

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

**LOUISIANA STATE CONFERENCE
OF THE NATIONAL ASSOCIATION
FOR THE ADVANCEMENT OF
COLORED PEOPLE; ANTHONY
ALLEN; and STEPHANIE
ANTHONY**

Plaintiffs,

vs.

**STATE OF LOUISIANA; and R.
KYLE ARDOIN, in his capacity as
Secretary of State of Louisiana,**

Defendants.

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CASE NO. 3:19-cv-00479-JWD-SDJ

**SECOND AMENDED COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

Plaintiffs Louisiana State Conference of the National Association for the Advancement of Colored People, Anthony Allen, and Stephanie Anthony (collectively, “Plaintiffs”), by and through undersigned counsel, pursuant to 42 U.S.C. § 1983 and 52 U.S.C. §10301, hereby file this Second Amended Complaint for declaratory and injunctive relief against Defendants States of Louisiana and Kyle Ardoin, in his capacity as Secretary of State of Louisiana (collectively, “Defendants”) alleging as follows:

PRELIMINARY STATEMENT

1. The Louisiana Supreme Court (“*Supreme Court*”) is the highest court in the State. It is the final authority on questions of Louisiana civil and criminal law and renders enormously consequential decisions that profoundly affect the lives of all Louisianans.

2. Although the voting-age population of Louisiana is approximately 30% African American, African Americans comprise a majority in only one of the seven Supreme Court

electoral districts (i.e. 14% of districts). Six of the seven electoral districts for the Supreme Court are majority-white. As a result of the demographics of those districts and racially polarized voting, African Americans have been prevented from equal participation in the election of justices to the Court.

3. Louisiana has never had more than one African American justice at a time on its Supreme Court. Although Supreme Court justices have been elected in Louisiana since 1904, Louisiana has had only three African-American justices in its history. Each was elected from the sole majority-black district in the State – a district created as a result of voting rights litigation.

4. Louisiana’s African-American population and its voting-age population are sufficiently large and geographically compact to constitute a majority in two fairly drawn, constitutional single-member districts for the Supreme Court; the State’s African Americans are politically cohesive; and the State’s white voting-age majority votes sufficiently as a bloc to enable it to defeat African-American voters’ preferred candidates in six of Louisiana’s seven Supreme Court districts. Because of these circumstances, as well as the historical, socioeconomic, and electoral conditions of Louisiana, the Supreme Court districts as currently drawn violate Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 (“**Section 2**”) (*Thornburg v. Gingles*, 478 U.S. 30 (1986)) and 42 U.S.C. § 1983 of the U.S. Constitution (“**Section 1983**”).

5. To ensure Louisiana minority residents are afforded the same opportunities to vote in Supreme Court elections as all other voters, Plaintiffs request that this Court (a) declare that the current single-member districts for the Louisiana Supreme Court violate Section 2 of the Voting Rights Act and Section 1983, (b) enjoin the further use of the current Supreme Court districts, and (c) require the State to redraw the Louisiana Supreme Court districts so that future elections can be conducted in compliance with the Constitution of the United States and the Voting Rights Act.

JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to (a) 28 U.S.C. § 1343(a), because this action seeks to redress the deprivation, under color of state law, of rights, privileges and immunities secured by the Voting Rights Act; (b) 28 U.S.C. § 1331, because this action arises under the laws of the United States; (c) 28 U.S.C. § 1357, because this action seeks to enforce the rights of citizens of the United States to vote in the State of Louisiana; and (d) 42 U.S.C. § 1983, because Defendants have, under color of state law, deprived Plaintiffs of their right to vote in violation of the Voting Rights Act.

7. Under Section 28 U.S.C. § 1367, this Court has supplemental pendent jurisdiction over Plaintiffs' state law claim under the Louisiana State Constitution, Article 1, § 10, because the state law claim is substantially related to and forms part of the same case or controversy over which this Court has original jurisdiction.

8. Plaintiffs' state law claim is related to Plaintiffs' Section 2 claim under federal law because it arises from the same common nucleus of operative facts that gives rise to the Section 2 claim: the current drawing and the current boundaries of District 5 of the Louisiana Supreme Court. Because the state law claim is so related to Plaintiffs' federal law claim, Plaintiffs would ordinarily be expected to try the two claims in the same judicial proceeding.

9. This Court has jurisdiction to grant both declaratory and injunctive relief, pursuant to 28 U.S.C. §§ 2201 and 2202.

10. This Court has jurisdiction to award Plaintiffs their costs and attorneys' fees pursuant to 42 U.S.C. § 1988 and 52 U.S.C. § 10301(e).

11. This Court has personal jurisdiction over the Defendants.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)(2), because a substantial part of the events or omissions giving rise to the claim occurred in this District.

THE PARTIES

A. The Plaintiffs

13. Plaintiff LOUISIANA STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE (“*Louisiana NAACP*”) is a state subsidiary of the National Association for the Advancement of Colored People, Inc. The Louisiana NAACP is the oldest and one of the most significant civil rights organizations in Louisiana, and it works to ensure the political, educational, social, and economic equality of African Americans and all other Americans. Two central goals of the Louisiana NAACP are to eliminate racial discrimination in the democratic process, and to enforce federal laws and constitutional provisions securing voting rights. Toward those ends, the Louisiana NAACP has participated in lawsuits to protect the right to vote, regularly engages in efforts to register and educate African-American voters, and encourages African Americans to engage in the political process by turning out to vote on Election Day. The mission of the Louisiana NAACP is frustrated by the current Supreme Court districts, which inhibit the organization’s ability to fulfill its objectives, including the promotion of political equality for black voters.

14. The Louisiana NAACP has members throughout the State, including members whose votes are unlawfully diluted by the current Supreme Court districts and whose injury would be redressed by the creation of a second majority-black district in the State.

15. Plaintiff ANTHONY ALLEN is an adult African-American United States citizen who is a resident of and a registered voter in East Baton Rouge Parish, Louisiana. As a result of the demographics of his Supreme Court district and racially polarized voting, Mr. Allen’s vote is unlawfully diluted. A majority-black district including Mr. Allen’s home could be drawn to provide a remedy for the Section 2 violation.

16. Plaintiff STEPHANIE ANTHONY is an adult African-American United States citizen who is a resident of and a registered voter in East Baton Rouge Parish, Louisiana. As a result of the demographics of her Supreme Court district and racially polarized voting, Ms. Anthony's vote is unlawfully diluted. A majority-black district including Ms. Anthony's home could be drawn to provide a remedy for the Section 2 violation.

B. The Defendants

17. Defendant STATE OF LOUISIANA is one of the fifty states comprising the United States of America.

18. Defendant R. KYLE ARDOIN is Secretary of State of Louisiana and is sued in his official capacity. The Secretary of State is the State's chief election officer. La. R.S. § 18:421 (2017).

19. During all times mentioned in this Amended Complaint, Defendants and their agents were acting under color of law *vis a vis* color of the statutes, laws, charters, ordinances, rules, regulations, customs, and usages of the State of Louisiana.

FACTS AND BACKGROUND

20. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301(a), prohibits any "standard, practice, or procedure" that "results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color." A violation of Section 2 is established if it is shown that "the political processes leading to nomination or election" in the jurisdiction "are not equally open to participation by [a protected minority] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." *Id.* at § 10301(b). An electoral regime that dilutes the voting strength of a minority community may deprive the members of that community of having an equal

opportunity to elect representatives of their choice under Section 2. Section 2 applies to the election of judges. *Chisom v. Roemer*, 501 U.S. 380 (1991).

21. 42 U.S.C. § 1983 authorizes lawsuits for deprivation of a right secured by the Constitution or the law of the United States caused by a person acting under the color of state law.

A. Louisiana Demographics

22. As of 2020, Louisiana had a total population of 4,657,757, with an African-American population of approximately 32%. Louisiana has the second highest percentage of African-American residents in the United States. White Louisianans comprise more than 50% of the State’s population. Although Hurricane Katrina caused mass-displacement in 2005, especially among African-American residents in the New Orleans area, the racial breakdown of the State’s population remained mostly unchanged from 2000 to 2020.

Table 1– Louisiana Total Population: 2000-2020

	2000 Total Population		2010 Total Population		2020 Total Population	
White Alone, not Hispanic	2,794,391	62.5%	2,734,884	60.3%	2,596,702	55.8%
Black or African-American Alone, not Hispanic	1,443,390	32.3%	1,442,420	31.8%	1,452,420	31.2%
Hispanic or Latino Alone	107,738	2.4%	192,560	4.3%	322,549	6.9%
Other	123,457	2.8%	163,508	3.6%	286,086	6.1%
Total	4,468,976		4,533,372		4,657,757	

23. The African-American voting-age population (“**VAP**”) in Louisiana is slightly lower than its percentage of the total population. As of 2020, African-American VAP amounted to approximately 30% while the white VAP is approximately 58%.

Table 2 – Louisiana Voting-Age Population: 2000-2020

	2000 VAP		2010 VAP		2020 VAP	
White Alone, not Hispanic	2,128,485	65.5%	2,147,661	62.9%	2,082,110	58.3%

Black or African-American Alone, not Hispanic	959,622	29.5%	1,019,582	29.9%	1,066,511	29.9%
Hispanic or Latino	77,083	2.4%	138,091	4.0%	223,662	6.3%
Other	83,987	2.6%	110,023	3.2%	198,265	5.6%
Total	3,249,177		3,415,357		3,570,548	

24. In 2010, the ideal population for a Supreme Court district was 647,624, and in 2020, the ideal population grew to 665,393. The ideal population is calculated by dividing the state's total resident population, 4,657,757 in 2020, by the number of districts, in this case, seven.

25. The last time the legislature redistricted the Supreme Court districts was in 1999.

26. After the 2020 Census, District 5, centered in Baton Rouge, was overpopulated by 26.03%, the highest percentage deviation for an overpopulated district. *See* Population figures from Joint Governmental Affairs Meeting Roadshow held September 17, 2021, pp. 58–63, https://redist.legis.la.gov/2020_Files/MtgFiles/PowerPoint.pdf (last visited Mar. 6, 2024).

B. Louisiana Supreme Court Overview and Structure

27. The Louisiana Supreme Court is the court of last resort for both civil and criminal matters in Louisiana. It is the most powerful state court in Louisiana.

i. Structure

28. Per the Constitution of 1974, the Louisiana Supreme Court consists of one chief justice and six associate justices, all of whom are elected from single-member districts in partisan elections for ten-year terms. The chief justice is the justice with the most seniority on the Court.

29. When vacancies arise on the Court, the governor appoints a justice to serve until an election can be held.

30. Candidates for full elected terms on the Court (as well as all other candidates in the State), participate in an open primary in which candidates from all parties first participate in a consolidated contest. If no single candidate receives 50% of the vote, the top-two candidates, regardless of party affiliation, proceed to a runoff election.

ii. **The *Chisom* Litigation and African-American Representation**

31. The original electoral process for the seven-member Supreme Court consisted of just six judicial districts – five single-member districts and one multi-member district which elected two justices. The multi-member district encompassed Orleans Parish, which was majority-African-American, but the district as a whole was majority-white.

32. Minority plaintiffs challenged that multi-member district in *Chisom v. Roemer*, 501 U.S. 380 (1991). In its decision, the United States Supreme Court held that elections for appellate judges could not unlawfully dilute minority votes under the Voting Rights Act.

33. In response to the decision in *Chisom*, the Louisiana legislature passed Act 512 in 1992, which created a temporary eighth Supreme Court seat for the sub-district of Orleans. *See* 1992 La. Acts No. 512, § 1. An August 21, 1992 federal consent decree memorializing Act 512 stipulated that (a) the State would split the multi-member district into two single-member districts upon expiration of the temporary seat, and (b) one of those districts would consist of most of Orleans Parish and a portion of neighboring Jefferson Parish, making it majority-African-American.

34. In 1992, a former Orleans Parish Civil District Court judge, Justice Revius Ortique, won the election for the newly-created seat and became the first African American on the State's high court.

35. In 1994, after Justice Ortique reached the mandatory retirement age of 70 under the Louisiana Constitution, Bernette Joshua Johnson, then serving as chief judge of the Civil District Court for the Parish of Orleans, was elected to Ortique's *Chisom* seat and became the second African American to serve on the Supreme Court.

36. In 1999 – the most recent reapportionment of Supreme Court districts – the Louisiana legislature drew seven single-member districts, consistent with the *Chisom* consent decree.

37. In 2000 and again in 2010, Justice Johnson ran unopposed and was re-elected to the Supreme Court from the sole majority-black district.

38. In 2013, Justice Johnson became Chief Justice of the Court, serving in that capacity until her retirement in December 2020.

39. In 2020, Justice Piper D. Griffin, then serving as chief judge of the Civil District Court for the Parish of Orleans, was elected to Johnson’s *Chisom* seat and became the third African American to serve on the Supreme Court.

40. Since 2020, Justice Griffin has been the only African-American member of the Louisiana Supreme Court. The remaining six justices have always been white.

41. Of the 116 justices who have served on the Louisiana Supreme Court since 1813, Justice Griffin, Chief Justice Johnson, and Justice Ortique are the only three African Americans.

C. Section 2 Vote Dilution

i. Thornburg v. Gingles Analysis

42. In *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986), the United States Supreme Court, identified three necessary preconditions (“*the Gingles preconditions*”) for a claim of vote dilution under Section 2 of the Voting Rights Act:

- a. The minority group must be “sufficiently large and geographically compact to constitute a majority in a single-member district”;
- b. The minority group must be “politically cohesive”; and
- c. The majority must vote “sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate.”

43. Louisiana’s African-American population and voting-age population are sufficiently numerous and geographically compact to form a majority of the total population and voting-age population in two properly-apportioned, constitutional single-member Supreme Court districts in a seven-district plan.

44. Louisiana’s African-American voters are politically cohesive. They vote overwhelmingly for different candidates than those supported by white voters.

45. Louisiana’s white electorate votes as a bloc in support of different candidates than those supported by African-American voters. In non-majority-black districts, bloc voting by white members of the electorate consistently defeats the candidates preferred by African-American voters.

ii. Totality of the Circumstances Analysis

46. In addition to the presence of the three *Gingles* preconditions, the totality of the circumstances shows that African-American voters have less opportunity than other members of the electorate to participate in the political process and to elect candidates of their choice to the Supreme Court in violation of Section 2 of the Voting Rights Act.

a. History of Official Voting Discrimination

47. Louisiana has a long, well-documented history of voting-related discrimination—one so deep-rooted that “it would take a multi-volumed treatise to properly describe the persistent, and often violent, intimidation visited by white citizens upon black efforts to participate in Louisiana’s political process.” *Citizens for a Better Gretna v. City of Gretna*, 636 F. Supp. 1113, 1116 (E.D. La. 1986). After slavery was abolished, the State enacted numerous discriminatory voting restrictions, including: constitutional revisions that added a “grandfather clause,” along with education and property requirements to register; poll taxes; voting roll purges; an “understanding clause” that functioned as a literacy test; an all-white primary that denied black

voters access to determinative elections; citizenship and “morals” tests; anti-single shot voting provisions; and a majority-vote requirement for elections. *Major v. Treen*, 574 F.Supp. 325, 339-40 (E.D. La. 1983). Louisiana changed some of these “disenfranchisement techniques” only after the Supreme Court deemed them unconstitutional or after the 1965 Voting Rights Act banned them. *Id.* at 340.

48. More recently, and in the judicial context, in the 1980s African-American plaintiffs challenged multimember election schemes for district, family court, and court of appeal judges across the State, alleging that they diluted black voting strength. *Clark v. Edwards*, 725 F. Supp. 285, 287 (M.D. La. 1988), *modified sub nom.*, *Clark v. Roemer*, 777 F. Supp. 445 (M.D. La. 1990), *vacated*, 750 F. Supp. 200 (M.D. La. 1990), *cert. granted before judgment, order vacated*, 501 U.S. 1246 (1991), *supplemented*, 777 F. Supp. 471 (M.D. La. 1991). After three rounds of successful litigation, the *Clark* plaintiffs ultimately prevailed, forcing the Louisiana legislature to redress the Section 2 violations and alter electoral methods to substantively enfranchise black voters.

49. As a result of *Clark*, the number of African-American judges in the State increased from a half-dozen before 1992 to approximately six-dozen today, all, or almost all, in majority-black districts.

50. Prior to the decision in *Chisom*, the two-member Supreme Court district that included New Orleans unlawfully diluted minority voting strength.

51. In 2012, Justice Jeffrey Victory, who is white, argued that he, and not Justice Johnson, should succeed Catherine Kimball as the next chief justice of Louisiana. Justice Victory maintained that Justice Johnson’s years on the Court pursuant to the consent decree in *Chisom* should not be counted when assessing seniority. Justice Johnson reopened the *Chisom* case and

moved to enforce its terms so that she, and not Justice Victory, should be appointed chief justice. On September 1, 2012, a federal district court issued an order enforcing the terms of the consent decree, holding that Justice Johnson's service as the *Chisom* justice must be credited in determining her tenure on the Court. *Chisom v. Jindal*, 890 F. Supp. 2d 696 (E.D. La. 2012).

52. In recent years, Louisiana has also failed to comply with public assistance agency voter registration requirements under the National Voter Registration Act (NVRA), a failure that disproportionately impacted minority voters. *See Scott v. Schedler*, No. CIV.A. 11926, 2013 WL 264603 (E.D. La. Jan. 23, 2013).

53. In 2017, the Louisiana legislature was found to have intentionally discriminated against African Americans by maintaining an electoral scheme that unlawfully diluted black votes under Section 2. *See Terrebonne Parish Branch NAACP v. Jindal*, 274 F. Supp. 3d 395 (M.D. La. 2017), *appeal dismissed sub nom. Fusilier v. Edwards*, No. 17-30756, 2017 WL 8236034 (5th Cir. Nov. 14, 2017).

54. Most recently, in *Robinson v. Ardoin*, No. 22-30333, 2023 WL 7711063, at *1 (5th Cir. Nov. 10, 2023), the Fifth Circuit Court of Appeals found that the district court "did not clearly err in its necessary fact-findings nor commit legal error in its conclusion that the Plaintiffs were likely to succeed on their claim that there was a violation of Section 2 of the Voting Rights Act" in connection with Louisiana's congressional districting plan, when the district court issued a preliminary injunction that was vacated on other grounds, *Robinson v. Ardoin*, 37 F.4th 208 (5th Cir. 2022). The decision follows the U.S. Supreme Court's ruling in *Allen v. Milligan*, 599 U.S. 1, 143 S. Ct. 1487, 216 L.Ed.2d 60 (2023), finding the Alabama legislature's congressional redistricting map likely violated Section 2 of the Voting Rights Act by illegally diluting African-American Alabamians opportunity to elect candidates of their choosing.

b. *Racially Polarized Voting*

55. As described above in paragraphs 38-40, regarding the *Gingles* preconditions, voting in Louisiana is racially polarized.

c. *Use of Enhancing Practices*

56. Louisiana employs a majority-vote requirement for all Supreme Court elections, which further enhances discrimination against black voters. Under the current single-member Supreme Court districts and the open primary system, the 50% requirement disadvantages black voters. Specifically, African-American voters may coalesce around a particular candidate in a primary but, due to their minority status and racially polarized voting, fail to reach majority-support in the runoff election. Instead, white voters comprising the majority of an electorate can coalesce behind a single candidate to defeat the minority-preferred candidate.

57. The discriminatory effects of a majority-vote requirement are not merely theoretical. In the 2012 primary for Supreme Court District 5, John Michael Guidry, the only African American in the race, earned the most votes with 27.5% of the total. Jefferson Hughes, a white candidate, secured the second highest vote count – 21.2% of the total votes – and advanced to a runoff against Guidry. In the runoff election, Hughes defeated Guidry 52.8% to 47.2%.

58. Supreme Court District 5 is as an unusually large Supreme Court district that also enhances discrimination against black voters. District 5 – which is centered around the Baton Rouge area but is majority-white – is, by far, the largest district in the state by population.

d. *Socio-Economic Disparities*

59. As a result of Louisiana's history of official and private discrimination, the State's African-American residents have a lower socio-economic status and lag behind white residents in a wide range of areas, including education, employment, income, and access to health care.

60. African Americans in Louisiana are less likely to graduate high school than whites and less likely to hold a bachelor's degree.

61. According to the U.S. Census Bureau's 2016-2021 American Community Survey 5-Year Estimates, African Americans in Louisiana were unemployed at a rate of 10.4%, compared to just 4.9% for whites.

62. African American poverty rates in Louisiana were almost three times the white poverty rate for that same time period. In 2021, 30.3% of African Americans were below the poverty level, compared to just 12.4% of whites.

63. According to the Centers of Disease Control and Prevention (CDC), from 2007-2020, the infant mortality rate – a key indicator of overall health status – in Louisiana was 11.3% for African Americans, compared to 5.5% for whites.

64. African Americans were also 1.2 times more likely than white residents of Louisiana to lack health insurance.

e. *Racial Appeals in Campaigns*

65. Elections for both judicial and non-judicial offices have been marked by racial appeals.

66. For example, the 2012 campaign for Supreme Court District 5 was characterized by racial appeals. Justice Hughes included images of John Guidry throughout his campaign materials and went so far as to darken his image in some of those materials. Justice Hughes also labeled Guidry as an “affirmative action Democrat” and sent targeted campaign materials to parts of the district that linked Guidry to Chief Justice Johnson of the Louisiana Supreme Court, included their pictures, and expressed the need to elect Hughes to prevent Chief Justice Johnson from exercising power.

f. History of African-American Elected Officials

67. African Americans are underrepresented in Louisiana public offices.

68. Although African Americans comprise approximately 30% of VAP in Louisiana, all eight of the statewide executive office positions are currently held by white politicians.

69. Louisiana has not had an African-American Governor since Reconstruction.

70. Louisiana has never had an African-American U.S. Senator.

71. Of the 105 seats in the Louisiana House of Representatives, only twenty-six are held by African Americans (24.7%).

72. Of the 39 seats in the Louisiana Senate, only ten are held by African Americans (25.6%).

73. Of the 6 congressional districts in Louisiana, only one is represented by an African American (16.7%).

74. Nearly all of the African American members of the House of Representatives and State Senate were elected from majority-black districts.

75. African Americans have also been underrepresented in trial and appellate courts across the State. *See Terrebonne Parish Branch NAACP*, 274 F. Supp. 3d at 445 (“While the black population comprises about 30.5% of the voting age population in Louisiana, black people only account for about 17.5% of the judges in Louisiana.”).

D. Overpopulation in District 5

76. Supreme Court District 5 is overpopulated because it significantly deviates from the ideal population for a Supreme Court district. Currently District 5, centered in Baton Rouge, is overpopulated by 26.03%.

77. Defendants failed to balance the population in Supreme Court District 5 for over two decades.

78. Defendants conceded that District 5 is overpopulated in the 2021 Joint Governmental Affairs Meeting, *see* https://redist.legis.la.gov/2020_Files/MtgFiles/PowerPoint.pdf.

79. Article 1, § 10 of the Louisiana Constitution guarantees the right to vote to every citizen in Louisiana, “[e]very citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.”

80. Defendants have knowingly maintained District 5 as an overpopulated District. This has caused the votes of the voters in District 5, including Plaintiffs, to be diluted.

CLAIMS FOR RELIEF

I. VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965, 52 U.S.C. § 10301; 42 U.S.C. § 1983

81. Plaintiffs repeat and re-allege each and every allegation contained in the Paragraphs above, as if fully set forth herein.

82. Louisiana’s African-American population is sufficiently numerous and geographically compact to provide for two properly-apportioned, majority-black, constitutional single-member Louisiana Supreme Court districts in a seven-district plan. In these two remedial districts, the African-American population would constitute a majority of both the total population and the voting-age population.

83. Louisiana’s African-American voters are politically cohesive, and judicial and non-judicial elections reflect a clear pattern of racially polarized voting that allows the bloc of white voters to defeat the African-American community’s preferred candidate in all but one Louisiana Supreme Court district.

84. The totality of the circumstances establishes that, as currently apportioned, the Louisiana Supreme Court districts have the effect of denying African-American voters an equal opportunity to participate in the political process and to elect candidates of their choice, in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

85. 42 U.S.C. § 1983 authorizes suits for the deprivation of a right secured by the Constitution or the laws of the United States, in this case Section 2 of the Voting Rights Act, by a person acting under the color of state law.

86. By engaging in the acts and omissions alleged herein, Defendants and their agents have acted and continue to act under the color of law to deny Plaintiffs rights guaranteed to them by Section 2 of the Voting Rights Act and will continue to violate those rights absent relief granted by this Court.

87. Violations of Section 2 of the Voting Rights Act and Section 1983 occur with each Louisiana Supreme Court election. Unless enjoined by order of this Court, Defendants will continue to act in violation of Section 2 of the Voting Rights Act by administering, implementing, and conducting future elections for the Louisiana Supreme Court using an unlawful election method.

II. VIOLATION OF ARTICLE 1, § 10 OF THE LOUISIANA CONSTITUTION

88. Plaintiffs repeat and re-allege each and every allegation contained in the Paragraphs above, as if fully set forth herein.

89. Article 1, § 10 guarantees the right to vote to every citizen in Louisiana, “[e]very citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony.”

90. Defendants have knowingly maintained District 5 as an overpopulated district well above the ideal population size of a Supreme Court District.

91. The overpopulation has caused the votes of Plaintiffs, registered voters in District 5, to be diluted as compared to the votes of residents in other districts.

92. The current plan therefore violates the right to vote of Plaintiffs who are voters in District 5.

93. By maintaining District 5 as currently drawn, Defendants and their agents have acted and continue to act under the color of law to deny Plaintiffs rights guaranteed to them by Article 1, § 10 of the Louisiana Constitution and will continue to violate those rights absent relief granted by this Court.

94. Violations of Article 1, § 10 occur with each Louisiana Supreme Court election. Unless enjoined by order of this Court, Defendants will continue to act in violation of Article 1, § 10 by administering, implementing, and conducting future elections for the Louisiana Supreme Court.

PRAYER FOR RELIEF

WHEREFORE, the Plaintiffs respectfully pray that the Court:

- a. Declare that the current apportionment of Louisiana Supreme Court districts violates 42 U.S.C. § 1983 because Defendants acted and continue to act under color of law to deny Plaintiffs rights guaranteed to them by Section 2 of the Voting Rights Act;
- b. Declare that the District 5 is overpopulated and violates Article 1, § 10 because it denies Plaintiffs their right to vote.
- c. Enjoin Defendants, their agents and successors in office, and all persons acting in concert with, or as an agent of, any Defendants in this action, from administering,

implementing, or conducting any future elections for the Louisiana Supreme Court under the current method of election and Article 1, § 10 of the Louisiana Constitution;

- d. Order the implementation of a new method of election for the Louisiana Supreme Court that complies with the Constitution of the United States and Section 2 of the Voting Rights Act, 52 U.S.C. § 10301 and Article 1, § 10 of the Louisiana Constitution;
- e. Award plaintiffs their reasonable attorneys' fees, pursuant to 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988, and the costs and disbursements of maintaining this action, such as expert fees; and
- f. Order such additional relief as the interests of justice may require.

Dated: March 21, 2024

Respectfully submitted,

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