harm to Plaintiffs' fundamental rights. Plaintiffs have readily satisfied the established elements under Section 2 of the Voting Rights Act, a new congressional map can be feasibly implemented ahead of the midterm elections, and Plaintiffs' motion for preliminary injunction should therefore be granted.

Dated: May 2, 2022

By /<u>s/ Darrel J. Papillion</u>

Darrel J. Papillion (Bar Roll No. 23243) Renee C. Crasto (Bar Roll No. 31657) Jennifer Wise Moroux (Bar Roll No. 31368) **WALTERS, PAPILLION, THOMAS, CULLENS, LLC** 12345 Perkins Road, Building One Baton Rouge, Louisiana 70810 Phone: (225) 236-3636 Fax: (225) 236-3650 Email: papillion@lawbr.net Email: crasto@lawbr.net Email: jmoroux@lawbr.net Respectfully submitted,

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Counsel for Plaintiffs

\*Admitted pro hac vice

#### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing has been filed electronically with the Clerk of Court using the CM/ECF filing system. Notice of this filing will be sent to all counsel of record via operation of the Court's electronic filing system.

Baton Rouge, Louisiana, this 2nd day of May, 2022.

<u>s/ Darrel J. Papillion</u> Darrel J. Papillion

#### IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, EDGAR CAGE, DOROTHY NAIRNE, EDWIN RENÉ SOULÉ, ALICE WASHINGTON, CLEE EARNEST LOWE, DAVANTE LEWIS, MARTHA DAVIS, AMBROSE SIMS, NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE ("NAACP") LOUISIANA STATE CONFERENCE, and POWER COALITION FOR EQUITY AND JUSTICE,	Case No. 3:22-cv-00211-SDD-SDJ c/w
Plaintiffs,	
v.	
KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana,	
Defendant.	
EDWARD GALMON, SR., CIARA HART, NORRIS HENDERSON, and TRAMELLE HOWARD,	
Plaintiffs,	Case No. 3:22-cv-00214-SDD-SDJ
v.	
R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State,	
Defendant.	

#### SECOND DECLARATION OF DARREL J. PAPILLION IN SUPPORT OF GALMON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

I, Darrel J. Papillion, hereby declare as follows:

1. I am over the age of 18 and competent to make this declaration. I am an attorney

with the law firm Walter, Papillion, Thomas, Cullens, LLC and am admitted to practice law in the

State of Louisiana. I am admitted in this Court and am counsel for Plaintiffs Edward Galmon, Sr.,

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Ciara Hart, Norris Henderson, and Tramelle Howard in the above-captioned matter. I submit this declaration to provide the Court true and correct copies of certain documents submitted in support of Plaintiffs' Motion for Preliminary Injunction:

**Exhibit 29** is a true and correct copy of the rebuttal expert report of William Cooper, dated May 2, 2022.

**Exhibit 30** is a true and correct copy of the rebuttal expert report of Dr. Maxwell Palmer, dated May 2, 2022.

**Exhibit 31** is a true and correct copy of the rebuttal expert report of Dr. Allan Lichtman, dated May 2, 2022.

**Exhibit 32** is a true and correct copy of Findings of Fact, Conclusions of Law, & Proposed Judgments on Behalf of Intervenors, Louisiana House of Representatives Speaker Clay Schexnayder & Louisiana Senate President Patrick Page Cortez, *Bullman v. Ardoin*, No. C-716690 (La. 19th Jud. Dist. Ct. Mar. 25, 2022).

Exhibit 33 is a true and correct copy of Transcript of Exception Hearing, *Bullman v. Ardoin*, No. C-716690 (La. 19th Jud. Dist. Ct. Apr. 11, 2022).

**Exhibit 34** is a true and correct copy of the article entitled "Law Firm Has Charged Louisiana Legislature \$78,000 for 'Redistricting Advice' So Far." The article was published by the *Louisiana Illuminator* on March 31, 2022, and is publicly available at https://lailluminator.com/2022/03/31/law-firm-has-charged-louisiana-legislature-78000-for-redistricting-advice-so-far.

Dated: May 2, 2022

Respectfully submitted,

By /s/ Darrel J. Papillion

Darrel J. Papillion (Bar Roll No. 23243) WALTERS, PAPILLION, THOMAS, CULLENS, LLC 12345 Perkins Road, Building One Baton Rouge, Louisiana 70810 Phone: (225) 236-3636 Fax: (225) 236-3650 Email: papillion@lawbr.net

# EXHIBIT 29

May 2, 2022

Robinson, et al. v. Ardoin, No. 3:22-cv-00211-SDD-SDJ Galmon, et al. v. Ardoin, No. 3:22-cv-00214-SDD-SDJ

#### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

#### REBUTTAL EXPERT REPORT OF WILLIAM COOPER

Williams Cooper

William Cooper

# IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON et al.,	
Plaintiffs,	
v.	Case No. 3:22-cv-00211-SDD- SDJ
KYLE ARDOIN, in his official capacity as Secretary of State for Louisiana,	
Defendant.	
EDWARD GALMON, SR. et al.,	
Plaintiffs,	
v.	Case No. 3:22-cv-00214-SDD- SDJ
R. KYLE ARDOIN, in his official capacity as Louisiana Secretary of State,	
Defendant	

# **SECOND DECLARATION OF WILLIAM S. COOPER**

WILLIAM S. COOPER, acting in accordance with 28 U.S.C. § 1746, Federal Rule of Civil Procedure 26(a)(2)(B), and Federal Rules of Evidence 702 and 703, does hereby declare and say:

# I. INTRODUCTION

1. My name is William S. Cooper. On April 15, 2022, I submitted my initial declaration in this matter.

2. This supplemental declaration responds to declarations filed by four experts for the Defendants in this matter who directly address the substance of my initial report. It also provides a correction to my April 15 declaration regarding the Black CVAP percentages: this correction does not alter any of my conclusions in that declaration.

3. In addition, I have attached corrected maps and statistics for the Enacted Plan in **Exhibit A** replacing the <u>Exhibit H</u> series in my April 15 declaration. I inadvertently reported maps and statistics for SB 1 as the Enacted Plan rather than HB 1/SB 5. This correction does not change the opinions expressed in my April 15 declaration regarding the Enacted Plan because the plan statistics for HB 1/SB 5 are almost identical to SB 1 in terms of parish splits, political subdivision splits, compactness, and dilution of minority voting strength.

4. Exhibit A-1 contains detailed 2020 population statistics by district for the Enacted Plan. To facilitate comparison with Plaintiffs' illustrative plans, the map in Exhibit A-2 is a high resolution map. Exhibit A-3 contains maps in sequential order that zoom in on each of the six congressional districts. Exhibit A-4 zooms in on the New Orleans MSA, which is split between CD 1, CD 2, and CD 3. Exhibit A-5 zooms in on the Baton Rouge MSA, which is split between CD 2, CD 5 and CD 6. Exhibit A-6 identifies the parish-level population by district. Exhibit A-7 identifies district splits by parish and VTD. Exhibit A-8 identifies municipal splits by district. Exhibit A-9 identifies regional district splits (Core Based Statistical Areas ("CBSAs")) comprised of Metropolitan Statistical Areas ("MSAs") and Micropolitan Statistical Areas.

5. The Defendants in this matter have employed a scattershot approach in their response to my declaration, relying on four experts who attempt to find fault with my illustrative plans.

6. Not a single one of these experts takes into account a key component of traditional redistricting principles – the avoidance of minority vote dilution. In contrast to the Enacted Plan, the three illustrative plans that I prepared and presented in my April 15 declaration adhere to traditional redistricting principles, including the non-dilution of minority voting strength, as well as one-person onevote, compactness, contiguity, respect for communities of interest, while minimizing political subdivision splits to the extent practicable. Contrary to the suggestion of Defendants' experts, race did not predominate in the drawing of any of these illustrative plans; rather, I simultaneously considered and balanced all of the redistricting factors listed above.

7. Section II describes Illustrative Plan 4 – a plan with *de minimis* deviation that is drawn entirely at the VTD-level, responding to Defendants' expert Thomas Bryan. Like the other illustrative plans, Illustrative Plan 4 adheres to traditional redistricting principles of one-person one-vote, compactness, contiguity,

4

respect for communities of interest, minimizing political subdivision splits, and non-dilution of minority voting strength. Like the other illustrative plans, race did not predominate in the drawing of Illustrative Plan 4; again, I simultaneously considered and balanced all of the redistricting factors listed above.

8. **Section III** addresses additional items raised by the four experts for the Defendants in their declarations.

9. Section IV provides the corrected NH SR Black CVAP percentages for the illustrative plans.

# **II. ILLUSTRATIVE PLAN 4**

10. Illustrative Plans 1, 2, and 3 are zero deviation plans, meaning that some precinct splits are necessary so that all districts are within +/- 1 person of the ideal district size. It is my understanding that some courts have required that illustrative plans meet that stringent standard.

11. Defendants' expert Thomas Bryan criticized Illustrative Plans 1, 2, and 3 for having "numerous VTD splits" in service of achieving "a minimum population deviation of 1." (Bryan Declaration, p. 31, ¶56). Accordingly, below and attached as **Exhibit B-2** in response is Illustrative Plan 4, which minimizes VTD splits instead of population deviation.

12. Illustrative Plan 4 demonstrates that it is possible to draw a second majority Black congressional district without splitting VTDs, while adhering to all other traditional redistricting principles.

13. The map in Figure 1 depicts Illustrative Plan 4. District 2 is 50.06% BVAP and District 5 is 50.29% BVAP.



Figure 1

14. Illustrative Plan 4 splits ten parishes and zero VTDs – five fewer parish splits than the 15 found in the Enacted Plan.

15. Majority-Black District 2 extends west from New Orleans to Iberville Parish and north to West Baton Rouge Parish. Of the eight parishes in District 2, three are split: Ascension, Jefferson, and Orleans. (Exhibit B-6).

16. Majority-Black District 5 extends north from the Baton Rouge MSA to the Monroe MSA, west to the Parishes of St. Landry, Lafayette and Rapides, and east to majority-Black St. Helena Parish.

17. District 5 encompasses 19 parishes, splitting just four: East Baton Rouge, Lafayette, Ouachita, and Rapides. (Exhibit B-6)

18. The table in **Figure 2** presents 2020 summary population statistics for Illustrative Plan 4.

			18+	% 18+	% 18+	% 18+ NH
District	Population	Dev.	Рор	Black	Latino	White
1	776235	-58	599404	18.14%	10.03%	66.20%
2	776266	-27	603596	50.06%	8.59%	37.51%
3	776252	-41	586230	19.79%	5.24%	70.72%
4	776256	-37	596127	31.47%	4.11%	60.23%
5	776390	97	593324	50.29%	3.44%	43.73%
6	776358	65	591867	17.38%	6.09%	71.94%

## Figure 2 Illustrative Plan 4 – 2020 Census

19. The overall deviation for Illustrative Plan 4 is 155 persons. District 1 is 58 persons under the ideal population and District 5 is 97 persons over the ideal population. The total deviation is slightly higher than the Enacted Plan, which has a

total deviation of 65 persons but splits a VTD. The total deviation is lower than the 2011 Plan, which had a total deviation of 162 persons.

20. Exhibit B-1 contains detailed 2020 population statistics by district for Illustrative Plan 4. The maps and statistical summaries in the Exhibit B series are in the same sequence and format as the Exhibit A series.

21. **Figure 3** compares Illustrative Plan 4 to the Enacted Plan in terms of political subdivision splits. Illustrative Plan 4 is superior to the Enacted Plan across all five categories.

Political Subdivision Splits								
	Parish Splits	Populated 2020 VTD Splits	Populated Municipal Splits	Single- Parish Populated Municipal Splits*	CBSA splits			
2022 Plan (HB 1)	15	1	36	25	18			
Illustrative Plan 4	10	0	30	21	14			

Figure 3 Political Subdivision Splits

\* Excludes splits in 12 municipalities where the splits are a result of municipal lines crossing into an adjacent parish.

22. Figure 4 compares compactness scores for Illustrative Plan 4 and the

Enacted Plan. Illustrative Plan 4 has the same mean average Reock score (.37) and a

higher mean average Polsby-Popper score (.18) than the Enacted Plan.

Compactness Scores	Indstrative I fan 4 vs 2022 Enacted I fan						
	Reock			Polsby- Popper			
		Low	High			Low	High
2022 Plan							
All Districts (mean avg.)	.37	.18	.50		.14	.06	.29
CD 2	.18				06		
Illustrative Plan 4							
All Districts (mean avg.)	.37	.23	.56		.18	.09	.29
District 2	.23				.15		
District 5	.35				.09		

Figure 4 Compactness Scores – Illustrative Plan 4 vs 2022 Enacted Plan

# **III. RESPONSE TO GINGLES 1 REBUTTAL DECLARATIONS**

23. Below are my responses to four rebuttal declarations in alphabetical order.<sup>1</sup>

# A. Expert Report of Thomas Bryan

24. First, as Mr. Bryan points out and noted *supra*, I mistakenly referenced SB 1 rather than SB 5 as the Enacted Plan in my initial report. In the **Exhibit A** series attached to this declaration, I have corrected the Exhibit H series maps and statistics from my April 15 declaration to reflect HB1/SB5 (the Enacted Plan). One can discern differences in the maps under the Enacted Plan compared to SB 1, but the plan statistics are very similar. Moreover, the illustrative plans are superior

<sup>&</sup>lt;sup>1</sup> Note that there were five other experts (Dr. Alford, Dr. Blunt, Dr. Lewis, Dr. Murray, and Dr. Solanky) who did not address any aspect of my initial declaration.
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across objective and quantifiable measures of traditional redistricting principles in almost every instance.

25. Mr. Bryan acknowledges that Illustrative Plans 1, 2, and 3 each contain two districts (District 2 and District 5) with Any Part Black voting age majorities under the 2020 Census. (Bryan Report – p. 20, Table III.A.7).<sup>2</sup>

26. Mr. Bryan and I agree that Illustrative Plans 1, 2, and 3 split fewer municipalities than the Enacted Plan, (Bryan Report – p. 23, Table III.B.1).

27. "Misallocation" (Bryan Report –p.23,  $\P$ 39) as it relates to redistricting is not a useful metric. Due to segregated housing patterns in Louisiana, population distribution across a jurisdiction is not uniform by race. Therefore, it would be difficult to split areas that mirror the jurisdiction-wide racial percentages.

### **B.** Expert Report of Michael Hefner

28. The Louisiana Regional Folklore Program ("LRFP") regional map (Hefner report, p.8, Map 1) identifies five cultural regions in Louisiana.

29. It is not clear, however, that the Louisiana Legislature recognized these regions as communities of interest in the formation of congressional districts. Under the Enacted Plan, the five regions are split into 13 parts (**Exhibit C-5**).

<sup>&</sup>lt;sup>2</sup> "African American" or "Black" refers to persons who are Any Part Black (i.e., persons of one or more races that are some part Black), including Hispanic Black, unless otherwise specified. It is my understanding that following the U.S. Supreme Court decision in *Georgia v. Ashcroft*, 539 U.S. 461 (2003), the "Any Part" definition is the appropriate Census classification to use in Section 2 cases.

30. The illustrative plans contain slightly more splits of the five Folklore regions: they are split into 15 parts by Illustrative Plan 1 (**Exhibit C-1**), 16 parts by Illustrative Plan 2 (**Exhibit C-2**), 15 parts by Illustrative Plan 3 (**Exhibit C-3**), and 15 parts by Illustrative Plan 4 (**Exhibit C-4**).

31. As shown in the **Exhibit C** series, Region III (the 22 parishes of Acadiana) is split into three parts under the Enacted Plan. The Enacted Plan assigns 83% of Acadiana's population to District 3. Notably, Illustrative Plan 2 assigns 81% of Acadiana's population to District 3 and Illustrative Plan 1 assigns 74.4% to District 3.

32. Reading Mr. Heffner's report, one would think that the Enacted Plan keeps the 8-Parish Cajun Heartland<sup>3</sup> entirely in a single congressional district. But that is not the case. The Enacted Plan splits the Cajun Heartland into three pieces, with 81% assigned to District 3 - just slightly more than under Illustrative Plan 2, with 72% of the Cajun Heartland assigned to District 3.

### C. Expert Report of M. V. "Trey" Hood

33. Dr. Hood conducts a core-retention analysis on the Enacted Plan and Illustrative Plans 1, 2, and 3. I do not disagree with his calculations, but I question the relevance of the analysis within the context of a Section 2 claim where the

<sup>&</sup>lt;sup>3</sup> The parishes of Lafayette, Acadia, Iberia, St. Landry, St. Martin, Vermilion, Evangeline and St. Mary.

additional majority Black district is adjacent to five other districts. Almost inevitably, several of the five districts would change substantially from the previous districts.

34. Nevertheless, all but one of the illustrative plan districts (majority Black District 5 with a core retention of 47.0% in Illustrative Plan 3) maintain a majority of the overall 2020 population that resided in the district under the 2011 Plan. (Hood Report, p.2, Table 1)

35. Illustrative Plan 4, not reviewed by Dr. Hood, has core retention ratesranging from 52.4% in majority-Black District 5 to 85% in majority-Black District2.

### D. Expert Report of Jeffrey D. Sadow

36. Dr. Sadow cherry picks metrics to claim the Enacted Plan outperforms plaintiffs' illustrative plans. For example, rather than examining the impact of congressional district splits among people who live in OMB-designated Core Based Statistical Areas,<sup>4</sup> which include ten smaller urbanized Micropolitan Statistical

<sup>&</sup>lt;sup>4</sup> Exhibit I-1 in my April 15 declaration is a Census Bureau-produced map, depicting the 19 Core Based Statistical Areas in Louisiana.

Metropolitan Statistical Areas are defined by the U.S. Office of Management and Budget and reported in historical and current census data produced by the Census Bureau. MSAs "consist of the county or counties (or equivalent entities) associated with at least one urbanized area of at least 50,000 population, plus adjacent counties having a high degree of social and economic integration with the core as measured through commuting ties." A micropolitan area must have

Areas ("MPSAs"), Dr. Sadow has selected only the nine large Metropolitan Statistical Areas ("MSAs") at the parish level for his analysis. (Sadow Report, pp. 20-23) Thus, Dr. Sadow's focus on MSAs ignores the impact of district splits on people who live in any part of the state that is not part of an MSA, including small cities and non-metro parishes. Similarly, Dr. Sadow's focus on just the 14 largest parishes ignores the rest of the state without justification. (Sadow Report, p. 23)

37. In fact, after factoring in people who live in and around the smaller cities that comprise MPSAs, regional population impacted by splits is greater in the Enacted Plan than under the four illustrative plans.

38. Exhibit **A-9** shows that when all 19 CBSAs in Louisiana are tallied, 3.37 million people live in split CBSAs under the Enacted Plan. The illustrative plans fare better. The population living in split CBSAs amounts to 2.98 million under Illustrative Plan 1 (**Exhibit D-1**), 3.07 million under Illustrative Plan 2 (**Exhibit D-2**), 3.11 million under Illustrative Plan 3 (**Exhibit D-3**), and 2.98 million under Illustrative Plan 4 (**Exhibit D-4**).

39. Dr. Sadow repeatedly raises "continuity of representation" as a reason to not draw an additional majority-Black district in Louisiana (Sadow Report, p.7, p.9, p.10. p.11, p.18, p.20, p.21. p. 23, p.72.). Like "core retention" (Hood Report),

an urbanized area of at least 10,000 but less than 50,000 persons. See About, U.S. Census Bureau, https://www.census.gov/programs-surveys/metro-micro/about.html

continuity of representation is unlikely in areas included in an additional majority-Black district where Section 2 plaintiffs are required to demonstrate that a new district could be drawn that was not drawn before.

### IV. CORRECTED BLACK CVAP BY DISTRICT

40. The Black CVAP percentages referenced in the plan statistics in my April 15 declaration were mislabeled as NH SR Black (non-Hispanic, single-race Black). Instead, those percentages represent NH DOJ Black CVAP – that is, non-Hispanic single-race Black plus non-Hispanic Black/White.

41. Figure 5 below corrects Figure 21 in my April 15 declaration. Exhibits
E-1, E-2, and E-3 correct the corresponding exhibits from my April 15 declarations, which are Exhibits J-1, K-1, and L-1, respectively.

	% NH SR Black CVAP	% NH White CVAP	NH SR Black CVAP to NH White CVAP Margin	July 2021 Black Registered Voters
2022 Plan				
District 2	61.31%	31.45%	29.86%	61.46%
<b>Illustrative Plan 1</b>				
District 2	52.82%	39.31%	13.51%	52.33%
District 5	50.37%	46.19%	4.18%	51.84%
<b>Illustrative Plan 2</b>				
District 2	53.07%	39.53%	13.54%	52.72%
District 5	50.71%	45.92%	4.79%	51.53%
Illustrative Plan 3				
District 2	52.82%	39.31%	13.51%	52.33%
District 5	51.72%	44.86%	6.86%	53.35%
<b>Illustrative Plan 4</b>				
District 2	52.63%	39.53%	13.10%	52.23%
District 5	50.78%	45.75%	5.03%	52.17%

Figure 5 2016-2020 Citizen Voting Age Population by Plan

42. The two majority Black districts in each of the four illustrative remain majority Black CVAP based on the more conservative NH single-race Black CVAP metric.

43. This correction does not alter any of my conclusions in my April 15 declaration.

I reserve the right to continue to supplement my reports in light of additional facts, testimony and/or materials that may come to light.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: May 2, 2022

William Loopen

WILLIAM S. COOPER

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#### Population Summary Report Louisiana Congress -- Enacted Plan -- HB1/SB5 2020 Census

District	Population POPULATION	<b>Deviation</b> DEVIATION	AP Black AP_BLACK	% AP Black <sup>:</sup> _AP_BLACK	18+ Pop F18_POP	<b>18 + AP</b> Black F18_AP_BLA	% 18+ AP Black F_18_AP_BL	<b>18+ Latino</b> F18_HISPAN	% 18+ Latino F_18_HISPA	18+ NH White NH18_WHT	% 18+ NH White F_NH18_WHT
1	776268	-25	115838	14.92%	601559	81105	13.48%	65811	10.94%	420268	69.86%
2	776317	24	473236	60.96%	600203	352018	58.65%	47041	7.84%	179129	29.84%
3	776275	-18	205820	26.51%	586488	144434	24.63%	27487	4.69%	392996	67.01%
4	776333	40	277767	35.78%	591095	199907	33.82%	24043	4.07%	343535	58.12%
5	776277	-16	272728	35.13%	597389	196617	32.91%	21569	3.61%	360144	60.29%
6	776287	-6	197730	25.47%	593814	141688	23.86%	37711	6.35%	386038	65.01%
Total	4657757		1543119	33.13%	3570548	1115769	31.25%	223662	6.26%	2082110	58.31%

District	% NH SR Black CVAP	% NH White CVAP	% July 2021 Black Registered
1	11.91%	78.03%	11.45%
2	61.31%	31.45%	61.46%
3	23.91%	70.97%	24.06%
4	33.79%	60.79%	34.32%
5	33.74%	62.62%	33.21%
6	22.65%	71.16%	22.52%

Source for % Citizen Voting Age (CVAP) -- 2020 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau) https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html

-- calculated by disaggregating 2016-2020 ACS block group estimates to 2020 census blocks

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/ https://redistrictingdatahub.org/wp-content/uploads/2021/09/readme\_la\_voter\_reg\_official.txt

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

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User:

Plan Name: Enacted\_2022\_HB-1\_SB-5

Plan Type:

Plan Components			
Monday, May 2, 2022			1:43 PM
	Population	[18+_Pop]	[18+_AP_Blk]
District 1			
County: Jefferson LA (part)	245,132	196,104	23,683
County Jefferson LA Subtotal	245,132	196,104	23,683
County: Lafourche LA (part)	43,701	33,330	1,095
County Lafourche LA Subtotal	43,701	33,330	1,095
County: Orleans LA (part)	48,050	39,613	3,348
County Orleans LA Subtotal	48,050	39,613	3,348
County: Plaquemines LA	23,515	17,334	3,857
County: St. Bernard LA	43,764	31,775	7,944
County: St. Tammany LA	264,570	202,228	26,761
County: Tangipahoa LA (part)	39,681	30,157	4,838
County Tangipahoa LA Subtotal	39,681	30,157	4,838
County: Terrebonne LA (part)	67,855	51,018	9,579
County Terrebonne LA Subtotal	67,855	51,018	9,579
District 1 Total	776,268	601,559	81,105
District 2			
County: Ascension LA (part)	20,892	15,426	9,766
County Ascension LA Subtotal	20,892	15,426	9,766
County: Assumption LA (part)	6,710	5,270	2,764
County Assumption LA Subtotal	6,710	5,270	2,764
County: East Baton Rouge LA (part)	94,325	70,960	63,632
County East Baton Rouge LA Subtotal	94,325	70,960	63,632
County: Iberville LA (part)	21,073	16,631	8,363
County Iberville LA Subtotal	21,073	16,631	8,363
County: Jefferson LA (part)	195,649	148,550	68,492
County Jefferson LA Subtotal	195,649	148,550	68,492
County: Orleans LA (part)	335,947	266,583	162,720
County Orleans LA Subtotal	335,947	266,583	162,720
County: St. Charles LA (part)	34,943	26,288	7,957
County St. Charles LA Subtotal	34,943	26,288	7,957
County: St. James LA	20,192	15,505	7,297
County: St. John the Baptist LA (part)	32,678	24,826	15,831
County St. John the Baptist LA Subtotal	32,678	24,826	15,831
County: West Baton Rouge LA (part)	13,908	10,164	5,196
Subtotal	13,908	10,164	5,196
County West Baton Rouge LA Subtotal	13,908	10,164	5,196
District 2 Total	776,317	600,203	352,018
District 3			
County: Acadia LA	57,576	42,943	7,383
County: Calcasieu LA	216,785	163,166	41,898

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Plan Components		Enacted_	_2022_HB-1_SB-5
	Population	[18+_Pop]	[18+_AP_Blk]
District 3			
County: Cameron LA	5,617	4,358	79
County: Iberia LA	69,929	52,791	17,069
County: Jefferson Davis LA	32,250	24,039	4,006
County: Lafayette LA	241,753	183,875	45,917
County: St. Martin LA (part)	50,399	38,250	11,282
County St. Martin LA Subtotal	50,399	38,250	11,282
County: St. Mary LA (part)	44,607	34,054	11,013
County St. Mary LA Subtotal	44,607	34,054	11,013
County: Vermilion LA	57,359	43,012	5,787
District 3 Total	776,275	586,488	144,434
District 4			
County: Allen LA	22,750	17,510	3,275
County: Beauregard LA	36,549	27,489	3,495
County: Bienville LA	12,981	10,073	4,284
County: Bossier LA	128,746	95,876	22,440
County: Caddo LA	237,848	182,407	86,359
County: Claiborne LA	14,170	11,507	4,824
County: De Soto LA	26,812	20,440	7,425
County: Evangeline LA	32,350	24,408	6,483
County: Grant LA (part)	7,473	5,801	1,133
County Grant LA Subtotal	7,473	5,801	1,133
County: Natchitoches LA	37,515	29,349	11,415
County: Red River LA	7,620	5,714	2,164
County: Sabine LA	22,155	17,064	2,655
County: St. Landry LA	82,540	61,811	25,497
County: Union LA	21,107	16,632	3,861
County: Vernon LA	48,750	36,261	5,133
County: Webster LA	36,967	28,753	9,464
District 4 Total	776,333	591,095	199,907
District 5			
County: Avoyelles LA	39,693	30,578	8,311
County: Caldwell LA	9,645	7,478	1,224
County: Catahoula LA	8,906	6,951	1,736
County: Concordia LA	18,687	14,217	5,613
County: East Carroll LA	7,459	5,901	4,043
County: East Feliciana LA	19,539	16,183	5,918
County: Franklin LA	19,774	15,028	4,779
County: Grant LA (part)	14,696	11,726	1,584
County Grant LA Subtotal	14,696	11,726	1,584
County: Jackson LA	15,031	11,783	3,125
County: LaSalle LA	14,791	11,563	1,065
County: Lincoln LA	48,396	38,655	15,119
County: Madison LA	10,017	7,435	4,391
County: Morehouse LA	25,629	20,062	9,300
County: Ouachita LA	160,368	120,200	42,290

Maptitude For Redistricting Case 3:22-cv-00211-SDD-SDJ Document 120-2 05/02/22 Page 36 of 91

Plan Components		Enacted_	2022_HB-1_SB-5
	Population	[18+_Pop]	[18+_AP_Blk]
District 5			
County: Pointe Coupee LA	20,758	16,250	5,502
County: Rapides LA	130,023	98,792	30,205
County: Richland LA	20,043	15,383	5,546
County: St. Helena LA	10,920	8,463	4,371
County: Tangipahoa LA (part)	93,476	71,334	24,379
County Tangipahoa LA Subtotal	93,476	71,334	24,379
County: Tensas LA	4,147	3,235	1,728
County: Washington LA	45,463	34,951	9,732
County: West Carroll LA	9,751	7,532	1,010
County: West Feliciana LA	15,310	12,783	2,951
County: Winn LA	13,755	10,906	2,695
District 5 Total	776,277	597,389	196,617
District 6			
County: Ascension LA (part)	105,608	76,531	12,373
County Ascension LA Subtotal	105,608	76,531	12,373
County: Assumption LA (part)	14,329	11,346	1,943
County Assumption LA Subtotal	14,329	11,346	1,943
County: East Baton Rouge LA (part)	362,456	284,652	93,158
County East Baton Rouge LA Subtotal	362,456	284,652	93,158
County: Iberville LA (part)	9,168	7,455	1,869
County Iberville LA Subtotal	9,168	7,455	1,869
County: Lafourche LA (part)	53,856	41,289	9,982
County Lafourche LA Subtotal	53,856	41,289	9,982
County: Livingston LA	142,282	105,141	8,136
County: St. Charles LA (part)	17,606	13,253	1,933
County St. Charles LA Subtotal	17,606	13,253	1,933
County: St. John the Baptist LA (part)	9,799	7,677	2,606
County St. John the Baptist LA Subtotal	9.799	7.677	2.606
County: St. Martin LA (part)	1,368	1,154	. 11
County St. Martin LA Subtotal	1.368	1.154	11
County: St. Mary LA (part)	4,799	3,467	507
County St. Mary LA Subtotal	4 799	3 467	507
County: Terrebonne I.A (part)	41.725	31,487	6.217
County Terrebonne LA Subtotal	41 725	31 487	6 217
County: West Baton Rouge I A (part)	13,291	10.362	2.953
Subtotal	13 291	10 362	2 953
County West Baton Rouge LA Subtotal	13 291	10,302	2,555
District 6 Total	776 287	502 Q1/	1/1 699
State Totals	A 657 757	2 570 5/0	1 115 760
State I Utals	4,057,757	3,370,348	1,115,709

User: Plan Name: Enacted\_2022\_HB-1\_SB-5 Plan Type:

St. Mary LA

St. Mary LA

Tangipahoa LA

Tangipahoa LA

Terrebonne LA

Terrebonne LA

Split VTDs:

West Baton Rouge LA

West Baton Rouge LA

West Baton Rouge LA

West Baton Rouge LA

2B

2B

Political Subc	livison Splits Betv	ween Districts	
Monday, May 2, 2022			1:47 PM
	Split	Counts	
Number of subdivisions s	plit into more than one district:	Number of splits involving no population:	
County	15	County	0
Voting District	1	Voting District	0
Number of times a subdiv	vision is split into multiple distric	ts:	
County	15		
Voting District	1		
County	Voting District	District	Population
Split Counties:			
Ascension LA		2	20,892
Ascension LA		6	105,608
Assumption LA		2	6,710
Assumption LA		6	14,329
East Baton Rouge LA		2	94,325
East Baton Rouge LA		6	362,456
Grant LA		4	7,473
Grant LA		5	14,696
Iberville LA		2	21,073
Iberville LA		6	9,168
Jefferson LA		1	245,132
Jefferson LA		2	195,649
Lafourche LA		1	43,701
Lafourche LA		6	53,856
Orleans LA		1	48,050
Orleans LA		2	335,947
St. Charles LA		2	34,943
St. Charles LA		6	17,606
St. John the Baptist LA		2	32,678
St. John the Baptist LA		6	9,799
St. Martin LA		3	50,399
St. Martin LA		6	1,368

Maptitude For Redistricting 44,607 4,799

39,681

93,476

67,855

41,725

13,908

13,291

250

1,869

3

6

1

5

1

6

2

6

2

6

User: Plan Name: Enacted\_2022\_HB-1\_SB-5 Plan Type:

### **Communities of Interest (Condensed)**

Monday, May 2, 2022

#### Whole Census Place : 287 Census Place Splits: 38 Zero Population Census Place Splits: 2

District C	Census Place	Population	% Pop	District	Census Place	Population	% Pop
1 F	Houma	31,448	94.14%				
1 К	Kenner	52,353	78.79%				
1 N	New Orleans	48,050	12.51%				
1 P	Ponchatoula	7,647	97.76%				
1 F	Hammond	3,001	15.32%				
2 К	Kenner	14,095	21.21%				
2 P	Port Allen	4,315	87.37%				
2 B	Baton Rouge	79,011	34.73%				
2 B	Baker	3,119	25.04%				
2 N	New Orleans	335,947	87.49%				
2 V	White Castle	1,722	100.00%				
2 G	Gonzales	5,972	48.83%				
2 P	Plaquemine	6,159	98.25%				
2 A	Addis	6,700	99.54%				
2 B	Brusly	694	26.92%				
3 B	Basile	0	0.00%				
3 E	unice	302	3.21%				
3 A	Arnaudville	39	3.87%				
3 N	Norgan City	10,449	91.08%				
3 P	Patterson	4,325	72.92%				
4 B	Basile	1,214	100.00%				
4 E	Eunice	9,120	96.79%				
4 C	Downsville	96	80.00%				
4 A	Arnaudville	970	96.13%				
5 C	Downsville	24	20.00%				
5 P	Ponchatoula	175	2.24%				
5 H	Hammond	16,583	84.68%				
6 N	Morgan City	1,023	8.92%				
6 H	louma	1,958	5.86%				
6 P	Port Allen	624	12.63%				
6 B	Baton Rouge	148,459	65.27%				
6 B	Baker	9,336	74.96%				
6 V	White Castle	0	0.00%				
6 6	Gonzales	6,259	51.17%				
6 P	Patterson	1,606	27.08%				
6 P	Plaquemine	110	1.75%				
6 A	Addis	31	0.46%				
6 B	Brusly	1,884	73.08%				

1:52 PM

User: Plan Name: Enacted\_2022\_HB-1\_SB-5 Plan Type:

### **Communities of Interest (Condensed)**

Monday, May 2, 2022

#### Whole CBSA : 11 CBSA Splits: 18 Zero Population CBSA Splits: 0

District	CBSA	Population	% Pop District	CBSA	Population	% Pop
1	Houma- Thibodaux, LA	111,556	53.86%			<u> </u>
1	Hammond, LA	39,681	29.80%			
1	New Orleans- Metairie, LA	625,031	49.14%			
2	Baton Rouge, LA	156,908	18.02%			
2	New Orleans- Metairie, LA	619,409	48.70%			
3	Lafayette, LA	477,016	99.71%			
3	Morgan City, LA	44,607	90.29%			
4	Alexandria, LA	7,473	4.91%			
4	Monroe, LA	21,107	10.19%			
5	Alexandria, LA	144,719	95.09%			
5	Baton Rouge, LA	66,527	7.64%			
5	Hammond, LA	93,476	70.20%			
5	Monroe, LA	185,997	89.81%			
6	Lafayette, LA	1,368	0.29%			
6	Morgan City, LA	4,799	9.71%			
6	Houma- Thibodaux, LA	95,581	46.14%			
6	Baton Rouge, LA	647,134	74.33%			
6	New Orleans- Metairie, LA	27,405	2.15%			

2:00 PM

# **EXHIBIT B-1**

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#### Population Summary Report Louisiana Congress -- Illustrative Plan 4 2020 Census

District	Population	Deviation	AP Black	% AP Black	18+ Pop	18 + AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
1	776235	-58	154967	19.96%	599404	108721	18.14%	60131	10.03%	396822	66.20%
2	776266	-27	406069	52.31%	603596	302153	50.06%	51841	8.59%	226410	37.51%
3	776252	-41	166121	21.40%	586230	116020	19.79%	30735	5.24%	414576	70.72%
4	776256	-37	258080	33.25%	596127	187628	31.47%	24505	4.11%	359047	60.23%
5	776390	97	411838	53.05%	593324	298354	50.29%	20393	3.44%	259437	43.73%
6	776358	65	146044	18.81%	591867	102893	17.38%	36057	6.09%	425818	71.94%
Total	4657757		1543119	33.13%	3570548	1115769	31.25%	223662	6.26%	2082110	58.31%

District	% NH SR Black CVAP	% NH White CVAP	% July 2021 Black Registered
1	16.39%	73.87%	16.83%
2	52.63%	39.53%	52.23%
3	19.06%	74.91%	18.77%
4	32.17%	63.02%	30.90%
5	50.78%	45.75%	52.17%
6	16.76%	77.60%	15.55%

Source for % Citizen Voting Age (CVAP) -- 2020 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau) https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html

-- calculated by disaggregating 2016-2020 ACS block group estimates to 2020 census blocks

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/ https://redistrictingdatahub.org/wp-content/uploads/2021/09/readme\_la\_voter\_reg\_official.txt

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

# **EXHIBIT B-2**

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# **EXHIBIT B-3**

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### **EXHIBIT B-4**

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# **EXHIBIT B-5**

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## **EXHIBIT B-6**

User: Plan Name: **Illustrative\_4** Plan Type:

Plan Components			
Sunday, May 1, 2022			11:10 AM
	Population	[18+_Pop]	[18+_AP_Blk]
District 01			
County: Assumption LA	21,039	16,616	4,707
County: Iberia LA (part)	37,143	27,783	10,152
County Iberia LA Subtotal	37,143	27,783	10,152
County: Jefferson LA (part)	236,363	188,976	22,244
County Jefferson LA Subtotal	236,363	188,976	22,244
County: Lafourche LA	97,557	74,619	11,077
County: Orleans LA (part)	33,047	26,383	1,891
County Orleans LA Subtotal	33,047	26,383	1,891
County: Plaquemines LA	23,515	17,334	3,857
County: St. Bernard LA	43,764	31,775	7,944
County: St. Martin LA	51,767	39,404	11,293
County: St. Tammany LA (part)	122,460	94,009	19,760
County St. Tammany LA Subtotal	122,460	94,009	19,760
County: Terrebonne LA	109,580	82,505	15,796
District 01 Total	776,235	599,404	108,721
District 02			
County: Ascension LA (part)	48,240	35,944	14,040
County Ascension LA Subtotal	48,240	35,944	14,040
County: Iberville LA	30,241	24,086	10,232
County: Jefferson LA (part)	204,418	155,678	69,931
County Jefferson LA Subtotal	204,418	155,678	69,931
County: Orleans LA (part)	350,950	279,813	164,177
County Orleans LA Subtotal	350,950	279,813	164,177
County: St. Charles LA	52,549	39,541	9,890
County: St. James LA	20,192	15,505	7,297
County: St. John the Baptist LA	42,477	32,503	18,437
County: West Baton Rouge LA	27,199	20,526	8,149
District 02 Total	776,266	603,596	302,153
District 03			
County: Acadia LA	57,576	42,943	7,383
County: Allen LA	22,750	17,510	3,275
County: Beauregard LA	36,549	27,489	3,495
County: Calcasieu LA	216,785	163,166	41,898
County: Cameron LA	5,617	4,358	79
County: Evangeline LA	32,350	24,408	6,483
County: Iberia LA (part)	32,786	25,008	6,917
County Iberia LA Subtotal	32,786	25,008	6,917
County: Jefferson Davis LA	32,250	24,039	4,006
County: Lafayette LA (part)	176,754	134,592	19,684
County Lafayette LA Subtotal	176,754	134,592	19,684

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Plan Components			Illustrative_4
	Population	[18+_Pop]	[18+_AP_Blk]
District 03			
County: Sabine LA (part)	7,320	5,923	360
County Sabine LA Subtotal	7,320	5,923	360
County: St. Mary LA	49,406	37,521	11,520
County: Vermilion LA	57,359	43,012	5,787
County: Vernon LA	48,750	36,261	5,133
District 03 Total	776,252	586,230	116,020
District 04			
County: Bienville LA	12,981	10,073	4,284
County: Bossier LA	128,746	95,876	22,440
County: Caddo LA	237,848	182,407	86,359
County: Caldwell LA	9,645	7,478	1,224
County: Claiborne LA	14,170	11,507	4,824
County: De Soto LA	26,812	20,440	7,425
County: Grant LA	22,169	17,527	2,717
County: Jackson LA	15,031	11,783	3,125
County: LaSalle LA	14,791	11,563	1,065
County: Lincoln LA	48,396	38,655	15,119
County: Natchitoches LA	37,515	29,349	11,415
County: Ouachita LA (part)	65,186	49,417	4,192
County Ouachita LA Subtotal	65,186	49,417	4,192
County: Rapides LA (part)	48,682	36,906	2,960
County Rapides LA Subtotal	48,682	36,906	2,960
County: Red River LA	7,620	5,714	2,164
County: Sabine LA (part)	14,835	11,141	2,295
County Sabine LA Subtotal	14,835	11,141	2,295
County: Union LA	21,107	16,632	3,861
County: Webster LA	36,967	28,753	9,464
County: Winn LA	13,755	10,906	2,695
District 04 Total	776,256	596,127	187,628
District 05			
County: Avoyelles LA	39,693	30,578	8,311
County: Catahoula LA	8,906	6,951	1,736
County: Concordia LA	18,687	14,217	5,613
County: East Baton Rouge LA (part)	221,695	169,560	116,082
County East Baton Rouge LA Subtotal	221,695	169,560	116,082
County: East Carroll LA	7,459	5,901	4,043
County: East Feliciana LA	19,539	16,183	5,918
County: Franklin LA	19,774	15,028	4,779
County: Lafayette LA (part)	64,999	49,283	26,233
County Lafayette LA Subtotal	64,999	49,283	26,233
County: Madison LA	10,017	7,435	4,391
County: Morehouse LA	25,629	20,062	9,300
County: Ouachita LA (part)	95,182	70,783	38,098
County Ouachita LA Subtotal	95,182	70,783	38,098

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Plan Components			Illustrative_4
	Population	[18+_Pop]	[18+_AP_Blk]
District 05			
County: Pointe Coupee LA	20,758	16,250	5,502
County: Rapides LA (part)	81,341	61,886	27,245
County Rapides LA Subtotal	81,341	61,886	27,245
County: Richland LA	20,043	15,383	5,546
County: St. Helena LA	10,920	8,463	4,371
County: St. Landry LA	82,540	61,811	25,497
County: Tensas LA	4,147	3,235	1,728
County: West Carroll LA	9,751	7,532	1,010
County: West Feliciana LA	15,310	12,783	2,951
District 05 Total	776,390	593,324	298,354
District 06			
County: Ascension LA (part)	78,260	56,013	8,099
County Ascension LA Subtotal	78,260	56,013	8,099
County: East Baton Rouge LA (part)	235,086	186,052	40,708
County East Baton Rouge LA Subtotal	235,086	186,052	40,708
County: Livingston LA	142,282	105,141	8,136
County: St. Tammany LA (part)	142,110	108,219	7,001
County St. Tammany LA Subtotal	142,110	108,219	7,001
County: Tangipahoa LA	133,157	101,491	29,217
County: Washington LA	45,463	34,951	9,732
District 06 Total	776,358	591,867	102,893
State Totals	4,657,757	3,570,548	1,115,769

## **EXHIBIT B-7**

User: Plan Name: **Illustrative\_4** Plan Type:

### Political Subdivison Splits Between Districts

Sunday, May 1, 2022		11:01 AM
<u>Split</u>	Counts	
Number of subdivisions split into more than one district:	Number of splits involving no population:	
County 10	County	0
Voting District	Voting District	0

Number of times a subdivision is split into multiple districts: County 10

County	Voting District	District	Population
Split Counties:			
Ascension LA		02	48,240
Ascension LA		06	78,260
East Baton Rouge LA	A	05	221,695
East Baton Rouge LA	A	06	235,086
Iberia LA		01	37,143
Iberia LA		03	32,786
Jefferson LA		01	236,363
Jefferson LA		02	204,418
Lafayette LA		03	176,754
Lafayette LA		05	64,999
Orleans LA		01	33,047
Orleans LA		02	350,950
Ouachita LA		04	65,186
Ouachita LA		05	95,182
Rapides LA		04	48,682
Rapides LA		05	81,341
Sabine LA		03	7,320
Sabine LA		04	14,835
St. Tammany LA		01	122,460
St. Tammany LA		06	142,110

## **EXHIBIT B-8**

User: Plan Name: **Illustrative\_4** Plan Type:

### **Communities of Interest (Condensed)**

Monday, May 2, 2022

#### Whole Census Place : 290 Census Place Splits: 32 Zero Population Census Place Splits: 2

District	Census Place	Population	% Pop	District	Census Place	Population	% F
01	Broussard LA	190	1.42%				
01	New Iberia LA	25,204	88.26%				
01	Arnaudville LA	39	3.87%				
01	Morgan City LA	0	0.00%				
01	Kenner LA	56,858	85.57%				
01	New Orleans LA	33,047	8.61%				
01	Mandeville LA	0	0.00%				
02	Kenner LA	9,590	14.43%				
02	New Orleans LA	350,950	91.39%				
03	Eunice LA	302	3.21%				
03	Lafayette LA	82,561	68.02%				
03	Carencro LA	29	0.31%				
03	Broussard LA	13,227	98.58%				
03	New Iberia LA	3,351	11.74%				
03	Morgan City LA	11,472	100.00%				
04	Alexandria LA	10,793	23.84%				
04	Pineville LA	289	2.01%				
04	Ball LA	31	0.78%				
04	West Monroe LA	8,264	63.07%				
05	Eunice LA	9,120	96.79%				
05	Lafayette LA	38,813	31.98%				
05	Carencro LA	9,243	99.69%				
05	Arnaudville LA	970	96.13%				
05	Alexandria LA	34,482	76.16%				
05	Pineville LA	14,095	97.99%				
05	Ball LA	3,930	99.22%				
05	Baton Rouge LA	143,479	63.08%				
05	Zachary LA	19,303	99.93%				
05	West Monroe LA	4,839	36.93%				
06	Baton Rouge LA	83,991	36.92%				
06	Zachary LA	13	0.07%				
06	Mandeville LA	13,192	100.00%				

2:26 PM

## **EXHIBIT B-9**

User: Plan Name: Illustrative\_4 Plan Type:

### **Communities of Interest (Condensed)**

Monday, May 2, 2022

#### Whole CBSA : 14 CBSA Splits: 14

#### Zero Population CBSA Splits: 0

District	CBSA	Population	% Рор	District	CBSA	Population	% Pop
01	Lafayette, LA	88,910	18.59%				
01	Baton Rouge, LA	21,039	2.42%				
01	New Orleans- Metairie, LA	459,149	36.10%				
02	Baton Rouge, LA	105,680	12.14%				
02	New Orleans- Metairie, LA	670,586	52.73%				
03	Lafayette, LA	324,475	67.83%				
04	Alexandria, LA	70,851	46.55%				
04	Monroe, LA	86,293	41.67%				
05	Alexandria, LA	81,341	53.45%				
05	Lafayette, LA	64,999	13.59%				
05	Baton Rouge, LA	288,222	33.11%				
05	Monroe, LA	120,811	58.33%				
06	Baton Rouge, LA	455,628	52.34%				
06	New Orleans- Metairie, LA	142,110	11.17%				

2:32 PM

# **EXHIBIT C-1**

User: Plan Name: **Folklore\_Regions** Plan Type:

Saturday, April	30, 2022			8:52 PN
rom Plan:	Illustrative_1			
lan: Folklore	e_Regions, District	1	457,869 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
vist. 04	238,405 (52.07%)	185,963 (52.77%)	47,178 (38.23%)	
ist. 05	219,464 (47.93%)	166,425 (47.23%)	76,224 (61.77%)	
otal and % Populat	ion	352,388 (76.96%)	123,402 (26.95%)	
lan: Folklore	e_Regions, District	II	751,635 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
ist. 03	92,548 (12.31%)	69,619 (12.16%)	8,987 (4.86%)	
ist. 04	537,888 (71.56%)	410,732 (71.76%)	142,702 (77.13%)	
vist. 05	121,199 (16.12%)	92,052 (16.08%)	33,325 (18.01%)	
otal and % Populat	ion	572,403 (76.15%)	185,014 (24.61%)	
lan: Folklore	e_Regions, District	III	920,082 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
	88,873 (9.66%)	67,275 (9.68%)	21,473 (11.92%)	
ist. U I				
ist. 01 ist. 03	683,745 (74.31%)	516,900 (74.39%)	106,854 (59.30%)	
ist. 01 ist. 03 ist. 05	683,745 (74.31%) 147,464 (16.03%)	516,900 (74.39%) 110,663 (15.93%)	106,854 (59.30%) 51,880 (28.79%)	
vist. 01 vist. 03 vist. 05 otal and % Populat	683,745 (74.31%) 147,464 (16.03%) ion	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%)	
vist. 01 vist. 03 vist. 05 vtal and % Populat v <b>lan: Folklore</b>	683,745 (74.31%) 147,464 (16.03%) ion •_Regions, District	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) IV	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population	
vist. 01 vist. 03 vist. 05 otal and % Populat	683,745 (74.31%) 147,464 (16.03%) ion e_Regions, District Population	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) IV [18+_Pop]	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population [18+_AP_Blk]	
ist. 01 ist. 03 ist. 05 Ital and % Populat Ian: Folklore	683,745 (74.31%) 147,464 (16.03%) ion e_Regions, District Population 228,176 (16.64%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> <b>[18+_Pop]</b> 173,740 (16.57%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%)	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>lan: Folklore</b> ist. 01 ist. 02	683,745 (74.31%) 147,464 (16.03%) ion <b>2.Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> <b>[18+_Pop]</b> 173,740 (16.57%) 167,851 (16.01%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%)	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>lan: Folklore</b> ist. 01 ist. 02 ist. 05	683,745 (74.31%) 147,464 (16.03%) ion <b>e_Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%)	
ist. 01 ist. 03 ist. 05 <b>Ian: Folklore</b> ist. 01 ist. 02 ist. 05 ist. 06	683,745 (74.31%) 147,464 (16.03%) ion <b>e_Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> <b>[18+_Pop]</b> 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%)	
vist. 01 vist. 03 vist. 05 vist. 05 vist. <b>Folklore</b> vist. 01 vist. 02 vist. 05 vist. 05 vist. 06 vist. 06	683,745 (74.31%) 147,464 (16.03%) ion <b>e_Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> <b>[18+_Pop]</b> 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%)	
vist. 01 Vist. 03 Vist. 05 Vial and % Populat Vian: Folklore Vist. 01 Vist. 02 Vist. 05 Vist. 05 Vist. 06 Vial and % Populat	683,745 (74.31%) 147,464 (16.03%) ion <b>e_Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion <b>e_Regions, District</b>	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%) V	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%) 1,156,627 Total Population	
vist. 01 vist. 03 vist. 05 vital and % Populat vist. 01 vist. 01 vist. 02 vist. 05 vist. 06 vist. 06 vital and % Populat	683,745 (74.31%) 147,464 (16.03%) ion 2.Regions, District Population 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion 2.Regions, District Population	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%) V [18+_Pop]	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%) 1,156,627 Total Population [18+_AP_Blk]	
vist. 01 vist. 03 vist. 05 vital and % Populat vist. 01 vist. 01 vist. 02 vist. 05 vist. 06 vital and % Populat vitan: Folklore	683,745 (74.31%) 147,464 (16.03%) ion 2.Regions, District Population 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion 2.Regions, District Population 459,243 (39.71%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%) <b>V</b> [18+_Pop] 358,811 (39.77%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) <b>1,371,544 Total Population</b> [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%) <b>1,156,627 Total Population</b> [18+_AP_Blk] 55,988 (18.86%)	
vist. 01 vist. 03 vist. 05 otal and % Populat viat. Folklore vist. 01 vist. 02 vist. 05 vist. 06 otal and % Populat vist. 01 vist. 01 vist. 01	683,745 (74.31%) 147,464 (16.03%) ion <b>2.Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion <b>2.Regions, District</b> <b>Population</b> 459,243 (39.71%) 555,073 (47.99%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) <b>IV</b> <b>[18+_Pop]</b> 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%) <b>V</b> <b>[18+_Pop]</b> 358,811 (39.77%) 435,241 (48.24%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%) 1,156,627 Total Population [18+_AP_Blk] 55,988 (18.86%) 233,978 (78.83%)	
hist. 01 hist. 03 hist. 05 hist. 05 hist. 05 hist. 01 hist. 02 hist. 06 hist. 01 hist. 01 hist. 01 hist. 01 hist. 02 hist. 01 hist. 02 hist. 01	683,745 (74.31%) 147,464 (16.03%) ion 2.Regions, District Population 228,176 (16.64%) 221,220 (16.13%) 288,166 (21.01%) 633,982 (46.22%) ion 2.Regions, District Population 459,243 (39.71%) 555,073 (47.99%) 142,311 (12.30%)	516,900 (74.39%) 110,663 (15.93%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 223,176 (21.28%) 483,965 (46.15%) 1,048,732 (76.46%) V [18+_Pop] 358,811 (39.77%) 435,241 (48.24%) 108,135 (11.99%)	106,854 (59.30%) 51,880 (28.79%) 180,207 (19.59%) 1,371,544 Total Population [18+_AP_Blk] 31,580 (9.56%) 68,535 (20.75%) 134,973 (40.86%) 95,253 (28.83%) 330,341 (24.09%) 1,156,627 Total Population [18+_AP_Blk] 55,988 (18.86%) 233,978 (78.83%) 6,839 (2.30%)	

# **EXHIBIT C-2**

User: Plan Name: **Folklore\_Regions** Plan Type:

Saturday Ap	ril 30, 2022			1.1
στατατάχ, Αρ	111 JU, LULL			1.4
From Plan:	Illustrative 2			
	_			
Plan: Folklo	ore_Regions, District	I	457,869 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 4	149,398 (32.63%)	114,965 (32.62%)	19,582 (15.87%)	
Dist. 5	308,471 (67.37%)	237,423 (67.38%)	103,820 (84.13%)	
otal and % Popu	ulation	352,388 (76.96%)	123,402 (26.95%)	
Plan: Folklo	ore_Regions, District	II	751,635 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 3	32,682 (4.35%)	24,599 (4.30%)	3,261 (1.76%)	
Dist. 4	626,895 (83.40%)	477,780 (83.47%)	150,229 (81.20%)	
Dist. 5	92,058 (12.25%)	70,024 (12.23%)	31,524 (17.04%)	
otal and % Popu	ulation	572,403 (76.15%)	185,014 (24.61%)	
Plan: Folklo	ore_Regions, District	III	920,082 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 1	559 (0.06%)	420 (0.06%)	215 (0.12%)	
Dist. 2	93,372 (10.15%)	71,653 (10.31%)	31,332 (17.39%)	
Dist. 3	743,611 (80.82%)	560,954 (80.73%)	123,163 (68.35%)	
Dist. 5	82,540 (8.97%)	61,811 (8.90%)	25,497 (14.15%)	
otal and % Popu	ulation	694,838 (75.52%)	180,207 (19.59%)	
Plan: Folklo	ore_Regions, District	IV	1,371,544 Total Population	
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 1	232,293 (16.94%)	176,206 (16.80%)	31,494 (9.53%)	
Dist. 2	151,079 (11.02%)	116,452 (11.10%)	50,832 (15.39%)	
Dist. 5	293,224 (21.38%)	223,925 (21.35%)	136,011 (41.17%)	
Dist. 6	694,948 (50.67%)	532,149 (50.74%)	112,004 (33.91%)	
	ulation	1,048,732 (76.46%)	330,341 (24.09%)	
otal and % Popu		V	1,156,627 Total Population	
otal and % Popu	ore_Regions, District	V		
otal and % Popu	pre_Regions, District Population	[18+_Pop]	[18+_AP_Blk]	
otal and % Popu Plan: Folklo	Pre_Regions, District Population 543,441 (46.98%)	[18+_Pop] 422,354 (46.81%)	[18+_AP_Blk] 67,153 (22.63%)	
Total and % Popu Plan: Folklo Dist. 1 Dist. 2	Population 543,441 (46.98%) 531,842 (45.98%)	[18+_Pop] 422,354 (46.81%) 417,931 (46.32%)	[18+_AP_Blk] 67,153 (22.63%) 224,818 (75.75%)	
Fotal and % Popu Plan: Folklo Dist. 1 Dist. 2 Dist. 6	Population           543,441 (46.98%)           531,842 (45.98%)           81,344 (7.03%)	[18+_Pop] 422,354 (46.81%) 417,931 (46.32%) 61,902 (6.86%)	[18+_AP_Blk] 67,153 (22.63%) 224,818 (75.75%) 4,834 (1.63%)	

# **EXHIBIT C-3**

User: Plan Name: **Folklore\_Regions** Plan Type:

Core Co	nstituencies	5			
Saturday April	30 2022				1·49 PI
	50, 2022				1.1311
rom Plan:	Illustrative_3				
lan: Folklore	e_Regions, District	I	457,869 Total	Population	
	Population	[18+_Pop]	[18+_AP_Blk]		
ist. 04	279,673 (61.08%)	217,800 (61.81%)	58,914 (47.74%)		
ist. 05	178,196 (38.92%)	134,588 (38.19%)	64,488 (52.26%)		
ital and % Populat	tion	352,388 (76.96%)	123,402 (26.95%)		
lan: Folklore	e_Regions, District	II	751,635 Total	Population	
	Population	[18+_Pop]	[18+_AP_Blk]		
ist. 03	159,742 (21.25%)	120,654 (21.08%)	15,765 (8.52%)		
ist. 04	496,620 (66.07%)	379,283 (66.26%)	137,870 (74.52%)		
ist. 05	95,273 (12.68%)	72,466 (12.66%)	31,379 (16.96%)		
otal and % Populat	tion	572,403 (76.15%)	185,014 (24.61%)		
lan: Folklore	e_Regions, District	III	920,082 Total	Population	
	Population	[18+_Pop]	[18+_AP_Blk]		
		112 212 416 2220			
ist. 01	149,507 (16.25%)	113,212 (16.29%)	36,857 (20.45%)		
ist. 01 ist. 03	149,507 (16.25%) 616,551 (67.01%)	113,212 (16.29%) 466,273 (67.11%)	36,857 (20.45%) 89,793 (49.83%)		
ist. 01 ist. 03 ist. 05	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%)	113,212 (16.29%) 466,273 (67.11%) 115,353 (16.60%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%)		
ist. 01 ist. 03 ist. 05 otal and % Populat	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%)		
ist. 01 ist. 03 ist. 05 ital and % Populat <b>lan: Folklore</b>	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b>	Population	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>lan: Folklore</b>	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion e_Regions, District Population	113,212 (16.29%) 466,273 (67.11%) 115,353 (16.60%) 694,838 (75.52%) IV [18+_Pop]	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Blk]	Population	
ist. 01 ist. 03 ist. 05 Ital and % Populat Ian: Folklore	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion e_Regions, District Population 228,176 (16.64%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_Blk] 31,580 (9.56%)	Population	
ist. 01 ist. 03 ist. 05 ital and % Populat <b>lan: Folklore</b> ist. 01 ist. 02	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion <b>e_Regions, District</b> <b>Population</b> 228,176 (16.64%) 221,220 (16.13%)	113,212 (16.29%) 466,273 (67.11%) 115,353 (16.60%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 167,851 (16.01%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%)	Population	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>Ian: Folklore</b> ist. 01 ist. 02 ist. 05	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion e_Regions, District Population 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_BIk] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%)	Population	
ist. 01 ist. 03 ist. 05 ital and % Populat <b>Ian: Folklore</b> ist. 01 ist. 02 ist. 05 ist. 06	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 2.28,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%)	Population	
ist. 01 ist. 03 otal and % Populat Ian: Folklore ist. 01 ist. 02 ist. 05 ist. 06 otal and % Populat	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 2 <b>e_Regions, District</b> 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%) <b>IV</b> [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)         1,048,732 (76.46%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_BIk] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%)	Population	
ist. 01 ist. 03 ist. 05 otal and % Populat Ian: Folklore ist. 01 ist. 02 ist. 05 ist. 06 otal and % Populat Ian: Folklore	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 2 <b>e_Regions, District</b> 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion 2 <b>e_Regions, District</b>	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)         1,048,732 (76.46%)         V	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%) 1,156,627 Total	Population	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>lan: Folklore</b> ist. 01 ist. 02 ist. 05 ist. 06 otal and % Populat <b>lan: Folklore</b>	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 2.8,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion 2.8,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%)	113,212 (16.29%) 466,273 (67.11%) 115,353 (16.60%) 694,838 (75.52%) <b>IV</b> [18+_Pop] 173,740 (16.57%) 167,851 (16.01%) 266,663 (25.43%) 440,478 (42.00%) 1,048,732 (76.46%) <b>V</b> [18+_Pop]	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%) 1,156,627 Total [18+_AP_Bik]	Population	
vist. 01 vist. 03 vist. 05 otal and % Populat vian: Folklore vist. 01 vist. 02 vist. 05 otal and % Populat vist. 06 otal and % Populat	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion 228,176 (16.64%) 348,800 (25.43%) 573,348 (41.80%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)         1,048,732 (76.46%)         V         [18+_Pop]         312,634 (34.65%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%) 1,156,627 Total [18+_AP_Bik] 42,606 (14.35%)	Population Population	
vist. 01 vist. 03 vist. 05 vital and % Populat vian: Folklore vist. 01 vist. 02 vist. 05 vist. 06 vist. 06 vist. 01 vist. 01 vist. 01 vist. 01	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion 22Regions, District 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion 22Regions, District Population 398,610 (34.46%) 555,073 (47.99%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)         1,048,732 (76.46%)         V         [18+_Pop]         312,634 (34.65%)         435,241 (48.24%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Bik] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%) 1,156,627 Total [18+_AP_Bik] 42,606 (14.35%) 233,978 (78.83%)	Population Population	
ist. 01 ist. 03 ist. 05 otal and % Populat <b>lan: Folklore</b> ist. 01 ist. 02 ist. 05 ist. 06 otal and % Populat <b>lan: Folklore</b> ist. 01 ist. 01 ist. 02 ist. 02 ist. 02	149,507 (16.25%) 616,551 (67.01%) 154,024 (16.74%) tion e_Regions, District Population 228,176 (16.64%) 221,220 (16.13%) 348,800 (25.43%) 573,348 (41.80%) tion e_Regions, District Population 398,610 (34.46%) 555,073 (47.99%) 202,944 (17.55%)	113,212 (16.29%)         466,273 (67.11%)         115,353 (16.60%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         167,851 (16.01%)         266,663 (25.43%)         440,478 (42.00%)         1,048,732 (76.46%)         V         [18+_Pop]         312,634 (34.65%)         435,241 (48.24%)         154,312 (17.10%)	36,857 (20.45%) 89,793 (49.83%) 53,557 (29.72%) 180,207 (19.59%) 1,371,544 Total [18+_AP_BIk] 31,580 (9.56%) 68,535 (20.75%) 154,729 (46.84%) 75,497 (22.85%) 330,341 (24.09%) 1,156,627 Total [18+_AP_BIk] 42,606 (14.35%) 233,978 (78.83%) 20,221 (6.81%)	Population Population	

# **EXHIBIT C-4**

User: Plan Name: Folklore\_Regions Plan Type:

Coturdour Area				
turday, Apri	1 30, 2022			
om Plan <sup>.</sup>	Illustrative 1			
UIII FIAII.	mustrative_4			
an: Folkloı	e_Regions, District	I	457,869 Total	Population
	Population	[18+_Pop]	[18+_AP_Blk]	
st. 04	238,274 (52.04%)	185,861 (52.74%)	47,158 (38.21%)	
st. 05	219,595 (47.96%)	166,527 (47.26%)	76,244 (61.79%)	
al and % Popul	ation	352,388 (76.96%)	123,402 (26.95%)	
an: Folkloı	e_Regions, District	II	751,635 Total	Population
	Population	[18+_Pop]	[18+_AP_Blk]	
st. 03	92,619 (12.32%)	69,673 (12.17%)	8,988 (4.86%)	
ist. 04	537,982 (71.57%)	410,266 (71.67%)	140,470 (75.92%)	
ist. 05	121,034 (16.10%)	92,464 (16.15%)	35,556 (19.22%)	
otal and % Popul	ation	572,403 (76.15%)	185,014 (24.61%)	
lan: Folkloı	e_Regions, District	III	920,082 Total	Population
	Denulation	[18+ Pop]	[18+ AP Blk]	-
	Population			
ist. 01	88.910 (9.66%)	67.187 (9.67%)	21.445 (11.90%)	
Dist. 01 Dist. 03	88,910 (9.66%) 683,633 (74.30%)	67,187 (9.67%) 516,557 (74.34%)	21,445 (11.90%) 107,032 (59.39%)	
ist. 01 ist. 03 ist. 05	88,910 (9.66%) 683,633 (74.30%) 147,539 (16.04%)	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%)	
st. 01 st. 03 st. 05 al and % Popul	88,910 (9.66%) 683,633 (74.30%) 147,539 (16.04%) ation	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%)	
st. 01 st. 03 st. 05 tal and % Popul <b>an: Folkloi</b>	88,910 (9.66%) 683,633 (74.30%) 147,539 (16.04%) ation	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total	Population
Dist. 01 Dist. 03 Dist. 05 Otal and % Popul Plan: Folklor	88,910 (9.66%) 683,633 (74.30%) 147,539 (16.04%) ation re_Regions, District Population	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%) IV [18+ Pop]	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+ AP Bik]	Population
Dist. 01 Dist. 03 Dist. 05 Dotal and % Popul Plan: Folklor	Population           88,910 (9.66%)           683,633 (74.30%)           147,539 (16.04%)           ation           re_Regions, District           Population           228 176 (16.64%)	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_Blk] 31 580 (9.56%)	Population
Dist. 01 Dist. 03 Dist. 05 Dist. and % Popul Plan: Folklou Dist. 01 Dist. 01	Population           88,910 (9.66%)           683,633 (74.30%)           147,539 (16.04%)           ation           re_Regions, District           Population           228,176 (16.64%)           220,898 (16.11%)	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 168,105 (16.03%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%)	Population
ist. 01 ist. 03 ist. 05 otal and % Popul <b>lan: Folklo</b> ist. 01 ist. 01 ist. 02 ist. 05	Population           88,910 (9.66%)           683,633 (74.30%)           147,539 (16.04%)           ation           re_Regions, District           Population           228,176 (16.64%)           220,898 (16.11%)           288,222 (21.01%)	67,187 (9.67%) 516,557 (74.34%) 111,094 (15.99%) 694,838 (75.52%) IV [18+_Pop] 173,740 (16.57%) 168,105 (16.03%) 223,239 (21.29%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_Blk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%)	Population
st. 01 st. 03 st. 05 tal and % Popul an: Folklor st. 01 st. 01 st. 02 st. 05 st. 06	Population           88,910 (9.66%)           683,633 (74.30%)           147,539 (16.04%)           ation           re_Regions, District           Population           228,176 (16.64%)           220,898 (16.11%)           288,222 (21.01%)           634,248 (46.24%)	111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%)	Population
st. 01 st. 03 st. 05 tal and % Popul lan: Folklor st. 01 st. 01 st. 02 st. 05 st. 06 tal and % Popul	Population           88,910 (9.66%)           683,633 (74.30%)           147,539 (16.04%)           ation           re_Regions, District           Population           228,176 (16.64%)           220,898 (16.11%)           288,222 (21.01%)           634,248 (46.24%)	67,187 (9.67%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) <b>1,371,544 Total</b> [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%)	Population
Dist. 01 Dist. 03 Dist. 05 Otal and % Popul Plan: Folklor Dist. 01 Dist. 01 Dist. 02 Dist. 05 Dist. 06 Otal and % Popul Plan: Folklor	Population         88,910 (9.66%)         683,633 (74.30%)         147,539 (16.04%)         ation         re_Regions, District         Population         228,176 (16.64%)         220,898 (16.11%)         288,222 (21.01%)         634,248 (46.24%)         ation	67,187 (9.67%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)         V	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%) 1,156,627 Total	Population
Dist. 01 Dist. 03 Dist. 05 Total and % Popul. Plan: Folklor Dist. 01 Dist. 02 Dist. 05 Dist. 06 Total and % Popul. Plan: Folklor	Population         88,910 (9.66%)         683,633 (74.30%)         147,539 (16.04%)         ation         re_Regions, District         Population         228,176 (16.64%)         220,898 (16.11%)         288,222 (21.01%)         634,248 (46.24%)         ation         re_Regions, District	111,094 (15.99%)         67,187 (9,67%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)         V         [18+_Pop]	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Bik] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%) 1,156,627 Total [18+_AP_Bik]	Population Population
Dist. 01 Dist. 03 Dist. 05 Fotal and % Popul Plan: Folklor Dist. 01 Dist. 01 Dist. 02 Dist. 05 Dist. 06 Fotal and % Popul Plan: Folklor	Population         88,910 (9.66%)         683,633 (74.30%)         147,539 (16.04%)         ation         re_Regions, District         Population         228,176 (16.64%)         220,898 (16.11%)         288,222 (21.01%)         634,248 (46.24%)         ation	67,187 (9.67%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)         V         [18+_Pop]         358,477 (39,73%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_Blk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%) 1,156,627 Total [18+_AP_Blk] 55 696 (18.77%)	Population
Dist. 01 Dist. 03 Dist. 05 Dist. 05 Dist. 01 Dist. 01 Dist. 02 Dist. 06 Dist. 06 Dist. 06 Dist. 06 Dist. 01 Dist. 01 Dist. 01 Dist. 01	Population         88,910 (9.66%)         683,633 (74.30%)         147,539 (16.04%)         ation         re_Regions, District         Population         228,176 (16.64%)         220,898 (16.11%)         288,222 (21.01%)         634,248 (46.24%)         ation         re_Regions, District         Population         459,149 (39.70%)         555.368 (48.02%)	1.10       1.11,094 (15.99%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)         V         [18+_Pop]         358,477 (39.73%)         435,491 (48,27%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%) 1,156,627 Total [18+_AP_BIk] 55,696 (18.77%) 234,108 (78.88%)	Population
Dist. 01 Dist. 03 Dist. 05 Dist. 05 Dist. 05 Dist. 01 Dist. 02 Dist. 06 Dist. 01 Dist. 01 Dist. 01 Dist. 01 Dist. 01 Dist. 01 Dist. 02 Dist. 02 Dist. 02 Dist. 02 Dist. 02	Population         88,910 (9.66%)         683,633 (74.30%)         147,539 (16.04%)         ation         re_Regions, District         Population         228,176 (16.64%)         220,898 (16.11%)         288,222 (21.01%)         634,248 (46.24%)         ation         re_Regions, District         Population         stion         re_Regions, District         Population         459,149 (39.70%)         555,368 (48.02%)         142,110 (12.29%)	67,187 (9.67%)         516,557 (74.34%)         111,094 (15.99%)         694,838 (75.52%)         IV         [18+_Pop]         173,740 (16.57%)         168,105 (16.03%)         223,239 (21.29%)         483,648 (46.12%)         1,048,732 (76.46%)         V         [18+_Pop]         358,477 (39.73%)         435,491 (48.27%)         108,219 (12.00%)	21,445 (11.90%) 107,032 (59.39%) 51,730 (28.71%) 180,207 (19.59%) 1,371,544 Total [18+_AP_BIk] 31,580 (9.56%) 68,045 (20.60%) 134,824 (40.81%) 95,892 (29.03%) 330,341 (24.09%) 1,156,627 Total [18+_AP_BIk] 55,696 (18.77%) 234,108 (78.88%) 7,001 (2.36%)	Population

# **EXHIBIT C-5**

#### Case 3:22-cv-00211-SDD-SDJ Document 120-2 05/02/22 Page 77 of 91

User: Plan Name: Folklore\_Regions Plan Type:

Core Co	nstituencie	S		
Saturday, April	30, 2022			1:43 PM
From Plan:	Enacted_2022_Co	orrected_4_30		
Plan: Folklor	e_Regions, District	1	457,869 Total Population	n
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 4	85,225 (18.61%)	66,965 (19.00%)	22,433 (18.18%)	
Dist. 5	372,644 (81.39%)	285,423 (81.00%)	100,969 (81.82%)	
Total and % Popula	tion	352,388 (76.96%)	123,402 (26.95%)	
Plan: Folklor	e_Regions, District	II	751,635 Total Population	n
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 4	553,468 (73.64%)	420,401 (73.44%)	142,219 (76.87%)	
Dist. 5	198,167 (26.36%)	152,002 (26.56%)	42,795 (23.13%)	
Total and % Popula	tion	572,403 (76.15%)	185,014 (24.61%)	
Plan: Folklor	Plan: Folklore Regions, District III		920,082 Total Population	ı
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 3	776,275 (84.37%)	586,488 (84.41%)	144,434 (80.15%)	
Dist. 4	137,640 (14.96%)	103,729 (14.93%)	35,255 (19.56%)	
Dist. 6	6,167 (0.67%)	4,621 (0.67%)	518 (0.29%)	
Total and % Popula	tion	694,838 (75.52%)	180,207 (19.59%)	
Plan: Folklor	e_Regions, District	IV	1,371,544 Total Population	n
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 1	151,237 (11.03%)	114,505 (10.92%)	15,512 (4.70%)	
Dist. 2	244,721 (17.84%)	185,070 (17.65%)	120,806 (36.57%)	
Dist. 5	205,466 (14.98%)	159,964 (15.25%)	52,853 (16.00%)	
Dist. 6	770,120 (56.15%)	589,193 (56.18%)	141,170 (42.73%)	
Total and % Popula	tion	1,048,732 (76.46%)	330,341 (24.09%)	
Plan: Folklor	e_Regions, District	V	1,156,627 Total Population	n
	Population	[18+_Pop]	[18+_AP_Blk]	
Dist. 1	625,031 (54.04%)	487,054 (53.99%)	65,593 (22.10%)	
Dist. 2	531,596 (45.96%)	415,133 (46.01%)	231,212 (77.90%)	
Total and % Popula	tion	902,187 (78.00%)	296,805 (25.66%)	

# **EXHIBIT D-1**

User: Plan Name: **Illustrative\_1** Plan Type:

#### **Communities of Interest (Condensed)**

Thursday, April 7, 2022

#### Whole CBSA : 14 CBSA Splits: 14

#### Zero Population CBSA Splits: 0

District	CBSA	Population	% Рор	District	CBSA	Population	% Рор
01	Lafayette, LA	88,873	18.58%				_
01	Baton Rouge, LA	21,039	2.42%				
01	New Orleans- Metairie, LA	459,243	36.11%				
02	Baton Rouge, LA	106,002	12.18%				
02	New Orleans- Metairie, LA	670,291	52.70%				
03	Lafayette, LA	324,587	67.85%				
04	Alexandria, LA	70,686	46.45%				
04	Monroe, LA	86,424	41.73%				
05	Alexandria, LA	81,506	53.55%				
05	Lafayette, LA	64,924	13.57%				
05	Baton Rouge, LA	288,166	33.10%				
05	Monroe, LA	120,680	58.27%				
06	Baton Rouge, LA	455,362	52.31%				
06	New Orleans- Metairie, LA	142,311	11.19%				

4:43 PM

## **EXHIBIT D-2**

User: Plan Name: Illustrative\_2 Plan Type:

### **Communities of Interest (Condensed)**

Thursday, April 7, 2022

#### Whole CBSA : 12 CBSA Splits: 16

#### Zero Population CBSA Splits: 0

District	CBSA	Population	% Pop	District	CBSA	Population	% Pop
1	Morgan City, LA	559	1.13%				
1	New Orleans- Metairie, LA	568,597	44.71%				
2	Lafayette, LA	93,372	19.52%				
2	Baton Rouge, LA	61,017	7.01%				
2	New Orleans- Metairie, LA	621,904	48.90%				
3	DeRidder, LA	32,682	89.42%				
3	Lafayette, LA	385,012	80.48%				
3	Morgan City, LA	48,847	98.87%				
4	DeRidder, LA	3,867	10.58%				
4	Alexandria, LA	99,827	65.59%				
4	Monroe, LA	72,964	35.23%				
5	Alexandria, LA	52,365	34.41%				
5	Baton Rouge, LA	293,224	33.68%				
5	Monroe, LA	134,140	64.77%				
6	Baton Rouge, LA	516,328	59.31%				
6	New Orleans- Metairie, LA	81,344	6.40%				

5:12 PM

# **EXHIBIT D-3**
User: Plan Name: Illustrative\_3 Plan Type:

### **Communities of Interest (Condensed)**

Thursday, April 7, 2022

#### Whole CBSA : 13 CBSA Splits: 17

#### Zero Population CBSA Splits: 0

District	CBSA	Population	% Рор	District	CBSA	Population	% Pop
01	Lafayette, LA	100,101	20.92%				
01	Baton Rouge, LA	21,039	2.42%				
01	New Orleans- Metairie, LA	398,610	31.34%				
02	Baton Rouge, LA	106,002	12.18%				
02	New Orleans- Metairie, LA	670,291	52.70%				
03	Alexandria, LA	74,443	48.91%				
03	Lafayette, LA	306,799	64.13%				
04	Alexandria, LA	22,169	14.57%				
04	Monroe, LA	127,692	61.66%				
05	Alexandria, LA	55,580	36.52%				
05	Lafayette, LA	71,484	14.94%				
05	Baton Rouge, LA	268,860	30.88%				
05	Hammond, LA	79,940	60.03%				
05	Monroe, LA	79,412	38.34%				
06	Baton Rouge, LA	474,668	54.52%				
06	Hammond, LA	53,217	39.97%				
06	New Orleans- Metairie, LA	202,944	15.96%				

5:20 PM

## **EXHIBIT D-4**

User: Plan Name: **Illustrative\_4** Plan Type:

### **Communities of Interest (Condensed)**

Monday, May 2, 2022

#### Whole CBSA : 14 CBSA Splits: 14

#### Zero Population CBSA Splits: 0

District	CBSA	Population	% Рор	District	CBSA	Population	% Pop
01	Lafayette, LA	88,910	18.59%				
01	Baton Rouge, LA	21,039	2.42%				
01	New Orleans- Metairie, LA	459,149	36.10%				
02	Baton Rouge, LA	105,680	12.14%				
02	New Orleans- Metairie, LA	670,586	52.73%				
03	Lafayette, LA	324,475	67.83%				
04	Alexandria, LA	70,851	46.55%				
04	Monroe, LA	86,293	41.67%				
05	Alexandria, LA	81,341	53.45%				
05	Lafayette, LA	64,999	13.59%				
05	Baton Rouge, LA	288,222	33.11%				
05	Monroe, LA	120,811	58.33%				
06	Baton Rouge, LA	455,628	52.34%				
06	New Orleans- Metairie, LA	142,110	11.17%				

2:32 PM

## **EXHIBIT E-1**

#### Case 3:22-cv-00211-SDD-SDJ Document 120-2 05/02/22 Page 87 of 91

#### Population Summary Report Louisiana Congress -- Illustrative Plan 1 2020 Census

District	Population	Deviation	AP Black	% AP Black	18+ Pop	18 + AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
1	776292	-1	155355	20.01%	599826	109041	18.18%	60271	10.05%	396685	66.13%
2	776293	0	406680	52.39%	603092	302513	50.16%	51759	8.58%	225537	37.40%
3	776293	0	165787	21.36%	586519	115841	19.75%	30658	5.23%	415185	70.79%
4	776293	0	261185	33.65%	596695	189880	31.82%	24639	4.13%	357357	59.89%
5	776293	0	409265	52.72%	592316	296402	50.04%	20168	3.40%	260464	43.97%
6	776293	0	144847	18.66%	592100	102092	17.24%	36167	6.11%	426882	72.10%
Total	4657757		1543119	33.13%	3570548	1115769	31.25%	223662	6.26%	2082110	58.31%

District	% NH SR Black CVAP	% NH White CVAP	% July 2021 Black Registered
1	16.42%	73.88%	16.88%
2	52.82%	39.31%	52.33%
3	19.05%	74.91%	18.72%
4	32.59%	62.58%	31.28%
5	50.37%	46.19%	51.84%
6	16.51%	77.84%	15.40%

Source for % Citizen Voting Age (CVAP) -- 2020 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau) https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html

-- calculated by disaggregating 2016-2020 ACS block group estimates to 2020 census blocks

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/ https://redistrictingdatahub.org/wp-content/uploads/2021/09/readme\_la\_voter\_reg\_official.txt

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

## **EXHIBIT E-2**

#### Case 3:22-cv-00211-SDD-SDJ Document 120-2 05/02/22 Page 89 of 91

#### Population Summary Report Louisiana Congress -- Illustrative Plan 2 2020 Census

District	Population	Deviation	AP Black	% AP Black	18+ Pop	18 + AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
1	776293	0	140334	18.08%	598980	98862	16.51%	65326	10.91%	399732	66.74%
2	776293	0	412581	53.15%	606036	306982	50.65%	46785	7.72%	229831	37.92%
3	776293	0	181209	23.34%	585553	126424	21.59%	29617	5.06%	406600	69.44%
4	776293	0	236618	30.48%	592745	169811	28.65%	25859	4.36%	369521	62.34%
5	776293	0	408130	52.57%	593183	296852	50.04%	20163	3.40%	261385	44.06%
6	776292	-1	164247	21.16%	594051	116838	19.67%	35912	6.05%	415041	69.87%
Total	4657757		1543119	33.13%	3570548	1115769	31.25%	223662	6.26%	2082110	58.31%

District	% NH SR Black CVAP	% NH White CVAP	% July 2021 Black Registered
1	14.95%	74.79%	14.83%
2	53.07%	39.53%	52.72%
3	20.75%	73.84%	20.70%
4	28.95%	65.43%	28.18%
5	50.71%	45.92%	51.53%
6	18.70%	75.79%	18.12%

Source for % Citizen Voting Age (CVAP) -- 2020 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau) https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html

-- calculated by disaggregating 2016-2020 ACS block group estimates to 2020 census blocks

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/ https://redistrictingdatahub.org/wp-content/uploads/2021/09/readme\_la\_voter\_reg\_official.txt

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

## **EXHIBIT E-3**

#### Case 3:22-cv-00211-SDD-SDJ Document 120-2 05/02/22 Page 91 of 91

#### Population Summary Report Louisiana Congress -- Illustrative Plan 3 2020 Census

District	Population	Deviation	AP Black	% AP Black	18+ Pop	18 + AP Black	% 18+ AP Black	18+ Latino	% 18+ Latino	18+ NH White	% 18+ NH White
1	776293	0	157338	20.27%	599586	111043	18.52%	60443	10.08%	394484	65.79%
2	776293	0	406680	52.39%	603092	302513	50.16%	51759	8.58%	225537	37.40%
3	776293	0	151597	19.53%	586927	105558	17.98%	28957	4.93%	426910	72.74%
4	776293	0	270437	34.84%	597083	196784	32.96%	23736	3.98%	352454	59.03%
5	776293	0	421811	54.34%	589070	304153	51.63%	21614	3.67%	249264	42.31%
6	776292	-1	135256	17.42%	594790	95718	16.09%	37153	6.25%	433461	72.88%
Total	4657757		1543119	33.13%	3570548	1115769	31.25%	223662	6.26%	2082110	58.31%

District	% NH SR Black CVAP	% NH White CVAP	% July 2021 Black Registered	
1	17.47%	72.89%	17.46%	
2	52.82%	39.31%	52.33%	
3	16.99%	77.01%	16.58%	
4	33.70%	61.73%	32.48%	
5	51.72%	44.86%	53.35%	
6	14.76%	79.20%	14.27%	

Source for % Citizen Voting Age (CVAP) -- 2020 Citizen Voting Age Population by Race and Ethnicity Special Tabulation (U.S. Census Bureau) https://www.census.gov/programs-surveys/decennial-census/about/voting-rights/cvap.html

-- calculated by disaggregating 2016-2020 ACS block group estimates to 2020 census blocks

Source for Voter Registration Stats: State of Louisiana via Redistricting Data Hub

https://redistrictingdatahub.org/dataset/louisiana-voter-registration-file-at-the-vtd-level/ https://redistrictingdatahub.org/wp-content/uploads/2021/09/readme\_la\_voter\_reg\_official.txt

-- calculated by disaggregating 2020 VTD data to 2020 census blocks

# EXHIBIT 30

May 2, 2022

Robinson, et al. v. Ardoin, No. 3:22-cv-00211-SDD-SDJ Galmon, et al. v. Ardoin, No. 3:22-cv-00214-SDD-SDJ

#### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

#### REBUTTAL EXPERT REPORT OF MAXWELL PALMER, Ph.D.

*Moxwell Pal\_\_\_\_\_* Maxwell Palmer

#### **REBUTTAL EXPERT REPORT OF MAXWELL PALMER, Ph.D.**

#### I, Dr. Maxwell Palmer, declare as follows:

- 1. In my original report in this matter, I analyzed racially polarized voting in Louisiana. I found strong evidence of racially polarized voting across the state and in each congressional district. Black and White voters consistently support different candidates. I further found that Black-preferred candidates are largely unable to win elections in Louisiana outside of the Second Congressional District.
- 2. I analyzed the three illustrative maps drawn by Mr. Cooper for the *Galmon* Plaintiffs and found that Black-preferred candidates are generally able to win elections in the Second and Fifth Congressional Districts.
- 3. Defendants and Intervenor-Defendants provided reports from nine experts. None of these disagreed with my findings of racially polarized voting in Louisiana, that Black-preferred candidates are generally unable to win elections outside of the Second Congressional District, or that Black-preferred candidates are generally able to win elections in the Second and Fifth Congressional Districts of the illustrative maps drawn by Mr. Cooper. None of the reports question the data or methodology employed in my original report. Indeed, Dr. Alford (p.2) and Dr. Lewis (¶5) both rely on the data I assembled for my report, and Dr. Alford (pp.2-3) explicitly endorses my methodology for estimating racially polarized voting.
- 4. Dr. Alford does not contest any of the conclusions, methodology, or empirical results in my original expert report. Dr. Alford does not contest my conclusions that there is a high degree of racially polarized voting in Louisiana, nor does he contest that the White majority votes as a bloc to consistently defeat Black-preferred candidates.
- 5. Dr. Alford agrees that "voting may be correlated with race" (p.9), but suggests that party, rather than race, explains the voting patterns that we observe. This is irrelevant to the issue of racially polarized voting. Dr. Alford is trying to explain *why* voters of different races make different vote choices, but the central question of racially polarized voting is *if* voters of different races make different choices. Dr. Alford and I both agree that voters of different races make difference choices. Therefore, racially polarized voting exists throughout Louisiana.
- 6. Dr. Lewis analyzes the vote shares of the Black-preferred candidate in the 2020 presidential election in the Second and Fifth Congressional Districts of all four illustrative maps offered by plaintiffs in this matter in a hypothetical, extreme case: when there are no White crossover votes for the Black-preferred candidate. Such a scenario has no relevance to whether the districts drawn in the illustrative maps actually perform for Black-preferred candidates.
- 7. Additionally, Dr. Lewis' analysis of performance in the absence of White crossover votes makes two key assumptions. First, Dr. Lewis assumes that every White voter who actually

voted for the Black-preferred candidate switches their vote to the White-preferred candidate. Second, Dr. Lewis assumes that voter turnout rates by race stay exactly the same. Even if we were to assume Dr. Lewis's exercise were relevant, an alternative version of this scenario could suppose that there is no White crossover voting because the White voters who did vote for the Black-preferred candidate change their decision to vote, and simply abstain, rather than switch their vote choice. Under this scenario, using the figures in Dr. Lewis' tables, all of the illustrative districts would elect the Black-preferred candidate except for the Fifth Congressional District under the Galmon-2/Cooper-2 map.

- 8. Dr. Lewis, using a slightly different implementation of ecological inference than that used in my original report, finds evidence of racially polarized voting in the Second and Fifth Congressional Districts of all four illustrative maps offered by plaintiffs in this matter (¶6-7 and p.6). Dr. Lewis also finds that both districts would elect the Black-preferred candidate under all of the illustrative maps (p.6). While Dr. Lewis only looks at one election (the 2020 presidential election), his results confirm my findings from an analysis of 22 elections from 2012 through 2020.
- 9. Dr. Solanky analyzes the total votes cast by voters of each race in the 2020 presidential election. Dr. Solanky employs a very simple regression model, using data for the 19 parishes that are all or in part in the Fifth Congressional District of Mr. Cooper's Illustrative Plan 1, to suggest that White voters in East Baton Rouge Parish "did not vote as a bloc to defeat the black (minority) preferred candidate" (¶23). While Dr. Solanky is correct that the Black-preferred candidate won a majority of the vote in East Baton Rouge, there was still significant racially polarized voting in the parish (and, as Dr. Lewis shows from his own analysis of the illustrative maps, voting is sharply polarized in this district as a whole (Lewis, p.6)).
- 10. Ecological inference analysis using precinct-level data from East Baton Rouge Parish shows that White voters voted as a bloc in East Baton Rouge in the 2020 presidential election. Using the same ecological inference methodology as I used in my original report, I estimate that 92.5% of Black voters and 23.7% of White voters in East Baton Rouge Parish voted for Joe Biden.
- 11. I was asked to review Dr. Blunt's report and methodology for simulating redistricting plans. Dr. Blunt uses the redist package in R to simulate 10,000 redistricting plans using the Sequential Monte Carlo (SMC) algorithm. This is a standard approach to simulating redistricting plans, used by both scholars and testifying experts. I have used this package in my own academic research, and I am familiar with how it is implemented and the different ways that researchers can control how maps are drawn. Dr. Blunt imposes very strict constraints on his maps that substantially limit the range of feasible maps he produces. In particular, Dr. Blunt requires the algorithm to split at most six parishes in each plan. This constraint means that plans like the map adopted by the state legislature, which splits 15 parishes, will never be generated. Thus, the statistical results of Dr. Blunt's analysis— the distributions of various properties of the maps—may not be representative of the much broader set of feasible maps that comply with the redistricting criteria actually employed by the state of Louisiana.

12. I was asked to analyze the performance of Black-preferred candidates in the new majority-Black districts in the Galmon/Cooper fourth illustrative map by calculating for each district the percentage of the vote won by the Black-preferred candidates in the 18 elections where Black voters had a preferred candidate between 2012 and 2020. Table 1 presents the results of this analysis. Under this map, Black candidates of choice are generally able to win elections in both of the majority-Black districts. In CD 2, Black-preferred candidates won 17 of the 18 elections and averaged 67% of the vote. In CD 5, Black-preferred candidates won 15 of 18 elections and averaged 56% of the vote. Table 1. Vote Shares of Black-Preferred Candidates Under Galmon/Cooper Illustrative Map#4

Year	Office	Candidate	CD 2	CD 5
2012	U.S. President	Obama (D)	68.1%	56.8%
2014	U.S. Senator*	Landrieu (D)	72.3%	57.1%
2015	Comm. Agriculture	Greer (D)	55.8%	47.2%
2015	Sec. State	Tyson (D)	60.6%	52.7%
2015	Treasurer	Kennedy (R)	78.3%	79.2%
2015	Attorney General*	Caldwell (R)	49.4%	52.2%
2015	Governor*	Edwards (D)	76.2%	69.4%
2015	Lt. Governor*	Holden (D)	63.9%	61.3%
2016	U.S. President	Clinton (D)	68.6%	54.9%
2016	U.S. Senator*	U.S. Senator* Campbell (D)		55.9%
2017	Treasurer*	easurer* Edwards (D)		51.4%
2018	Sec. State*	Collins-Greenup (D)	68.8%	55.1%
2019	Attorney General	Jackson (D)	61.1%	46.4%
2019	Lt. Governor	Jones (D)	55.7%	44.9%
2019	Treasurer	Edwards (D)	64.2%	51.2%
2019	Governor*	Edwards (D)	77.6%	63.5%
2019	Sec. State*	Collins-Greenup (D)	68.4%	55.1%
2020	U.S. President	Biden (D)	68.7%	55.0%

\* indicates a runoff election.

# EXHIBIT 31

May 2, 2022

Robinson, et al. v. Ardoin, No. 3:22-cv-00211-SDD-SDJ Galmon, et al. v. Ardoin, No. 3:22-cv-00214-SDD-SDJ

#### UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA

EXPERT REBUTTAL REPORT OF Allan J. Lichtman, Ph.D. Distinguished Professor of History American University Washington, DC

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Allan J. Liehtman

#### I. Statement of Purpose and Opinion

In this rebuttal report, I respond to material presented by experts retained by Defendant Ardoin and Defendant-Intervenors (collectively "Defendants") relevant to the nine Senate Factors that I analyzed in my initial report. It should be noted that the Defendants do not present any material responding to my analysis of Senate Factors 6 ("Whether political campaigns have been characterized by overt or subtle racial appeals") and 7 ("The extent to which members of the minority group have been elected to public office in the jurisdiction"). Except for Senate Factors 2 ("The extent to which voting in the elections of the state or political subdivision is racially polarized") and 9 ("Whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice, or procedure is tenuous"), their response to the remaining factors is at best cursory. This rebuttal report will concentrate on Senate Factors 2 and 9 and respond to material presented on the other Senate Factors.<sup>1</sup>

### II. Senate Factor 1: "The extent of any history of official discrimination in the state or political subdivision that touched the right of members of the minority group to register, vote, or otherwise to participate in the democratic process."

Defendants do not challenge any of the findings on this factor from my original report; they question only whether the findings are recent. As indicated in my opening report, most of my findings are from the twenty-first century, including direct discrimination in voting and discrimination in law enforcement, education, and housing that touch upon opportunities for Black citizens in Louisiana "to register, vote, or otherwise to participate in the democratic process."

<sup>&</sup>lt;sup>1</sup> I will also make two corrections to my opening expert report. First, although I referenced Appendix 1—a list of cases since 2015 for which I have provided written or oral testimony—that appendix was inadvertently omitted from my report. It is now appended to the end of this rebuttal. In addition, I mistakenly referenced an expert report by Dr. Charles Vincent; Dr. Vincent did not prepare an expert report in these consolidated matters.

### III. Senate Factor 2: "The extent to which voting in the elections of the state or political subdivision is racially polarized."

It should be noted first that analysis of Senate Factor 2 is distinct from analysis of the third *Gingles* precondition. According to *Gingles* Precondition Three, "the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it—in the absence of special circumstances, such as the minority candidate running unopposed—usually to defeat the minority's preferred candidate."<sup>2</sup> Senate Factor 2 does not probe this question but considers only the *extent* of racial polarization in the state of Louisiana. In turn, for example, the analysis presented in the report of Dr. Tumulesh K.S. Solanky purports to show that in East Baton Rouge Parish whites did not vote sufficiently as a bloc to defeat the minority-preferred candidate in the presidential election of 2020, *see Solanky* Report at 12–13. but which is not relevant to the consideration of Senate Factor 2.

The report of Dr. John R. Alford does address Senate Factor 2, although it does so indirectly without naming the factor specifically or referencing my initial report. Dr. Alford does not dispute or even address any of my initial report's statistical findings. Instead, his report rests on the sole claim that perhaps voting in Louisiana is polarized along party lines, independent of the candidate's race. The fundamental flaw in Dr. Alford's report is that it assumes that party affiliation motivates Black and white voting polarization independent of race. However, Alford presents no analysis or evidence to demonstrate this independence.

Dr. Alford also ignores the analysis in my report showing that based on the history and current status of the Democratic and Republican Parties in Louisiana, race is inextricably tied to party identification. My analysis demonstrated that Blacks vote for Democrats and whites vote for Republicans largely *because* of, not in spite of, race. The linkage between race and party has for

<sup>&</sup>lt;sup>2</sup> Thornburg v. Gingles, 478 U.S. 30, 50-51 (1986).

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some time split Blacks and whites along partisan lines, and that division continues through the present. The partisan divide on race in Louisiana is also evident in the many racial appeals launched by Republican candidates in Louisiana, as documented in my analysis of Senate Factor 6 in my initial report. *See* Lichtman Opening Report, at 39-46, App. 20-23.

In addition to the polling data from the Cooperative Congressional Election Study in my initial report, a recent Louisiana survey by the Reilly Center for Media & Public Affairs provides additional insight into fundamental partisan differences on race. As shown in **Table R1**, two percent of Republicans responded that Blacks were treated less fairly than whites in voting in elections, compared to 58% of Democrats. More Republicans, seven percent, believed that whites were being treated less fairly.<sup>3</sup> By contrast, not a single Democrat responded that wwhites were being treated less fairly.

Table R1 further shows that 16% of Republicans responded that Blacks were treated less fairly than whites in hiring, pay, and promotion at work, compared to 77% of Democrats. Nearly as many Republicans, 13%, believed that whites were being treated less fairly. Only two percent of Democrats responded that whites were being treated less fairly. In addition, the Table shows that 12% of Republicans responded that Blacks were treated less fairly than whites in applying for a loan or mortgage, compared to 71% of Democrats. Among Republicans, five percent, believed that whites were being treated less fairly than whites in applying for a loan or mortgage, compared to 71% of Democrats. Among Republicans, five percent, believed that whites were being treated less fairly, compared to one percent of Democrats. Finally, Table 1 shows that five percent of Republicans responded that Blacks were treated less fairly than whites in seeking medical treatment as compared to 62% of Democrats. Nearly as many Republicans, four percent, believed that whites were being treated less fairly, while only two percent of Democrats responded that whites were being treated less fairly.

<sup>&</sup>lt;sup>3</sup> TABLE R1.

<sup>&</sup>lt;sup>4</sup> See Rebuttal App. at R. App. 1.

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Scholar and political science Professor Jacob Grumbach, Ph.D. of the University of Washington has analyzed how a national Republican political strategy based on race plays out in the states. Dr. Grumbach developed a "State Democracy Index." He based the index on 61 indicators that illuminate the totality of circumstances in a state regarding equal access to participation in the democratic process. Grumbach said that "electoral democracy" as gauged by his index is important "especially for minority populations who have been historically subjugated." Grumbach found that one variable dominates all others in determining the level of democracy in the states: Republican control of state government. "Difference-in-differences results suggest a minimal role for all factors except Republican control of state government, which dramatically reduces states' democratic performance during this period [2000 to 2018]," he wrote. He found that Republican states are not adopting anti-democratic policies independently but are following this national strategy.<sup>5</sup>

Differences between Republicans and Democrats in providing democratic access, Grumbach found, is closely tied to race. He notes that "their preferences with respect to race and partisan identity provide the Republican electoral base with reason to oppose democracy in a diversifying country." Thus, "[t]he politics of race are therefore still central to this theory of party coalitions." Grumbach adds, "Despite Barack Obama's avoidance of racial discussion and consistent promotion of Black respectability politics (Gillion 2016; Stephens-Dougan 2016), his

<sup>5</sup> Jacob Grumbach, "Laboratories of Democratic Backsliding," 5 April 2021, at 1, 17, https://uc91f311d0abcde6063d09f388fd.dl.dropboxusercontent.com/cd/0/inline2/Bd8DparMuYL 4TMvMUN9oc8tXiZTI0ht22HgWXvdHisOfbKwcnZX\_qQBt6Hf6ira32vpRjSYoBQ3Z8l8sj\_V 7yRiD5CE7uE9m0DocoGEp5scZnpm8XPtP1rkeyMJ6n2ibg-fX-B-UBo-9ecW27qGvO3clXlDkfLqq0vF00FNzWBE120qzLl6G7DediVJCh7ipTDQkDxb0Fn7R7OsMjH JfzNl5AP5Suv5Zuk95WePbXetPudtOik-f1BtPLBC8YqJ4sEVZ7ybE1cAmh-HLRxvYA4cXLEn6DTMq1kA0A5vbDpqaemIjimK0OWIITbxS3jedMc5h8BtpMzEmAbskzdg6 aJvaTp2kma-EeOk7UMgFCG7haIblyBsl82plE8r7dXA9aDM/file#.

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presidency, rather than signaling the emergence of a post-racial America, was met with a Republican Party that made gains by radicalizing on issues of race and immigration (Parker and Barreto 2014). In the contemporary period, elite racial appeals and frames are facilitated by a sophisticated conservative media ecosystem that consolidates the mass elements of the Republican Party."<sup>6</sup>

Dr. Alford also ignores the evidence presented in my report that examines racial polarization for Democratic voters, which includes the vast majority of Blacks in Louisiana, in the two 2008 elections in which Black candidate Barack Obama competed against white candidates. In the 2008 primary, Black and White Democrats sharply polarized in the choice of Obama versus white candidate Hillary Clinton. In the 2008 general election, Black Democrats voted for Obama rather than white candidate John McCain in much greater proportion than White Democrats.

Although Republicans are the dominant political party in Louisiana, Republicans have not elected any Black Republicans statewide, to Congress, or to the Legislature. All statewide officials and both U.S. Senators are white Republicans. The only Black member of the congressional delegation is a Democrat and was elected from a majority-Black district. All Black legislators in the Legislature are Democrats elected from majority-Black population districts, as shown in **Table R2** and **Table R3**. As shown in Table R2, the Black Democrats in the Senate are elected from districts that range from 53% to 75% in their Black populations.<sup>7</sup> As shown in Table R3, the Black Democrats in the House are elected from districts ranging from 52% to 88% in their Black populations.<sup>8</sup>

<sup>&</sup>lt;sup>6</sup> *Id.* at 1, 16-17, 53.

<sup>&</sup>lt;sup>7</sup> See Rebuttal App. at R. App. 2.

<sup>&</sup>lt;sup>8</sup> *Id.* at R. App. 3.

A similar pattern holds for mayoral elections in Louisiana. **Table R4** reports the results of mayoral elections in Louisiana municipalities with a population of at least 10,000. The results reported in Table R4 show that there is not a single Black Republican mayor in the 28 municipalities included. The results reported in Table R4 additionally demonstrate that all Black mayors are elected in majority-Black cities.<sup>9</sup> For these jurisdictions, 70% of the mayors are Black, all Democrats.<sup>10</sup>

#### IV. Senate Factor 3: "The extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group."

Defendants do not challenge my finding that the majority vote requirement in Louisiana impedes the opportunities for Black voters to elect candidates of their choice. They raise two other claims, neither of which withstands scrutiny. First, they claim that Louisiana adopted the majority-vote requirement only in response to the 1997 decision in *Foster v. Love*, 522 U.S. 67 (1997). This is incorrect. Louisiana adopted the majority-vote requirement in 1975, 22 years prior to *Foster*, in order to protect white incumbents from significant electoral challenges.<sup>11</sup> Louisiana's most famous runoff election occurred in 1991, six years before *Foster*. In that election, former KKK leader David Duke ran against the eventual winner, Edwin Edwards.<sup>12</sup> In his losing runoff, Duke still garnered 39% of the vote, including a majority of the white vote.<sup>13</sup>

<sup>&</sup>lt;sup>9</sup> *Id.* at R. App. 4.

<sup>&</sup>lt;sup>10</sup> It is also worth noting that none of the 26 Republican candidates analyzed in the Alford report is Black.

<sup>&</sup>lt;sup>11</sup> Chris Mooney, "Why Does Louisiana Have Such an Odd Election System," *Slate*, 13 November 2002, https://slate.com/news-and-politics/2002/11/why-does-louisiana-have-such-an-odd-election-system.html.

<sup>&</sup>lt;sup>12</sup> Lichtman Initial Report, 15 April 2022, p. 39.

<sup>&</sup>lt;sup>13</sup> "David Duke v. Edwin Edwards: A 1991 Election Reflection," *NOLA*, 13 November 2017, https://www.nola.com/300/article e0a91c9b-122a-5150-8b78-81ffd66487bc.html.

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Defendants also question whether the majority-vote runoff requirement in Louisiana was adopted with the intent to discriminate against Black voters. However, this challenge arises from their erroneous claim that Louisiana first adopted the runoff system in response to the 1997 *Foster* decision. In addition, the factor as worded does not consider whether a practice at issue was adopted with discriminatory intent. It only considers whether such a system exists in the jurisdiction under challenge and impedes opportunities for minority voters to participate in the political process and elect candidates of their choice. Defendants have presented no evidence to the contrary.

### V. Senator Factor 4: "If there is a candidate slating process, whether the members of the minority group have been denied access to that process."

Defendants do not deny that, as a result of packing Black voters into one congressional district and submerging the rest into the remaining districts, slating becomes irrelevant for Black voters in congressional elections in Louisiana. The election of a Black candidate of choice is only possible in packed Congressional District 2 and otherwise precluded in the remaining five districts where White Republicans dominate.

## VI. Senate Factor 5: "The extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process."

Defendants do not deny that Blacks in Louisiana bear the effects of discrimination in these areas. They claim only that the socioeconomic disparities that resulted from such discrimination did not lead to lower Black than White turnout in Louisiana. I presented proof of such turnout disparities on page 37 of my opening report and in Table 13 in the report's Appendix.

Data presented in the Solanky report confirms the lower turnout of Blacks relative to whites in Louisiana. Solanky's Tables 2 and 4 on turnout by race in Louisiana are reproduced below. The data reported in Solanky's Table 2 for the 2020 presidential election in Louisiana shows that the

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white turnout of 74.47% of registered voters exceeded the Black turnout of 63.1%, a difference of 11.4 percentage points. The data reported in Solanky's Table 4 for 2020 turnout by congressional district shows that white turnout exceeded Black turnout in every district. The differential ranged from 14.5 percentage points in CD 5 to 7.3 percentage points in CD 2 and CD 6, respectively.<sup>14</sup>

In addition, as I explained in my initial report, the effects of the documented socioeconomic disparities are not limited to turnout. Rather, the lack of resources for Blacks relative to whites in Louisiana affects other aspects of the ability of Black voters to have an impact on the political process. For example, such effects are manifest in racial differentials in the lobbying of public officials or the making of campaign contributions. As shown in **Table R5**, according to the 2020 Cooperative Congressional Election Study, a standard source for political analysis, 22.1% of White respondents in Louisiana reported contributing to a candidate, campaign or political organization, compared to 11.4% of Black respondents.<sup>15</sup> **Table R4** further shows that 22.9% of White respondents reported contacting a public official, compared to 8.3% of Black respondents.<sup>16</sup> Both sets of racial differences are statistically significant beyond stringent levels in social science.

### VII. Senate Factor 8: "Whether there is a significant lack of responsiveness on the part of elected officials to the particularized needs of the members of the minority group."

Again, the defendants do not dispute the findings under this factor but suggest that the analysis is subjective and limited. However, I examine five policy areas under this factor that are standard in social science: education, health care, economic opportunity, criminal justice, and environmental opportunity. For each element, I explain the lack of responsiveness on the part of the state and the harm to Black residents of Louisiana. None of the Defendants' expert reports

<sup>&</sup>lt;sup>14</sup> See Rebuttal App. at R. App. 5

<sup>&</sup>lt;sup>15</sup> *Id.* at R. App. 6.

<sup>&</sup>lt;sup>16</sup> *Id.* at R. App. 4.

point to any additional areas of analysis or ways in which the state has been responsive to the particularized needs of its Black residents.

### VIII. Senate Factor 9: "Whether the policy underlying the state or political subdivision's use of such voting qualification, prerequisite to voting, or standard, practice, or procedure is tenuous."

The state claims that the rationale for its congressional redistricting plan is not tenuous because it conforms to constitutional requirements. However, none of the state's experts provide any analysis to demonstrate that it is constitutionally required to pack Blacks into one congressional district and submerge them into other white-dominated districts, where they cannot elect candidates of their choice. And although it does not address the issue of tenuousness, the report of Michael Hefner at least implies that the state plan has the following rationale: it "preserves communities of interest while using the other traditional redistricting criteria." But there are serious problems with Hefner's analysis.

First, Hefner does not define communities of interest with sufficient specificity for his analysis. He states, "Because of that self-identification, there is no set standard for a community of interest. Criteria that bind people together into a cohesive unit vary from one group to another as are set by the group. The specificity of the issues shared by a community of interest also can vary by level of geography." *See* Hefner Report at 4. He does list some general categories of assessing communities of interest: "Communities of interest are formed by people, often within a geographic or a defined area, that self-identify themselves with others who share similar traits based on political issues, culture, economic, occupation, religion, or local traditions." *Id*.

Rather than pursuing a detailed analysis of these factors for Blacks and whites in the congressional districts of Louisiana, Hefner relies on overly broad criteria for assessing communities of interest: the five distinct regions that have been identified by the Louisiana Regional Folklore Program ("LRFP"). These regions are far too broad to be of use for analyzing

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communities of interest within Louisiana's congressional districts. As Hefner's Map 4 on page 11 of his report shows, Louisiana's enacted congressional districts cut across these five wide regions. In addition, Hefner's map validates the analysis in my initial report that to pack Black voters in Congressional District 2, the state created a highly non-compact district, violating one of the traditional redistricting principles. Moreover, with respect to redistricting principles, one of the standards in every state is conformance with federal law, including the Voting Rights Act.

Hefner's regions are not only far too expansive for an accurate assessment of communities of interest in congressional districts, but he fails to consider differences between groups within these districts, especially for Blacks and whites. An example is Region 5. This region is anchored by New Orleans and includes the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, and St. Tammany. Analysis shows that Blacks and whites in Louisiana have little in common and do not constitute a community of interest despite whether in the same region. My initial report already established that, across Louisiana, Blacks and whites differ sharply in their politics, their experience of discrimination, and the failure of the state to meet the particularized needs of Black people. Data specific to New Orleans show a gulf between Blacks and whites on other criteria that purportedly define a community of interest.

**Table R6** demonstrates that although Blacks and whites live in New Orleans, they do not live in the same neighborhoods. Table R6 presents dissimilarity indexes for whites and Blacks in metropolitan areas of Louisiana as compiled by *Governing*, a standard source for state-level political and social analysis. The Black/White dissimilarity index measures the percentage of Blacks that would have to move to create integration within the metropolitan area. Table R6 demonstrates that New Orleans has a high degree of racial segregation with the dissimilarity index for New Orleans resting at 63.5%. That index is substantially higher than the national median of

52.6% and ranks New Orleans 35<sup>th</sup> of 233 metropolitan areas that *Governing* studied. The New Orleans index means that the 63.5% of Blacks in the city would have to move to create integration.<sup>17</sup>

**Table R6** further demonstrates that racial segregation is not confined to New Orleans but characterizes other metropolitan regions in Louisiana, which would be included in the congressional districts across Louisiana. In six of the nine metropolitan areas studied, comprising 69% of the population of the areas, the dissimilarity index exceeds the national median. 54.3% to 63.5% of the Black population would have to move to create integration in all these areas. More than 42% of the population would have to move to create integration in two of the remaining three areas.

Segregation between Blacks and whites also applies to schools (K-12) in Louisiana. Hefner cites as an example of a community of interest: "parents of students attending a particular high school can constitute a community of interest centered around school issues and may be very specific." However, he does not study school segregation, and as shown in **Table R7** in New Orleans and elsewhere in Louisiana, Blacks and whites do not attend the same schools.<sup>18</sup>

The Black/White dissimilarity school index for New Orleans is 62.9%. That index is substantially higher than the national median of 54.5% and ranks New Orleans 64<sup>th</sup> of 242 metropolitan areas that *Governing* studied. The New Orleans index means that the 62.9% of Black students in the city would have to change schools to create school integration. High levels of school segregation are present in other metropolitan areas in Louisiana as well, particularly in Monroe (68.6%, 32<sup>nd</sup> of 242) and Baton Rouge (66.4%, 45<sup>th</sup> of 242). Overall, five of nine metropolitan

<sup>&</sup>lt;sup>17</sup> *Id.* at R. App. 7.

<sup>&</sup>lt;sup>18</sup> *Id.* at R. App. 8.

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areas in Louisiana have school dissimilarity indexes above the national median. In six of nine areas, comprising 69% of the population, more than 50% of Black students would have to change schools to create integration.

Hefner did not study any congressional districts under the enacted plan to assess whether the Blacks submerged within majority-white districts share a community of interests with the whites in the districts. The data presented above indicate that they do not. Beyond differences in politics, historical and ongoing discrimination, and current experience with state policies, Blacks and whites across Louisiana do not live in the same neighborhoods or attend the same schools.

**Table R8** further establishes significant differences across Louisiana for whites and Blacks. Blacks have different family structures than whites and work at different jobs. Relative to whites, Blacks have lower incomes, fewer assets, and lower educational attainment than whites. Blacks and whites, live in different kinds of housing, with Black home ownership rates lower than White rates.<sup>19</sup>

#### **IX.** Conclusion

It is my conclusion that, after an examination of materials presented by the Defendants, my findings and opinions as expressed in my opening report are unchanged regarding the presence of the Senate Factors when evaluating the totality of circumstances confronting Black voters in Louisiana.

Respectfully submitted,

Licht

Allan J. Liehtman

<sup>&</sup>lt;sup>19</sup> *Id.* at R. App. 9.

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## REBUTTAL APPENDIX

#### **SENATE FACTOR 2**

#### TABLE R1

## **RESPONSES BY PARTY TO LOUISIANA SURVEY QUESTION: "In general in our country these days, would you say that Black people are treated less fairly than White people, White people are treated less fairly than Black people, or both are treated about equally."**

When voting in elections.						
Group	<b>Blacks</b> Treated	Whites Treated	<b>Both Equally</b>	Don't Know		
-	Less Fairly	Less Fairly	Treated			
	•					
Republicans	2%	7%	84%	6%		
Democrats	58%	0%	35%	6%		
	In hiring, pa	ay and promotion at	work.			
Group	<b>Blacks</b> Treated	Whites Treated	<b>Both Equally</b>	Don't Know		
-	Less Fairly	Less Fairly	Treated			
Republicans	16%	13%	62%	10%		
Democrats	77%	2%	16%	4%		
	When apply	ring for a loan or mo	rtgage.			
Group	<b>Blacks Treated</b>	Whites Treated	<b>Both Equally</b>	Don't Know		
	Less Fairly	Less Fairly	Treated			
Republicans	12%	5%	66%	17%		
Democrats	71%	1%	20%	8%		
	When see	eking medical treatm	ent			
Republicans	5%	4%	80%	11%		
Democrats	62%	2%	31%	5%		
Source: 2021 Lou	isiana Survey, Reilly Cente	r for Media & Public Affa	irs, <u>https://pprllsu.co</u>	m/wp-		
content/uploads/2015/12/Louisiana-Survey-2021-Report-4-Crosstabs.pdf.						

#### TABLE R2 BLACK MEMBERS, LOUISIANA STATE SENATE, PARTY, BLACK POPULATION PERCENT

PARTY	<b>BLACK POPULATION PERCENT</b>
DEMOCRAT	53%
DEMOCRAT	54%
DEMOCRAT	55%
DEMOCRAT	55%
DEMOCRAT	58%
DEMOCRAT	59%
DEMOCRAT	66%
DEMOCRAT	66%
DEMOCRAT	75%
	60%
	58%
	PARTY DEMOCRAT DEMOCRAT DEMOCRAT DEMOCRAT DEMOCRAT DEMOCRAT DEMOCRAT DEMOCRAT

Sources: Louisiana Secretary of State, Elected Officials, State Senate,

https://voterportal.sos.la.gov/ELECTEDOFFICIALS; Ballotpedia for the black percentage for each district.

#### TABLE R3 BLACK MEMBERS, LOUISIANA STATE HOUSE, PARTY, BLACK POPULATION PERCENT

STATE HOUSE DISTRICT	PARTY	<b>BLACK POPULATION PERCENT</b>
93	DEMOCRAT	52%
67	DEMOCRAT	52%
23	DEMOCRAT	55%
83	DEMOCRAT	55%
96	DEMOCRAT	56%
21	DEMOCRAT	56%
11	DEMOCRAT	57%
40	DEMOCRAT	58%
87	DEMOCRAT	60%
57	DEMOCRAT	61%
97	DEMOCRAT	62%
44	DEMOCRAT	63%
58	DEMOCRAT	63%
102	DEMOCRAT	66%
16	DEMOCRAT	66%
2	DEMOCRAT	67%
26	DEMOCRAT	68%
17	DEMOCRAT	68%
34	DEMOCRAT	69%
101	DEMOCRAT	71%
4	DEMOCRAT	72%
99	DEMOCRAT	75%
61	DEMOCRAT	75%
63	DEMOCRAT	78%
29	DEMOCRAT	78%
100	DEMOCRAT	87%
3	DEMOCRAT	88%
MEAN BLACK		66%
POPULATION		
MEDIAN BLACK		66%
POPULATION		

Sources: Louisiana Secretary of State, Elected Officials, State Senate, <u>https://voterportal.sos.la.gov/ELECTEDOFFICIALS</u>; Ballotpedia for the black percentage for each district.

#### **SENATE FACTOR 5**

50%+-	RACE	PARTY	50%+	RACE	PARTY	COUNT
BLACK	MAYOR		WHITE	MAYOR		
Baker	BLACK	DEMOCRAT	Mandeville	WHITE	REPUBLICAN	1
Opelousas	BLACK	DEMOCRAT	Sulphur	WHITE	DEMOCRAT	2
Monroe	WHITE	INDEPEND.	Central	WHITE	REPUBLICAN	3
New Orleans	BLACK	DEMOCRAT	Youngsville	WHITE	REPUBLICAN	4
Alexandria	BLACK	DEMOCRAT	Slidell	WHITE	REPUBLICAN	5
Shreveport	BLACK	DEMOCRAT	Morgan City	WHITE	REPUBLICAN	6
Natchitoches	BLACK	DEMOCRAT	Covington	WHITE	REPUBLICAN	7
Raton Rouge	BLACK	DEMOCIAII	Broussard	WHITE	REPUBLICAN	8
Minden	WHITE	REPUBLICAN	Kenner	WHITE	REPUBLICAN	9
Gonzales	WHITE	DEMOCRAT	Lafavette	WHITE	REPUBLICAN	10
Gonzales	WIIIIE	DEMOCINI	Crowley	WHITE	REPUBLICAN	11
			Bossier City	WHITE	REPUBLICAN	12
			Gretna	WHITE	DEMOCRAT	13
			Pineville	WHITE	DEMOCRAT	14
			Thibodaux	WHITE	NO PARTY	15
			West	WHITE	REPUBLICAN	16
			Monroe			
			New Iberia	WHITE	REPUBLICAN	17
			Zachery	WHITE	NO PARTY	18
			· ·			
SUM	10/7B			18/0B,		
	3W.			18W		
	70%			0%		
	BLACK			BLACK		
	30%			100%		
	WHITE			WHITE		
Sources: U.S. Census Quick Facts; Individual web sites: Louisiana Secretary of State, "Elected Officials: Meyors " https://wetermortel.cog.la.gov/ELECTEDOFFICIALS						

### TABLE R4 RACE OF MAYORS, LOUISIANA MUNICIPALITIES WITH 10,000+ POPULATION

	Voted in Elections					
Race	NO	YES	Total			
BLACK	356231	609134	965365			
	36.90%	63.10%				
OTHER	68799	106256	175055			
	39.30%	60.70%				
WHITE	498560	1454024	1952584			
	25.53%	74.47%				
Total	923590	2169414	3093004			

Table	2: Race	Summary	for	Novemb	er 2020	General	Elections
I abit	<b>-</b> . <b>i</b> ucc	Summary	101	11010110		General	Litetions

\*Reproduced from Dr. Tumulesh K.S. Solanky's Report

### Table 4: Voting Summary and Race by Congressional District forNovember 2020 General Elections

		Voted in Elections =YES		
CONGRESSIONAL DISTRICT	Race	Count	Percent of Total Registered Voters	Total Registered Voters
1	BLACK	42993	63.44	67765
	OTHER	30566	65.14	46924
	WHITE	322564	75.64	426439
2	BLACK	206416	63.97	322664
	OTHER	24436	58.79	41564
	WHITE	117609	71.24	165100
3 BLACK		75774	60.62	124996
	OTHER	12433	56.18	22131
	WHITE	271338	72.98	371806
4	BLACK	99509	61.39	162092
	OTHER	12588	58.03	21692
	WHITE	219946	73.48	299323
5	BLACK	97595	59.75	163340
	OTHER	8101	56.06	14451
	WHITE	231678	74.21	312190
6	BLACK	86847	69.75	124508
	OTHER	18132	64.09	28293
	WHITE	290889	77.01	377726
All		2169414	70.14	3093004

\*Reproduced from Dr. Tumulesh K.S. Solanky's Report

#### TABLE R5 CONTACTING PUBLIC OFFICIALS, MAKING CAMPAIGN CONTRIBUTIONS, BY RACE LOUISIANA

Group	% Donating money to a candidate, campaign or political organization.	% Contacting a Public Official			
Whites	22.1%	22.9%			
Blacks	11.4%	8.3%			
Source: Cooperative Congressional Election Study (CCES), 2020, https://cces.gov.harvard.edu/.					
# SENATE FACTOR 9

# TABLE R6 RESIDENTIAL SEGREGATION IN LOUISIANA METROPOLITAN AREAS

Metropolitan Area	Population	Dissimilarity Index	National Median	Difference With National Median	Count
New Orleans	1,271,845	63.5%	52.6%	+10.9%	1
Lake Charles	210,409	62.5%	52.6%	+9.9%	2
Monroe	202,138	62.3%	52.6%	+9.7%	3
Alexandria	153,922	57.0%	52.6%	+4.4%	4
Shreveport- Bossier City	393,406	56.4%	52.6%	+.3.8%	5
Baton Rouge	870,569	54.3%	52.6%	+1.7%	6
Lafayette	478,384	47.0%	52.6%	-5.6%	7
Houma- Thibodaux	209,277	42.3%	52.6%	-10.3%	8
Hammond	136,765	36.1%	52.6%	-16.5%	9
Source: Governing, https://www.governi	"Residential Segre ing.com/archive/re	gation for U.S. Metr sidential-racial-segre	opolitan Areas," egation-metro-ar	10 January 2019, eas.html.	

Metropolitan Area	Population	Dissimilarity Index	National Median	Difference With National Median	Count
Monroe	202,138	68.6%	54.5%	+14.1%	1
Baton Rouge	870,569	66.4%	54.5%	+11.9%	2
New Orleans	1,271,845	62.9%	54.5%	+8.4%	3
x 1 ~ ~ 1 1		60.40/			
Lake Charles	210,409	60.4%	54.5%	+5.9%	4
	202.406	<b>55</b> 00 (	<b>5 4 5 0</b> (		_
Shreveport-	393,406	57.2%	54.5%	+2.7%	5
Bossier City					
Alexandria	153 922	53.2%	54 5%	-1.3%	6
	155,922	55.270	51.570	1.570	U
Houma-	209.277	46.0%	54.5%	-8.5%	7
Thibodaux					
Lafayette	478,384	43.0%	54.5%	-11.5%	9
Hammond	136,765	39.6%	54.5%	-14.9%	9
Source: Governing, "School Segregation for U.S. Metropolitan Areas," 10 January 2019,					
https://www.governi	ng.com/archive/sch	nool-segregation-dissi	milarity-index-f	or-metro-areas.htr	nl.

# TABLE R7 SCHOOL SEGREGATION IN LOUISIANA METROPOLITAN AREAS

-

MEASURE	BLACK	WHITE
FAMILY HOUSEHOLDS*	59.4%	65.7%
FEMALE HEADED HOUSEHOLDS*	28.5%	10.4%
MARRIED PERSONS 15+ YEARS*	26.3%	50.8%
COLLEGE GRADUATES*	17.2%	28.9%
EMPLOYED, MANAGEMENT, BUSINESS, SCIENCE*	26.5%	40.4%
EMPLOYED SERVICE*	29.5%	14.4%
MEDIAN HOUSEHOLD INCOME*	\$32,782	\$61,697
PER CAPITA INCOME*	\$19,351	\$34,690
FOOD STAMP RECIPIENT*	27.0%	8.6%
POVERTY RATE, PERSONS*	29.4%	12.7%
HOUSEHOLD ASSET POVERTY RATE**	34.9%	18.6%
<b>NET WORTH OF HOUSEHOLDS**</b>	\$17,000	\$96,510
HOUSEHOLDS, NO BANK ACCOUNT**	28.3%	6.3%
PERCENT OWNER OCCUPIED	49.0%	76.6%
NO VEHICLES AVAILABLE	16.4%	4.7%
Sources: * U.S. Census American Community Survey, 2019; ** Prosperity Now Scorecard, 12 September 2021, https://scorecard.prosperitynow.org/. <sup>1</sup>		

# TABLE R8 BLACK AND WHITE DIFFERENCES, SOCIAL AND ECONOMIC FACTORS, LOUISIANA

<sup>&</sup>lt;sup>1</sup> Prosperity Now is a nonpartisan, independent research organization founded in 1979. It launched its first scorecard on the states using standard sources in social science, including for example, the American Community Survey, and the U.S. Census Survey of Income and Program Participation, the Bureau of Labor Statistics, the Mortgage Bankers Association, the Kaiser Family Foundation.

# **APPENDIX 1 (Table of Cases as Litigation Expert)**

# CASES 2015-2022

In The Matter Of 2022 Legislative Districting Of The State Of Maryland (Maryland Court of Appeals), 2022

Szeliga v. Lamone (Maryland Circuit Court, Anne Arundel County), 2022

LULAC v. Pate (Iowa District Court, Johnson County), 2021

McConchie v. Illinois State Board of Elections (U.S. District Court, Illinois), 2021

City of South Miami v. DeSantis (U.S. District Court for the Southern District of Florida), 2020

Bruni v. Hughs (U.S. District Court for the Southern District of Texas), 2020

NAACP v. Cooper (U.S. District Court for the Middle District of North Carolina), 2019

Jason Gonzales v. Michael J. Madigan (U.S. District Court for the Northern District of Illinois), 2019

Anne Harding v. County of Dallas, (U.S. District Court for the Northern District of Texas), 2018

Pico Neighborhood Association v. Santa Monica (State Superior Court, California), 2018

Benisek v. Lamone, (U.S. District Court, Maryland), 2017

Arizona Democratic Party v. Reagan (U.S. District Court, Arizona), 2017

Perez v. Abbott (U.S. District Court for the Western District of Texas), 2017

<u>Terrebonne Parish NAACP v. Jindal (</u>U.S. District Court for the Middle District of Louisiana), 2017

<u>Feldman v. Arizona Secretary of State</u> (U.S. District Court for the District of Arizona), 2016, 2017

Covington v. North Carolina (U. S. District Court Middle District of North Carolina) 2016

<u>One Wisconsin Institute v. Nichols</u> (United States District Court for the Western District of Wisconsin) 2016

Lee v. Virginia State Board of Elections (United States District Court for the Eastern District of Virginia) 2016

League of Women Voters v. Detzner, (Circuit Court for the Second Judicial Circuit, Leon County, Florida) 2015

<u>North Carolina State Conference of the NAACP v. McCrory</u> (U. S. District Court Middle District of North Carolina) 2015

# EXHIBIT 32

# NINETEENH JUDICIAL DISTRICT COURT PARISH OF EAST BATON ROUGE STATE OF LOUISIANA

NO. C-716690

**SECTION 24** 

### JAMES BULLMAN, ET AL

V.

# R. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE

#### NO. C-716837

**SECTION 25** 

# NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE LOUISIANA STATE CONFERENCE, *ET AL*

### V.

# R. KYLE ARDOIN, IN HIS OFFICIAL CAPACITY AS LOUISIANA SECRETARY OF STATE

# FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED JUDGMENTS ON BEHALF OF INTERVENTORS, LOUISIANA HOUSE OF REPRESENTATIVES SPEAKER CLAY SCHEXNAYDER AND LOUISIANA SENATE PRESIDENT PATRICK PAGE CORTEZ

NOW INTO COURT, through undersigned counsel, come Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives, and Patrick Page Cortez, in his Official Capacity as President of the Louisiana Senate, (collectively, the "Legislative Intervenors") who respectfully submit these findings of fact, conclusions of law, and proposed judgments in connection with the Petitions for Injunctive and Declaratory Relief (collectively, the "Petitions") brought by Plaintiffs James Bullman, et al. ("Bullman Plaintiffs"), Intervenors Michael Mislove et al. ("Mislove Intervenors"), and by Plaintiffs National Association for the Advancement of Colored People, Louisiana State Conference et al. ("Louisiana NAACP Plaintiffs"):

### FINDINGS OF FACT

#### I. The Redistricting Process

 Each decade, following the release of the decennial census, the states are required to draw new congressional district plans to ensure that districts are "of equal population." *Karcher v. Daggett*, 462 U.S. 725, 730 (1983); *see also Georgia v. Ashcroft*, 539 U.S. 461, 489 n.2 (2003).  Some states gain seats in the U.S. House of Representatives due to an increase in population, some states lose seats due to relatively low population growth or a loss in population.
 Most states retain the same number of seats.

3. Under the federal and Louisiana Constitutions, the Louisiana State Legislature the "Legislature" of the State—is the body responsible for redistricting. *See* U.S. Const., Art. I, § 4, cl. 1 (the "Times, Places and Manner of holding Elections for Senators and Representatives [to Congress], shall be prescribed in each State by the Legislature thereof..."); La. Const. Art. III, § 1 ("The legislative power of the state is vested in a legislature").

4. In Louisiana, congressional redistricting takes the form of ordinary legislation, passed by the Louisiana State Legislature through the same process as any other law—through a bill introduced during a legislative session, reported by a committee after a public hearing, and passed by majority vote of each chamber. *See* La. Const. Art. III, § 15; *see Smiley v. Holm*, 285 U.S. 355, 367 (1932) ("[T]he exercise of the authority must be in accordance with the method which the state has prescribed for legislative enactments.").

5. Louisiana's current congressional districts were enacted during the 2011 First Extraordinary Session of the Louisiana Legislature. *See* La. R.S. 18:1276.1).

II.

# The Louisiana State Legislature's 2021-2022 Redistricting Efforts To Date

6. On April 26, 2021, the U.S. Census Bureau released the apportionment data for the 2020 decennial census, which reported Louisiana's resident population as 4,657,757.

The census data showed an overall increase in population of 124,385 residents from
 2010.

8. Although population increased within Louisiana, population declined in the northern parts of the state and increased in the southern parts of the state.

9. Based on the census results, Louisiana is entitled to six congressional seats for the next decade. The ideal population for each congressional district is 776,292.

10. On June 11, 2021, the Legislature adopted Joint Rule No. 21, setting forth the criteria for redistricting plans based on the 2020 decennial census results. *See* HCR 90, 2021 R.S., eff. June 11, 2021.

11. The redistricting criteria includes, *inter alia*, a requirement that the congressional plan contain districts with populations "as nearly equal to the ideal district population as practicable," and comply with the Equal Protection Clause of the Fourteenth Amendment and the Fifteenth Amendment to the U.S. Constitution, Section 2 of the Voting Rights Act of 1965, as amended, and all other applicable federal and state laws.

12. The Census Bureau delivered to Louisiana the 2020 redistricting data in legacy format (P.L. 94-171) on August 12, 2021, and released the data in easier-to-use formats on September 16, 2021.

13. Since the Census Bureau's tardy publication of the 2020 census redistricting data on August 12, 2021, the Legislature has worked diligently to undertake redistricting work.

14. The Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs ("Joint Committees") held nine joint public meetings across the state from October 2021 to January 2022, where the Joint Committees presented information about the population and demographic trends in the 2020 census and the redistricting process and criteria, and heard public testimony and received public submissions.

15. The First Extraordinary Session of the Louisiana Legislature opened on February 1, 2022, for the purpose of enacting a congressional redistricting plan and a host of other offices including the Louisiana Board of Elementary and Secondary Education, Louisiana Public Service Commission, and Louisiana Supreme Court.

16. House Bill 1 by Speaker Schexnayder was introduced on February 1, 2022, setting forth a proposed congressional redistricting plan, and was reported favorably by the House Committee on House and Governmental Affairs on February 4, 2022.

a. On February 10, 2022, the House approved House Bill 1 by a vote of 70 to33.

b. The Senate Committee on Senate and Governmental Affairs reported House Bill 1 favorably on February 15, 2022.

c. The Senate approved an amended version of House Bill 1 on February 18 by a vote of 27 to 10.

d. The House concurred in the Senate's amendments the same day, by a vote of 62 to 27.

17. Senate Bill 5 by Senator Sharon Hewitt was introduced on February 1, 2022, setting forth a proposed congressional redistricting plan.

a. Senate Bill 5 was reported favorably by the Senate Committee on Senate and Governmental Affairs on February 4, 2022.

b. The Senate approved Senate Bill 5 on February 8, 2022, by a vote of 27 to 12.

c. The House Committee on House and Governmental Affairs reported Senate Bill 5 favorably on February 15, 2022.

d. The House approved an amended version of Senate Bill 5 on February 18,2022, by a vote of 64 to 31.

e. The Senate concurred in the House's amendments the same day, by a vote of 26 to 9.

18. The amendments to House Bill 1 and Senate Bill 5 resulted in the passage of the same congressional redistricting plan.

19. Governor John Bel Edwards vetoed both House Bill 1 and Senate Bill 5 on March9, 2022.

20. Under the Louisiana Constitution, the Louisiana State Legislature will meet in veto session to consider House Bill 1 and Senate Bill 5 beginning on March 30, 2022, and continuing until April 3, 2022. La. Const. Art. III, § 18(C).

21. In addition, the 2022 Regular Legislative Session convened on March 14, 2022, and may be ongoing through June 6, 2022. La. Const. Art. III, § 2(A)(3)(a).

22. The Legislature's Regular Session convened on March 14, 2022, and several bills proposing new congressional districts have been introduced and referred to committees. *See* Senate Bill 306, House Bill 712, and HB 608 of the 2022 Regular Session.

# III. The 2022 Open Congressional Primary Election Calendar

23. Louisiana holds its congressional *primary* election on the first Tuesday in November—November 8, 2022, this year. La. R.S. 18:1272(A).

24. Accordingly, its election calendar is one of the latest in the nation.

25. The relevant dates for the 2022 Open Congressional Primary Election are as follows<sup>1</sup>:

a. Qualifying period for candidates: July 20 to July 22, 2022

b. Deadline to register to vote in-person, by mail, or at a DMV location: October 11, 2022

c. Deadline to register to vote online: October 18, 2022

d. Early voting period: October 25, 2022, to November 1, 2022

e. Deadline to request a mail ballot (except Military and Overseas voters): November 4, 2022

f. Deadline for Registrar to receive voted mail ballot (except Military and Overseas voters): November 7, 2022

g. Open Primary Election Day: November 8, 2022

# CONCLUSIONS OF LAW

# I. The Petitions Are Unripe And Nonjusticiable

1. The dispute is unripe and nonjusticiable.

2. All three Petitions hinge on the claim that the Louisiana State Legislature has reached an "impasse" with the Governor, who vetoed House Bill 5 and Senate Bill 1 earlier this month, and will not be able to redistrict the State in time for the November 8, 2022, Open Congressional Primary Election.

3. This concern is entirely speculative and contingent upon future events that may, or may not, occur—rendering the dispute unripe and nonjusticiable.

4. Courts only "administer justice in actual cases" and "will not act on feigned ones, even with the consent of the parties." *St. Charles Par. Sch. Bd. v. GAF Corp.*, 512 So. 2d 1165, 1173 (La. 1987), *on reh'g* (Aug. 7, 1987). Indeed, "the jurisprudence of this court is well settled that, courts will not render advisory opinions." *Louisiana Federation of Teachers v. State*, 2011-2226 (La. 7/2/12), 94 So. 3d 760, 763. "Cases submitted for adjudication must be justiciable, ripe for decision, and not brought prematurely." *Id.* (citing *Prator v. Caddo Parish*, 04-794 (La.

<sup>&</sup>lt;sup>1</sup> See La. Secretary of State, 2022 Election Dates Calendar, https://www.sos.la.gov/ ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2022.pdf.

12/1/04), 888 So. 2d 812, 815). This is true whether the case seeks declaratory relief, *see id.*, or injunctive relief, *see Tobin v. Jindal*, 2011-0838 (La.App. 1 Cir. 2/10/12), 91 So. 3d 317, 321–322.

5. "[T]he ripeness doctrine is viewed as being both constitutionally required and judicially prudent." *Matherne v. Gray Ins. Co.*, 95-0975 (La. 10/16/95), 661 So. 2d 432, 435. A constitutional challenge to a statute to be ripe if: "(1) the issues are fit for judicial decision; and (2) the parties will suffer hardship if the court withholds consideration." *Louisiana Federation of Teachers*, 94 So. 3d at 763–64 (citations omitted); *see also Matherne*, 661 So. 2d at 435 (same).

6. The Petitions in this case fail both prongs of the ripeness inquiry, compelling dismissal.

7. Here, as the predicate for their claims, Plaintiffs and the Mislove Intervenors declare that the Louisiana State Legislature and Governor have reached impasse. See, e.g., Bullman Petition ¶ 1 (declaring the districts "malapportioned"), 4 (describing the Governor's veto as "signaling that the process is at an impasse"); Louisiana NAACP Petition ¶ 4 (due to the Governor's veto, "the legislative process has reached an impasse"); Mislove Petition to Intervene at ¶ 4 ("There is no realistic chance that the political branches will enact new, constitutionally valid in time for the 2022 elections"). Due to this alleged impasse, Plaintiffs fear they will be forced to vote in "malapportioned" districts in the 2022 congressional elections and that their federal Equal Protection rights will be violated thereby.

8. Although their declarations of "impasse" are presented as irrefutable statements of fact, these claims are in truth speculative predictions about the *future*.

9. The Governor did veto House Bill 5 and Senate Bill 1, to be sure, but his veto is not a bar to the ability to pass a congressional redistricting plan into law in sufficient time for the November 8, 2022, Open Congressional Primary Election.

10. For one, a veto session will commence on the 40th day following adjournment of the 2022 First Extraordinary Session, which is March 30, 2022.

a. If the Governor's veto is overridden, then Louisiana will in fact be redistricted in accordance with law and Plaintiffs and Mislove Intervenors' claims will never become ripe. b. Until the veto override process is exhausted, one cannot say that House Bill
5 and Senate Bill 1 cannot become law. And practically, given that the Bills passed with strong majorities in both the House and Senate, it is reasonably possible that the Governor's veto will be overridden.

11. Second, even if a veto override is not successful, there remains time for the Louisiana State Legislature to consider and pass a new redistricting bill in its Regular Legislative Session, which commenced March 14, 2022, and remains ongoing.

a. Multiple bills, *e.g.*, Senate Bill 306, House Bill 712, House Bill 823, and House Bill 608, have been pre-filed on the subject of congressional redistricting. *See* Mem. in Supp. of Secretary of State's Exceptions to Math/Science Petition to Intervene at 3 n.1.

b. The Legislature worked with diligence during the First Extraordinary Session and previously, and will continue their efforts to complete redistricting.

12. Third, even if a redistricting measure does not pass in the Regular Legislative Session, the Louisiana State Legislature is not left without options. It is within the power of the Louisiana State Legislature to call a second Extraordinary Session to address redistricting. La. Const. Art. III, § 2(B).

13. Plaintiffs and Mislove Intervenors' claims all demand this Court assume that a redistricting bill cannot become law—and that all the foregoing legislative options will fail before they have even been tried.

14. But where "[t]he injury...is not based on any actual facts or occurrences" but instead requires an assumption "that [the plaintiff] will suffer harm if certain hypothetical facts occur," a claim is nonjusticiable. *Soileau v. Wal-Mart Stores, Inc.*, 19-0040 (La. 6/26/19), 285 So. 3d 420, 425.

15. Plaintiffs have not been harmed and cannot claim injury unless their guesses about a hypothetical future state of affairs come true.

16. Here, the only Petition to point to a specific deadline is the Mislove Petition to Intervene, which identifies the candidate qualification period for the November 8, 2022, Open Congressional Primary Elections to argue their hypothetical future injury is imminent. *Id.* at  $\P$  37.

17. That period runs from July 20-22, 2022—nearly four months from the time of these filings.

18. Furthermore, the candidate qualification period could be moved back, if necessary, as other states have done this cycle, without impacting voters.

19. The election deadlines that actually impact voters do not occur until October 2022, like the deadlines for voter registration (October 11, 2022, for in-person, DMV, or by mail, and October 18, 2022 for online registration) and the early voting period (October 25 to November 1, 2022).<sup>2</sup>

20. Therefore, there remains several months on Louisiana's election calendar to complete the process.

# II. Plaintiffs and the Mislove Intervenors Fail to State a Right of Action Because They Lack Standing

21. Whether a "litigant has standing to assert a claim is tested via an exception of no right of action." *Bradix v. Advance Stores Co., Inc.*, 17-0166 (La.App. 4 Cir. 8/16/17), 226 So. 3d 523, 528, citing La. C.C.P. art. 681 ("[e]xcept as otherwise provided by law, an action can only be brought by a person having a real and actual interest in what he asserts").

22. The "function of an exception of no right of action is a determination of whether the plaintiff belongs to the class of persons to whom the law grants the cause of action asserted in the petition." *Shepherd v. Baton Rouge Cardiology Ctr.*, 2019-0802 (La.App. 1 Cir. 3/12/20), 300 So. 3d 893, 896. A "litigant who is not asserting a substantial *existing* legal right is without standing in court." *In re Matter Under Investigation*, 2007-1853 (La. 7/1/09), 15 So. 3d 972, 981 (emphasis added).

23. Where a litigant's claim hinges on a "future possibility" of harm, the litigant lacks standing to bring the claim and peremptory exceptions should be sustained. *Haynes v. Haynes*, 2002-0535 (La.App. 1 Cir. 5/9/03), 848 So. 2d 35, 39 (finding claims grounded on contingent future events "too speculative for consideration").

24. As shown above, Plaintiffs and the Mislove Intervenors have asserted claims grounded on hypothetical and speculative guesses about the potential of future harm should

<sup>&</sup>lt;sup>2</sup> La. Secretary of State, 2022 Election Dates Calendar, https://www.sos.la.gov/ ElectionsAndVoting/PublishedDocuments/ElectionsCalendar2022.pdf.

Louisiana's political branches of government fail to complete the redistricting process in time for the November 8, 2022, Open Congressional Primary Election.

25. Those claims are unripe for the reasons stated, but under Louisiana law, it also means Plaintiffs and the Mislove Intervenors lack standing to bring them.

III.

# . The Petitions Fail to State a Cause of Action

26. A peremptory exception of no cause of action tests "whether the law provides a remedy to anyone assuming that the facts plead in the petition will be proven at trial." *Farmco, Inc. v. W. Baton Rouge Par. Governing Council*, 01-1086 (La. 6/15/01), 789 So. 2d 568, 569.

27. "An exception of no cause of action should be granted only when it appears beyond doubt that the plaintiff can prove no set of facts in support of any claim that would entitle him to relief." *New Jax Condominium Ass 'n, Inc. v. Vanderbilt New Orleans, LLC*, 16-0643 (La.App. 4 Cir. 4/26/17), 219 So. 3d 471, 479. *See also Industrial Cos., Inc. v. Durbin*, 2002-0665 (La. 1/28/03), 837 So. 2d 1207, 1213 (same, and acknowledging that "[t]he exception is triable on the face of the petition").

28. Here, the Petitions each allege a violation of the one-person, one-vote principle of *Reynolds*. Bullman Petition at Count I; Mislove Petition to Intervene, Count I; Louisiana NAACP Petition at Count I.

29. Two of the Petitions also allege a violation of the right to free association under the Louisiana Constitution. Bullman Petition at Count II ("Violation of Article I, Sections 7 and 9 of the Louisiana Constitution, Freedom of Association"); Mislove Petition to Intervene, Count II (same).

30. But neither claim is viable.

31. Count I of the respective Petitions claim that Plaintiffs and the Mislove Intervenors' equal protection rights will be violated by vote-dilution if the 2022 congressional elections are conducted using the prior decade's redistricting plan, as the effect of the 2020 census is to confirm that those the prior decade's districts have become unequal in population.

32. But as a matter of federal law, Plaintiffs are wrong to claim that they have suffered a cognizable equal protection injury even if the 2022 congressional elections are conducted using the prior decade's plan.

33. Equal Protection does *not* demand a constant, minute-by-minute revision of district lines to ensure precisely equal populations. Rather, the "one-person, one-vote" standard is processdriven, requiring States to have only "a rational approach to readjustment of legislative representation" or, stated differently, a "reasonable plan for periodic revision." *Reynolds v. Sims*, 377 U.S. 533, 583 (1964).

34. This process-driven standard recognizes that "[1]imitations on the frequency of reapportionment are justified by the need for stability and continuity in the organization of the legislative system, although undoubtedly reapportioning no more frequently than every 10 years *leads to some imbalance in the population of districts toward the end of the decennial period." Id.* (emphasis added).

35. None of the Petitions allege that Louisiana lacks a rational approach to congressional redistricting. Rather, they simply allege the current districts are malapportioned following the release of the 2020 census. *See, e.g.*, Bullman Petition at ¶ 1; Mislove Petition to Intervene at 1; Louisiana NAACP Petition ¶¶ 1-2.

36. But these allegations merely describe the "imbalance...toward the end of the decennial period" that *Reynolds* deemed to be non-invidious.

37. Following *Reynolds*, "courts have recognized that no constitutional violation exists when an outdated legislative map is used, so long as the defendants comply with a reasonably conceived plan for periodic reapportionment." *Garcia v. 2011 Legislative Reapportionment Comm'n*, 938 F. Supp. 2d 542, 550 (E.D. Pa. 2013), aff'd on other grounds, 559 F. App'x 128 (3d Cir. 2014); *see also, e.g., Pol. Action Conf. of Illinois v. Daley*, 976 F.2d 335, 341 (7th Cir. 1992); *Graves v. City of Montgomery*, 807 F. Supp. 2d 1096, 1109 (M.D. Ala. 2011); *French v. Boner*, 940 F.2d 659 (6th Cir. 1991) (unpublished); *Mac Govern v. Connolly*, 637 F. Supp. 111, 114 (D. Mass. 1986); *Cardona v. Oakland Unified Sch. Dist., California*, 785 F. Supp. 837, 842 (N.D. Cal. 1992); *Clark v. Marx*, No. 11-2149, 2012 WL 41926, \*9-10 (W.D. La. Jan. 9, 2012).

38. Given the four-and-a-half-month delay in the release of the 2020 Census redistricting data, *see*, *e.g.*, Bullman Petition  $\P$  2 (recognizing publication of redistricting data on Aug. 12, 2021), delays in the redistricting process this cycle should not be a basis for this Court to seize control of the State's redistricting process. *See French v. Boner*, 1991 WL 151016, \*1, 940

F.2d 659 (6th Cir. 1991) (table case) (affirming district court refusal to enjoin upcoming elections under *Reynolds* because the "lateness of the census" that year meant the "Metropolitan government did not have an adequate opportunity to reapportion for the August 1, 1991 elections").

39. Bullman Plaintiffs and the Mislove Intervenors also assert that any potential continued use of the 2011 congressional plan would violate their freedom of association under Article I, Sections 7 and 9 of the Louisiana Constitution by "impairing the exercise of their duties as citizens to assess candidate qualifications and policy positions; to organize and advocate for their preferred candidates; and to associate with like-minded voters." Mislove Petition to Intervene at  $\P$  47-48; *see also* Bullman Petition at  $\P$  40-41 (same).

40. These parties claim that the freedom of association protected by those Sections is also protected by the First Amendment to the U.S. Constitution. *Id.* 

41. But, as the U.S. Supreme Court has held, "there are no restrictions on speech, association, or any other [expressive or petitioning] activities in the districting plans at issue. The [Petitioners] are free to engage in those activities no matter what the effect of a plan may be on their district." *Rucho v. Common Cause*, 139 S. Ct. 2484, 2504 (2019).

42. There is no authority to support the suggestion that the rights of petitioning and association include the concept of electoral convenience, or perhaps the convenience of knowing months before certain filing deadlines where congressional lines will fall.

43. Louisiana has a compelling interest in limiting "the frequency of reapportionment," including its "need for stability and continuity in the organization of the legislative system." *Reynolds*, 377 U.S. at 583.

44. Louisiana has paramount interests in seeing its legislative actors afforded a reasonable opportunity to redistrict, given that the primary responsibility and authority for drawing federal congressional legislative districts rests squarely with the state legislature.

45. "[A] state legislature is the institution that is by far the best situated to identify and then reconcile traditional state policies within the constitutionally mandated framework of substantial population equality," whereas a court "possess[es] no distinctive mandate to compromise sometimes conflicting state apportionment policies in the people's name." *Connor v. Finch*, 431 U.S. 407, 414–15 (1977).

46. Even if the legislative process does not produce the instantaneous results that these Plaintiffs demand, the State has a paramount interest in letting that process run its course before seeing a court draw the congressional lines.

47. Accordingly, the associational claims fail to state a cause of action and the exceptions thereto must be sustained.

# PROPOSED JUDGMENTS

WHEREFORE, the Court hereby enters judgment declaring that these consolidated actions present premature (*i.e.*, unripe) and nonjusticiable controversies for adjudication; they are brought by plaintiffs who lack standing and thus a right of action; and they fail to state a cause of action.

The Court hereby SUSTAINS the Legislative Intervenors' exceptions, and DISMISSES the Petitions and the Mislove Intervenors' demands, all at the parties' respective cost.

#### **CERTIFICATE OF SERVICE**

I CERTIFY that the foregoing Findings of Fact, Conclusions of Law, and Proposed Judgments has been served upon counsel of record via e-mail pursuant to La. C.C.P. art. 1313 on March 25, 2022.

-lece

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\* Pro hac vice motions to be filed

By Attorneys:

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Counsel for Legislative Intervenors, Clay Schexnayder, in his Official Capacity as Speaker of the Louisiana House of Representatives, and of Patrick Page Cortez, in his Official Capacity as President of the Louisiana Senate

# EXHIBIT 33

NINETEENTH JUDICIAL DISTRICT COURT PARISH OF EAST BATON ROUGE STATE OF LOUISIANA SECTION "24"

JAMES BULLMAN, ET AL VERSUS

NO. C-716690

R. KYLE ARDOIN, ET AL

C/W:

N.A.A.C.P. LOUISIANA STATE CONFERENCE, ET AL

VERSUS

NO. C-716837

R. KYLE ARDOIN, ET AL

#### EXCEPTION HEARING

Case 3:22-cv-00211-SDD-SDJ Document 120-6 05/02/22 Page 2 of 71

TESTIMONY AND NOTES OF EVIDENCE, TAKEN IN THE ABOVE-ENTITLED AND NUMBERED CAUSE, BEFORE **THE HONORABLE DONALD R. JOHNSON, JUDGE** PRESIDING ON THE **25TH** DAY OF **MARCH, 2022.** 

#### **APPEARANCES:**

REPRESENTING THE PLAINTIFFS', JAMES BULLMAN, ET AL:

MR. DARRELL J. PAPILLION, ESQ.
MS. ABAH KAHANA, ESQ.
MR. SAM HIRSCH, ESQ.
MS. VICTORIA WANKER, ESQ.
MR. MIKE MCCLANAHAN, ESQ., PRESIDENT OF N.A.A.C.P.
MS. JUDY BARRASSO, ESQ.
MR. JOHN ADCOCK, ESQ.
MR. STUART NAFI, ESQ.

REPRESENTING THE DEFENDANTS', R. KYLE ARDOIN, ET AL: FROM THE ASSISTANT ATTORNEY GENERALS OFFICE:

> MS. ANGELIQUE FREEL, ESQ. MR. JEFFREY WALE, ESQ. MR. KERRY TOM JONES, ESQ. MR. JUDDI SMITH, ESQ. MS. LAUREN SUDDETH, ESQ. APPEARING VIRTUALLY MS. JENNIFER BOLLINGER, ESQ. IN-HOUSE COUNSEL FOR THE SECRETARY OF STATE MS. CHRISTINA B. WALE, ESQ. FILED

> > APR 1 1 2022

ALSO PRESENT:

JONATHAN HAWLEY, ESQ., DAVID SHELLY, ESQ. LALITHA MADURE, ESQ., OLIVIA SEDWICK, ESQ. JENNIFER MOREAU, ESQ; KATHERINE SADASAVAN, ESQ., AMRITAV SHOCKRABORTI, ESQ., JONATHAN HERWITZ, ESQ., SARAH BRANNAN, ESQ., SAMANTHA OSAKA, ESQ., SARAH HANNA, ESQ. AND NORA AHMED, ESQ.

REPORTED BY:

SUSAN WILLIAMS LEE, C.C.R. OFFICIAL COURT REPORTER IN AND FOR THE PARISH OF EAST BATON ROUGE STATE OF LOUISIANA

#### FRIDAY, MARCH 25, 2022, 1:30 P.M.

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THIS MATTER CAME BEFORE THE COURT TODAY FOR AN EXCEPTION HEARING. THIS MATTER WAS HELD IN OPEN COURT VIA ZOOM TELECONFERENCE AND ALL PARTIES LISTED WERE PRESENT AS STATED.

#### THE COURT:

GOOD AFTERNOON, EVERYBODY, HAVE A SEAT FOR ME. Т AM JUDGE DONALD JOHNSON PRESIDING OVER SECTION TWENTY-FOUR OF THE 19TH JUDICIAL DISTRICT COURT AND THIS IS DIVISION B. WE'RE ASSEMBLING FOR A 1:30 AFTERNOON SESSION ON FRIDAY. I THINK THAT WORKS BEST FOR EVERYBODY WITH THE OBLIGATIONS WE ALL HAVE DURING THE WEEK. SO WE'RE CONSISTENTLY WORKING HERE ON FRIDAY AFTERNOONS UNTIL WE GET TO A POINT WHERE THIS MATTER IS IN THE HANDS OF A SUPERIOR COURT, I SUPPOSE. WITH THAT IN MIND I AM GOING TO START EN VIOLE, WITH THE PLAINTIFFS AND THE PARTIES REPRESENTING THE DEFENDANTS TO INTRODUCE THEMSELVES WITH RESPECT TO THE CURRENT INTERVENOR. THAT INTERVENTION IS ALIGNED WITH THE PERSPECTIVE OF THE PLAINTIFF SO THE INTERVENOR WILL INTRODUCE THEMSELVES AND THE PARTIES THAT THEY REPRESENT. I JUST GOT THROUGH JUST FOR AN FYI, I JUST GOT THROUGH READING A RECENT OR A FILING TODAY PROPOSED TO INTERVENE WITH THE PERSPECTIVE OF THE DEFENDANTS BY REPRESENTATIVES FROM THE LEGISLATIVE BODY. I HAVE BEEN READING IT. I DID NOT FINISH IT. I GOT THROUGH MOST OF IT BEFORE I CAME IN. I AM AWARE THAT IT'S PENDING. I HAVE NOT RULED ON IT BUT THOSE PARTIES ARE NOT PRESENTLY ADMITTED TO INTERVENE SO IF THEY ARE PRESENT I DON'T KNOW ABOUT THAT. SO I JUST WANTED TO ALERT EVERYBODY. I ASSUME THAT YOU ALL ARE ALREADY CORRESPONDING WITH ONE ANOTHER IN THESE INTERVENTIONS

#### 19th JUDICIAL DISTRICT COURT

SO THAT YOU WILL KNOW WHAT'S FORTHCOMING BETTER AND BEFORE I DO. I JUST ASSUME THAT, THAT'S THE CASE. IF THAT'S NOT THE CASE PLEASE SHARE THAT WITH ONE ANOTHER SO IT'S -- EVERYBODY CAN STAY FOCUSED AND WE CAN TIMELY GET TO THE MATTERS BEFORE US. SO WITHOUT INTRODUCTORY REMARK, I'M GOING TO TENDER TO PLAINTIFF'S LEAD COUNSEL, AND THEN TO INTERVENORS LEAD COUNSEL TO INTRODUCE THEMSELVES AND MAKE A RECORD OF WHO IS ASSISTING WITH THEM AND THEN WE WILL TENDER TO THE DEFENSE. VERY WELL. LET'S GO.

MS. WANKER:

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VICTORIA WANKER WITH THE N.A.A.C.P. PLAINTIFFS BUT MY COLLEAGUES WHO ARE ON THE ZOOM WILL ACTUALLY BE THE ONES SPEAKING TODAY.

THE COURT:

OKAY, ANYONE ELSE ATTENDING -- AND YOU WILL MAKE A

# MR. MCLANAHAN:

YOUR HONOR, MIKE MCLANAHAN, PRESIDENT OF THE N.A.A.C.P.

THE COURT:

OKAY. STATE N.A.A.C.P. PRESIDENT MCLANAHAN, NICE TO SEE YOU TODAY.

#### MR. MCLANAHAN:

THANK YOU, JUDGE.

#### THE COURT:

VERY WELL. I WILL ALLOW THE PARTIES THAT ARE ATTENDING BY THE ZOOM TELECONFERENCE PLATFORM TO INTRODUCE THEMSELVES IN THE ORDER THAT THEY WOULD WANT.

#### MR. PAPILLION:

YOUR HONOR, DARRELL PAPILLION ON BEHALF OF THE PLAINTIFFS. ABAH KAHANA, JOINS ME AND WILL BE DOING

MOST OF THE TALKING TODAY. ALSO PRESENT, YOUR HONOR, JONATHAN HAWLEY, DAVID SHELLY, LALITHA MADURE, OLIVIA SEDWICK, AND JENNIFER MOREAU, YOUR HONOR. (ALL NAMES SPELLED PHONETICALLY.)

THE COURT:

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VERY WELL. OKAY.

MS. BARRASSO:

JUDGE, THIS IS JUDY BARRASSO ON BEHALF OF THE INTERVENORS, MICHAEL MISLOVE, LISA FOUCI, ROBERT LIPTON, AND NICHOLAS MATAE, AND MR. SAM HIRSCH IS ALSO ON ZOOM WITH ME AND WE'LL BE DOING THE TALKING ON BEHALF OF THESE INTERVENORS. THANK YOU. (ALL NAMES SPELLED PHONETICALLY.)

THE COURT:

ALL RIGHT, WITH RESPECT TO THE DEFENSE, THE DEFENDANTS -- OH, I AM SORRY MR. --

MR. ADCOCK:

IT'S MR. ADCOCK.

THE COURT:

ADCOCK, GO AHEAD.

#### MR. ADCOCK:

JOHN ADCOCK, FOR THE N.A.A.C.P. PLAINTIFFS IN 716837. I'M -- I'LL BE APPEARING, AND I AM A MEMBER OF THE LOUISIANA BAR. STUART NAFI, WITH ME, WILL BE DOING MOST OF THE TALKING ON BEHALF OF MY CLIENTS. WITH US TODAY IS KATHERINE SADASAVAN, AMRITAV SHOCKRABORTI, JONATHAN HERWITZ, SARAH BRANNAN, SAMANTHA OSAKA, SARAH HANNA, AND NORA AKMITH, (ALL NAMES SPELLED PHONETICALLY) THANK YOU, JUDGE. I THINK THAT'S IT. I THINK I GOT EVERYBODY.

#### THE COURT:

ALL RIGHT, ANYONE ELSE WITH RESPECT TO THE

PETITIONER INTERVENORS THAT ARE PRESENT BEFORE THE COURT, ANYONE ELSE? HEARING NOTHING TO THE CONTRARY, I'LL ASK THE REPRESENTATIVES OF THE VARIOUS PARTIES DEFENDANTS.

#### MS. FREEL:

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GOOD AFTERNOON, YOUR HONOR, I AM ANGELIQUE FREEL, ASSISTANT ATTORNEY GENERAL HERE ON BEHALF OF THE DEFENDANT R. KYLE ARDOIN, SECRETARY OF STATE OF LOUISIANA SUED IN HIS OFFICIAL CAPACITY. ALSO PRESENT, YOUR HONOR, ARE ASSISTANT ATTORNEYS GENERAL, JEFFREY WALE, KERRY TOM JONES, JUDDI SMITH, AND APPEARING VIRTUALLY IS ASSISTANT ATTORNEY GENERAL LAUREN SUDDETH, AND WE ALSO HAVE IN-HOUSE COUNSEL FOR THE SECRETARY OF STATE, JENNIFER BOLLINGER. (ALL NAMES SPELLED PHONETICALLY.)

THE COURT:

VERY WELL. MR. ARDOIN IS NOT HERE?

MS. FREEL:

NO, YOUR HONOR.

THE COURT:

I DID NOT EXCUSE HIM, WHY IS HE NOT HERE?

MS. FREEL:

I DIDN'T KNOW HE NEEDED TO BE PRESENT. THERE IS A LEGISLATIVE SESSION GOING ON --

THE COURT:

THERE'S NO MOTION TO EXCLUDE HIM BASED ON THAT --

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MS. FREEL:

WELL, YOUR HONOR, I HAVE -- I'D LIKE TO ORALLY MOVE TO EXCLUDE IT. I'VE HAD SEVERAL CASES OVER THE COURSE OF THE LAST TEN YEARS DEALING WITH ELECTION MATTERS AND HE HAS NEVER HAD TO BE PRESENT BEFORE. I DO APOLOGIZE. I CAN CALL AND SEE IF HE IS AVAILABLE. Case 3:22-cv-00211-SDD-SDJ Document 120-6 05/02/22 Page 8 of 71

BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 THE COURT: 2 IS IT -- HE IS A PARTY DEFENDANT. 3 MS. FREEL: 4 IN HIS OFFICIAL CAPACITY, YOUR HONOR. 5 THE COURT: I AM APPEARING IN MY OFFICIAL CAPACITY. I'M HERE. 6 7 I'D LIKE TO HAVE THE SECRETARY HERE IN HIS OFFICIAL 8 CAPACITY OTHERWISE HE IS, HE IS NOT SUBJECT TO MY 9 AUTHORITY IF HE IS NOT HERE. SO, THE SECRETARY NEEDS 10 TO BE HERE. 11 MS. FREEL: 12 WELL, THE SECRETARY OF STATE IS A MINISTERIAL 13 OFFICE AND IN THE -- IN --14 THE COURT: 15 IF YOU WANT TO MAKE A RECORD, THAT'S FINE --16 COUNSEL, FREEL HAVE A SEAT. 17 MS. FREEL: 18 AND IN -- OKAY, CAN I JUST SAY ONE THING, YOUR 19 HONOR? 20 THE COURT: 21 HAVE A SEAT COUNSEL FREEL. HAVE A SEAT FOR ME. 22 MS. FREEL: 23 CAN I -- CAN I CALL HIM? WOULD --24 THE COURT: 25 NO, SIR. NO, MA'AM. HAVE A SEAT FOR ME. 26 MS. FREEL: 27 I'D LIKE TO MAKE AN OBJECTION ON THE RECORD. 28 THE COURT: 29 I WILL ALLOW IT. JUST HAVE A SEAT FOR RIGHT NOW. 30 MS. FREEL: 31 HIS COUNSEL IS PRESENT, YOUR HONOR. 32 THE COURT:

NOTED. WITHOUT COURT APPROVAL THE SECRETARY HAS TO BE IN OPEN COURT.

MS. FREEL:

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YOUR HONOR, WHAT ABOUT THE PLAINTIFF HERE, TWO PLAINTIFFS?

#### THE COURT:

THE PART OF THE PLAINTIFF HAS TO BE HERE ALSO WITHOUT COURT APPROVAL. SO DO YOU WANT TO GO FORWARD WITH IT IN HIS ABSENCE?

MS. FREEL:

YES, YOUR HONOR, I'D LIKE TO GET THIS HEARD AS SOON AS POSSIBLE. I APPRECIATE YOUR COURTESY IF YOU ALLOW IT TO GO FORWARD AND IF IT CONTINUES IN YOUR COURTROOM WE WILL MAKE SURE THAT HE IS AWARE THAT YOU EXPECT HIM HERE.

#### THE COURT:

ALL PARTIES MUST APPEAR IN PERSON UNLESS EXCUSED BY THE COURT. THE PARTIES DESIRE TO GO FORWARD --WE'LL GO FORWARD BUT PROSPECTIVELY HERE, APPEARING BEFORE JUDGE JOHNSON, THE PARTIES HAS TO APPEAR IN PERSON. SO LET IT BE KNOWN BY ALL PARTIES; OKAY? ALL RIGHT, WITH THAT IN MIND, LET ME ADDRESS THE ISSUES THAT I BELIEVE WE'RE HERE FOR. I HAVE VARIOUS EXCEPTIONS THAT HAVE BEEN FILED AND I HAD ONE OR TWO MOTIONS THAT HAVE BEEN FILED. I WANT TO TRY AND ADDRESS THOSE AS MUCH AS I CAN THIS AFTERNOON ON A VERY TIGHT, LIMITED TIME SCHEDULE. I'VE READ THE BRIEFS, I'VE READ EVERYTHING YOU'VE ARGUED. THERE IS NO NEED TO REGURGITATE THAT WITH ME. SO I'D LIKE YOU TO GO QUICKLY TO THE ISSUES AND REST ON WHATEVER EVIDENTIARY BASIS OR PLEADING YOU WISH TO REST ON. SO I'LL START FIRST WITH MOTIONS THAT ARE FILED BY THE DEFENSE. AND

#### 19th JUDICIAL DISTRICT COURT

THEN WE WILL SHIFT TO MOTIONS FILED BY THE INTERVENOR AND/OR PLAINTIFF. WHICH MOTION WOULD YOU LIKE TO TAKE FIRST?

#### MS. FREEL:

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YOUR HONOR, WE FILED A REQUEST FOR JUDICIAL NOTICE YESTERDAY AND AS A COURTESY FOR EASE OF REFERENCE WE ASKED THE LEGISLATIVE STAFF TO PREPARE CERTIFIED COPIES OF THE LEGISLATION THAT WAS PASSED DURING THE 2022 FIRST EXTRA ORDINARY SESSION AS WELL AS THE -- THE LEGISLATIVE HISTORY WHICH WOULD INCLUDE THE VETO STATEMENTS AND THE PENDING LEGISLATION -- THERE WAS FOUR BILLS PROPOSED IN WITH CONGRESSIONAL REAPPORTIONMENT. AND SO WE HAVE ALL OF THAT IN A CERTIFIED COPY FORMAT AND WE WOULD LIKE FOR YOU TO TAKE JUDICIAL NOTICE AND WE WOULD LIKE TO OFFER AND INTRODUCE WHAT IS THE EXHIBIT A IN-GLOBO INTO EVIDENCE FOR CONSIDERATION IN THESE PROCEEDINGS.

#### THE COURT:

STAND BY. LET ME HEAR FROM THE PLAINTIFF AND THE INTERVENOR WITH RESPECT TO THE DEFENSES REQUEST THAT THE COURT TAKE JUDICIAL NOTICE OF ALLEGEDLY ADJUDICATIVE FACTS. I'LL ASK THE PLAINTIFF REPRESENTATIVE TO RESPOND FIRST.

#### MS. KAHANA:

YOUR HONOR, THIS IS ABAH KAHANA ON BEHALF OF THE BULLMAN PLAINTIFFS AND WE HAVE NO OBJECTION TO THE --FOR THE COURT TAKING JUDICIAL NOTICE OF THESE LEGISLATIVE FACTS. WE DON'T NECESSARILY BELIEVE THEY'RE RELEVANT BUT THAT WE HAVE NO OBJECTION FOR THE COURT HAVING THEM -- HAVING IT BEFORE THEM.

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#### THE COURT:

VERY WELL, THE INTERVENOR.

#### MR. PAPILLION:

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WE TAKE THE SAME POSITION AND HAVE NO OBJECTION. THE COURT:

WITHOUT OBJECT, THE DEFENSE, SECRETARY OF STATE, MR. -- THE HONORABLE R. KYLE ARDOIN, REQUESTS THAT THE COURT TAKE JUDICIAL NOTICE OF ADJUDICATE FACTS AND EXHIBITS THAT ARE DETACHED IS GRANTED.

#### MR. ADCOCK:

AND JUDGE, THIS IS JOHN ADCOCK, WITH THE N.A.A.C.P. PLAINTIFFS DON'T HAVE ANY OBJECTION EITHER, AND I JUST WANT TO PUT THAT ON THE RECORD. THANK YOU.

#### THE COURT:

SO NOTED. DEFENSE.

#### MS. FREEL:

YOUR HONOR, WE ALSO HAVE PENDING A MOTION FOR STAY WHICH IS PROBABLY NOT RIPE AS A CONTINGENT MOTION DEPENDING ON YOUR RULING WITH REGARD TO OUR EXCEPTIONS. BASED ON THE STATUS CONFERENCE WE HAD LAST MONDAY I INDICATED WHEN PLAINTIFFS COUNSEL INDICATED THEY WANTED TO ENTER INTO AN EXPEDITED TRIAL SCHEDULE THAT I OBJECTED, THAT I FELT THAT WE HAD SOME VIABLE EXCEPTIONS THAT WOULD RESULT IN DISMISSAL OF THIS CASE. AND IN THE EVENT THAT YOUR HONOR DENIED THOSE EXCEPTIONS I WOULD BE REQUESTING A STAY AND SEEKING APPELLATE REVIEW AND YOU INDICATED THAT YOU WOULD WANT THE STAY TO BE IN WRITING. AND SO, WE HAVE THAT BUT WE ONLY WANT YOU TO TAKE IT UP IF YOU DENY OUR EXCEPTIONS, YOUR HONOR.

#### THE COURT:

I DID READ THE MOTION AND IT IS SUBJECT TO THE RULINGS THAT YOU ARTICULATE. I AM AWARE.

MS. FREEL:

BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 THANK YOU. 2 THE COURT: 3 SO THE MOTION TO STAY WILL FOLLOW THE DECISIONS REACHED ON THE EXCEPTIONS AND MOTIONS. 4 5 MS. FREEL: 6 YOUR HONOR, IF -- AND DEPENDING ON THE RULING WE 7 ARE PREPARED TO FILE A NOTICE OF INTENT TO SEEK 8 SUPERVISORY WRITS BUT THAT WOULD COME AT THE END OF THE HEARING AND WHENEVER YOU DO YOUR RULING. 9 10 THE COURT: JUST ADVISE THE COURT IF IT'S ADVERSE WHAT TIME 11 SCHEDULE YOU WANT TO PURSUE THE FIRST CIRCUIT OR THE 12 13 SUPREME COURT OF LOUISIANA; OKAY? 14 MS. FREEL: 15 THANK YOU. THANK YOU. 16 THE COURT: 17 OKAY, LET'S TAKE UP YOUR FIRST EXCEPT OR MOTION. 18 MS. FREEL: OKAY. YOUR HONOR, SO WE FILED THREE SETS OF 19 EXCEPTIONS AS IT RELATES TO THE THREE PETITIONS THAT 20 21 ARE PENDING IN THIS CASE. BUT I KNOW YOU HAD AN 22 OPPORTUNITY TO REVIEW THEM AND YOU WILL SEE THAT THEY ARE BASICALLY THE SAME ARGUMENT AND SO, IF -- IF YOU 23 24 WOULD LIKE I'LL TAKE UP THE LACK OF SUBJ3ECT MATTER 25 JURISDICTION. 26 THE COURT: 27 VERY WELL. 28 MS. FREEL: 29 AND IT WOULD BE RELEVANT TO ALL OF THE PLAINTIFFS 30 AND INTERVENOR. 31 THE COURT: 32 VERY WELL. IN A NUTSHELL, WHY DOES THIS COURT NOT

BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 HAVE SUBJECT MATTER JURISDICTION? 2 MS. FREEL: 3 SO THERE IS FOUR DIFFERENT REASONS, FIRST OF ALL, YOU KNOW, ANY CASE THAT'S PENDING BEFORE THE COURT HAS 4 5 TO HAVE AN ACTIVE CASE IN CONTROVERSY. AND ALL THREE 6 PETITIONS ALLEGE AN IMPASSE WITH REGARD TO LEGISLATIVE 7 AND GUBERNATORIAL ACTION AND THEY DO NOT BELIEVE THAT A NEW CONGRESSIONAL MAP WILL COME INTO EFFECT USING THE 8 9 2020 CENSUS DATA. SO THIS IS 101 LAW, THIS IS SPECULATIVE, THIS IS THEORETICAL --10 11 THE COURT: DO YOU SUPPOSE THE LEGISLATURE WILL HAVE A MAP BY 12 13 JULY THE 20TH? 14 MS. FREEL: 15 I CAN'T SPEAK FOR THE LEGISLATURE, YOUR HONOR, BUT 16 17 THE COURT: 18 BUT THAT'S THE RELEVANT TIME WE'RE TALKING ABOUT; 19 RIGHT? 20 MS. FREEL: 21 SO THAT IS ONE OF THE TIMEFRAMES YOUR HONOR, SO --22 THE COURT: WHAT -- WHAT'S THE OTHER TIME FRAME? 23 24 MS. FREEL: 25 SO -- SO --26 THE COURT: 27 WHAT'S THE OTHER TIMEFRAME? 28 MS. FREEL: 29 OKAY, SO, I'LL SAY THIS MUCH, YOUR HONOR, TO 30 EXPLAIN THAT, OUR ELECTION CODE GOVERN WHEN APPORTIONMENT PLANS HAVE TO BE SUBMITTED TO THE 31 32 SECRETARY OF STATE --

THE COURT:

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I'M NOT TALKING ABOUT THE QUALIFYING PERIOD FOR THE CONGRESSIONAL FALL ELECTIONS.

MS. FREEL:

NO -- I'M -- YES, I'M TALKING ABOUT APPORTIONMENT PLANS. THAT'S SPECIFICALLY LAID OUT IN OUR ELECTION CODE IN TITLE EIGHTEEN. AND THAT IS AROUND THAT TIME THAT YOU SAID BUT --

THE COURT:

QUALIFYING IS JULY OF THIS YEAR, RIGHT, JULY THE 20TH? DO YOU SUPPOSE THAT THE LEGISLATURE, ARE YOU IN GOOD FAITH TELLING ME THAT THE LEGISLATURE IS GOING TO HAVE A PLAN READY TO GO AND THAT THE GOVERNOR IS NOT GOING TO BE ADVERSE TO IT SO THAT THESE CITIZENS OF OUR STATE CAN APPLY FOR THAT THEIR RELIEF THAT THEY ARE ENTITLED TO?

MS. FREEL:

I DON'T CONTROL THE LEGISLATURE, YOUR HONOR, UNFORTUNATELY, I WISH I DID.

THE COURT:

SO WHY DO YOU -- WITH THAT LACK OF CONTROL THEN, WHY DO YOU ARGUE IT'S SPECULATIVE? YOU DON'T HAVE CONTROL.

#### MS. FREEL:

BECAUSE THEY'RE RIGHT NOW CURRENTLY IN THE SESSION -- LET ME GIVE YOU AN ANALOGY, JUST FOR THIRTY SECONDS IF YOU WOULD. SO LET'S THINK OF A FOOTBALL GAME, THE QUARTERBACK DROPS THE BALL --

THE COURT:

I WATCHED THE N.A.A.C.P. LAST NIGHT -- TWO GAMES. I AM AWARE OF FOOTBALL ANALOGIES AND THE TIME TO SCORE AND THAT KIND OF THING BUT WE'RE IN THE LAST MINUTE OF

	BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837
1	THIS THIS CYCLE HERE AND SO
2	MS. FREEL:
3	BUT BUT BASED BASED ON WHAT? I HAVE
4	THERE IS NOTHING IN THE PETITION THAT HAS ALLEGED A
5	DROP DEAD DATE. AND UNDER THE LAW THEY CERTAINLY HAVE
6	TIME. THEY ACTUALLY HAVE THE ABILITY TO GO INTO A
7	OVERRIDE SESSION WHICH IS REQUIRED, YOUR HONOR, BY OUR
8	CONSTITUTION.
9	THE COURT:
10	IS IT REQUIRED?
11	MS. FREEL:
12	IT'S REQUIRED BY OUR CONSTITUTION BY DEFAULT.
13	IT'S ONLY IF THEY RECEIVE A BALLOTS BY A MAJORITY OF
14	EACH HOUSE.
15	THE COURT:
16	HAS ANYONE SUPPLIED THE DID THE MAJORITY SEND
17	OVER THE NOTICE YET? THE MAJORITY
18	MS. FREEL:
19	THAT DEADLINE HASN'T RUN WHICH ILLUSTRATES HOW
20	THIS ISN'T RIPE.
21	THE COURT:
22	I SEE. WHAT'S THAT DEADLINE?
23	MS. FREEL:
24	IT'S TONIGHT AT MIDNIGHT, YOUR HONOR.
25	THE COURT:
26	SO WE'LL KNOW TONIGHT AT MIDNIGHT WHETHER OR NOT
27	THE MAJORITY IN A CONGRESSIONAL DELEGATION WILL NOTIFY
28	THE STATE THAT THEY'RE GOING TO SEEK AN OVERRIDE
29	SESSION; RIGHT? BY MIDNIGHT TONIGHT?
30	MS. FREEL:
31	THAT IS MY UNDERSTANDING. IT SAYS NO LATER THAN,
32	AND SO THAT IS MY UNDERSTANDING OF THE LAW, YOUR HONOR.

# 19th JUDICIAL DISTRICT COURT

	BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837
1	BUT REGARDLESS THAT IS WITH REGARD TO THE LEGISLATION
2	THAT WAS PASSED DURING THE FOUR FIRST EXTRAORDINARY
3	SESSION. THERE ARE CURRENTLY FOUR BILLS DEALING WITH
4	CONGRESSIONAL REAPPORTIONMENT THAT ARE PENDING. AND SO
5	
6	THE COURT:
7	I'VE READ EACH ONE.
8	MS. FREEL:
9	YOUR HONOR, WHAT? I'M SORRY.
10	THE COURT:
11	I HAVE ALREADY READ IT.
12	MS. FREEL:
13	OKAY.
14	THE COURT:
15	AND I AM AWARE.
16	MS. FREEL:
17	SO YOU ARE AWARE THAT THEY ARE PENDING. AND SO
18	THE RELIEF THAT THE PLAINTIFFS ARE REQUESTING CANNOT
19	AND DOES NOT INFRINGE ON THE LEGISLATORS ABILITY TO
20	CONTINUE THEIR SESSION. AND SO, WE COULD THEORETICALLY
21	IF THEY'RE GRANTED THE RELIEF THAT THEY SEEK HAVE
22	REAPPORTIONMENT PLAN THAT COMES OUT IN THE LEGISLATURE
23	AND SOMETHING THAT WOULD COME OUT OF THIS COURTROOM
24	WHEN BOTH OUR UNITED STATES LAWS AND LOUISIANA LAWS
25	HAVE GIVEN THAT AUTHORITY SPECIFICALLY TO THE STATE
26	LEGISLATURE. AND SO
27	THE COURT:
28	YOU WOULD YOU WANT THE STATE TO HAVE A

CONTINGENCY PLAN OR NOT?

MS. FREEL:

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THEY DO HAVE A CONTINGENCY PLAN. THE COURT:

Case 3:22-cv-00211-SDD-SDJ Document 120-6 05/02/22 Page 17 of 71 BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 WHAT -- WHAT IS IT? 2 MS. FREEL: 3 SO -- PART OF THAT, OUR ARGUMENT, IS THAT ONE, 4 CONGRESS CAN GET INVOLVED; TWO, THE SUPREME COURT CAN 5 GET INVOLVED --6 THE COURT: 7 WHY DO YOU WANT THE UNITED STATES CONGRESS 8 INVOLVED IN THIS? THIS IS A --9 MS. FREEL: 10 I'M JUST SAYING THOSE ARE VIABLE OPTIONS. 11 THE COURT: THE UNITED STATES CONGRESS AND WHAT ELSE? 12 13 MS. FREEL: 14 THE SUPREME COURT. 15 THE COURT: 16 WELL, WE'RE IN COURT -- THE SUPREME COURT OF 17 UNITED STATES? 18 MS. FREEL: 19 THE SUPREME COURT OF LOUISIANA. 20 THE COURT: 21 HAVE YOU MADE AN APPLICATION TO THE SUPREME COURT 22 TO TAKE THE SUBJECT MATTER JURISDICTION IN THIS CASE? 23 MS. FREEL: 24 NOT AT THIS TIME, IF NECESSARY WE WILL BUT WE 25 DON'T BELIEVE THAT'S APPROPRIATE BECAUSE WE DON'T BELIEVE THAT IT'S RIPE FOR ANOTHER BRANCH OUTSIDE OF 26 27 THE LEGISLATURE TO BE ENGAGED IN CONGRESSIONAL REAPPORTIONMENT AND REDISTRICTING AT THIS TIME. 28 29 THE COURT: 30 ALL RIGHT, SO YOU DON'T BELIEVE IN IMPASSE 31 LAWSUITS, IS WHAT YOU'RE SAYING IN THIS VERNACULAR. 32 THAT'S NOT --

#### 19th JUDICIAL DISTRICT COURT

#### MS. FREEL:

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THIS IS NOT AN IMPASSE LAWSUIT. THIS IS NOT --THEY -- THEY ARE ACTIVELY IN A SESSION LEGISLATING AND WORKING THROUGH CONGRESSIONAL REDISTRICTING. AND YOUR HONOR I WOULD JUST LIKE TO POINT OUT SOME OF THE CASES THAT ARE CITE BY THE PLAINTIFF AND HOW THEY'RE DISTINGUISHABLE.

#### THE COURT:

I'VE READ -- I'VE READ IT -- I READ THEM, SO LET'S NOT GO INTO THAT; OKAY? WHAT ELSE DO YOU WANT TO PUT ON, ON THIS LACK OF SUBJECT MATTER? YOU SAID THERE WERE FOUR ITEMS?

MS. FREEL:

YES.

THE COURT:

I DON'T HAVE SUBJECT MATTER JURISDICTION, TELL ME WHAT THEY ARE. JUSTICIABILITY AND WHAT ELSE?

#### MS. FREEL:

WELL, THE LACK OF SUBJECT MATTER JURISDICTION WAS ON FOUR GROUNDS. SO THEY'RE ASKING FOR A DECLARATION AND INJUNCTIVE RELIEF TO PREVENT THE USE OF 2011 CONGRESSIONAL ELECTION DISTRICTS FOR THE 2022 ELECTIONS. HOWEVER, THERE HAS BEEN NOTHING -- NO INDICATION BY THE LEGISLATURE THAT, THAT'S WHAT THEY PLAN TO DO. THERE'S NO ALLEGATION BECAUSE THAT IS NOT WHAT THEY PLAN TO DO AND IN FACT, THE PENNSYLVANIA CASE WHICH WAS AGAIN CITED BY THE PLAINTIFFS SAID THAT YOU ONLY HAVE AN ISSUE OF MALAPPORTIONMENT AND HARM TO THE PLAINTIFF IF THE ELECTION IS HELD IN THE MALAPPORTIONMENT DISTRICT. THAT HAS NOT HAPPENED HERE, THAT'S -- THAT'S NOTHING THAT WE KNOW, IT WOULD BE SPECULATIVE AGAIN, GOING TO THE LACK OF SUBJECT MATTER
JURISDICTION. AND BY VIRTUE OF SOME OF THE JURISPRUDENCE THAT'S COME OUT OF THE SUPREME COURT WITH REGARD TO USE OF OLD DISTRICTS, THERE COULD BE SOME CONSTITUTIONAL CONCERNS; THAT'S ALREADY BEEN DEALT WITH BY THE SUPREME COURT OF THE -- OF -- OF OUR COUNTRY. AND SO, IT'S NOT ANY RELIEF THAT WOULD GIVE THEM WHAT'S NOT ALREADY ALLOWED UNDER THE LAW. BUT TO THE EXTENT THAT THEY WANT ANY DETERMINATION WITH REGARD TO MALAPPORTIONMENT THAT GOES TO THE MERITS. THERE IS A

## THE COURT:

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IS IT THE 2011 DISTRICTS THAT ARE NOT MALAPPORTIONED?

MS. FREEL:

THAT GOES TO THE MERITS, YOUR HONOR. AND THAT'S SOMETHING --

#### THE COURT:

I'M ASKING YOU TO TELL ME -- ARE YOU ASSERTING THAT BEFORE ME THAT THE 2011 MAPS THAT ARE STATUTORILY ON THE BOOKS, ARE YOU SAYING THAT, THAT IS APPROPRIATE FOR FUTURE ELECTIONS?

### MS. FREEL:

I'M -- I -- I'M -- THAT IS NOT -- NOT SOMETHING THAT I'M GOING TO TALK ABOUT IN MY CAPACITY AS REPRESENTING A MINISTERIAL OFFICER TODAY. AND PART OF THE REASON IS BECAUSE WE HAVE -- THAT IS A CONSTITUTIONAL CHALLENGE THAT'S PART OF THE PETITION AND WE HAVE RECEIVED A VERY CLEAR INSTRUCTIONS FROM THE LOUISIANA SUPREME COURT MOST RECENTLY IN A CASE THAT YOU MAY BE FAMILIAR WITH CALLED, JOHN BEL EDWARDS VERSUS LEGISLATURE, THAT IF A MATTER CAN BE DECIDED ON GROUNDS OTHER THAN CONSTITUTIONALITY THE COURT IS

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### 19th JUDICIAL DISTRICT COURT

OBLIGATED TO DO THAT. AND WE HAVE A VERY VIABLE EXCEPTION RELATED TO SUBJECT MATTER JURISDICTION AS WELL AS PREMATURITY PENDING WHICH WOULD ALLOW THE COURT TO DISMISS THE CASE WITHOUT ENTERTAINING THE CONSTITUTIONAL CHALLENGE. MOREOVER, THAT'S AN ORDINARY PROCEEDING, WE WOULD OBJECT TO ANY TYPE OF DETERMINATION ON THAT ISSUE TODAY.

THE COURT:

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ON WHICH ISSUE?

MS. FREEL:

ON MALAPPORTIONMENT. THAT'S NOT WHAT'S BEFORE THE COURT, THAT'S NOT WHAT'S SET.

THE COURT:

I'M NOT GOING TO RULE ON MAL APPORTIONMENT TODAY.

MS. FREEL:

SO --

THE COURT:

I SIMPLY ASKED YOU A QUESTION AND YOU SAY YOU DECLINE THE ANSWER. WE'LL -- WE'LL --

MS. FREEL:

NO, WELL, YOU WANTED MY PERSONAL OPINION WITH REGARD TO MALAPPORTIONMENT, AND I DON'T THINK THAT'S APPROPRIATE AND FOR THE REASONS STATED. AND IF YOU HAD AN OPPORTUNITY TO REVIEW THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW PREPARED BY THE INTERVENOR, LEGISLATIVE LEADERSHIP, THEY HAD SOME POSITIONS ON THAT AREA OF THE LAW, AND THEY WOULD BE THE MORE APPROPRIATE BODY TO MAKE THOSE DETERMINATIONS. THEY ARE THE LAW MAKING BODY IN OUR STATE AND -- AND THEY HAVE SOME OPINIONS WITH REGARD TO USE OF 2010 DISTRICTS. BUT AGAIN THIS IS JUST ALL SPECULATIVE, IT'S JUST PUTTING THE CART BEFORE THE HORSE. AND IT'S NOT APPROPRIATE

FOR THIS COURT TO HEAR THE MATTER AT THIS TIME. ΤT SHOULD BE DISMISSED OUTRIGHT. YOU KNOW, THE PLAINTIFFS' COUNSEL FOR BULLMAN FILED A NEARLY IDENTICAL LAWSUIT IN 2021, THIS SPRING, EVEN BEFORE THE STATE HAD RECEIVED THE LEGACY FILES FOR CENSUS DATA AND THAT CASE WAS DISMISSED ON VENUE. BUT THE COURT NOTED THAT IT WAS LIKELY PREMATURE AND THERE WAS NO RIGHT OF ACTION. THE SAME IS TRUE NOW. IT IS -- WE ARE STILL IN A LEGISLATIVE SESSION, THAT BODY IS THE BODY THAT IS TASKED WITH REAPPORTIONMENT OF CONGRESS, AND THAT WORK IS GOING ON NOW. IF FOR SOME REASON THERE IS AN IMPASSE, WHICH IS NOT NOW, THERE HAS BEEN NO TIMELINE, OR DEADLINE MISSED BY THE STATE, BUT IF THAT HAPPENS IT'S OUR POSITION THAT IT'S THE SUPREME COURT, NOT THE DISTRICT COURT THAT WOULD BE THE APPROPRIATE COURT TO CONSIDER IT.

THE COURT:

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VERY WELL.

### MS. FREEL:

AND THAT, ESSENTIALLY IS THE BASIS AND WE TOUCHED BRIEFLY ON THE SEPARATION OF POWERS BUT THAT IS ALSO THE BASIS FOR THE LACK OF SUBJECT MATTER JURISDICTION. AND THE FACTS THAT CAN BE SET FORTH THROUGH THE REQUEST FOR JUDICIAL NOTICE THAT YOU APPROVED EARLIER THAT WOULD ALL ILLUSTRATE THE EFFORTS THAT THE LEGISLATURE HAS TAKEN OR PRESENTLY TAKEN WITH REGARD TO A CONGRESSIONAL REAPPORTIONMENT AND WE DO ASK THAT THEY BE CONSIDERED FOR PURPOSES OF THE EXCEPTION.

## THE COURT:

THE FACTS ARE ADMITTED WITH REFERENCE TO THE EXCEPTIONS, EXCEPT THE NO CAUSE OF ACTION WHICH IS LIMITED TO THE PLEADINGS, SO -- ALL RIGHT, I'LL TAKE

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BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

JUDICIAL NOTICE OF THE FACTS THAT YOU WANT ME TO -- AS TO THE MERITS EXCEPTIONS EXCEPT THE NO CAUSE OF ACTION WHICH IS LIMITED TO THE PETITIONS; OKAY?

MS. FREEL:

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THANK YOU, YOUR HONOR, AND THEN BEFORE I SIT DOWN, AND AGAIN, I HAVE ONLY ADDRESSED THE LACK OF SUBJECT MATTER JURISDICTION, I JUST WANTED TO OBJECT ON THE RECORD TO SOME OF THE EXHIBITS THAT HAVE BEEN -- I DON'T KNOW IF THEY'RE GOING TO BE INTRODUCED TODAY BUT THEY WERE MENTIONED IN THE OPPOSITION TO EXCEPTION BY THE N.A.A.C.P. AND I JUST WANT TO GO THROUGH WHAT THE PROBLEM IS.

THE COURT:

LET'S DEAL WITH THOSE OBJECTIONS IF THEY'RE Offered; OKAY?

MS. FREEL:

OKAY. THANK YOU.

THE COURT:

ALL RIGHT, SO RIGHT NOW WE'RE DISCUSSING THE ISSUE -- WHO IS STANDING BEFORE ME?

MR. SMITH:

JUDGE, THIS IS JAY SMITH WITH THE SECRETARY. MS. FREEL, OFFERED AND FILED AND INTRODUCED THE ORIGINALS OF VARIOUS BILL MATERIAL TO LET THE JUDGE TAKE THE NOTICE OF. WE HAVE THE ORIGINALS IF WE CAN --

THE COURT:

PLAINTIFF WOULD LIKE TO SEE THE PAPER COPIES OF THE VARIOUS INSTRUMENTS THAT THE COUNSEL IS HOLDING BEFORE I SEE IT?

MR. SMITH:

WE CIRCULATED THEM BY EMAIL YESTERDAY EVENING AS WELL BUT THESE ARE THE ORIGINALS.

### THE COURT:

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I AM WILLING TO ADMIT THEM SUBJECT TO REVIEW IF NECESSARY LATER BUT WE'LL GO AHEAD AND PUT THEM IN THE RECORD. AND LET'S MARK IT --

## MR. SMITH:

WE HAVE IT MARKED AS EXHIBIT A, IN GLOBO RIGHT NOW.

## THE COURT:

EXHIBIT A IN-GLOBO IS THE ITEMS THAT ARE ATTACHED TO THE REQUEST FOR JUDICIAL NOTICE OF ADJUDICATE FACTS.

#### MR. SMITH:

MAY I APPROACH?

THE COURT:

YOU MAY. THE CLERK WILL RECEIVE AND MARK, IF NOT PRE-MARKED. MS. FREEL, WOULD YOU LIKE TO SAY ANYTHING ELSE BEFORE I SHIFT GEARS TO THE PLAINTIFF TO RESPOND OR THE INTERVENOR.

MS. FREEL:

I TALKED ABOUT SEPARATION OF POWERS AS THE OTHER GROUND AND THAT WOULD ALSO INCLUDE POLITICAL QUESTIONS. AND SO, I JUST WANTED TO MENTION.

THE COURT:

OKAY.

#### MS. FREEL:

AND I -- IT'S SOLELY WITH REGARD TO THE LACK OF SUBJECT MATTER JURISDICTION UNTIL REPLY.

# THE COURT:

OKAY, RESPONSE FROM THE PLAINTIFF AND THEN INTERVENOR ON THE -- THIS QUESTION OF THE COURT'S SUBJECT MATTER AUTHORITY.

## MS. KAHANA:

THANK YOU, YOUR HONOR, THIS IS ABAH KAHANA ON

BEHALF OF THE BULLMAN PLAINTIFFS'. AS YOUR HONOR MENTIONED YOU ARE GOING TO RELY PRIMARILY ON THE ARGUMENTS IN OUR BRIEFS, AND I WILL JUST USE MY TIME TODAY TO EMPHASIZE A FEW KEY POINTS IN RESPONSE TO WHAT THE SECRETARY AND HIS COUNSEL HAS RAISED. ONE OF THE -- I THINK IT IS THE -- THE QUESTION OF WHETHER OR NOT WE ARE AT A POLITICAL IMPASSE, THERE IS ABSOLUTELY NOTHING ABOUT -- SPECULATIVE ABOUT PLAINTIFF'S ALLEGATIONS AND CLAIMS.

## THE COURT:

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THIS -- LET ME ASK YOU --

## MS. KAHANA:

THEY HAVE --

THE COURT:

LET ME ASK IT -- LET ME INTERRUPT. LET ME ASK YOU ABOUT THIS CONCEPT OF IMPASSE, WHAT FACTORS AM I TO CONSIDER? ARE THEY STATUTORILY PROVIDED FOR? NO. ARE THEY PROVIDED FOR IN THE JURISPRUDENCE? HOW DO WE --HOW DO I DEFINE THIS CONCEPT OF IMPASSE? WHEN DO I KNOW AND HOW DO I MEASURE IMPASSE IS WHAT I'M ASKING?

### MS. KAHANA:

YOUR HONOR, I BELIEVE THAT THE WAY TO MEASURE IMPASSE IS TO LOOK AT THE EVENTS AS THEY STAND. THE EVENTS AS THEY STAND WITH THE LEGISLATURE HAS -- HAS PASSED A MAP FOR CONGRESS AND THE GOVERNOR HAS VETOED IT. THAT IS THE STATE OF THE -- THAT IS THE CURRENT STATE OF (INAUDIBLE) THE PRESENT TENSE AND PAST TENSE VERSE. THE ONLY -- THE ONLY QUESTION THEN -- THE ONLY QUESTION THAT IS SPECULATIVE IS WHETHER OR NOT THE LEGISLATURE MAY, MIGHT OVERRIDE THE VETO. WHETHER OR NOT THE LEGISLATURE AND THE GOVERNOR WILL IN FACT COME IN SOME FUTURE EVENT TO SOME -- TO SOME LEGISLATIVE

RESOLUTION. THAT IS THE QUESTION THAT IS SPECULATIVE. THE ONLY QUESTIONS THAT ARE -- THE ONLY THINGS THAT WE ABSOLUTELY KNOW RIGHT NOW IS THAT THERE IS A POLITICAL DEADLOCK AS WE SIT RIGHT NOW AND THERE IS A FAST APPROACHING 2022 CONGRESSIONAL ELECTION. I BELIEVE, YOUR HONOR, THAT THE -- THAT COUNSEL MENTIONED THE PENNSYLVANIA CASE, AND AS YOU KNOW IN OUR BRIEFS THERE ARE FOUR STATES IN THE COUNTRY RIGHT NOW FOR WHICH THE POLITICAL BRANCHES HAVE AUTHORITY FOR CONGRESSIONAL REDISTRICTING AND HAVE A PARTISAN DIVIDE. THAT IS MINNESOTA, WISCONSIN, PENNSYLVANIA --

THE COURT:

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AND FLORIDA -- IS IT FLORIDA?

# MS. KAHANA:

-- AND LOUISIANA.

# MS. KAHANA:

WELL, NO, FLORIDA ACTUALLY, THEY'RE ALSO AT AN IMPASSE RIGHT NOW BUT THEY DO NOT HAVE A POLITICAL DIVIDE, THAT'S A DIFFERENT -- BUT -- BUT YOU'RE RIGHT, YOUR HONOR, IT'S NOT EXCLUSIVELY -- IMPASSE IS NOT EXCLUSIVELY IN THOSE FOUR BUT IT IS IN THOSE FOUR WHERE THERE IS A POLITICAL DIVIDE. AND IT'S IMPORTANT TO NOTE THAT IN EACH OF THE OTHER THREE CASES, THE IMPASSE LAWSUITS, THE COURTS TOOK UP JURISDICTION BEFORE THERE WAS A -- YOU KNOW -- FORMAL STATUTORY DEADLINE FOR IMPASSE, OFTEN TIMES, I THINK IN EACH OF THOSE CASES THE COURT TOOK UP JURISDICTION BEFORE THERE EVEN WAS A GUBERNATORIAL VETO, WHICH HAS ALREADY HAPPENED IN THIS CASE. AND IN EACH OF THOSE CASES, THE COURTS TOOK THEIR PROCESS ALONG SIDE THE PARALLEL LEGISLATIVE PROCESS. NOTHING ABOUT THE LEGISLATURE'S PROCESS IS FROZEN OR HELD UP BECAUSE OF THE EXERCISE OF JUDICIAL

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JURISDICTION OVER THE MATTER. IN EACH OF THOSE CASES IT TOOK SEVERAL MONTHS FOR THE COURT TO EVALUATE POTENTIAL JUDICIAL REDISTRICTING, AND IN EACH OF THOSE CASES THE ACTUAL IMPASSE CAME TO PASS AND THOSE --THOSE PROCESSES ARE NOW ENTIRELY COMPLETED. FOR THE SECRETARY TO STATE HERE THAT IT IS TOO SOON FOR THIS --FOR THIS COURT TO TAKE UP THE PROCESS, WHERE ALL OF THOSE OTHER COURTS HAVE COMPLETED THE PROCESS, AND HAS TOOK UP THE PROCESS WELL BEFORE THERE WAS EVEN A GOVERNOR VETO, I THINK IT'S REALLY -- THERE IS REALLY NOTHING SUGGESTING THAT WE ARE NOT AT AN IMPASSE RIGHT NOW. AND AGAIN, THE ONLY THING THAT IS SPECULATIVE IS WHETHER OR NOT THERE MIGHT IN FACT BE A LEGISLATIVE SOLUTION TO THIS AND NOTHING THIS COURT DOES TO EXERCISE JURISDICTION WILL UPHOLD -- WILL HOLD UP THAT PROCESS. THE LEGISLATURE WANTS TO GO FORWARD AND IT ACTUALLY WANTS TO PASS ANY OF THE MAPS THAT IT HAS CONSIDERED, IF THE GOVERNOR WANTS TO SIGN THEM, SIGN ANY OF THOSE MAPS, THEN THAT -- THAT CAN PROCEED TO HAPPEN. BUT THE VOTERS OF LOUISIANA CANNOT BE MADE TO WAIT IN THE EVENT THAT THERE IS A LEGISLATIVE SOLUTION TO THE POINT THAT IT JUST BECOMES TOO LATE. WE KNOW THAT JUDICIAL REDISTRICTING TAKES TIME, IT REQUIRES CAREFUL CONSIDERATION, AND ALL WE'RE ASKING IS THAT THE COURT TAKE UP THAT -- TAKE JURISDICTION OF THAT FACT AND PROCEED IN PARALLEL SO THAT THE VOTERS OF LOUISIANA ARE NOT LEFT HOLDING THE BAG. AND -- IF THE -- I CAN GO ON, YOUR HONOR, ABOUT THE -- THE QUESTION ABOUT THE LOUISIANA SUPREME COURT JURISDICTION, AND I KNOW THIS IS SOMETHING THAT COUNSEL HAS RAISED AS WELL, AND AGAIN, WE NOTE IT IN OUR BRIEFS BUT THE STATUTE THAT COUNSEL INVOKES, THAT THE SECRETARY INVOKES SEEKS

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EXPLICITLY TO STATE LEGISLATIVE REDISTRICTING. IT HAS NOTHING TO DO WITH CONGRESSIONAL REDISTRICTING. COUNSEL ALSO MENTIONED THE LAWSUIT THAT WAS BROUGHT LAST YEAR -- IMPASSE LAWSUIT WAS BROUGHT LAST YEAR BASICALLY SAYING AS A RESULT OF THE POLITICAL DIVIDE THERE IS LIKELY TO BE AN IMPASSE. IN THAT CASE, YOUR HONOR, THE SECRETARY ARGUED THAT THIS IS THE COURT WHERE THOSE CLAIMS SHOULD BE BROUGHT. THE SECRETARY MADE NO ARGUMENT THAT THE LOUISIANA SUPREME COURT IS THE PROPER VENUE OR THE PROPER JURISDICTION. SO -- AND THEN OF COURSE THE COURT OF APPEALS CERTAINLY SAID NOTHING ABOUT THE LOUISIANA SUPREME COURT NOT HAVING OR HAVING INCLUSIVE JURISDICTION. EVERYBODY, INCLUDING THE SECRETARY, ESPECIALLY THE SECRETARY AND THE COURT OF APPEAL INDICATED AND MADE CLEAR THAT THEY BELIEVE THAT THIS WAS THE COURT TO HEAR THIS ACTION. SO THE SECRETARY'S CLAIM THAT IT IS THE LOUISIANA SUPREME COURT IS NOT JUST INCORRECT, YOUR HONOR, IT IS DISINGENUOUS. AND IT SEEMS TO BE PART OF AN ATTEMPT TO SLOW THE -- SLOW THE JUDICIAL PROCESS, GRIND THE JUDICIAL PROCESS TO A HALT AND DELAY. I'M NOT EXACTLY SURE WHAT THE -- WHY, YOUR HONOR, WHAT HARM IT DOES REALLY TO ANY PARTY TO HAVE THIS COURT BE PREPARED IN THE EVENT OF A VERY -- IN THE EVENT THAT THE CURRENT IMPASSE CONTINUES. THE LEGISLATURE REMAINS FREE TO DO WHAT IT WANTS TO DO AND THERE IS REALLY, IT ELIMINATES THE CONSTITUTIONAL INJURY TO PLAINTIFF, AND FRANKLY, EVERYBODY. I WOULD IMAGINE THE SECRETARY ABOVE ALL WOULD BE MOST INTERESTED IN MAKING SURE THAT THERE ARE MAPS IN PLACE TO HAVE ORDERLY ELECTIONS BY THE -- BY THE APPOINTED DEADLINES. I'LL ALSO NOTE, YOUR HONOR, THAT IN ALL OF THE OTHER IMPASSE CASES THAT WE

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# BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

MENTIONED IN OUR BRIEFS THERE CERTAINLY WAS DISAGREEMENT AMONG THE VARIOUS PARTIES ABOUT WHICH MAPS SHOULD TAKE PLACE, WHICH MAPS SHOULD BE PUT IN PLACE AND WHAT THE DISTRICTS SHOULD LOOK LIKE BUT BY THE TIME THE COURTS TOOK UP JURISDICTION THERE WAS NO DISAGREEMENT THAT THE COURT SHOULD ACCEPT JURISDICTION. THERE WAS NO DISAGREEMENT THAT THE COURT PROCESS SHOULD JUST PROCEED. AND SO I DON'T REALLY THINK THAT THERE IS A REASONABLE BASIS TO DISPUTE THAT THE COURT SHOULD AT THE VERY LEAST TAKE JURISDICTION, SET A SCHEDULE, ALLOW AS THE LEGISLATURE IS FREE TO DO, A LEGISLATURE TO DO -- TO TAKE UP WHATEVER PROCESS THAT IT WANTS, AND JUST MAKE SURE THAT THIS COURT IS PREPARED, THE PARTIES ARE PREPARED TO -- TO IMPLEMENT A JUDICIAL REDISTRICTING PLAN IN THE EVENT THAT THE CURRENT IMPASSE STICKS.

### THE COURT:

NOTED. THANK YOU.

### MR. NAFI:

YOUR HONOR, IF I MIGHT BE HEARD FOR THE N.A.A.C.P. CLAIMANTS, THIS IS STUART NAFI. I JUST WANTED TO ADD ON TO WHAT MS. KAHANA SAID. THE LEGISLATURE CALLED A SPECIAL SESSION SPECIFICALLY FOR THE PURPOSE OF REDISTRICTING.

THE COURT: I'M AWARE OF THAT.

MR. NAFI:

AND IN THAT SESSION --

THE COURT:

I'M AWARE OF THAT.

MR. NAFI:

AND THAT IS THE SESSION IN WHICH THEY ADOPTED A

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# 19th JUDICIAL DISTRICT COURT

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MAP THAT THE GOVERNOR VETOED. SO IT IS PURE SPECULATION THAT NOW THAT THEY ARE IN A REGULAR SESSION WHERE THERE IS MUCH OTHER BUSINESS FOR THEM TO ATTEND TO THAT THEY WILL ADOPT ANOTHER MAP. AND IN ADDITION, THE INDICATIONS ARE THAT THEY WILL NOT ADOPT A MAP THAT THE GOVERNOR WILL SIGN. OF THE FOUR BILLS THAT THE DEFENSE COUNSEL REFERRED TO THAT HAVE BEEN INTRODUCED, ONE IS IDENTICAL TO THE MAP THAT THE GOVERNOR VETOED. AND TWO OTHERS ARE THE SAME MAP SO THERE ARE IN FACT ONLY THREE, ONE IS THE SENATE VERSION, AND ONE IS A HOUSE VERSION OF THE SAME MAP. AND THOSE TWO ADDITIONAL MAPS ARE MAPS THAT WERE INTRODUCED IN THE PRIOR SESSION AND REJECTED BY THE LEGISLATIVE MAJORITY. SO THERE IS NO REASON TO THINK THAT ANY OF THE MAPS THAT HAVE BEEN INTRODUCED ARE GOING ANYWHERE. AND I THINK THE QUESTION THAT YOUR HONOR ASKED ABOUT WHETHER THERE IS ANY CONTINGENCY, WHETHER THE SECRETARY OF STATE HAS ANY CONTINGENCY FOR WHAT HAPPENS IF THERE IS NO MA, I THINK DEFENSE COUNSEL'S ANSWER MADE CLEAR THAT THERE IS NOT. THERE IS NO PROCESS FOR THE UNITED STATES CONGRESS TO GET INVOLVED IN THIS MATTER AND THEN IMPOSE A MAP. AND THERE IS NO REASON TO THINK THAT A SPECULATIVE ADDITIONAL LAW SUIT AT THE SUPREME COURT OR SOME PROCEEDING AT THE LOUISIANA SUPREME COURT WILL RESOLVE THIS MATTER. IT IS ONLY THIS COURT THAT HAS THE OPPORTUNITY TO PUT A CONTINGENCY IN PLACE SHOULD IT COME TO PASS THAT THE LEGISLATURE AS IT'S HIGHLY LIKELY FAILS TO PASS A MAP THAT THE GOVERNOR WILL SIGN.

THE COURT:

NOTED. ANYTHING ELSE ALONG THIS SUBJECT MATTER, ARGUMENT THAT WAS NOT CLARIFIED OR MS. FREEL, YOU WANT TO INFLUENCE --

## MR. HIRSCH:

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YOUR HONOR, IF I MAY FOR THE MATH/SCIENCE INTERVENORS --

### THE COURT:

I'M SORRY --

# MR. HIRSCH:

YOUR HONOR, I KNOW YOUR TIME IS VALUABLE AND I DON'T WANT TO REPEAT ANYTHING THAT WAS IN ANY OF THE BRIEFS, BUT I THOUGHT IT MIGHT BE HELPFUL TO CIRCLE BACK TO YOUR POINT ABOUT JULY 20TH BEING THE TIME AT WHICH CANDIDATES HAVE TO FILE FOR OFFICE. OBVIOUSLY THEY HAVE TO HAVE A CERTAIN NUMBERS OF DAYS OR WEEKS BEFORE THAT TO TALK WITH POTENTIAL CONSTITUENTS AND CITIZENS OF LOUISIANA AND DECIDE WHETHER THEY WANT TO RUN AND WHEN THEY WANT TO RUN. SO WE KNOW WHEN THE MAP NEEDS TO BE IN EFFECT. WHAT I THINK MIGHT BE HELPFUL TO THE COURT IS TO TALK ABOUT FROM THAT DATE BACKWARDS HOW MUCH TIME IS NEEDED BY A COURT TYPICALLY TO DO THE JOB OF JUDICIAL REDISTRICTING IF THAT BECOMES NECESSARY, WHICH THERE IS ALL REASONABLY WILL HERE; AND I JUST WANT TO GIVE YOU A FEW DATES. IN MINNESOTA, THIS CYCLE, THE TIME FROM THE SUBMISSION OF MAPS TO THE SELECTION OF MAPS BY THE STATE COURT WAS TEN WEEKS. IN WISCONSIN, FROM SUBMISSION OF THE MAPS TO SELECTION OF THE MAPS BY THE STATE COURT WAS ELEVEN WEEKS. IN PENNSYLVANIA, IT WAS ONLY SEVEN WEEKS BUT THAT WAS IN THE CASE WHERE THERE WERE NO SIGNIFICANT VOTING RIGHTS ACT ISSUES. AND IN NORTH CAROLINA, WHICH IS A LITTLE BIT DIFFERENT BECAUSE THE PROCEDURAL POSTURE, IT WAS FROM THE TIME OF A FIRST MAP BEING SUBMITTED TO THE FINAL MAPS BEING ADOPTED BY THE STATE COURTS, FOURTEEN WEEKS. SO SEVEN TIME ELEVEN, FOURTEEN WEEKS, IS THE

RANGE THAT WE CAN SEE FROM SIMILAR TYPES OF CASES AROUND THE COUNTRY IN STATE COURTS. IF YOU GO BACKWARDS FROM SOMETIME IN JUNE WHICH IS REASONABLE IF YOU WANT CANDIDATES TO MAKE DECISIONS BY JULY 20TH, YOU LAND IN MID APRIL AS A DATE FOR MAP SUBMISSION WHICH IS EXACTLY WHAT THE TWO SETS OF PLAINTIFFS AND THE INTERVENORS HAVE PROPOSED IN A PROPOSED SCHEDULE THAT WE PRESENTED TO THE DEFENDANT AND GOT NO RESPONSE ON AND THEN FILED WITH THE COURT TODAY. SO WE THINK THAT WE ARE VERY QUICKLY APPROACHING THE POINT WHERE IF THE COURT DOES NOT GET INVOLVED AND EXERCISE ITS JURISDICTION, THERE WILL NOT BE ENOUGH TIME TO HAVE AN ORDERLY, JUDICIAL PROCESS AND MAINTAIN THE ELECTION CALENDAR THAT AFTER ALL WAS SET BY LOUISIANA LEGISLATURE WHICH REQUIRES CANDIDATE FILING TO COMMENCE ON JULY 20TH THE VERY DATE THAT YOU NAMED EARLIER. THANK YOU, YOUR HONOR.

## THE COURT:

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MS. FREEL.

MS. FREEL:

YOUR HONOR, I JUST WOULD LIKE TO POINT OUT WHICH IS ATTACHED TO EXHIBIT A TO OUR EXCEPTIONS THAT WE FILED WITH REGARD TO OUR INTERVENOR PETITION THAT THE POTENTIAL TIME LINE THAT THEY WERE SUGGESTING TO THE COURT WAS THAT THERE WOULD BE A RULING ON A NEW CONGRESSIONAL PLAN ON FRIDAY, JUNE 17TH. THAT'S PAST THE LEGISLATIVE REGULAR SESSION. SO, WE'RE NOT TALKING ABOUT A MORE TIMELY PROCESS, WE'RE TALKING ABOUT A SITUATION WHERE THE PLAINTIFFS WANT THIS COURT TO SUBSTITUTE THEIR JUDGMENT AND MAKE DECISIONS WITH REGARD TO A CONGRESSIONAL REAPPORTIONMENT, A CLEARLY LEGISLATIVE FUNCTION. AND IN LOUISIANA IT MIGHT BE

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DIFFERENT IN OTHER --

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I DON'T GET THAT IMPRESSION -- I DON'T GET THAT IMPRESSION. IF YOU HAVE GOOD FAITH STATEMENT FOR THAT THEN ASSERT IT BUT, I'M GETTING THE IMPRESSION THAT THE PARTIES WANT A CONTINGENCY PLAN, NOT A SUBSTITUTE.

MS. FREEL:

YOUR HONOR, THEY WANT A SUBSTITUTE. IF YOU LOOK AT THE INTERVENORS PETITION, THEY WANT COMPUTERS TO DO THE DRAWINGS.

THE COURT:

I'VE READ THE INTERVENORS ALLEGATIONS. WE ALL USE SOFTWARE TO DO EVERYTHING THESE DAYS. SO, WITH RESPECT TO MAPS AND SELECTION OF PRECINCTS, SELECTION OF VOTERS, WE USE THESE TOOLS, AND THAT'S WHAT THEY'RE FOR.

MS. FREEL:

I'D LIKE TO OFFER AND INTRODUCE THE EXHIBIT 8, TO THAT EXCEPTION WHICH IS THE EMAIL FROM THE INTERVENOR AN THE PROPOSED SCHEDULE THAT THEY ARE SUGGESTING.

THE COURT:

I'M SORRY, TELL ME THAT AGAIN.

MS. FREEL:

I WOULD LIKE TO OFFER AND INTRODUCE WHAT WAS PREVIOUSLY EXHIBIT A TO THE EXCEPTIONS ON BEHALF OF SECRETARY OF STATE, TO MATH SCIENCE INTERVENORS PETITION FOR INTERVENTION, AND THAT IS A POTENTIAL TIME LINE FOR CONGRESSIONAL REDISTRICTING LITIGATION FOR INTERVENOR COUNSEL. AND I'D LIKE TO INTRODUCE IT TO DEMONSTRATE THAT THE DEADLINES BEING PROPOSED BY AT LEAST INTERVENORS GO BEYOND THE REGULAR SESSION. THE COURT:

NOTED.

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### MS. FREEL:

OKAY, THANK YOU, YOUR HONOR. JUST TO CLARIFY THE DATE THAT YOU WERE TALKING ABOUT, JULY 20TH, I BELIEVE WAS THE QUALIFYING DATE, I DIDN'T WANT TO SEEM LIKE THAT I WAS DISPUTING THAT BY ANY MEANS, AND OUR ELECTION CODE SETS FORTH THE DEADLINE THAT APPORTIONMENT PLANS, REDISTRICTING PLANS HAVE TO BE RECEIVED BY THE SECRETARY OF STATE AND THAT'S FOUR WEEKS PRIOR TO QUALIFYING. THERE IS NO ALLEGATION THAT, THAT DEADLINE HAS BEEN MISSED UNLIKE THE SITUATION IN THE MINNESOTA CASE WHERE THE LAW PROVIDES FOR A HARD DEADLINE FOR REDISTRICTING, THAT -- WE DON'T HAVE THAT, WE DO HAVE THAT DEADLINE BUT THAT IS STILL A VIABLE DEADLINE THAT THE SECRETARY OF STATE CAN COMPLY WITH AND THEN I WOULD JUST NOTE THAT IN THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE LEGISLATURE POINTED OUT THAT THEY CAN ALSO AMEND THE ELECTION CODE IF NECESSARY TO DEAL WITH CONGRESSIONAL REAPPORTIONMENT. THIS YEAR IS DIFFERENT BECAUSE OF COVID, THE FEDERAL GOVERNMENT WAS LATE IN GETTING THE CENSUS DATA TO THE STATES AND SO, I JUST WANTED TO CLARIFY THAT DATE TO MAKE SURE I WAS ACCURATE. WITH REGARD TO THE PLAINTIFFS COUNSEL AND REFERRAL TO WISCONSIN. IT IS IMPORTANT TO NOTE THAT IN THAT CASE THE GOVERNOR AND THE LEGISLATURE AGREED THEY HAD REACHED AN IMPASSE AND THEY PETITIONED THE SUPREME COURT IN WISCONSIN ALONG WITH OTHERS TO DEAL WITH THE ISSUE. AND THERE WAS A PER CURIUM OPINION THAT JUST CAME OUT IN THAT CASE THAT WAS INTERESTING FROM THE UNITED STATES SUPREME COURT ON THE 23RD OF THIS MONTH, WEDNESDAY --

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BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

#### THE COURT:

YEAH, I -- I AM AWARE OF IT.

MS. FREEL:

OKAY. BUT IT COULD CALL INTO QUESTION SOME OF THE STATEMENTS MADE BY GOVERNOR EDWARDS IN HIS VETO. AND THEY ABSOLUTELY SHOULD BE EXPLORED BY THE LEGISLATURE AND IT APPEARS THAT THEY ARE STILL IN THE REDISTRICTING AND REAPPORTIONMENT PROCESS; I WANTED TO POINT THAT OUT. THE FACT THAT A BILL IS VETOED THAT DOES NOT END THE LEGISLATURES ABILITY TO LEGISLATE ON AN ISSUE, THAT JUST SHOWS THAT THE LAW IS FUNCTIONING IN LOUISIANA LIKE THE PEOPLE WANTED. THEY WANTED THE LEGISLATURE TO HAVE AN OPPORTUNITY TO PASS LAWS. THEY WANTED THE GOVERNOR TO HAVE THE OPPORTUNITY TO VETO. THEY WANTED AN OPPORTUNITY FOR AN OVERRIDE. THEY WANTED AN OPPORTUNITY FOR THE LEGISLATURE TO CALL THEMSELVES INTO SESSION IF NECESSARY AND IN A GENERAL SESSION TO BRING LAWS ON A MULTITUDE OF SUBJECTS AND NOT ONLY ARE THERE REDISTRICTING BILLS DEALING WITH CONGRESS CURRENTLY PENDING, THERE IS REDISTRICTING PILLS -- BILLS DEALING WITH OTHER MATTERS IN THE GENERAL SESSION, SO THIS IS NOT A MATTER OF -- OF FIRST IMPRESSION WHERE YOU DON'T HAVE REDISTRICTING -- WHERE YOU CAN'T HAVE REDISTRICTING IN A GENERAL SESSION. ALSO, IN LOUISIANA, YOU HAVE TO HAVE STANDING, YOU HAVE TO HAVE AN ACTIVE CASE IN CONTROVERSY WHEN YOU FILE THE LITIGATION. YOU CAN'T FILE IT AND HAVE IT HAPPEN LATER ON. AND HERE WHERE YOU HAVE A CONSTITUTIONAL CHALLENGE, PARTICULARLY, WE HAVE SPECIFIC PLEADING REQUIREMENTS AND IT'S TO AVOID SHIFTING GROUNDS BECAUSE WE HAVE TO DO EVERYTHING WE CAN TO UPHOLD THE CONSTITUTIONALITY OF LAWS. AND SO, THE CONSTITUTIONAL

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PLAINS HAVE TO BE LOCKED IN. SO THE PLAINTIFFS ARE ENVISIONING, AND IT SOUNDS LIKE THEY ARE, A SITUATION WHERE THIS COURT WOULD JUST CONTINUE WITH JURISDICTION AS THE LEGISLATIVE PROCESS CONTINUES. THAT'S A PROBLEM BECAUSE THERE ARE GOING TO BE OTHER CONCERNS THAT COME INTO PLAY; THE POSSIBILITY OF OTHER DISTRICTS. AND SO, FOR ALL OF THESE REASONS WE BELIEVE THE COURT DOES NOT HAVE JURISDICTION. WITH REGARD TO THE SUPREME COURT ISSUE, IN OUR COURT, THE SUPREME COURT, HAS UNFETTERED JURISDICTION, THEY CAN TAKE UP WHATEVER THEY WANT. AND THE REFERENCE TO THE SUPREME COURT WITH REGARD TO REAPPORTIONMENT IS THE ONLY REFERENCE TO ANY COURT IN OUR STATE IN TERMS OF INVOLVEMENT AND THE REAPPORTIONMENT AND THE REDISTRICTING PROCESS. AND THIS IS NOT A NOVEL CONCEPT IF YOU LOOK AT OUR CONSTITUTION, THE CONSTITUTION WILL SAY, SUPREME COURT HAS JURISDICTION, FOR EXAMPLE, OVER JUDICIAL DISCIPLINE. NO OTHER COURT ENTERTAINS JUDICIAL DISCIPLINE BECAUSE OF THE -- BECAUSE THAT PROVISION IS IN THE CONSTITUTION. THE SAME IS HERE. I WAS NOT A PARTY IN THE ENGLISH CASE IN THE C.D.C. IN ANY TYPICAL CASE WHERE THE STATE IS A DEFENDANT THE PROPER VENUE IS WHERE THE COURT, WHERE THE CAPITAL IS LOCATED. SO THAT WAS AN APPROPRIATE EXCEPTION TO RAISE THE VENUE. BUT THAT DOES NOT DISCLOSE -- OR DISCOUNT THE SUPREME COURT'S ABILITY TO HAVE AND EXERCISE JURISDICTION OVER THIS MATTER. AND IN MANY OF THESE OTHER STATES WHERE THE PLAINTIFFS HAVE REFERRED TO COURTS GETTING INVOLVED WITH AN IMPASSE, THAT IS EXACTLY WHAT OCCURRED.

# THE COURT:

SO, MS. FREEL, YOU'RE ARGUING TO ME THAT THE LOUISIANA SUPREME COURT HAS ORIGINAL JURISDICTION IN

THIS CASE? IS THAT WHAT YOU'RE SAYING?

MS. FREEL:

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THEY HAVE UNFETTERED JURISDICTION IF THEY WANT --THE COURT:

I KNOW -- ORIGINAL JURISDICTION. I UNDERSTAND THIS CONCEPT OF UNFETTERED -- IMPLEMENTER --IMPLEMENTER -- I UNDERSTAND THAT --

MS. FREEL:

SUPERVISORY JURISDICTION, YOUR HONOR, IS THE TERM THAT I MEANT TO SAY.

THE COURT:

VERY WELL. ALL RIGHT, THE MATTER IS ARGUED ON THE SUBJECT MATTER ISSUE, LET'S GO TO THE NEXT EXCEPTION.

MS. FREEL:

YOUR HONOR, WITH REGARD TO PREMATURITY, THEY GO HAND IN HAND. THERE IS NO BASIS IN THE LAW WITH REGARD TO A CONTINGENCY PLAN. LEGISLATURE PASSED REDISTRICTING BILLS, HOUSE BILL ONE AND SENATE BILL FIVE, DURING FIRST EXTRAORDINARY SESSION, THE GOVERNOR VETOED IT THE FORTY-EIGHTH DAY FROM THE ADJOURNMENT WOULD BE MARCH 30TH. THE LEGISLATURE COMMENCED A REGULAR SESSION -- THERE ARE FOUR BILLS PENDING, SENATE BILL 306, HOUSE BILL 712, HOUSE BILL 608, HOUSE BILL 823. THERE IS NO INDICATION THAT THE LEGISLATURE DOES NOT INTEND TO CARRY OUT ITS RESPONSIBILITIES WITH REGARD TO CONGRESSIONAL REDISTRICTING. AND EVEN IF THE GOVERNOR ENDS UP VETOING A BILL THEY CAN OVERRIDE, THEY CAN CALL THEMSELVES INTO ANOTHER SESSION. AND BECAUSE OF THAT THERE ARE SEVERAL AVENUES REMAINING FOR LOUISIANA TO ADOPT THE CONGRESSIONAL REDISTRICTING PLAN. CASES SUBMITTED FOR ADJUDICATION MUST BE RIGHT AND NOT BROUGHT PREMATURELY. IF A (INAUDIBLE) DEPENDS

## 19th JUDICIAL DISTRICT COURT

ON A CONTINGENT FUTURE EVENT THAT MAY NOT OCCUR AS ANTICIPATED, OR INDEED MAY NOT OCCUR AT ALL THEN IT IS NOT RIGHT FOR ADJUDICATION AND THAT'S ESSENTIALLY THE BASIS FOR THE PREMATURITY. AND THEN, AGAIN, I MENTIONED IT EARLIER BUT WE DON'T BELIEVE WE HAVE AN MALAPPORTIONMENT CLAIM UNTIL AN ELECTION OCCURS USING MALAPPORTIONED DISTRICTS.

THE COURT:

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SO NOTED. ALL RIGHT. WHAT ABOUT YOUR CAUSE, NO RIGHT, AND EXCEPTION; YOU WANTED TO TAKE THOSE UP?

MS. FREEL:

OH, I CAN, IF YOU'RE READY FOR THEM, I WASN'T SURE. OKAY, YOU ARE VERY FAMILIAR WITH THE LAW REGARDING THE NO -- THE NO CAUSE -- I'M NOT GOING TO RESTATE ANY OF THAT. THE ISSUE HERE IS THE SECRETARY OF STATE IS A MINISTERIAL OFFICE. AND THE SECRETARY OF STATE IS GOING TO DO WHAT THE LAW SAYS IT'S GOING TO DO. HE CAN'T PROVIDE THE RELIEF THAT THE PLAINTIFFS WANT. AND THE SAME CONCEPTS WITH REGARD TO LACK OF SUBJECT MATTER JURISDICTION AND PREMATURITY APPLY WHEN WE ARE DETERMINING WHETHER OR NOT A PARTY STATES A CAUSE OF ACTION FOR WHICH RELIEF CAN BE GRANTED. HERE THE PLAINTIFFS HAVE NO LEGALLY PROTECTABLE AND TANGIBLE INTERESTS AT THIS POINT --

THE COURT:

WHEN WOULD THEY HAVE A TANGIBLE JUSTICIABLE RIGHT; DO YOU KNOW?

MS. FREEL:

I THINK IT'S WHEN THE LEGISLATURE IS COMPLETELY DONE AND THEY SAY, WE'RE AT AN IMPASSE. THAT'S NOT HAPPENED.

THE COURT:

AND DO YOU SUPPOSE THAT IF WE WAIT UNTIL THEN, HOW WILL THAT ADVERSELY AFFECT, IF ANYBODY, WHO VOTES FOR CONGRESSIONAL ELECTIONS THIS FALL?

### MS. FREEL:

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WELL, THE LEGISLATURE HAS REPRESENTED THAT THEY CAN MODIFY DEADLINES AS NECESSARY SO THAT IT WON'T IMPACT VOTERS. THAT'S IN THEIR FINDINGS OF FACT, AND CONCLUSIONS OF LAW THAT THEY HAVE THE AUTHORITY TO DO THAT AND THAT'S NOT UNCOMMON, IT'S HAPPENED ACROSS THE COUNTRY IN LIGHT OF THE LATE RECEIPT WITH REGARD TO --TO COVID. AND HERE, THE TIMEFRAME THAT'S SET OUT IN LAW HAS BEEN COMPLIED WITH, THERE IS NO ALLEGATION THAT A LAW WAS BROKEN AS TO THE TIMELINESS OF RECEIPT OF AN APPORTIONMENT PLAN OR THE -- SOMEHOW -- THAT THE SECRETARY OF STATE HAS NOT COMPLIED WITH THE LAW WITH REGARD TO TIMELINESS RECEIPT OF APPORTIONMENT PLAN. Т MEAN -- THERE IS JUST NOT A PROTECTABLE INTEREST AS TO A CANDIDATE WANTS TO HAVE MORE TIME TO BE ABLE TO DECIDE TO RUN IN AN ELECTION. YOU KNOW -- HERE IN LOUISIANA, WE SEE THIS PLAY OUT ALL THE TIME WITH SPECIAL ELECTIONS. THERE IS ONE GOING ON WITH JUDGE MORVANT'S VACANCY RIGHT NOW --

## THE COURT:

THAT'S SATURDAY -- SATURDAY.

### MS. FREEL:

YES, YOUR HONOR, AND THAT TIME FRAME WAS MUCH DIFFERENT THAN WHAT OTHER CANDIDATES HAVE BEEN AFFORDED. AND SO, WE DON'T BELIEVE THAT IT STATES A CAUSE OF ACTION. IT DOES NOT STATE A SITUATION WHERE THEY ARE ENTITLED TO RELIEF NOW. IT'S ALL BASED ON SPECULATIVE, HYPOTHETICAL, WHAT IFS. AND FOR THAT REASON THE NO CAUSE SHOULD BE GRANTED.

### THE COURT:

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VERY WELL, LET ME HAVE A RESPONSE TO NO CAUSE AND THEN WE CAN GET TO THE NO RIGHT EXCEPTION. NO CAUSE OF ACTION LIMITED TO THE ALLEGATIONS OF THE PETITION. I'LL TENDER TO THE PLAINTIFF AND THEN -- THEN TO THE INTERVENOR.

## MS. KAHANA:

THANK YOU, YOUR HONOR, AGAIN, THIS IS ABAH KAHANA, FOR THE BULLMAN PLAINTIFFS. THE QUESTION OF NO CAUSE OF ACTION, IT SEEMS TO GO HAND IN HAND WITH THE QUESTION OF PREMATURITY THAT THE SECRETARY HAS RAISED. I WOULD LIKE TO EMPHASIZE THAT THE DEFENSE OF PREMATURITY IS THE SECRETARY'S BURDEN. AND THE FACT THAT -- THE ARGUMENT THAT IT IS REALLY ABOUT SPECULATIVE, HYPOTHETICAL, WHAT IFS, THERE ARE SOME THINGS THAT WE KNOW TODAY; LEGISLATURE HAS PASSED A PLAN, GOVERNOR HAS VETOED, JULY 20TH IS THE DEADLINE; IS THE BEGINNING OF CANDIDATE QUALIFYING. THERE ARE SOME THINGS THAT MAY OR MIGHT HAPPEN, WHAT IF THIS MIGHT HAPPEN -- WHAT IF THIS MIGHT HAPPEN. THAT IS LEGISLATURE MIGHT OVERRUN THE VETO; LEGISLATURE AND GOVERNOR MIGHT ACTUALLY AGREE ON A PLAN NOTWITHSTANDING THE DISPUTE ABOUT THE NUMBER OF MAJORITY BLACK DISTRICTS. THE LEGISLATURE MIGHT CHANGE THE ELECTION DEADLINE. ALL THOSE THINGS MIGHT CONTINUE -- MIGHT BE TRUE AND MIGHT CONTINUE TO BE TRUE. NOTHING THAT THIS COURT DOES IS GOING TO PREVENT ANY OF THOSE OCCURRENCES FROM HAPPENING BUT THOSE ARE ALL AT THIS MOMENT SPECULATIVE AND THE PLAINTIFFS, THE BULLMAN PLAINTIFFS CAME INTO THIS CASE, BROUGHT THIS CASE WHEN THE GOVERNOR HAD VETOED. WHEN THE PRESENT TENSE AND THE PAST TENSE OCCURRENCES HAVE HAPPENED AND IT IS REALLY

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THE SECRETARY'S ARGUMENT RIGHT NOW THAT RELIES ON THESE HYPOTHETICAL WHAT IFS. THERE IS NOTHING SHIFTING ABOUT OUR POSITION. OUR POSITION, WHEN WE FILED OUR LAWSUIT, WHEN WE FILED THIS LAWSUIT, THE LEGISLATURE HAS PASSED A MAP, THE GOVERNOR HAS VETOED IT, THE ELECTION DEADLINES ARE AS THEY EXIST CURRENTLY, THIS COURT NEEDS TO PREPARE AS YOUR HONOR MENTIONED, AS A CONTINGENCY TO MAKE SURE THAT THERE ARE LAWFUL DISTRICTS IN PLACE IN TIME FOR THE 2020 ELECTIONS. TO THE QUESTION OF THE SECRETARY'S COUNSEL BROUGHT UP THE ISSUE OF A -- THERE HAS NOT BEEN A STATUTORY DEADLINE THAT HAS BEEN MISSED. THAT IS TRUE, WE DON'T ALLEGE THAT THERE IS ANY KIND OF STATUTORY DEADLINE. I BELIEVE THAT COUNSEL POINTED TO SOMETHING IN MINNESOTA. IN MINNESOTA THERE IS A STATUTORY DEADLINE. A CONGRESSIONAL MAP HAD TO BE ADOPTED BY FEBRUARY 15TH. THAT COURT TOOK UP -- TOOK JURISDICTION IN THE SUMMER OF 2021. THE STATUTORY DEADLINE WAS FEBRUARY 15TH OF 2022. SO WHILE THERE MAY -- WHETHER THERE WAS A DEADLINE OR NOT, EVERY OTHER COURT WHO HAS HAD TO CONFRONT THIS HAS RECOGNIZED THAT IT TAKES TIME FOR THAT PROCESS TO HAPPEN, IT DOES NOT JUST HAPPEN ON A DIME BECAUSE SOME -- BECAUSE NOW IT'S TIME FOR THE DEADLINE HAS PASSED. THE QUESTION OF THEIR -- YOUR -- THE SECRETARY'S COUNSEL MENTIONED THAT THERE IS NO MALAPPORTIONMENT CLAIM UNTIL THERE IS AN ELECTION. AND I BELIEVE SHE HAD POINTED TO THE PENNSYLVANIA CASE FOR THAT. CERTAINLY, THE PENNSYLVANIA CASE THERE HAS NOT BEEN AN ELECTION, AND ALL OF THOSE ELECTIONS ARE HAPPENING, CONGRESSIONAL ELECTIONS ARE HAPPENING IN NOVEMBER OF 2022. THAT COURT, LIKE EVERY OTHER COURT, HAS RECOGNIZED THAT YOU DON'T HAVE TO WAIT FOR THE UNCONSTITUTIONAL ELECTION TO

HAPPEN TO SAY THAT IT IS RIGHT. WE ALL SEE THE ELECTION COMING ON THE HORIZON AND WE NEED TO INSURE THAT THERE ARE LAWFUL DISTRICTS IN PLACE WELL BEFORE HAND TO MAKE SURE THAT THERE IS TIME TO -- TO GET -- TO ACTUALLY HAVE AN ORDERLY ELECTION. I THINK THAT IS --OH, I THINK THE LAST (INAUDIBLE) SESSIONS IS THAT --ARE OF THE SECRETARY THE PROPER DEFENDANT, I THINK WE'VE MADE CLEAR IN OUR BRIEFS -- I MEAN, THERE HAS NOT BEEN A SINGLE COURT THAT HAS SAID THAT THE SECRETARY IS NOT THE PROPER DEFENDANT, IN EVERY STATE, AND MOST IMPORTANTLY, IN PREVIOUS LOUISIANA CASES THEY HAVE FOUND THAT THE SECRETARY, INCLUDING THIS PARTICULAR SECRETARY IS THE RIGHT DEFENDANT IN THESE (INAUDIBLE) CASES.

# MR. NAFI:

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YOUR HONOR, THIS IS STUART NAFI FOR THE N.A.A.C.P. PLAINTIFFS, JUST ON THE LAST POINT ON THE SECRETARY'S ROLE IN THE ELECTION PROCESS, THE DEFENDANT ASSERTS THAT THE SECRETARY'S ROLE IS PURELY MINISTERIAL AND THAT IS EXACTLY WHY THE COURT NEEDS TO BE INVOLVED HERE. THE SECRETARY HAS NO OPTION OTHER THAN TO CONDUCT AN ELECTION UNDER THE MAP THAT IS ON THE BOOKS WHEN THE ELECTION COMES. AND THE MAP THAT IS ON THE BOOKS RIGHT NOW IS A MALAPPORTIONED MAP; THERE IS NO DISPUTING THAT. AND THE SECRETARY CAN PROVIDE RELIEF IF THE COURT ORDERS THE SECRETARY TO USE A PROPERLY APPORTIONED MAP. AND SO THE SECRETARY HAS THE POWER TO IMPLEMENT RELIEF THAT THIS COURT ORDERS THAT WILL ADDRESS THE HARMS THAT HAVE BEEN ALLEGED.

# THE COURT:

NOTED.

### MR. HIRSCH:

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YOUR HONOR, SAM HIRSCH, FOR THE MATH AND SCIENCE INTERVENORS. I JUST WANT TO NOTE THAT ABSOLUTELY NOTHING THAT THE PLAINTIFFS OR THE INTERVENORS ARE ASKING THIS COURT TO DO WOULD PREVENT THE LEGISLATURE AND THE GOVERNOR FROM COMING TOGETHER AND ENACTING PROPERLY A LAWFUL MAP THAT IS PROPERLY APPORTIONED. SO IT'S JUST A QUESTION OF LEAVING YOUR COURT TIME TO DO WHAT IT HAS TO DO IF THAT DOESN'T HAPPEN. AND AS MS. KAHANA SAID THAT'S SPECULATIVE THAT, THAT MIGHT HAPPEN AND THERE IS NO INDICATION IT WILL. BUT IF IT DID IT WOULD MOOT THE MALAPPORTIONMENT CLAIMS BECAUSE THE OLD 2011 MALAPPORTIONED MAP WOULD BE REPLACE BY A NEW 2022 PROPERLY APPORTIONED MAP IN THAT HYPOTHETICAL. AND AT THAT POINT IF PEOPLE HAD EXISTING -- HAD FURTHER CLAIMS AGAINST THE NEW MAP THEY WOULD HAVE TO BRING THEM ANEW. BUT THERE IS NOTHING ABOUT WHAT WE'RE ASKING THIS COURT TO DO THAT PREVENTS THE LEGISLATURE AND THE GOVERNOR FROM WORKING TOGETHER TOWARDS A CONSTITUTIONAL MAP IF THE POLITICAL WILL IS THERE.

#### THE COURT:

NOTED. RESPONSE, MS. FREEL.

## MS. FREEL:

YOUR HONOR, I DON'T HAVE ANYTHING FURTHER TO ADD. THE COURT:

VERY WELL. THE ARGUMENTS ON THE EXCEPTION OF NO CAUSE OF ACTION CONCLUDED. LET'S GET TO YOUR NO RIGHT OF ACTION.

## MS. FREEL:

YOUR HONOR, IT'S REAL QUICK. IT'S -- ESSENTIALLY IT GOES BACK TO THE FACT THAT WE'RE TALKING ABOUT PLAINTIFFS CLAIMS THAT HINGE ON A FUTURE POSSIBILITY OF

HARM, A LIKELY IMPASSE, WHICH IS WHAT IS REFERRED. IT IS NOT REASONABLE THAT --

THE COURT:

LIKELY?

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MS. FREEL:

-- IMPASSE. THAT'S WHAT'S TALKED ABOUT IN THE PETITION AND I CAN TELL YOU WHO SAID THAT IF YOU'D LIKE. JUST TO JUST SHOW YOU -- TELL YOU -- ILLUSTRATE THAT IT'S WHAT IFS. SO -- BULLMAN: THERE IS NO REASONABLE PROSPECT THAT THE GOVERNOR AND LEGISLATURE WILL REACH A COMPROMISE IN TIME TO ADOPT A MAP. THAT'S IN PLAINTIFFS' PETITION, PARAGRAPH 29. IN LIGHT OF LOUISIANA'S LIKELY IMPASSE, THE COURT MUST INTERVENE. THAT'S PETITION -- PLAINTIFFS' PETITION AT PARAGRAPH 32. IF USED AT ANY FUTURE ELECTIONS THEN THE CURRENT MAP WOULD UNCONSTITUTIONALLY DILUTE THE STRENGTH OF PLAINTIFFS' VOTES. THAT'S PLAINTIFFS' PETITION AT 25. STAYING WITH REGARD TO INTERVENORS; THERE IS NO REALISTIC CHANCE THAT POLITICAL BRANCHES WILL ENACT NEW CONSTITUTIONALLY VALID DISTRICTS IN TIME FOR THE ELECTION.' THAT'S INTERVENORS PETITION 4. THE LEGISLATIVE PROCESS APPEARS INCAPABLE OF BUILDING A NEW CONGRESSIONAL REDISTRICTING PLAN. INTERVENORS ALLEGE A POLITICAL IMPASSE; THAT'S PARAGRAPH 35. SAME WITH REGARD TO N.A.A.C.P.: PLAINTIFFS' ALLEGE NO REASONABLE LIKELIHOOD; THAT'S AT PARAGRAPH 60. LEGISLATURE APPEARS TO HAVE NO ABILITY TO OVERRIDE. THAT'S AT PARAGRAPH -- THAT'S AT THE MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AT NUMBER -- AT PARAGRAPH 4. I COULD GO ON AND ON. IT'S ALL SPECULATIVE. IT'S NOT -- IT'S THE FUTURE POSSIBILITY OF HARM. AND SO FOR THAT REASON THEY LACK STANDING,

THEY LACK THE RIGHT OF ACTION TO BRING THE CLAIM AND THE PEREMPTORY EXCEPTION SHOULD BE SUSTAINED, AND AUTHORITY FOR THAT IS THE HAYNES CASE. PLAINTIFFS' AND INTERVENORS HAVE NOT ASSERTED CLAIMS GROUNDED ON HYPOTHETICAL AND SPECULATIVE GUESSES ABOUT THE POTENTIAL OF FUTURE HARM. SHOULD LOUISIANA'S POLITICAL BRANCHES OF GOVERNMENT FAIL TO COMPLETE THE REDISTRICTING PROCESS IN TIME FOR THE NOVEMBER 8 CONGRESSIONAL OPEN PRIMARY ELECTION, THOSE CLAIM ARE UNRIPE FOR THE REASONS STATED. FURTHER, THEY -- I'M JUST GOING TO SAY, YOU KNOW, WITH REGARD TO THE SECRETARY OF STATE, THEY DON'T ALLEGE ANY HARM THAT THE SECRETARY OF STATE HAS CAUSED THEM AND THAT FURTHER SUPPORTS THE NO RIGHT. LET ME JUST LOOK THROUGH MY NOTES AND MAKE SURE I DIDN'T MISS ANYTHING ON THAT. SECRETARY OF STATE DOESN'T HAVE THE POWER TO CHANGE THE LAWS, DOESN'T ADOPT THE LAWS, AND SO THEY'RE NOT THE ONES -- HE'S NOT THE ONE, RATHER, HARMING, IF THERE IS HARM -- THE PLAINTIFFS' AND INTERVENORS. AND IN ADDITION, YOU KNOW, WE'VE RAISED THE ISSUE WITH REGARD TO THE ASSOCIATIONAL STANDING OF THEIR NOT INDIVIDUAL REGISTERED VOTERS AND SO THOSE ARE THE BASIS FOR THE NO RIGHT, YOUR HONOR.

### THE COURT:

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AND LET ME ASK YOU THIS, MS. FREEL, WHAT VOTER WOULD LACK IN THIS STATE? THE ONLY PERSON I CAN SEE NOT HAVING ANY INTEREST IS MAYBE A NON-REGISTERED VOTER. HOW DOES A VOTER NOT HAVE AN INTEREST IN HIS OR HER CONGRESSIONAL ELECTION?

## MS. FREEL:

WELL, THEY DO ONCE THE DISTRICTS ARE DRAWN AND THE -- THE ELECTION IS HELD.

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ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

THE COURT:

BUT NOT BEFORE.

MS. FREEL:

NO, NOT UNDER THIS SCENARIO, YOUR HONOR. NOT THIS SCENARIO WITH THE LEGISLATURE IS IN THE SS OF CRAFTING A CONGRESSIONAL REAPPORTIONMENT

THE COURT:

VERY WELL. WHAT ELSE, MS. FREEL, THAT YOU WANTED DO YOU WANT A MOMENT TO CONFER?

MS. FREEL:

YES, IF YOU DON'T MIND THAT WOULD BE HELPFUL. YOU.

THE COURT:

OKAY, LET'S PAUSE FOR A MINUTE TO GIVE COUNSEL FOR EFENDANT AN OPPORTUNITY TO CONFER WITH MEMBERS OF EAM. WE WILL BE OFF RECORD FOR A FEW MOMENTS.

REPORTER'S NOTE:

THE HEARING WAS AT RECESS FOR APPROXIMATELY FIVE ES.

THE COURT:

ALL RIGHT, LET'S GO BACK ON THE RECORD HERE. GO, MS. FREEL.

## IS. FREEL:

YOUR HONOR, WITH REGARD TO THE NO RIGHT, JUST TO FRATE THAT FURTHER, IN A CAR WRECK FOR EXAMPLE, ON'T HAVE A RIGHT TO SUE BEFORE THE CAR HITS YOU. ST DON'T BELIEVE THERE IS A RIGHT OF ACTION HERE. VANTED TO CONFIRM WITH THE COURT THAT YOU DID THE IN-GLOBO EXHIBIT A WHICH WAS THE REQUEST FOR AL NOTICE FOR PURPOSES OF CONSIDERATION IN THESE EXCEPTIONS.

BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 THE COURT: 2 I DID ALLOW THE ADMISSIBILITY OF THE EXHIBIT. 3 MS. FREEL: 4 THANK YOU. 5 THE COURT: 6 I HAD INDICATED THAT AS TO NO CAUSE OF ACTION, 7 UNLESS YOU CAN SHOW ME SOME EXCEPTION, I AM NOT 8 ADMITTING EVIDENCE ON THAT. 9 MS. FREEL: 10 OKAY. 11 THE COURT: 12 ON THE NO CAUSE OF ACTION. WE'RE LIMITED TO THE 13 PLEADINGS ON THAT UNLESS THERE IS SOME EXCEPTION THAT 14 YOU WANT TO POINT OUT. 15 MS. FREEL: 16 EXCEPT YOU CAN CONSIDER THE LAWS, YOU DON'T HAVE TO ACCEPT THE CONCLUSIONS OF LAW, YOUR HONOR. 17 18 THE COURT: 19 SO NOTED. 20 MS. FREEL: 21 THANK YOU. 22 THE COURT: 23 VERY WELL. WELL, YOU -- IS THAT EVERYTHING THAT 24 DEFENSE WANTED TO ARGUE AT THIS POINT -- OR YOU WANT TO 25 JUST --26 MS. FREEL: 27 YES, YOUR HONOR. 28 THE COURT: 29 OKAY. LET ME ASK THE PLAINTIFF AND INTERVENOR TO 30 RESPOND TO WHAT THE ARGUMENTS ARE THAT I HAVE JUST 31 LISTENED TO ON THE NO CAUSE AND NO RIGHT, OR IF YOU'VE 32 ALREADY ARGUED A PERSPECTIVE THEN WE'LL GO TO THE NO

19th JUDICIAL DISTRICT COURT

RIGHT OF ACTION.

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### MS. KAHANA:

THANK YOU, YOUR HONOR, I'LL JUST BRIEFLY RESPOND TO THE POINTS THAT COUNSEL JUST RAISED. AGAIN, THIS IS ABAH KAHANA FOR THE BULLMAN PLAINTIFFS. THE COUNSEL --COUNSEL FOR THE SECRETARY JUST READ A BUNCH OF ALLEGATIONS IN THE VARIOUS PLEADINGS ABOUT THE LIKELIHOOD OF WHETHER OR NOT THE LEGISLATURE AND THE GOVERNOR WILL BE ABLE TO COME TO SOME POLITICAL RESOLUTION. AND THERE MAY BE SOME REASONABLE DEBATE ABOUT THE LIKELIHOOD OF A LEGISLATIVE RESOLUTION IN THE FUTURE. WILL THE GOVERNOR AGREE ON A MAP WITH THE LEGISLATURE? WILL THE GOVERNOR -- WILL THE LEGISLATURE BE ABLE TO OVERRIDE A VETO? THESE ARE, WE BELIEVE, ARE HIGHLY UNLIKELY. THE SECRETARY MAY OR MAY NOT BELIEVE THAT, THAT IS MORE LIKELY, AND ALL OF THAT QUESTION OF WHAT MAY OR MIGHT HAPPEN IN THE FUTURE HAS NOTHING TO DO WITH WHAT HAS HAPPENED ALREADY WHICH IS THAT WE ARE AT AN IMPASSE. THERE HAS BEEN A MAP PASSED, THERE HAS BEEN A VETO, THERE HAS BEEN NO AGREEMENT, AND WE ARE CURRENTLY IN A DEADLOCK. SO THAT IS EXACTLY WHAT WE ALLEGED AND THAT IS WHERE WE STAND RIGHT NOW -- THAT IS -- THAT IS REASON -- THAT GOES INTO WHY WE HAVE STANDING, OBVIOUSLY, ON RIPENESS GROUNDS. THE SUPREME COURT HAS MADE VERY CLEAR THAT THE PEOPLE WHO HAVE STANDING TO CHALLENGE MALAPPORTIONMENT CLAIMS ARE THOSE VOTERS IN OVERPOPULATED DISTRICTS. THE SECRETARY DOES NOT -- DOES NOT DISAGREE THAT OUR VOTERS RESIDE IN OVERPOPULATED DISTRICTS AND THERE IS REALLY -- THERE'S REALLY NOBODY ELSE WHO WOULD HAVE STANDING HERE, YOUR HONOR, OTHER THAN THE PARTIES THAT ARE CURRENTLY BEFORE YOUR AND WHOSE RIGHT TO VOTE IN LAWFUL -- THEIR

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DISTRICTS ARE THE ONES AT JEOPARDY IF THE COURT WERE TO WAIT ANY LONGER. THE QUESTION OF WHEN IS IT -- WHEN IS IT -- THE QUESTION I THINK THAT IS PRIMARILY RAISED BY THE SECRETARY'S ARGUMENT IS, WHEN IS THIS RIGHT? AND COUNSEL JUST MADE AN ANALOGY TO WHEN IN A CAR ACCIDENT, NOT TO GET HIT BY THE CAR, I BELIEVE SHE SAID, BEFORE YOU CAN BRING ANY CLAIM. THERE IS A SERIOUS PROBLEM WITH THAT ANALOGY. AND THAT IS THAT THE -- IN A CAR ACCIDENT YOU CAN'T SPECULATE ABOUT WHETHER THERE IS GOING TO BE AN INJURY BEFORE THERE IS AN INJURY AND ANY -- ANY -- ANY CLAIM ABOUT ANY -- ANY REDRESS TO THAT HAS TO BE RETROSPECTIVE. IT HAS TO BE DAMAGES OR WHATEVER ELSE HAS TO HAPPEN. PLAINTIFFS HAVE SAID TIME AND AGAIN IN THE ELECTION CONTEXT YOU DO NOT HAVE TO WAIT FOR AN UNCONSTITUTIONAL ELECTION TO TAKE PLACE TO MAKE SURE THAT THE PLAINTIFFS ARE IN FACT INJURED BECAUSE AT THAT POINT THERE IS NOTHING YOU CAN DO TO REDRESS IT. WHEN AN ELECTION HAS HAPPENED THE INJURY HAS OCCURRED AND THE INJURY IS NOT FIXABLE. THERE IS NO AMOUNT OF MONEY YOU CAN PAY TO VOTERS TO SAY, OH, SORRY, YOU HAD AN UNLAWFUL ELECTION. HERE SOME -- SOME -- YOU KNOW -- SOME SUM THAT, THAT'S GOING TO HELP YOU. THERE IS NO DAMAGES. THERE IS NO REDO. ONCE THE CONSTITUTIONAL RIGHTS OF PLAINTIFFS HAVE BEEN INJURED IN AN ELECTION THAT IS WHEN IT IS ALREADY TOO LATE TO DO ANYTHING. SO THE IDEA THAT, BY THE SECRETARY'S FORMULATION THAT THERE IS REALLY NO INJURY UNTIL NOVEMBER 9TH, THAT JUST CANNOT BE TRUE. THAT CANNOT BE TRUE THAT THE SECRETARY WOULD BE BASICALLY, HAVE THE ENTIRE STATE VOTE UNDER UNLAWFUL MAPS JUST BECAUSE THERE IS NO PROOF THAT THE INJURY WILL BE -- WILL HAPPEN UNTIL THEN. I ALSO AM NOT ENTIRELY SURE -- TO

### **19th JUDICIAL DISTRICT COURT**

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THE EXTENT THAT THE SECRETARY IS SAYING THAT IT'S REALLY UP TO THE LEGISLATURE TO DECIDE WHEN THERE IS AN IMPASSE WHEN -- WHEN IT IS TIME, I'M NOT REALLY SURE WHAT THAT DEADLINE WOULD BE BECAUSE THE LEGISLATURE COULD ALWAYS RECONVENE AND TRY TO PASS MORE MAPS -- AND TRY TO PASS MORE MAPS. AND SO THE SECRETARY'S ARGUMENT IS UNTIL THE LEGISLATURE HAS DECIDED THAT IT'S GOING TO TRY TO STOP TRYING, EVEN IF THAT HAPPENS ONE DAY BEFORE THE ELECTION, THIS COURT CAN'T DO ANYTHING, THERE IS JUST NO SUPPORT FOR THAT, YOUR HONOR, AND I'M NOT ENTIRELY SURE HOW THE SECRETARY WOULD DISTINGUISH ANY OF THE OTHER MALAPPORTIONMENT CASES THAT HAVE HAPPENED, NOT OF JUST THIS CYCLE BUT IN -- BUT IN MULTIPLE CYCLES BEFORE THIS IN STATES ACROSS THE COUNTRY WHERE COURTS HAVE TAKEN UP REDISTRICTING WELL BEFORE THE ELECTION TO -- TO MAKE SURE THAT THERE IS NO CONSTITUTIONAL --UNCONSTITUTIONAL ELECTION HELD. LAST, YOUR HONOR, I BELIEVE THAT HONESTLY, THE BULK OF THE ARGUMENTS RAISED BY THE SECRETARY SEEM TO GO TO THE SCHEDULE. I KNOW THERE WAS AN OBJECTION TO ONE INTERVENORS PROPOSED SCHEDULE. AS YOUR HONOR KNOWS WE HAVE NOW -- THE PLAINTIFFS -- THE PLAINTIFFS AND INTERVENORS TOGETHER -- COLLECTIVELY HAVE PROPOSED A SCHEDULE FOR THE COURT'S CONSIDERATION. TO THE EXTENT THAT THE SECRETARY HAS COMPLAINTS ABOUT THE SCHEDULE, I THINK THAT, THAT IS SOMETHING THAT THE SECRETARY HAS EVERY REASON TO PUT ON THE RECORD AND MAKE AN ARGUMENT ABOUT. BUT WHETHER OR NOT THE SCHEDULE SHOULD BE WHAT THIS STAGE OR ANOTHER DATE HAS NOTHING TO DO WITH WHETHER OR NOT THIS COURT SHOULD ACCEPT JURISDICTION. AND -- AND THAT, I THINK, IS -- IS IMPORTANT TO NOTE THAT -- THE QUESTION IS NOT BEFORE THE COURT TODAY -- IT'S NOT

# 19th JUDICIAL DISTRICT COURT

NECESSARILY -- YOU KNOW -- WHEN DOES THE MAP HAVE TO BE THE MAP THAT GOES IN PLACE? IT REALLY IS THAT WHETHER OR NOT THIS COURT SHOULD TAKE UP THE PROCESS IN THE FIRST PLACE.

THE COURT:

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MR. NAFI:

THANK YOU, YOUR HONOR, STUART NAFI FOR THE N.A.A.C.P. PLAINTIFFS'. I WILL NOT REPEAT ANYTHING THAT MS. KAHANA SAID. WE ADOPT HER ARGUMENTS WITH RESPECT TO OUR INDIVIDUAL PLAINTIFFS. I DID WANT TO ADDRESS THE ARGUMENT ABOUT ASSOCIATIONAL STANDING. THE SECRETARY'S ARGUMENT THAT THE N.A.A.C.P. AND POWER COALITION LACK ASSOCIATIONAL STANDINGS SEEM TO BE BASED ON A MISUNDERSTANDING OF HOW ASSOCIATIONAL STANDING WORKS. THE ORGANIZATIONS THAT HAVE MEMBERS WHO ARE INJURED DO NOT THEMSELVES DO NOT HAVE TO HAVE A RIGHT TO VOTE. IT IS BECAUSE THEIR MEMBERS HAVE A RIGHT TO VOTE THAT THE ORGANIZATIONS CAN ASSERT STANDINGS ON BEHALF OF THEIR MEMBERS. THERE IS NO QUESTION THAT THE MEMBERS ARE IN THE SAME SITUATION; THE N.A.A.C.P. MEMBERS ARE IN THE SAME SITUATION AS ANY OTHER VOTER RESIDING IN A MALAPPORTIONED DISTRICT. THEY HAVE A RIGHT TO VOTE, IT IS BEING DILUTED AND THEY ARE INJURED. THAT STANDING CAN BE ASSERTED BY THE ORGANIZATIONAL PLAINTIFFS BECAUSE THOSE MEMBERS ASSOCIATE WITH THESE ORGANIZATIONS FOR THE PURPOSE OF VINDICATING THOSE RIGHTS FOR -- FOR PURPOSES RELEVANT TO THOSE RIGHTS. AND THERE IS NO REASON WHY ANY INDIVIDUAL VOTER NEEDS TO BE INVOLVED IN THIS LITIGATION. SO THOSE ARE THE THREE ELEMENTS; THAT THOSE INDIVIDUALS WOULD HAVE STANDING, THAT THEY'VE

ASSOCIATED THEMSELVES WITH THE ORGANIZATION FOR REASONS PERTINENT TO THAT STANDING AND THAT INDIVIDUALS DO NOT NEED TO BE INVOLVED IN THE LITIGATION. AND ALL THREE OF THOSE ARE MET HERE AND THE ORGANIZATIONS ALSO HAVE STANDING AS WELL AS THE INDIVIDUALS.

THE COURT:

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MR. HIRSCH:

YOUR HONOR, SAM HIRSCH, FOR THE MATH AND SCIENCE INTERVENORS. WE ARE HAPPY TO REST ON THE PAPERS AND THE ARGUMENTS MADE TODAY. THANK YOU.

## THE COURT:

NOTED. ANYTHING ELSE ON BEHALF OF THE DEFENSE AT THIS JUNCTURE.

MS. FREEL:

NO, YOUR HONOR.

## THE WITNESS:

VERY WELL. LET ME HEAR THE PLEADINGS THAT ARE ASSERTED TODAY ON BEHALF OF THE PETITIONERS. WHAT --WHAT DO YOU MOTION AND WHAT MOTIONS HAVE YOU FILED THAT YOU WANT TO HAVE HEARD THIS AFTERNOON?

## MS. KAHANA:

YOUR HONOR, THIS IS ABAH KAHANA ON BEHALF OF THE BULLMAN PLAINTIFFS. I BELIEVE THE ONLY MOTION THAT WE HAVE FILED IS THE PROPOSED SCHEDULING ORDER ENCOURAGING THE COURT'S ADOPTION. I BELIEVE THAT YOUR HONOR HAD REQUESTED THAT WE SUBMIT BY TODAY A PROPOSED SCHEDULE FOR YOUR CONSIDERATION. AND SO, I HAVE -- WE HAVE DATES AND DEADLINES THAT WE ARE HAPPY TO DISCUSS THEM IF YOUR HONOR HAS ANY QUESTIONS.

## THE COURT:

HAVE YOU FILED THAT OR WHAT HAVE YOU DONE WITH

THAT?

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### MS. KAHANA:

WE HAVE FILED THAT, YOUR HONOR. WE HAVE CONFERRED WITH ALL COUNSEL, AND THE PLAINTIFF COUNSEL FOR THE BULLMAN PLAINTIFFS, THE N.A.A.C.P. PLAINTIFFS' AND THE MATH/SCIENCE INTERVENORS HAVE ALL AGREED UPON A PROPOSED SCHEDULE. IT HAS BEEN PROPOSED TO THE SECRETARY'S COUNSEL AND WE HAVE NOT GOTTEN A RESPONSE AND I BELIEVE THAT WE HAVE FILED IT THIS MORNING FOR THE COURT'S CONSIDERATION. 2.

### THE COURT:

VERY WELL.

MR. NAFI:

YOUR HONOR, THE N.A.A.C.P. PLAINTIFFS PREVIOUSLY FILED A MOTION FOR PRELIMINARY INJUNCTION AND WE HAVE WITHDRAWN THAT MOTION AND SO WE DO NOT ASK THE COURT TO CONSIDER THAT MOTION TODAY.

THE COURT:

I DID SEE THE MOTION REQUESTING WITHDRAWAL. I DON'T REMEMBER IF IT HAD AN ORDER ATTACHED. CAN YOU BRING ME UP TO SPEED ON THAT?

MR. NAFI:

YES, JUDGE, I THINK THAT'S CORRECT. I THINK WE MADE THE MISTAKE OF OMITTING THE ORDER BUT THEN WE FOLLOWED UP AND FILED AN ORDER HOURS OR A DAY LATER WHEN WE REALIZED THAT WE HAD OMITTED IT. APOLOGIES. WE'D BE HAPPY TO SEND THAT ORDER AGAIN TO YOUR LAW CLERK WITHDRAWING THE MOTION.

THE COURT:

YEAH, I WOULD NEED AN ORDER TO -- I DON'T KNOW IF -- I WOULD PREFER A FORMAL ORDER ON IT; OKAY? MR. NAFI:

SURE.

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#### MR. HIRSCH:

YOUR HONOR, SAM HIRSCH, ON BEHALF OF THE MATH AND SCIENCE INTERVENORS. WE -- WE HAVE NO PENDING MOTIONS OTHER FOR THE JOINT MOTION FOR RESCHEDULE THAT MS. KAHANA DESCRIBED.

THE COURT:

VERY WELL.

MS. FREEL:

YOUR HONOR, CAN I JUST ADDRESS THE MOTION? APPARENTLY IT WAS CIRCULATED TO US AT 12:48 P.M. TODAY. I WAS ALREADY IN THE BUILDING HERE AND SO I DIDN'T SEE IT. WE WOULD OBJECT. WE WOULD REQUEST A STAY IF THE EXCEPTIONS ARE DENIED. BUT JUST TO ILLUSTRATE SOME OF THE ISSUES FOR EXAMPLE, WE RAISED IN THE NO CAUSE THAT THERE WAS NO ILLUSTRATIVE PLAN ATTACHED TO THE N.A.A.C.P. PETITION THAT ALLEGES SECTION II CLAIM WHICH -- YOU KNOW -- FRANKLY, IS IN MY OPINION, IS A PLEADING DEFICIENCY BUT REGARDLESS, WE DON'T HAVE A PLAN THAT THEY'RE PROPOSING TO EVALUATE. THEY'RE ASKING FOR EXPERT REPORTS. THE PLAINTIFFS AND DEFENDANTS TO BE DUE THE SAME DAY, THAT'S NOT REASONABLE BECAUSE IT WOULD BE THEIR BURDEN UNDER A SECTION II CLAIM TO SATISFY THE (INAUDIBLE) PRE-CONDITIONS. WE WOULD NEED TO BE ABLE TO EVALUATE EVERYTHING THAT THEIR EXPERTS PRESENT FORWARD SO IT'S -- JUST ON IT'S FACE, THE DEADLINES ARE NOT EVEN REASONABLE. BUT WE WOULD REQUEST A STAY REGARDLESS UNTIL SUCH TIME AS OUR EXCEPTIONS ARE REVIEWED BY THE APPELLATE COURT, AND THE LEGISLATURE IS OUT OF THEIR SESSIONS, AND THE TIMELINE FOR THE OVERRIDE HAD PASSED.

MR. HIRSCH:

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BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

YOUR HONOR, MAY I RESPOND ON BEHALF OF THE MATH/SCIENCE INTERVENORS?

### THE COURT:

YOU MAY.

# MR. HIRSCH:

I THINK THAT THERE IS A MISCONCEPTION IN -- IN WHAT DEFENSE COUNSEL JUST SAID. THIS IS NOT THE CASE TO MY KNOWLEDGE WHERE ANYONE HAS BROUGHT A VOTING RIGHTS ACT TO CLAIM AT THIS POINT. WHAT WE'VE BROUGHT ARE MALAPPORTIONMENT CLAIMS SAYING WE HAVE TO REPLACE THE 2011 MAP WITH A PROPERLY APPORTIONED MAP, AND A LAWFUL PROPERLY APPORTIONED MAP, AND THAT MAY IMPLICATE ISSUES UNDER THE VOTING RIGHTS ACT. BUT -- BUT THE CHALLENGE HERE IS THE MALAPPORTIONMENT CLAIM AND A CLAIM LIKE THAT AND THE ORDINARY COURSE IS FOR ALL PARTIES TO PUT THEIR PROPOSED MAPS IN FRONT OF THE COURT AT THE SAME TIME AND EXPLAIN THROUGH MEMORANDA OF LAW AND EXPERT REPORT WHY IT'S A GOOD MAP. AND THEN, IN A LATER ROUND OF BRIEFING, EXPLAIN WHY HAVING SEEN THE OTHER MAPS SUBMITTED THEY STILL BELIEVE THEIR MAP IS STILL THE BEST AND WHY AND THEN A ROUND OF REPLY BRIEFS AND REPORTS SIMILAR. AND SO, SIMULTANEOUS BRIEFING IS THE NORM IN THIS KIND OR IMPASSE, MALAPPORTIONMENT SUIT UNLIKE A STRAIGHT UP VOTING RIGHTS ACT CHALLENGE TO A CURRENTLY EXISTING, PROPERLY APPORTIONED MAP.

THE COURT:

VERY WELL.

MS. KAHANA:

YOUR HONOR, ABAH KAHANA, ON BEHALF OF THE BULLMAN PLAINTIFFS, I JUST WOULD LIKE TO FOLLOW UP. JUST TO CLARIFY, I KNOW THAT THE MOTION ITSELF WAS NOT FILED
UNTIL THIS MORNING BUT WE DID EMAIL COUNSEL FOR THE SECRETARY, I BELIEVE IT WAS AT 10:30 A.M. YESTERDAY, CENTRAL TIME. SO THE PROPOSED CALENDAR WAS BEFORE THAT, AND AS WE REFLECTED IN OUR MOTION WE HAD NOT GOTTEN A POSITION ON THEM. AND TO THE EXTENT THAT THE SECRETARY WOULD LIKE TO ARGUE WHETHER OR NOT THAT THOSE ARE THE RIGHT DATES AND DEADLINES, WE WOULD BE HAPPY TO BRIEF THAT FURTHER. WE JUST WANTED TO MAKE SURE THAT THIS COURT WAS AWARE OF THAT. ALSO, I KNOW THAT THE SECRETARY HAS FILED A CONTINGENT MOTION FOR STAY LAST NIGHT. AND I AM NOT -- I GUESS THAT I WOULD JUST REQUEST, YOUR HONOR, THAT BEFORE ANY RULING ON A MOTION TO STAY THAT WE GET A CHANCE TO ACTUALLY -- TO BRIEF THAT SO WE CAN MAKE SURE THAT WE HAVE A RIGHT TO BE HEARD ON THAT. WE ARE NOT PREPARED TO BRIEF IT SINCE, OBVIOUSLY, IT'S CONTINGENT ON SOME OF THE OTHER THINGS THAT HAPPENED THIS MORNING.

#### MR. NAFI:

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AND YOUR HONOR, THIS IS STUART NAFI, FOR THE N.A.A.C.P. PLAINTIFFS. I THINK THAT THERE IS SOME CONFUSION ON THE DEFENDANTS PART OVER WHAT THE CLAIMS ACTUALLY ARE. THERE IS NO VOTING RIGHTS ACT CLAIM AS MR. HIRSCH STATED. I THINK IT WAS OUR COMPLAINT THAT RAISED THE ISSUE OF THE NEED FOR SECTION II COMPLIANCE IN ANY MAP THAT IS OFFERED TO REMEDY MALAPPORTIONMENT. BUT THERE IS NO INDEPENDENT SECTION II VOTING RIGHTS ACT CLAIM.

#### THE COURT:

NOTED.

#### MS. FREEL:

YOUR HONOR -- CAN I ADDRESS, YOUR HONOR? THE COURT:

YOU MAY.

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MS. FREEL:

SO, IN LOUISIANA WE HAVE FACT PLEADING AND THEY HAVE A LOT OF FACTS WHERE THEY ARE ALLEGING A VIOLATION OF SECTION II OF THE VOTING RIGHTS ACT. THEY'RE REPRESENTING TODAY THAT THEY'RE NOT HAVING THAT CLAIM THEN I'D LIKE THAT ON THE RECORD BECAUSE IF NOT -- IF THEY ARE THE SUPREME COURT PRE CURIUM OPINION CAME OUT THIS WEEK THAT SAID IF YOU'RE GOING TO RAISE THAT SOMETHING VIOLATES SECTION II THEN YOU HAVE TO COMPLY WITH THAT AREA OF THE LAW AS TO WHAT ALL -- WHAT IT NECESSITATES. YOU CAN'T JUST GO FORWARD WITHOUT ANY EVIDENCE. SO IF THEY ARE REPRESENTING TODAY THAT THERE IS NO SECTION II VOTING RIGHTS ACT CLAIM, THEN I WOULD LIKE THAT ON THE RECORD. BECAUSE IN LOUISIANA IT'S FACT PLEADING AND SO ANY RELIEF THAT YOU CAN OBTAIN UNDER THOSE FACTS YOU CAN GET REGARDLESS OF WHETHER OR NOT YOU ASK SPECIFICALLY FOR IT.

#### MR. HIRSCH:

YOUR HONOR, AGAIN, FOR THE MATH/SCIENCE INTERVENORS. AND AGAIN, NONE OF US HAVE BROUGHT A VOTING RIGHTS ACT CLAIM AGAINST THE 2011 MAP. WE HAVE BROUGHT A MALAPPORTIONMENT CONSTITUTIONAL CLAIM AGAINST THAT MAP. WE HAVE ALSO ASKED THE COURT TO EVENTUALLY TO ORDER INTO EFFECT A NEW MAP BASED ON THE NEW CENSUS AND OBVIOUSLY THAT MAP WILL NEED TO COMPLY WITH ALL STATE AND FEDERAL LAW INCLUDING THE VOTING RIGHTS ACT. SO EVENTUALLY, WE WILL LIKELY HAVE A COMPREHENSIVE DISCUSSION ABOUT WHAT IT MEANS TO COMPLY WITH THE VOTING RIGHTS ACT ON A -- ON A PROPERLY APPORTIONED MAP BUT THAT'S NOT THE CLAIM BEING BROUGHT HERE.

MS. FREEL:

YOUR HONOR, THEIR PRAYER FOR RELIEF, AND THIS IS THE N.A.A.C.P. PETITION, TALKS ABOUT COMPLIANCE WITH SECTION II OF THE VOTING RIGHTS ACT. SO I JUST WANT --I THINK THAT IF THEY'RE REPRESENTING THAT THEY DON'T HAVE A SECTION II CLAIM, THEN I JUST WANT IT TO BE CLEAR THAT, THAT'S WHAT THEY'RE REPRESENTING AND IT'S ON THE RECORD TODAY.

#### THE COURT:

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TO THE EXTENT, AND I DON'T WISH TO SPEAK FOR ANY PARTY, I -- IT'S MY IMPRESSION FROM READING IT WITH THEM, THERE IS NO ALLEGATION THAT THE -- THAT THE DEFENDANT IS DEFENDING FOR VIOLATION -- FOR AN ALLEGED VIOLATION OF SECTION II OF THE VOTING RIGHTS ACT.

## MR. NAFI:

YOUR HONOR, THIS IS STUART NAFI FOR THE N.A.A.C.P. PLAINTIFFS'. THAT IS CORRECT. ANY -- YOU KNOW -- AS MR. HIRSCH EXPLAINED, AND I THINK AS IS CLEAR FROM OUR PLEADING, THE VOTING RIGHTS ACT IS IMPLICATED BECAUSE ANY MAP THAT IS ADOPTED BY THE COURT WOULD HAVE TO COMPLY WITH THE VOTING RIGHTS ACT. WE HAVE NOT BROUGHT A VOTING RIGHTS ACT CHALLENGE TO A MAP BECAUSE THERE IS NO MAP. THAT'S WHY WE ARE HERE. THERE IS NO MAP TO CHALLENGE. WE ARE ASKING THE COURT TO IMPOSE A MAP AND WE ARE ASKING THE COURT THAT WHEN IT DOES SO IT CONSIDER THAT WHETHER THE MAP THAT IT IMPOSES COMPLIES WITH THE VOTING RIGHTS ACT.

#### THE COURT:

VERY WELL, OFFICERS. VERY WELL. OKAY. IT -- TO EACH -- THE PARTIES SUBMIT TO ME, I BELIEVE I HAD REQUESTED IN THE STATUS CONFERENCE THAT YOU PRE-FILE OR PRE-SEND TO THE JURIDICAL CLERK, YOUR PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW ON THE PLEADINGS THAT WERE

BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837 1 -- AND THE DEFENSES THAT WERE ASSERTED; HAVE YOU DONE 2 THAT, MS. FREEL? 3 MS. FREEL: 4 YES, YOUR HONOR. 5 THE COURT: 6 AND THAT WAS SENT TO --7 MS. FREEL: 8 MR. KING. 9 THE COURT: MR. KING -- AND YOU COPIED THE OPPONENT? 10 11 MS. FREEL: 12 YES, YOUR HONOR, AND IT WAS SENT PROBABLY AROUND 13 NOON TODAY. AND I JUST WANT TO THANK MR. KING. HE HAS 14 HAD A LOT OF PAPER GO TO HIM THIS WEEK AND I KNOW IT'S 15 PROBABLY A STRAIN SO I APPRECIATE ALL OF HIS WORK ON 16 THIS CASE AND YOURS. 17 THE COURT: 18 HE IS LISTENING IN CHAMBERS SO HE -- I WOULD -- I 19 WILL ACKNOWLEDGE HIS EFFORTS TOO TO TRY TO KEEP UP WITH 20 THE VARIOUS -- THE PROPOSALS THAT ARE COMING IN. LET ME SHIFT TO THE PLAINTIFFS. PLAINTIFFS, DID YOU 21 22 LIKEWISE SEND IN ALONG WITH THE INTERVENOR YOUR 23 PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DEFENSE EXCEPTIONS, AND YOUR PLEADINGS ALSO? 24 25 MS. KAHANA: 26 YOUR HONOR, YES, FOR THE BULLMAN PLAINTIFFS, WE 27 DID SEND IN PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW, AND A JUDGMENT, ALL IN WORD FORMAT AS YOUR HONOR 28 29 REQUESTED.

THE COURT:

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VERY GOOD, INTERVENOR?

**19th JUDICIAL DISTRICT COURT** 

MR. HIRSCH:

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BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

WE DID, YOUR HONOR.

MR. NAFI:

AND THE N.A.A.C.P. PLAINTIFFS ALSO HAVE SUBMITTED OUR PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT.

THE COURT:

VERY WELL. LET ME ASK, WHEN WOULD YOU LIKE A JUDGMENT, MS. FREEL? I KNOW YOU WANT ONE AS SOON AS POSSIBLE BUT I'VE GOT TO READ THE PROPOSALS BUT --MAYBE I CAN DO THAT THIS WEEKEND.

MS. FREEL:

OKAY. AS SOON AS POSSIBLE, YOUR HONOR, AND WE ACTUALLY HAVE COPIES OF OUR PROPOSED JUDGMENT. AND THE WAY WE DID IT IS WE MADE IT TO WHERE YOU COULD EVEN CIRCLE OR AMEND OUT. WE HAVE BOTH OPTIONS GRANTED OR DENIED AND RENDERED IN FAVOR OF OR AGAINST. WE HAVE IT SO IT SHOULD BE RELATIVELY EASY IF YOU DECIDE TO USE THIS JUDGMENT.

THE COURT:

VERY WELL.

MS. FREEL:

AND IF YOU WANT COPIES NOW, WE WILL BE HAPPY TO PROVIDE YOU BUT THEY HAVE BEEN EMAILED TO MR. KING.

THE COURT:

BUT THAT'S A COURTESY FOR ME OR NOT?

MS. FREEL:

YES, YOUR HONOR.

THE COURT:

WHEN WILL YOU LIKELY WANT TO HAVE A TRANSCRIPT OF WHAT WE DID TODAY, MS. FREEL?

MS. FREEL:

I MEAN -- AS SOON AS WE CAN. WE'RE PREPARED IF WE

NEED TO TAKE A WRIT TO DO SO QUICKLY. WE WOULD NEED A MINUTE ENTRY AND IF WE COULD GET A TRANSCRIPT THAT WOULD BE GREAT BUT WE COULD FILE A WRIT PRETTY QUICKLY.

THE COURT:

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LET ME ASK THE STENOGRAPHER IF SHE IS WORKING THIS WEEKEND TO GET THAT OUT FOR YOU. I'M NOT MAKING HER WORK BUT LET ME JUST ASK HER.

**REPORTER'S NOTE:** 

WOULD YOU LIKE FOR ME TO HAVE THAT OUT BY MONDAY? THE COURT:

YES. THE TRANSCRIPT OF THE HEARING THIS AFTERNOON WILL BE AVAILABLE MONDAY.

MS. FREEL:

THANK YOU. THANK YOU FOR TAKING YOUR FREE TIME TO DO THAT.

#### THE COURT:

WHEN WOULD YOU LIKE A JUDGMENT ON THE PLEADINGS PLAINTIFFS'? WHAT IS REASONABLE IN TERMS FOR YOUR EXPECTATIONS ALSO?

#### MS. KAHANA:

YOUR HONOR, WE DEFER TO YOUR HONOR'S CALENDAR ABOUT WHEN IT IS APPROPRIATE TO PUT AN ORDER ON THE EXCEPTIONS, AS OF COURSE, WE BELIEVE THAT THEY SHOULD BE DENIED. AND WE BELIEVE THAT THE COURT SHOULD CONTINUE TO SET A SCHEDULE SO THAT THE PROCESS, THE GEARS CAN GET UNDERWAY TO GET THIS -- TO GET THIS DONE, AND SO. THE ONLY THING THAT WE BELIEVE THAT THEY'RE GOING TO -- THE CALENDAR TO GET THIS STUFF -- TO GET THIS CASE MOVING AND WHEN THE -- WHEN THE COURT WANTS TO RULE ON THE EXCEPTIONS IS ENTIRELY WITHIN THE --YOUR HONOR'S DISCRETION.

THE COURT:

WE HAVE A STATUS CONFERENCE FOR MONDAY AND IT IS SET FOR 9 A.M.?

MS. FREEL:

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YES, YOUR HONOR.

MR. HIRSCH:

ALL RIGHT, WE WILL MAINTAIN THE STATUS CONFERENCE FOR 9 A.M. ON MONDAY. I WILL RULE NEXT WEEK. I'M NOT CERTAIN WHICH DAY BUT YOU WILL HAVE A RULE NEXT WEEK --THE FIRST PART OF THE WEEK.

#### MS. FREEL:

THANK YOU.

#### MS. PECK:

YOUR HONOR, IF I MAY, CHRISTINA PECK. I'M HERE ON BEHALF OF THE INTERVENORS, CLAY SCHEXNAYDER IN HIS OFFICIAL CAPACITY AS THE SPEAKER OF THE HOUSE AND PATRICK HAYES CORTEZ. AND I KNOW YOU SPOKE ABOUT THE INTERVENTION BUT WITH THE COURT'S PERMISSION I WOULD LIKE TO BE ABLE TO PARTICIPATE IN THE STATUS CONFERENCE ON MONDAY IF THAT WOULD BE POSSIBLE.

#### THE COURT:

I INTEND TO SOLVE ON THE INTERVENTION THIS AFTERNOON SO YOU WILL BE A PARTY.

#### MS. PECK:

ALL RIGHT, THANK YOU, YOUR HONOR. AND I APPRECIATE YOU ALLOWING ME TO SIT AT THE COUNSEL TABLE EVEN THOUGH IT WAS NOT FORMALLY GRANTED. THANK YOU.

#### THE COURT:

LEAVE IS GRANTED. ANYTHING ELSE OFFICERS? ALL RIGHT WE WILL BE OFF --

MS. KAHANA:

YOUR HONOR --

THE COURT:

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ALL RIGHT, WAIT JUST A -- STAY ON RECORD, GO AHEAD.

#### MS. KAHANA:

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YOUR HONOR, WOULD YOU LIKE PLAINTIFFS TO BRIEF THE MOTION -- THE CONDITIONAL MOTION TO STAY NOW OR TO WAIT UNTIL THERE IS A RULING ON THE EXCEPTIONS.

## THE COURT:

WELL, I WOULD LIKE TO GO AHEAD AND HAVE THAT BRIEFED SO THAT I CAN -- WHY DON'T WE GO AHEAD AND SET THAT FOR MONDAY -- WHY DON'T I -- I MAY NOT RULE SO BY MONDAY. SO, BUT I NEED TO GIVE YOU A BRIEF -- SO WHEN CAN YOU HAVE YOUR BRIEF IN ON THAT?

#### MS. KAHANA:

I THINK WE CAN DO IT BY EARLY NEXT WEEK, YOUR HONOR.

#### THE COURT:

ALL RIGHT. LET ME GIVE YOU A --

MR. ADCOCK:

YOUR HONOR, THIS IS MR. ADCOCK FOR THE N.A.A.C.P. PLAINTIFFS. TUESDAY OR WEDNESDAY WOULD BE MUCH BETTER.

#### THE COURT:

I WAS THINKING WEDNESDAY.

#### MR. ADCOCK:

THAT'S FINE.

#### THE COURT:

ALL RIGHT. ON THE MOTION REQUESTING STAY, YOU WILL HAVE UNTIL WEDNESDAY. LET'S GET IT IN BY NOON, WEDNESDAY, BY NOON ON WHAT YOU WANT TO ASSERT AS TO WHETHER OR NOT IF THE RULING IS ADVERSE IN THE INTEREST OF THE SECRETARY OF STATE, WHETHER OR NOT I SHOULD OR SHOULD NOT DELAY THE EFFECT OF THE JUDGMENT, OR RULING. AND YOU'VE ALREADY BRIEFED YOUR MOTION TO STAY.

MS. FREEL:

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YES, YOUR HONOR.

THE COURT:

YEAH, OKAY.

MR. PAPILLION:

YOUR HONOR -- I'M SORRY, YOUR HONOR. DARRELL, PAPILLION, YOUR HONOR, ON BEHALF OF THE BULLMAN PLAINTIFFS. ONE ISSUE, YOUR HONOR, WE -- AS THE COURT DID AS WELL, RECEIVED JUST BEFORE THIS CONFERENCE, THE INTERVENTION BY THE MEMBERS OF THE LEGISLATURE AND WE -- WE HAVE BEEN REVIEWING THAT. ONE CONCERN, AT LEAST, YOUR HONOR IS THE PROVISIONS OF THE LAW THAT ALLOW LEGISLATORS TO HAVE THE ABILITY TO STAY PROCEEDINGS WHEN THE LEGISLATURE IS IN SESSION. AND OF COURSE THE LEGISLATURE IS IN SESSION. AND SO, YOUR HONOR, WHILE THE LAW ON INTERVENTION IS OF COURSE FRAUD WE WOULD LIKE AN OPPORTUNITY TO PERHAPS BRIEF THAT FOR THE COURT AND WE WOULD DO IT VERY QUICKLY. AND IT MAY BE THAT WE HAVE NO BASIS TO OBJECT BUT WE DIDN'T WANT TO WAIVE ANY RIGHT IN THAT REGARD, YOUR HONOR.

THE COURT:

SO IN ESSENCE WHAT YOU'RE SAYING IS IF THEY'RE A PARTY THEY CAN EXERCISE THAT STATUTORY PROVISION THAT SAYS THAT'S AUTOMATIC? I WOULD NEED A GOOD FAITH STATEMENT IF THAT'S THE CASE, IF THAT'S GOING TO HAPPEN OR NOT. I -- I -- CERTAINLY I DON'T THINK THE PARTIES ARE GOING TRY TO CIRCUMVENT AND FILE A PLEADING AND THEN TRY AND TAKE ADVANTAGE OF THE SITUATION HERE. I WOULDN'T SUPPOSE THAT, THAT'S GOING TO HAPPEN.

MR. PAPILLION:

MS. PECK -- I JUST DON'T -- WE JUST GOT IT, YOUR HONOR, SO WE DON'T KNOW.

#### MS. PECK:

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I DID PROVIDE IT AS SOON AS IT WAS FILED. I DIDN'T WAIT UNTIL THE FILED, STAMPED COPY RETURNED TO MY OFFICE. BUT -- YOU KNOW -- THAT IS NOT AN ISSUE THAT WE BROUGHT UP. IT'S MY UNDERSTAND UNDER THE INTERVENTION RULES YOU TAKE THE PLEADINGS AS AN INTERVENOR AS THEY ARE. SO WE HAVEN'T MAKE ANY ALLEGATION TO THAT --

#### THE COURT:

I UNDERSTAND, IT'S THE EFFECT OF IT -- IT'S THE EFFECT OF IT, IS WHAT WE'RE TALKING ABOUT. AND IF THAT'S GOING TO BE WHAT'S GOING TO COME I NEED TO KNOW. I'M NOT GOING TO ALLOW ANYBODY -- ANY PARTY TO BACK DOOR ME AND FILE A PLEADING AND THEN SOMEHOW SENTENTIOUSLY TRY TO TAKE ADVANTAGE OF A RULE OF LAW THAT YOU'RE EMPOWERED TO EXERCISE?WELL, I'M OFF RECORD

#### MS. PECK:

IT'S NOT OUR INTENTION TO TAKE ADVANTAGE OF THEM -- I'M SORRY, YOUR HONOR.

THE COURT:

-- WE ARE AT RECESS.

#### THE BAILIFF:

ALL RISE.

#### REPORTER'S NOTE:

THE COURT WAS AT RECESS FOR APPROXIMATELY FIVE MINUTES.

#### THE COURT:

THE COURT WILL COME TO ORDER. YOU MAY BE SEATED. THE COUNSEL FOR THE LEGISLATURE, WHETHER OR NOT SHE IS ANTICIPATED FILING A MOTION TO STAY, AND IN ACCORDANCE WITH THE STATUTORY PROVISION OF STATE LAW REGARDING THE

REPRESENTATION TO A POTENTIAL PARTY TO THIS LITIGATION, HAVE YOU DISCUSSED THAT WITH THE PARTIES YOU REPRESENT?

MS. PECK:

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YES, YOUR HONOR, AND IT IS NOT OUR INTENTION TO TAKE THE BENEFIT OF THE REVISIONS OF THAT LAW AND THEN REQUEST A STAY. WHAT WE WOULD ASK THE COURT IS THAT THE SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE NOT BE REQUIRED TO BE PRESENT AT ALL LEGAL PROCEEDINGS BECAUSE THAT WOULD IMPEDE NOT ONLY THE ABILITY OF THE LEGISLATIVE PROCESS ON THIS BILL BUT ON ALL BILLS. SO THEY -- THEY NEED TO BE PRESENT AT THE LEGISLATURE BUT I HAVE BEEN AUTHORIZED TO REPRESENT TO THIS COURT IN GOOD FAITH THAT WE DO NOT INTEND TO SEEK A STAY BECAUSE OF THEIR LEGISLATIVE BODY PROVISIONS THAT ALLOW THAT.

#### THE COURT:

LET ME ASK THE PLAINTIFFS AND INTERVENORS AS AN OFFICER TO RESPOND IN GOOD FAITH AS TO WHETHER OR NO THAT'S ACCEPTABLE IN ANTICIPATION OF ANY OBJECTION YOU WOULD HAVE TO ALLOW THE HONORABLE PRESIDENT OF THE SENATE AND PRESIDENT -- I'M NOT SURE IF IT'S PRESIDENT OR OF THE LEGISLATURE --

#### MS. PECK:

SPEAKER OF THE HOUSE AND THE PRESIDENT OF THE SENATE.

#### THE COURT:

SPEAKER -- SPEAKER OF THE HOUSE TO BECOME PARTIES. I WILL ALLOW YOU TO GO AHEAD AND BRIEF THE ISSUE IF YOU DESIRE OR OBJECT BUT YOU HAVE AN AFFIRMATIVE STATEMENT THAT THEY ARE NOT GOING TO CIRCUMVENT THE -- OUT OF GOOD FAITH AND -- AND USE THAT AS A TACTICAL MEASURE OR STRATEGY TO DEFEND THIS LITIGATION. SO WITH THAT IN

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MIND I'LL -- LET ME ASK FOR A STATEMENT FROM THE PARTY PLAINTIFF AND THE PARTY INTERVENORS.

#### MS. KAHANA:

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YOUR HONOR, ABAH KAHANA, FOR THE BULLMAN PLAINTIFFS. AS MR. PAPILLION MENTIONED, WE HAVE NOT RESEARCHED OR BRIEFED HE ISSUE BUT CERTAINLY WE APPRECIATE THAT GOOD FAITH STATEMENT AND I DON'T BELIEVE WE HAVE ANY PRINCIPLED OBJECTION FOR INTERVENTION OTHER THAN THERE SHOULD BE NO --INTERVENOR SHOULD NOT INTRODUCE ANY DELAY OR FREEZING OF THE CASE BUT SHOULD TAKE THE SCHEDULE AS IT IS. BUT WE -- I'D LIKE TO CONFER WITH MY COLLEAGUES JUST TO MAKE SURE SO THAT WE DON'T HAVE ANY OTHER OBJECTIONS BUT RIGHT NOW I DON'T BELIEVE WE HAVE ANY --

#### THE COURT:

ALL RIGHT, HERE'S WHAT I'LL DO THEN, I'LL WAIT TO ALLOW YOU END OF DAY MONDAY TO OPPOSE FORMALLY THE MOTION TO INTERVENE AND PROVIDE ME WITH WHATEVER AUTHORITY OR WHATEVER PRINCIPAL OF LAW OR THEORETICAL PERSPECTIVE YOU HAVE ON THAT. BUT I BELIEVE THAT IT IS PROPER FOR ME TO ADMIT THE STATE HOUSE IN, THE LEADERSHIP IN TO THE LITIGATION. THEY'RE PRINCIPALLY CHARGED WITH THIS DUTY, I'M SECONDARY. SO -- SO I THINK THAT THEY SHOULD THEY BE IN UNLESS THERE IS SOMETHING I'M NOT FAMILIAR WITH OR SOMETHING THAT IS OVERRIDING THAT INTEREST. SO, LET ME KNOW. I'LL GIVE YOU UNTIL MONDAY TO FORMALLY OPPOSE THE INTERVENTION. I'LL NOT SIGN THAT, AND YOU CAN ARGUE THAT IF YOU WANT -- IF YOU WANT JUST LET ME KNOW.

#### MS. KAHANA:

THANK YOU, YOUR HONOR, I THINK WE CAN BE PREPARED WITH OUR POSITION BY THE MONDAY MORNING STATUS

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BULLMAN, ET AL V. ARDOIN, ET. AL C-716690 C/W: C-716837

CONFERENCE.

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THE COURT:

OKAY, EVERYBODY, IS THAT OKAY WITH EVERYBODY? MS. PECK:

YES, YOUR HONOR.

THE COURT:

OKAY. LET'S STAY ON THE --

MR. HIRSCH:

YOUR HONOR --

THE COURT:

I'M SORRY, I ALWAYS RUSH BECAUSE I'M NOT USED TO INTERVENORS. I'LL JUST BE CANDID WITH YOU -- OKAY, GO AHEAD.

#### MR. HIRSCH:

I AM SORRY TO INTERRUPT, YOUR HONOR. IT MIGHT BE HELPFUL IN TERMS OF REACHING OUR POSITION BY MONDAY TO UNDERSTAND SOMETHING THAT PERHAPS COUNSEL FOR THE LEGISLATIVE INTERVENORS CAN CLARIFY RIGHT NOW. I WAS ONLY ABLE TO READ VERY QUICKLY THROUGH THE PAPERS BEFORE WE ALL GOT INTO THIS SESSION BUT I NOTICED THAT ALTHOUGH THE LEGISLATIVE LEADERS ARE LIKE ALL LOUISIANIANS SUFFERING FROM THE MALAPPORTIONMENT OF THESE DISTRICTS, THEY DID NOT ASK TO INTERVENE AS A PLAINTIFFS TO PROTECT THEIR CONSTITUTIONAL RIGHTS TO VOTE IMPROPERLY APPORTIONED DISTRICTS, THEY ASKED TO INTERVENE AS DEFENDANTS. AND IT SEEMED AS IF, JUST FROM MY VERY QUICK READING, AND I MAY HAVE MISSED SOMETHING, THAT THEY WERE DOING THAT PRIMARILY TO TRY TO BOLSTER THE ARGUMENTS TO TRY TO DIVEST THIS COURT OF JURISDICTION OR TO SLOW DOWN THIS COURT. THAT WAS, PERHAPS UNFAIR, BUT THAT WAS THE QUICK IMPRESSION THAT I GOT. SO IF THE COUNSEL FOR THE LEGISLATIVE LEADERS

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COULD CLARIFY WHY THEY SEEK TO INTERVENE AS A DEFENDANT RATHER THAN PLAINTIFFS, THAT MIGHT BE HELPFUL IN OUR THEN TAKING A PROPER POSITION BY MONDAY.

#### THE COURT:

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ALL RIGHT, HERE IS WHAT I WILL DO, I WILL GIVE THE PARTIES AN OPPORTUNITY TO CONFER WITH EACH OTHER AND ASSERT WHATEVER PERSPECTIVES YOU HAVE OR -- AS TO MOTIFS OR WHAT'S UNDERLYING THIS -- I DON'T KNOW. BUT I AM GOING TO ALLOW THE PARTIES TO HAVE THE PRIVILEGE AND RIGHT TO HAVE RULINGS FROM ME ON THE INTERVENTION FORMALLY IF THAT'S NECESSARY SO THAT ANY ERRORS THAT I MAKE YOU CAN GET THE APPELLATE COURT TO CORRECT ME; OKAY? SO, FILE OBJECTIONS IF YOU HAVE THEM, CONFER, AND IF YOU NEED MORE TIME TO -- TO ARGUE OR ARTICULATE THEN I'LL SET IT FOR CONTRADICTORY HEARING; OKAY?

MS. FREEL:

THANK YOU, YOUR HONOR.

#### THE COURT:

ALL RIGHT, LET'S GET BACK TO WHERE WE ARE NOW. I WILL CONVENE WITH AND I WILL ALLOW THE INTERVENOR ON BEHALF OF -- OR THE EXPECTED INTERVENOR, TO CONTINUE TO PARTICIPATE UNTIL I HAVE MADE A DECISION BY WAY OF OBSERVATION AND -- AND CERTAINLY ARGUMENT ON ANY OBJECTION. SO, BUT I WILL NOT SIGN THE INTERVENTION UNTIL THE PARTIES HAVE INDICATED TO ME THAT THEY ARE UNABLE TO AGREE ON PERIMETERS AND THEN SO I'LL MAKE A DECISION AT THAT TIME.

#### MS. FREEL:

YOUR HONOR, I JUST WOULD LIKE TO MAKE AN OBJECTION. THEY HAVE THE RIGHT TO INTERVENE, A RIGHT OF INTERVENTION, AN ANSWER HAS NOT BEEN FILED HERE. IT'S NOT UNUSUAL FOR STATE DEFENDANTS TO INTERVENE AS

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#### 19th JUDICIAL DISTRICT COURT

STATE DEFENDANTS. WE'RE TALKING ABOUT A CASE WHERE THEIR PLAINTIFFS ARE ASKING THE COURT TO EXERCISE AUTHORITY GIVEN EXCLUSIVELY TO OUR LEGISLATURE AND I JUST FEEL LIKE THIS IS SUCH AN ABUSE OF STATE RESOURCES. PEOPLE ARE GOING TO HAVE TO WORK OVER THE WEEKEND TO BRIEF AN ISSUE THAT IS CLEAR AND THEY'VE REPRESENTED THAT THEY'RE NOT GOING TO ASK FOR A STAY PURSUANT TO THAT PROVISION. IT JUST SEEMS LIKE A WASTE OF YOUR TIME AND RESOURCES. AND SO, I WANT TO PUT THAT OBJECTION ON THE RECORD.

#### THE COURT:

NOTED. OKAY. ALL RIGHT. ANYTHING ELSE? OTHERWISE, I AM GOING TO GO OFF RECORD AND END WITH A STATEMENT THAT WILL CLOSE OFF OUR DAY. ANYTHING ELSE, OFFICERS? OKAY. WE'RE OFF RECORD.

THE HEARING CONCLUDED AT 3:20 P.M.

#### REPORTER'S PAGE

I, SUSAN WILLIAMS LEE, CERTIFIED COURT REPORTER IN AND FOR THE STATE OF LOUISIANA, THE OFFICER, AS DEFINED IN RULE 28 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND/OR ARTICLE 1434 (B) OF THE LOUISIANA CODE OF CIVILE PROCEDURE, BEFORE WHOM THIS PROCEEDING WAS TAKEN, DO HEREBY STATE ON THE RECORD:

THAT DUE TO THE INTERACTION IN THE SPONTANEOUS DISCOURSE OF THIS PROCEEDING, DASHES (--) HAVE BEEN USED TO INDICATE PAUSES, CHANGES IN THOUGHT, AND/OR TALK-OVERS; THAT SAME IS THE PROPER METHOD FOR A COURT REPORTER'S TRANSCRIPTION OF PROCEEDING, AND THAT THE DASHES (--) DO NOT INDICATE THAT WORDS OR PHRASES HAVE BEEN LEFT OUT OF THIS TRANSCRIPT;

THAT ANY WORDS AND/OR NAMES WHICH COULD NOT BE VERIFIED THROUGH REFERENCE MATERIAL HAVE BEEN DENOTED WITH THE PHRASE "(SPELLED PHONETICALLY)." "(INAUDIBLE)" PORTIONS OF THE TRANSCRIPT WERE DUE TO INTERRUPTION OR INAUDIBLE RESPONSES DUE TO NOISE DURING THIS PROCEEDING.

SUSAN WILLIAMS LEE, CCR

OFFICIAL COURT REPORTER 2015005

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THIS CERTIFICATION IS VALID ONLY FOR A TRANSCRIPT ACCOMPANIED BY MY ORIGINAL SIGNATURE AND ORIGINAL REQUIRED SEAL ON THIS PAGE.

I, SUSAN WILLIAMS LEE, OFFICIAL COURT REPORTER IN AND FOR THE STATE OF LOUISIANA, EMPLOYED AS AN OFFICIAL COURT REPORTER BY THE 19TH JUDICIAL DISTRICT COURT FOR THE STATE OF LOUISIANA, DO HEREBY CERTIFY THAT THIS TESTIMONY WAS REPORTED BY ME, IN THE STENO-MASK REPORTING METHOD, WAS PREPARED AND TRANSCRIBED BY ME, SUSAN WILLIAMS LEE, CCR, OR UNDER MY PERSONAL DIRECTION AND SUPERVISION, AND IS A TRUE AND CORRECT TRANSCRIPT TO THE BEST OF MY ABILITY AND UNDERSTANDING;

THAT THE TRANSCRIPT HAS BEEN PREPARED IN COMPLIANCE WITH TRANSCRIPT FORMAT GUIDELINES REQUIRED BY STATUTE, OR BY RULES OF THE BOARD, OR BY THE SUPREME COURT OF LOUISIANA;

THAT I AM NOT OF COUNSEL, NOT RELATED TO COUNSEL OR THE PARTIES HEREIN, NOR AM I OTHERWISE INTERESTED IN THE OUTCOME OF THIS MATTER.

WITNESS MY HAND THIS 29TH DAY OF MARCH, 2022.

SUSAN WILLIAMS LEE, /CCR

OFFICIAL COURT REPORTER 19TH JUDICIAL DISTRICT COURT CCR #20155005

# EXHIBIT 34

GOVT + POLITICS INVESTIGATIONS LEGISLATIVE

# Law firm has charged Louisiana Legislature \$78,000 for 'redistricting advice' so far

Released records provide few details on how money was spent with law firm

BY: JULIE O'DONOGHUE - MARCH 31, 2022 4:24 PM

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🖸 The Louisiana Capitol Building, April 8, 2021. (Wes Muller/Louisiana Illuminator).

An out-of-state law firm has charged the Louisiana Legislature \$78,081 for providing "redistricting advice," according to an invoice released Thursday after a public records request. It's unclear when the law firm performed the work and what type of services it provided.

5/1/22, 8:27 PM Case 3:22-caw-06234slch& Case

The Legislature released an invoice that only provides the lump sum of money the law firm is charging the state for assistance on new political maps. There is no itemized list of expenses on the invoice made public, such as individual attorneys' billable hours or a breakdown of what portion of the bill might have been spent on the lawyers' travel.

The publicly released invoice also doesn't detail any range of months or specific dates during which the law firm performed its work. The Legislature received the bill March 14 and it must be paid by April 14. Money Louisiana makes from taxpayers and state fees will be used to cover the cost.

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"This doesn't make much sense to me," Sen. Jay Luneau, D-Alexandria, said upon hearing a description of the BakerHostetler invoice legislative staff has released. "I would hope anything like this that we would do in the Senate would have an itemized list attached to it."

Senate President Page Cortez, R-Lafayette, and House Speaker Clay Schexnayder, R-Gonzales, hired the law firm on behalf of the Legislature in December to help the state's new political maps withstand lawsuits from civil rights organizations. The leadership has been secretive about the firm's work.

Most of the state's 103 legislators weren't aware that a law firm had been hired until weeks after its contract went into effect. Only four Republican lawmakers – those working on maps preferred by Cortez and Schexnayder – had access to the attorneys during the redistricting process.



The Republican-controlled Legislature approved maps that don't increase the number of majority-Black districts in Louisiana at either the congressional or state level, even though the percentage of Louisiana residents who identify as a minority is growing.

Civil rights groups have filed multiple lawsuits over Louisiana's congressional and legislative maps on the basis that they violate the federal Voting Rights Act by intentionally weakening Black voter influence.

5/1/22, 8:27 PM Case 3:22-caw 00241slch& Deb Case a Leb Country and 20 redistrice of a gauge 5aof 17 miniator BakerHostetler is expected to defend the Legislature in those lawsuits. The firm has represented GOP interests in redistricting and election litigation across the country.

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One of BakerHostetler's lawyers assigned to Louisiana's case is Mark Braden, former general counsel for the Republican National Committee for a decade and a board member of the National Republican Lawyers Association.

The law firm's December contract with the Legislature was specific about the type of expenses that could be expected, even if the released invoice included little detail about the actual charges.

BakerHostetler planned to bill the Legislature at least \$10,000 per month for three months, and the fee would escalate to \$60,000 per month once the state was sued over the maps, which happened for the first time in February. The six BakerHostetler attorneys working on Louisiana's redistricting case would charge rates ranging from \$355 to \$915 per hour, according to the law firm's contract.

The firm was also expected to bill above and beyond their \$10,000 or \$60,000 monthly fee for ancillary expenses. These include court filing fees, travel, expert witnesses and online services such as LexisNexis and Westlaw.

It's unclear what attorney rates and ancillary expenses have been included in the \$78,000 billed by the law firm because the released invoice does not include an itemized list of charges.

Cortez said last month that the law firm had hired at least one outside expert to look at racially polarized voting in Louisiana, though it is not clear how much that expert cost the state. This expense also wasn't broken out on BakerHostetler's invoice released publicly. Legislative leaders have also refused to share the name of the person or people who worked on the analysis publicly, so it's not clear what type of rates might have been on the table.

Racially polarized voting analyses help determine to what extent voters of different races prefer different candidates. It is instrumental in court cases over federal Voting Rights Act compliance, like those that have been filed in Louisiana.

Democratic legislators said the public should have more details about what specific expenses from the law firm are being covered with public funds.

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"Most invoices aren't shared with the Senate members as a matter of course," Sen. Karen Carter Peterson, D-New Orleans, said in a text message Thursday. "However, in this situation involving this controversial legislation and the circumstances surrounding their hiring process, it's probably in the best interest of all involved for there to be transparency and details provided to members."

BakerHostetler may also be renegotiating its contract with the Legislature. The law firm's initial agreement with Schexnayder and Cortez was signed in December and only lasts three months. It allowed the law firm and lawmakers to revisit the terms of the arrangement by the end of March.

Cortez and Schexnayder could not be reached for comment Thursday.

Louisiana Illuminator has chosen to redact information regarding an individual's personal contact information, the law firm's tax ID number and its wire payment login that were included in an invoice obtained through a public records request.

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# JULIE O'DONOGHUE 🛛 💆 💆

Julie O'Donoghue is a senior reporter for the Louisiana Illuminator and producer of the Louisiana Illuminator podcast. She's received awards from the Virginia Press Association and Louisiana-Mississippi Associated Press. Julie covered state government and politics for NOLA.com | The Times-Picayune for six years. She's also covered government and politics in Missouri, Virginia and Washington D.C. Julie is a proud D.C. native and Washington Capitals hockey fan. She and her partner, Jed, live in Baton Rouge. She has two stepchildren, Quinn and Steven.

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