

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

PHILLIP CALLAIS, *et al.*,

Plaintiffs,

v.

NANCY LANDRY, in her official capacity as
Louisiana Secretary of State,

Defendant.

Case No. 3:24-cv-00122-DCJ-CES-RRS

Judge David C. Joseph

Judge Carl E. Stewart

Judge Robert R. Summerhays

Magistrate Judge Kayla D. McClusky

DEFENDANT’S BRIEF REGARDING ELECTION DEADLINES

Defendant Nancy Landry, in her official capacity as Louisiana Secretary of State (“Defendant” or the “Secretary”), hereby submits the following brief in regard to the 2024 election cycle deadlines.

La. Const. art. 4, § 7 provides that the Secretary “heads[s] the department [of State] and shall be the chief election officer of the state[,]” and that she “shall prepare and certify the ballots for all elections, promulgate all elections returns, and administer the election laws, except those relating to voter registration and custody of voting machines.” With approximately 7,161 elective offices statewide, election administration in Louisiana requires numerous overlapping and interlocking tasks.

Federal courts have repeatedly emphasized the need to consider “the mechanics and complexities of state election laws” when determining the appropriate remedy in the apportionment context. *Veasey v. Perry*, 769 F.3d 890, 893 (5th Cir. 2014) (quotation omitted). Here, complying with both state and federal election laws indicate that May 15, 2024 is the last possible date that the Secretary could receive a congressional map for implementation to ensure

an election that is as disruption-free as possible. [Hadskey Decl. ¶16]¹. While November 5, 2024 is the “Election Day” for Presidential, Congressional, and other elections in Louisiana, voting in those elections really begins months earlier on September 21, 2024. [Hadskey Decl. ¶23]. This is the date by which the parish Registrars of Voters are required by state and federal law to mail all absentee ballots to overseas voters, including servicemen and women.² La. R.S. 18:1308(A)(2)(a); 52 U.S.C. § 20302(a)(8). Prior to that deadline ballots must be proofed, printed, and voters must be properly assigned to districts. [Hadskey Decl. ¶23].

The first statutory deadline impacting congressional redistricting is the June 19, 2024 deadline for candidates to submit nominating petitions to the Registrars of Voters for certification. [Hadskey Decl. ¶15 (citing La. R.S. 18:18:465(B))]. Ahead of that deadline the Secretary must complete the following:³

Date	Action
May 15, 2024	Deadline for the Secretary of State to receive redistricting information for Congressional and state Supreme Court districts.
May 16, 2024	Secretary of State begins reviewing precinct numbers that would need to change in each parish statewide for the Congressional and state Supreme Court districts. A document is created for each parish. The document is then proofed and submitted to the parishes for their review as well.
May 18, 2024	Annual Canvass begins and shall be complete no later than June thirtieth in each parish. La. R.S. 18:192 A.(1)(a)
May 22, 2024	Deadline for the Secretary of State to create a schedule for parishes that have to implement the most coding changes and contact each parish’s Registrar of Voters for proofing changes.
May 23, 2024	Earliest feasible date coding can begin in the ERIN system, parish by parish, to build up to the statewide plan. If 30 or more parishes are impacted, this usually takes at least 3 weeks. Notably, no other work in ERIN may go on while this is implemented in each parish. ERIN can only implement one plan at a time.
June 3, 2024	Yearly maintenance of all voter equipment in the state must begin.

¹ This is the deadline the Secretary has previously represented to multiple courts that a congressional map would be needed for implementation this year. *See e.g.* Rec. Doc. 82.

² Because this day falls on a Saturday, it likely must be completed the day before.

³ Attached as **Exhibit 1** is a Declaration of Ms. Sherri Hadskey, Louisiana’s Commissioner of Elections (hereinafter, “Hadskey Decl.”).

June 11, 2024 ⁴	Deadline by which all parish Registrars of Voters must have plans proofed, completed, and approved for Congressional and state Supreme Court districts and any other municipal jurisdictional changes.
June 12, 2024	Deadline for all work to be completed in ERIN for statewide plans so that Registrars of Voters may update information that was held while statewide plans were implemented. As soon as this is done, the Secretary must send an updated file to State Printing to create, print, and mail voter identification cards to voters for both canvass and districting notifications. ⁵
June 17, 2024	USPS begins delivering voter identification cards for both canvass and districting to voters.
June 19, 2024	Deadline for submission of candidate nominating petitions for persons qualifying by nominating petition. La. R.S. 18:18:465(B).

[Hadskey Decl. ¶¶15, 16(a)-(f)].

This means that even under the May 15 deadline, there is only a 5-week period to code and assign all voters to their election districts so that candidate qualifying can open on time. [Hadskey Decl. ¶19]. Notably the ERIN system only allows one plan in a parish to be coded at a time, and plans must be built parish by parish up to the statewide plan. [Hadskey Decl. ¶¶21, 26]. If 30 or more parishes are impacted, this usually takes three weeks. This year, the Secretary is potentially required to implement two statewide plans. First, the Secretary must code over 2 million voters to the new state Supreme Court districts. [Hadskey Decl. ¶18]. Second, if this Court chooses to implement a plan other than H.B. 1, the Secretary must then assign voters under that new plan. [Hadskey Decl. ¶20]. These statewide changes must also be reconciled with changes for the 21 municipalities that may conduct redistricting for the Fall 2024 elections. [Hadskey Decl. ¶18]. All changes go through a multi-step verification process, including each parish Registrar of Voters who are not parties to this litigation. [Hadskey Decl. ¶13]. This process already only leaves those qualifying by nominating petition a week to obtain a list of those in the district they are attempting

⁴ Notably, this cuts 2 days off of the usual three-week time frame that it takes to make changes to statewide districting plans impacting 30 or more parishes.

⁵ These identification cards notify voters which district they reside in.

to qualify for and get the requisite number of signatures. In addition to the fact that ERIN only allows for one plan to be implemented at a time, redistricting implementation also renders ERIN unusable for other tasks in that parish, such as entering new registrations, cancelling registrations, and most importantly, completion of the Annual Canvass. [Hadskey Decl. ¶¶12-13].

June 19, 2024 is the first in a long line of election administration deadlines ahead of the federal and state ballot mailing deadline in September. Below is a chart showing the deadlines the Secretary must complete after June 19, 2024:

Date	Action
June 30, 2024	Deadline for completion of Annual Canvass. La. R.S. 18:192 A.(1)(a)
July 1, 2024	Deadline for parish governing authorities to submit precinct changes (including a precinct being established or altered in any way, including alpha division by voter surname). La. R.S. 18:532.1(E).
July 10, 2024	Statutory deadline for all parish Registrars of Voters to assign voters in ERIN to each voting district for all elections, accounting for precinct changes. La. R.S. 18:58(B)(2).
July 17, 2024	Qualifying begins. This is also the deadline for parish governing authorities to submit polling place changes. La. R.S. 18:534(b)(1).
July 19, 2024	Qualifying ends at 4:30 p.m. Certified list of candidates and qualifying fees are submitted to the Secretary of State by the clerks of court for municipal and local officials. State candidates qualify with the Secretary of State. La. R.S. 18:468(A), 18:470(A)(3)(a).
July 24, 2024	Secretary of State must furnish the Supervisory Committee, Campaign Finance Disclosure Act, an alphabetical list of the candidates for each of the offices to be voted on in each election. La. R.S. 18:470.1.
July 26, 2024	Deadline for objections to candidacy or for any candidates to withdrawal by 4:30 p.m. La. R.S. 18:493, 18:1405(A); 18:501(A)(1).
August 7, 2024	Deadline for all Registrars of Voters to publish the names and addresses of persons on the inactive list for one day in the official journal of the parish governing authority. La. R.S. 18:193(F).
September 21, 2024	Deadline for all Registrars of Voters to mail all overseas ballots. La. R.S. 18:1308(A)(2)(a); 52 U.S.C. § 20302(a)(8).

[Hadskey Decl. ¶¶19(a)-(h)].

The time between deadlines here too is stretched. There are approximately 10 days between the date for precinct changes and final voter assignments on July 10, 2024. Qualifying begins 7 days later. After qualifying is complete the Secretary begins coding ballots as soon as possible.

[Hadskey Decl. ¶22]. Coding especially should not be rushed, as rushed coding could result in voters getting incorrect ballots. [See Hadskey Testimony⁶ at 30:15-31:12 (noting that this possibility is “extremely concerning” and that hearing a voter received the wrong ballot is “the worst thing you can hear” in running an election); Hadskey Decl. ¶¶23-24]. Coded ballots must then be proofed, approved, printed,⁷ and delivered in time for the Registrars of Voters to mail all overseas ballots pursuant to La. R.S. 18:1308(A)(2)(a) and 52 U.S.C. § 20302(a)(8). [Hadskey Decl. ¶23].

Rushing the voter assignment and ballot printing processes creates an unacceptable risk of error that can lead to flawed elections. Municipal elections that ran on March 26, 2022 on new redistricted lines, saw administration problems. [Hadskey Decl. ¶24]. Late census information caused a rushed entry of voter information and led to entry of incorrect voter information, ultimately resulting in the issuance of incorrect ballots in Calcasieu Parish. [*Id.*]. As a result, a judge required state and local officials to hold a special municipal election to remedy the issue. [Hadskey Testimony at 24:22-25; 29:1-7]. It is clear that rushing the voter assignment process creates a risk of error that leads to flawed elections. [Hadskey Decl. ¶¶23-24]. And unlike the case in Calcasieu and other parish-specific issues,⁸ congressional districting plans shift more voters and

⁶ Excerpts of Ms. Hadskey’s testimony from the *Robinson* preliminary injunction hearing on May 13, 2022 are attached as **Exhibit 2** (hereinafter “Hadskey Testimony”).

⁷ Due to their unique nature, Louisiana’s absentee ballots must be printed far in advance of any election. In fact, past bids revealed that only three companies in the entire nation can print the particular envelope the state employs. [Hadskey Testimony at 37:17-38:8].

⁸ To the extent that this schedule differs slightly from the 2023 schedule at issue in *Means, et al. v. DeSoto Parish, et al.*, 5:23-cv-00669-DCJ-MLH (W.D. La.), Louisiana’s 2023 election schedule did not include federal elections or certain statutory deadlines implicated by federal elections that are otherwise at play 2024. Furthermore, the *DeSoto Parish* litigation involved a challenge to police jury districts in one parish only. Re-coding voters for Congressional districts crosses multiple parishes and involves more voters to be re-assigned generally.

take significantly more time to code, proof, and mail voter identification cards. [Hadskey Decl. ¶26].

Here, unlike 2022, the Secretary is implementing another statewide plan for state Supreme Court districts at the same time. [Hadskey Decl. ¶20]. It should also be noted that the federal election for 2024 is slightly earlier than it was in 2022, by three days. This means that all other deadlines for 2024, including those for ballot mailing, qualifying, and the deadline to submit nominating petitions are slightly earlier than they were in 2022.

As Louisiana's Chief Election Officer, on February 27, 2024, Defendant notified the Court that she needed an approved congressional plan no later than May 15, 2024, in order to have sufficient time and resources needed to administer the 2024 elections pursuant to federal and state law. [Rec. Doc. 82]. The same remains true today, otherwise the risk of rushed election administration resulting in errors is significant.

Respectfully submitted, this the 6th day of May, 2024.

/s/ Phillip J. Strach

Phillip J. Strach* (Lead Counsel)
phillip.strach@nelsonmullins.com
Alyssa M. Riggins*
alyssa.riggins@nelsonmullins.com
Cassie A. Holt*
cassie.holt@nelsonmullins.com

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**
301 Hillsborough Street, Suite 1400
Raleigh, NC 27603
Telephone: (919) 329-3800
Facsimile: (919) 329-3799

/s/ John C. Walsh

John C. Walsh (Louisiana Bar Roll No. 24903)
SHOWS, CALI & WALSH, L.L.P.
628 St. Louis St. (70802)
P.O. Box 4225
Baton Rouge, LA 70821

Telephone: (225) 346-1461
Facsimile: (225) 346-5561
john@scwllp.com

**Admitted pro hac vice*

*Counsel for Defendant NANCY LANDRY, in her
official capacity as Louisiana Secretary of State*

CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of May, 2024, the foregoing document was filed via the Court's CM/ECF system which sent notice of the same to all counsel of record in this matter.

/s/ Phillip J. Strach

Phillip J. Strach* (Lead Counsel)

phillip.strach@nelsonmullins.com

Alyssa M. Riggins*

alyssa.riggins@nelsonmullins.com

Cassie A. Holt*

cassie.holt@nelsonmullins.com

**NELSON MULLINS RILEY &
SCARBOROUGH LLP**

301 Hillsborough Street, Suite 1400

Raleigh, NC 27603

Telephone: (919) 329-3800

Facsimile: (919) 329-3799

/s/ John C. Walsh

John C. Walsh (Louisiana Bar Roll No. 24903)

SHOWS, CALI & WALSH, L.L.P.

628 St. Louis St. (70802)

P.O. Box 4225

Baton Rouge, LA 70821

Telephone: (225) 346-1461

Facsimile: (225) 346-5561

john@scwllp.com

**Admitted pro hac vice*

*Counsel for Defendant NANCY LANDRY, in her
official capacity as Louisiana Secretary of State*

Exhibit 1

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DECLARATION OF SHERRI WHARTON HADSKEY

Now comes Sherri Wharton Hadskey, who deposes and says:

1. I am over 18 years of age, legally competent to give this declaration, and have personal knowledge of the facts set forth in it.

2. I have worked in election administration for over 30 years. I am currently Commissioner of Elections for the State of Louisiana, a position I have held since August of 2017.

3. I began working in administration of elections in Louisiana in 1986 as a student worker for the Department of Elections and Registrations for the state of Louisiana, and continuing in 2004 when the Department of Elections and Registration was abolished and all functions of the Department were merged into the office of the Secretary of State. I have been involved in election work in the areas of elections purchasing, registration, accounting, IT, and programming.

4. In 2005, I was appointed Director of Elections within the office of the Secretary of State and served in that capacity until I was appointed Commissioner of Elections in 2017.

5. In 2005, I was a member of the committee which selected election equipment for the state of Louisiana and my duties included- implementing the entire system for the state,

including training all Registrars of Voters, Clerks of Court, and field staff personnel, oversight of acceptance, testing and delivery of all equipment, voter outreach on the new equipment, and knowledge of the entire electronic system to program the machines.

6. In 2017, I received a certification as a Certified Elections Registration Administrator (CERA) from The Election Center, upon completion of a two year educational curriculum for elections administrators.

7. In January of 2017, I received the Dunbar Award for Civil Service, which is the highest honor a classified employee can receive for service to the citizens of Louisiana.

8. Currently, in my position as Commissioner of Elections I have approximately 235 people working under my supervision all over the state in the fields of election services, election field operation, and elections IT/ programming.

9. In the course and scope of my duties, I work closely with parish registrars of voters. We provide administrative support and direct assistance to the sixty-four registrars across the state, and we work closely with them on the administration of absentee by mail voting and early voting for each election. This office also works with the registrar of voters on all election day procedures including tabulation of early voting and absentee by mail ballots, support election day guidance and service calls, and following the election for inspection, auditing the election and recounts when necessary. I do not have direct control over the parish registrars, but we work with them on the conducting of the annual canvass of registered voters. This office works closely with the registrars of voters on the maintenance of lists for registration and other records.

10. I also work with parish Clerks of Court across the state regarding matters of voting machines, ballots, receipt of votes from Clerks of Court on election night, and any other matters prescribed by the Louisiana Election Code.

11. As Commissioner of Elections, I am familiar with the procedures for registration and voting in this State. It is primarily my responsibility to ensure that the elections run on schedule, and that all deadlines for election administration are met. I also work with the Secretary of State to implement any election related laws, including redistricting plans, passed by the Legislature, or other parishes, local municipalities, and school boards. I am also responsible for working with the Secretary of State to supervise the conduct of orderly, fair, and open elections, and ensuring that elections in Louisiana are administered in such a way as to preserve the integrity of, and protect the public confidence in, the democratic process.

12. The 2024 election cycle requires the commitment of significant administrative resources by state and parish level officials. Specifically, voters need to be assigned to new voting districts in accordance with statewide plans passed by the Louisiana Legislature, and to any new voting district subject to redistricting at the municipality, or parish level.

13. Specifically, each voter must be assigned to their new districts in our elections database system called ERIN. Once voters are assigned to new districts, the information must be carefully proofed before it goes “live” in the ERIN system. This includes coordination with parish Registrars of Voters.

14. At this time, the only Congressional plan loaded into ERIN is H.B. 1, last utilized in the 2022 federal election cycle.

15. In the months leading up to an election, every day matters. The first statutory election deadline pertaining to congressional districting is June 19, 2024, which is the deadline for candidates to submit nominating petitions. La. R.S. 18:465(E)(1).

16. In order to meet this deadline, I conferred with our staff and the Secretary. Together we determined that a congressional districting plan was needed no later than May 15, 2024. If we receive a plan by that date, our schedule to code this plan is as follows:

- a. On May 16, 2024 we would begin review of precinct numbers that would need to change in each parish statewide for the new plan. A document would then be created for each parish. This document must then be proofed and submitted to the parishes for their review as well. This must occur this year for both congressional and state Supreme Court districts. In 2022 it took a week just to review H.B. 1 for changes prior to implementation.
- b. By May 22, 2024 we must create a schedule for parishes that have to implement the most coding changes and contact each Registrar of Voters for proofing changes.
- c. May 23, 2024 is the earliest date by which we could begin making changes in ERIN. This would be done parish by parish to build up to the statewide plan. If 30 or more parishes are impacted this takes at least 3 weeks. Notably no other work in ERIN may go on while this is implemented. In ERIN you can only implement one plan at a time. This means that Annual Canvass, which is scheduled to begin on May 18, 2024, will be delayed. Annual Canvass must be completed by June 30, 2024.
- d. By June 11, 2024 all parish Registrars of Voters must have plans proofed and approved by this date for both Supreme Court and Congressional districts and any other municipal jurisdictional changes.
- e. By June 12, 2024 all work must be completed in ERIN, so that parish Registrars of Voters can update their information that was put on hold while implementing

statewide districting plans. The Secretary's team will then begin creating and printing identification cards to voters for both canvass and redistricting.

- f. On June 17, 2024, U.S.P.S. begins delivering voter cards for redistricting and canvass to voters. These cards inform voters what district they reside in.

This means that under the current schedule there is already a mere five-week period to code and assign all voters to their election districts, so that candidate qualifying by nominating petition can open on June 19, 2024. As such, this schedule already leaves virtually no room for error or unforeseen issues. A delay in receiving the map or any unforeseen issues could impact the Secretary's ability to meet these deadlines. Moreover, the further condensed this period becomes, the less clarity candidates will have to determine whether they want to run in that particular district, and who they may be running against.

17. In addition to these deadlines, we must begin yearly maintenance of voter machines and equipment on June 3, 2024. Yearly maintenance touches the following:

- a. All AVC Election Day voting machines (currently 9541 statewide);
- b. All ICX Early Voting machines (currently 820 statewide);
- c. All Canon Scanners (currently 110 statewide);
- d. All software and password updates for all laptops (over 600 statewide);
- e. Implementing all 2024 General Legislative Updates to all manuals and forms.

18. During this time we will also be working to assign voters to the new state Supreme Court districts. We anticipate moving approximately 2 million voters based on this change in the statewide plan. And while statewide redistricting plans take longer to code and proof than smaller redistricting plans at the parish or municipality level, we will also be implementing changes for the 21 municipalities and parishes that may redistrict ahead of the Fall 2024 election.

19. Election administration work continues after the June 19, 2024 deadline. The following subsequent deadlines are also in force:

- a. June 30, 2024 is the deadline by which the Annual Canvass must be complete. Again, no other work in ERIN may go on while redistricting plans are implemented in each parish, including work on the Annual Canvass.
- b. July 1, 2024 is the deadline for Parish Governing Authorities to submit any precinct changes (including a precinct being established or altered in any way, including alpha divisions by voter surname).
- c. July 10, 2024 is the deadline for parish Registrars of Voters to assign voters in ERIN to each voting district for all races, accounting for precinct changes.
- d. Qualifying begins on July 17, 2024 and ends on July 19, 2024 at 4:30 PM. Certified lists of candidates and qualifying fees are submitted to the Secretary by the Clerks of Court.
- e. July 24, 2024 the Secretary must furnish a list of candidates to campaign finance.
- f. July 26, 2024 is the deadline for objections to candidacy or any candidates to withdraw. These objections to candidacy may be filed in the state district courts.
- g. August 7, 2024 is the deadline for Registrars of Voters to publish the names and addresses of those persons on the inactive list in the official journal of the Parish Governing Authority.
- h. September 21, 2024 is the deadline for the Registrars of Voters to mail all overseas ballots. This is a deadline under both state and federal law.

20. Because this redistricting is going on at the same time as implementation for the Supreme Court districts and other municipal redistricting plans, there is still a significant amount

of coding to be completed in this tight time frame allotted for coding in the ERIN system. An addition of a Congressional plan after May 15, 2024 may render the Secretary of State unable to meet the assignment deadline ahead of the start of candidate qualifying.

21. In order for ballot coding to be complete by September 13, 2024, ballot coding must begin prior to that so that ballots can be printed and proofed. This is especially true for the federally required provisional ballots which are the first ballots to be prepared and printed.

22. For the November 2024 election the Secretary of State's office will need to prepare numerous different ballots depending on qualifying reports. A ballot will need to be prepared for each unique combination of districts that a potential voter will vote in.

23. The already condensed timeframe makes accomplishing all of these tasks difficult. And this schedule assumes that nothing goes wrong. Moving any of the aforementioned deadlines further would result in a tighter timeframe for ballot drafting, printing, and importantly, decreased time for ballot proofing ahead of the hard federal deadline for mailing ballots of September 21, 2024. Decreasing the time to code, print, and proof these ballots increases the likelihood that a serious mistake will be made that ultimately results in a voter receiving an incorrect ballot or voting in an incorrect district.

24. Such a mistake occurred in 2022. Municipal elections that ran on March 26, 2024 on new redistricted lines, saw administration problems. Late census information caused a rushed entry of voter information and led to entry of incorrect voter information, ultimately resulting in the issuance of incorrect ballots in Calcasieu Parish. As a result, a judge required state and local officials to hold a special municipal election in to remedy the issue. It is clear that rushing the voter assignment process creates an unacceptable risk of error that leads to flawed elections.

25. Further complicating this matter, parishes, by law, can merge precincts. The deadline to submit ordinances on mergers is July 1, 2024. However, practically, these mergers cannot be implemented in ERIN while Congressional redistricting is ongoing, as precincts can only be merged when all districts are in alignment. The Secretary of State's office has no control over the mergers, as they are controlled by demographers and parish councils. Therefore, later congressional districting work makes it possible a parish council could pass a merger ordinance that practically cannot be implemented because Congressional districts were still being implemented.

26. I am aware that as of the time of the execution of this declaration, that there is no Congressional districting plan either enacted by the legislature or ordered by the Court for the State to use in the November 2024 election. If a new map has split precincts we may not be able to implement that districting plan in time for the election. As discussed previously, the Secretary of State's staff needed a week to review and study H.B. 1 prior to the start of coding. That map had no split precincts. Because all split precincts will need to be addressed by the local Registrars of Voters, the Secretary of State will no longer be able to control the timeline of completing the Plan in ERIN. Implementation of any map, if it is possible at all, will only be feasible with the use of significant overtime in the form of staff working nights and weekends, as well as the likely hiring of temporary employees.

Pursuant to 28 U.S. Code §1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on the 6th day of May, 2024, in Baton Rouge, Louisiana.



SHERRI WHARTON HADSKY

4889-1254-0453 v.1

Exhibit 2

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UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF LOUISIANA

PRESS ROBINSON, ET AL * CIVIL ACTION
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VERSUS * NO. 22-211-SDD
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KYLE ARDOIN, ET AL * CONSOLIDATED WITH
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EDWARD GALMON SR., ET AL * NO. 22-214-SDD
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VERSUS * MAY 13, 2022
*
KYLE ARDOIN, ET AL * VOLUME 5 OF 5
* * * * *

MOTION FOR PRELIMINARY INJUNCTION BEFORE
THE HONORABLE SHELLY D. DICK
UNITED STATES CHIEF DISTRICT JUDGE

APPEARANCES:

FOR THE ROBINSON PLAINTIFFS: NAACP LEGAL DEFENSE FUND AND EDUCATIONAL FUND, INC.
BY: STUART NAIFEH, ESQ.
KATHRYN SADASIVAN, ESQ.
VICTORIA WENGER, ESQ.
SARA ROHANI, ESQ.
40 RECTOR STREET, FIFTH FLOOR
NEW YORK, NEW YORK 10006

ADCOCK LAW, LLC
BY: JOHN ADCOCK, ESQ.
3110 CANAL STREET
NEW ORLEANS, LOUISIANA 70119

AMERICAN CIVIL LIBERTIES UNION FOUNDATION VOTING RIGHTS PROJECT
BY: SARAH E. BRANNON, ESQ.
SAMANTHA OSAKI, ESQ.
915 15TH STREET N.W.
WASHINGTON, D.C. 20005

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PAUL, WEISS, RIFKIND, WHARTON &
GARRISON, LLP
BY: AMITAV CHAKRABORTY, ESQ.
RYAN RIZZUTO, ESQ.
ADAM SAVITT, ESQ.
JONATHAN H. HURWITZ, ESQ.
1285 AVENUE OF THE AMERICAS
NEW YORK, NEW YORK 10019

FOR THE GALMON
PLAINTIFFS:

WALTERS, PAPIILLION, THOMAS,
CULLENS, LLC
BY: DARREL J. PAPIILLION, ESQ.
12345 PERKINS ROAD, BUILDING ONE
BATON ROUGE, LOUISIANA 70810

ELIAS LAW GROUP, LLP
BY: ABHA KHANNA, ESQ.
JONATHAN P. HAWLEY, ESQ.
1700 SEVENTH AVE., SUITE 2100
SEATTLE, WASHINGTON 98101

ELIAS LAW GROUP, LLP
BY: JACOB D. SHELLY, ESQ.
OLIVIA N. SEDWICK, ESQ.
LALITHA D. MADDURI, ESQ.
10 G STREET N.E., SUITE 600
WASHINGTON, D.C. 20002

FOR KYLE ARDOIN,
IN HIS OFFICIAL
CAPACITY AS SECRETARY
OF STATE

SHOWS, CALI & WALSH, LLP
BY: JOHN C. WALSH, ESQ.
628 ST. LOUIS STREET
BATON ROUGE, LOUISIANA 70821

NELSON MULLINS RILEY AND
SCARBOROUGH, LLC
BY: PHILLIP STRACH, ESQ.
THOMAS A. FARR, ESQ.
ALYSSA M. RIGGINS, ESQ.
4140 PARKLAKE AVENUE, SUITE 200
RALEIGH, NORTH CAROLINA 27612

FOR THE LOUISIANA
LEGISLATIVE BLACK CAUCUS:

STEPHEN M. IRVING, LLC
BY: STEPHEN M. IRVING, ESQ.
111 FLOUNDERS DRIVE, SUITE 700
BATON ROUGE, LOUISIANA 70810

JOHNSON LAW FIRM
BY: ERNEST L. JOHNSON, ESQ.
3313 GOVERNMENT STREET
BATON ROUGE, LOUISIANA 70806

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ARTHUR THOMAS & ASSOCIATES
BY: ARTHUR R. THOMAS, ESQ.
3313 GOVERNMENT STREET
BATON ROUGE, LOUISIANA 70806

FOR LEGISLATIVE
INTERVENORS CLAY
SCHEXNAYDER AND PATRICK
CORTEZ:

BAKERHOSTETLER, LLP
BY: PATRICK T. LEWIS, ESQ.
ERIKA D. PROUTY, ESQ.
127 PUBLIC SQUARE, SUITE 2000
CLEVELAND, OHIO 44114

BAKERHOSTETLER, LLP
BY: E. MARK BRADEN, ESQ.
KATHERINE L. MCKNIGHT, ESQ.
1050 CONNECTICUT AVENUE, N.W.,
SUITE 1100
WASHINGTON, D.C. 20036

INTERVENOR DEFENDANT,
STATE OF LOUISIANA:

LOUISIANA'S OFFICE OF THE ATTORNEY
GENERAL
BY: JEFFREY M. WALE, ESQ.
ANGELIQUE D. FREEL, ESQ.
CAREY TOM JONES, ESQ.
1885 NORTH THIRD STREET
BATON ROUGE, LOUISIANA 70802

HOLTZMAN VOGEL BARAN TORCHINSKY &
JOSEFIAK, PLLC
BY: PHILLIP M. GORDON, ESQ.
15405 JOHN MARSHALL HIGHWAY
HAYMARKET, VIRGINIA 20169

OFFICIAL COURT REPORTER:

SHANNON L. THOMPSON, CCR
UNITED STATES COURTHOUSE
777 FLORIDA STREET
BATON ROUGE, LOUISIANA 70801
SHANNON_THOMPSON@LAMD.USCOURTS.GOV
(225)389-3567

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09:25 1 AREAS. SO IN THE RED, THESE WOULD BE HIGH CONCENTRATION, HIGH
2 PERCENT WHITE VOTING AGE POPULATION SURROUNDED BY HIGH
3 PERCENTAGE WHITE VOTING AGE POPULATION. SO IT'S NOT THE
4 DISTRIBUTION PER SE, IT'S SHOWING A STATISTICAL SUMMARY OF A
5 COMPARISON OF OBSERVED RACIAL POPULATION IN A BLOCK COMPARED TO
6 ITS NEIGHBORS.

7 **Q.** OKAY. AND JUST SO I UNDERSTAND -- AND, AGAIN, I MAY BE
8 SIMPLIFYING AGAIN -- ESSENTIALLY WHAT YOU'RE TELLING US, USING
9 A MATHEMATICAL MODEL IS THAT RESIDENTIAL PATTERNS IN THESE
10 CITIES ARE HIGHLY SEGREGATED. IS THAT CORRECT?

11 **A.** YES.

12 **Q.** I HAVE NO FURTHER QUESTIONS.

13 **THE COURT:** IS THERE ANY REDIRECT?

14 **MR. GORDON:** NOTHING FROM ME, YOUR HONOR. THANK YOU.

15 **THE COURT:** OKAY. YOU MAY STEP DOWN.

16 THANK YOU, SIR.

17 NEXT WITNESS.

18 **MR. STRACH:** THANK YOU, YOUR HONOR. PHIL STRACH.

19 THE DEFENSE CALLS SHERRI HADSKEY.

20 **SHERRI WHARTON HADSKEY,**

21 **HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:**

22 **THE DEPUTY CLERK:** AND IF YOU WOULD, PLEASE, STATE
23 YOUR NAME AND SPELL IT, FOR THE RECORD.

24 **THE WITNESS:** SURE. SHERRI, S-H-E-R-R-I, WHARTON,
25 W-H-A-R-T-O-N, HADSKEY, H-A-D-S-K-E-Y.

DIRECT EXAMINATION

BY MR. STRACH:

Q. GOOD MORNING, MS. HADSKEY.

A. GOOD MORNING.

Q. COULD YOU TELL THE COURT WHAT YOUR CURRENT POSITION IS?

A. I AM THE COMMISSIONER OF ELECTIONS FOR THE LOUISIANA SECRETARY OF STATE.

Q. AND COULD YOU GIVE US A BRIEF OVERVIEW OF YOUR POSITION AND WHAT YOU DO?

A. I OVERSEE ELECTIONS. WE HAVE ELECTIONS OPERATIONS, ELECTIONS FIELD OPERATIONS, ELECTIONS BUSINESS, AND ELECTIONS SERVICES, AND I OVERSEE THE ADMINISTERING OF THE ELECTIONS PROCESS.

Q. ALL RIGHT.

MR. STRACH: FOREST, COULD WE PULL UP MS. HADSKEY'S AFFIDAVIT WHICH IS SOS_1?

BY MR. STRACH:

Q. MS. HADSKEY, DOES THIS APPEAR TO BE A COPY OF -- A COPY OF THE AFFIDAVIT, THE DECLARATION YOU SUBMITTED IN THIS CASE?

A. YES, IT DOES.

Q. AND DOES THIS AFFIDAVIT OUTLINE YOUR PROFESSIONAL BACKGROUND AND CURRENT DUTIES?

A. YES, IT DOES.

Q. OKAY. ALL RIGHT. THEN WE WON'T GO INTO DETAIL ON THAT.

MR. STRACH: YOU CAN TAKE IT DOWN FOR US. THANK YOU.

09:29 1 PETITION BY THAT DATE?

2 A. CORRECT. WITH ALL OF THE SIGNATURES, WHICH WILL BE
3 SUBMITTED TO THE REGISTRARS FOR VERIFICATION.

4 Q. ALL RIGHT. AND SO IS YOUR OFFICE READY AND PREPARED FOR
5 THAT DEADLINE AS OF TODAY?

6 A. WE ARE, BECAUSE THE CARDS HAVE NOTIFIED THE VOTERS WHICH
7 DISTRICTS THEY ARE IN. THE PEOPLE THAT WANT TO QUALIFY FOR --
8 BY PETITION WILL HAVE THE CORRECT AREAS THAT THEY NEED TO GET
9 THE SIGNATURES FROM.

10 Q. ALL RIGHT. WHEN IS THE QUALIFYING DEADLINE FOR
11 CONGRESSIONAL CANDIDATES WHO WANT TO PAY THE FILING FEE?

12 A. THE QUALIFYING DEADLINE IS -- WELL, QUALIFYING IS THE
13 20TH, 21ST AND 22ND OF JULY.

14 Q. ALL RIGHT. SO YOU'RE WORKING BETWEEN NOW, OBVIOUSLY, AND
15 JUNE 22ND AND JULY 20TH. WHAT KIND OF ACTIVITIES IS YOUR
16 OFFICE ENGAGED IN AND FACING BETWEEN NOW AND JULY 20TH?

17 A. SO CURRENTLY WE ARE RECEIVING THE SCHOOL BOARD PLANS TO
18 BEGIN THE PROCESS FOR REDISTRICTING WITH THE SCHOOL BOARDS,
19 WHICH IS QUITE COMPLICATED. WE ALSO HAVE 158 MUNICIPALITIES
20 THAT CAN BE REDISTRICTED AND WE ARE WAITING FOR THAT
21 INFORMATION TO COME IN AS WELL.

22 WE ARE CONDUCTING AN ELECTION ON JUNE 4TH BECAUSE OF
23 A REDISTRICTING ERROR THAT WAS MADE IN THE MARCH 26TH ELECTION
24 IN CALCASIEU PARISH. SO WE HAVE EARLY VOTING AND THE ELECTION
25 PROCESS GOING ON FOR THAT PARTICULAR AREA.

09:37 1

NOW, THE PROBLEM THAT WE HAD IN CALCASIEU STEMMED FROM THE LATE CENSUS INFORMATION COMING THROUGH AND THE SHORT AMOUNT OF TIME THAT THE LOCALS HAD TO GET THAT INFORMATION ENTERED. AND BY DOING IT QUICKLY AND TRYING TO PROCESS EVERYTHING AS FAST AS THEY COULD TO BE READY FOR QUALIFYING, MISTAKES WERE MADE. SO ON ELECTION DAY, PEOPLE WERE GIVEN THE WRONG BALLOT.

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8 Q. ALL RIGHT. DO YOU HAVE ANY -- OBVIOUSLY, THIS IS A
9 ONCE-A-DECADE PROCESS FOR CONGRESSIONAL MAPS. DO YOU HAVE ANY
10 NEW REGISTRARS AT THE LOCAL LEVEL THIS YEAR WHO HAVE NEVER DONE
11 REDISTRICTING BEFORE?

12 A. YES. WE HAVE 19 NEW REGISTRARS THAT WILL BE DOING THIS
13 PROCESS FOR THE FIRST TIME AS THE REGISTRAR OF VOTERS.

14 Q. ALL RIGHT. AND IF YOU HAD TO PROCESS A NEW CONGRESSIONAL
15 PLAN SOME TIME BETWEEN NOW AND JULY 20TH, WOULD A NEW ROUND OF
16 NOTICES HAVE TO GO OUT TO THE VOTERS?

17 A. ABSOLUTELY.

18 Q. OKAY.

19 A. THE MOST IMPORTANT THING IS THAT THE VOTER AND THE
20 CANDIDATES KNOW THE DISTRICTS THAT THEY ARE LIVING IN AND THAT
21 THEY WILL VOTE IN.

22 Q. AND IN THE CARDS, WOULD THEY HAVE TO GO OUT WITH PLENTY OF
23 TIME FOR THE CANDIDATES TO ACTUALLY STUDY THE PLAN AND DECIDE
24 WHAT TO DO AND THE VOTERS DECIDE WHAT TO DO?

25 A. YES. YES.

09:38 1 Q. ARE THERE ANY ISSUES -- IN YOUR AFFIDAVIT, YOUR
2 DECLARATION, YOU TALKED ABOUT A PAPER SHORTAGE. WHAT DOES THAT
3 -- HOW DOES THAT PLAY INTO THIS PROCESS?

4 A. SO WE HAVE SUPPLY CHAIN SHORTAGES RIGHT NOW THAT WE ARE
5 DEALING WITH FOR ELECTIONS, ACTUALLY THE ENTIRE NATION IS
6 DEALING WITH FOR ELECTIONS. ONE OF THOSE IS THE PAPER
7 SHORTAGE. WE ATTEMPTED TO GET THE ENVELOPES FOR OUR
8 ABSENTEE-BY-MAIL PROCESS AND WE SEARCHED -- ACTUALLY THE
9 DIVISION OF ADMINISTRATION ASSISTED US IN SEARCHING THE ENTIRE
10 UNITED STATES TO TRY AND FIND THE PAPER TO PRODUCE OUR
11 ENVELOPES. THEY ALSO REACHED OUT TO CANADA. AND FORTUNATELY,
12 AT THE LAST MINUTE, WE WERE ABLE TO FIND ONE PAPER MILL THAT
13 COULD PROVIDE THE PAPER THAT WE NEED. HOWEVER, IT'S, OF
14 COURSE, AT A MUCH HIGHER RATE OF PAY, RATE OF COST.

15 Q. ALL RIGHT. SO IN LIGHT OF THE -- ALL OF THE MANY
16 ACTIVITIES YOUR OFFICE IS ENGAGED IN AND IF YOU HAD TO DO A NEW
17 CONGRESSIONAL PLAN SOME TIME WITHIN THE NEXT FEW MONTHS, WHAT'S
18 YOUR ASSESSMENT OF WHETHER YOU COULD -- YOU COULD PULL THAT OFF
19 ERROR FREE?

20 A. OH, I'M EXTREMELY CONCERNED. I'M VERY CONCERNED BECAUSE
21 WHEN YOU PUSH -- WHEN YOU PUSH PEOPLE TO TRY AND GET SOMETHING
22 DONE QUICKLY -- AND ESPECIALLY PEOPLE THAT HAVE NOT DONE THIS
23 PROCESS BEFORE, THE WORST THING YOU CAN HEAR FROM A VOTER IS,
24 "I'M LOOKING AT MY BALLOT AND I DON'T THINK IT'S RIGHT. I
25 THINK I'M IN THE WRONG DISTRICT OR I DON'T FEEL LIKE I HAVE THE

09:40 1 RIGHT RACES."

2 THE OTHER THING IS NOTIFYING THE VOTERS. I THINK WE
3 ALL CAN RELATE TO WE KNOW WHO OUR PERSON IS THAT WE VOTED FOR,
4 FOR CONGRESS OR FOR SCHOOL BOARD OR ANY RACE AND WHEN YOU GET
5 THERE AND YOU REALIZE IT'S NOT THE PERSON YOU ARE LOOKING FOR,
6 YOU'RE THINKING THAT'S WHO YOU'RE GOING TO VOTE FOR. AND THEN
7 YOU FIND OUT, "WAIT, I'M IN A DIFFERENT DISTRICT." IF WE DON'T
8 NOTIFY THEM IN ENOUGH TIME AND HAVE THAT CORRECTED, IT CAUSES
9 CONFUSION ACROSS THE BOARD. NOT JUST CONFUSION FOR THE VOTERS,
10 BUT ALSO CONFUSION FOR THE ELECTIONS ADMINISTRATORS TRYING TO
11 GO BACK AND CHECK AND DOUBLECHECK THAT WHAT THEY HAVE IS
12 CORRECT.

13 **Q.** ALL RIGHT. BROADLY SPEAKING, ASIDE FROM JUST ELECTION
14 ADMINISTRATION, ARE THERE ANY OTHER FACTORS THAT CONCERN YOU IN
15 CONSIDERING THE ELECTION SCHEDULE THIS YEAR?

16 **A.** YES. UNFORTUNATELY AND SADLY FOR THE LAST TWO YEARS, IT'S
17 BEEN THE LAST -- THE LAST TWO YEARS HAVE BEEN THE HARDEST IN MY
18 ENTIRE CAREER. I HAVE NO WAY OF KNOWING IF COVID IS GOING TO
19 COME BACK UP THIS COMING FALL. AND THAT ALONE ADDED AN
20 ADDITIONAL MASSIVE AMOUNT OF WORK ON THE LOCALS AND ON THE
21 STATE TO BE ABLE TO PROVIDE FOR SOCIAL DISTANCING, NOT HAVE
22 POLLING LOCATIONS IN NURSING FACILITIES, ET CETERA. SO I'M
23 VERY CONCERNED ABOUT THAT COMING AT US LIKE A FREIGHT TRAIN.

24 AND THEN I'M ALSO CONCERNED ABOUT -- I THINK WE ALL
25 KNOW IN 2020, WE COULD NOT FIND HAND SANITIZER. WE COULDN'T

09:49 1 Q. AND YOU WON'T KNOW WHICH CANDIDATES WILL QUALIFY TO APPEAR
2 ON THE BALLOTS FOR CONGRESSIONAL ELECTIONS UNTIL JULY 29TH AT
3 THE EARLIEST?

4 A. THAT'S CORRECT.

5 Q. THE NUMBER OF BALLOTS THE STATE NEEDS FOR THIS NOVEMBER'S
6 ELECTIONS WON'T CHANGE BASED ON THE SHAPE OF THE CONGRESSIONAL
7 DISTRICTS. CORRECT?

8 A. NO. NO, IT SHOULD NOT BASED ON THE SHAPE OF THE
9 CONGRESSIONAL DISTRICTS. IT'S BASED ON THE NUMBER OF
10 CANDIDATES THAT QUALIFY, THE NUMBER OF CONSTITUTIONAL
11 AMENDMENTS. IN OTHER WORDS, YOU MAY HAVE A ONE-PAGE BALLOT OR
12 YOU COULD HAVE A THREE-PAGE BALLOT, DEPENDING ON WHO QUALIFIES.

13 Q. RIGHT. YOU DISCUSSED ABSENTEE ENVELOPES WITH MR. STRACH,
14 I BELIEVE. NO ABSENTEE BALLOTS HAVE GONE OUT YET. IS THAT
15 CORRECT?

16 A. NOT YET.

17 Q. AND THOSE WON'T NEED TO BE PRINTED UNTIL 45 DAYS BEFORE
18 THE ELECTION?

19 A. OH, NO. WE HAVE TO HAVE THEM PRINTED WAY IN ADVANCE.
20 LOUISIANA HAS A SPECIAL ENVELOPE. IT HAS AN AFFIDAVIT FLAP ON
21 IT. IT'S UNIQUE. THERE'S NOT -- TO MY KNOWLEDGE, THERE'S NO
22 OTHER STATE OR JURISDICTION IN THE UNITED STATES THAT HAS THE
23 DETAILED FLAP THAT WE HAVE. AND IT'S VERY DIFFICULT TO PRINT.

24 WHEN WE'VE PUT IT OUT TO BID IN THE PAST, ONLY THREE
25 COMPANIES IN THE NATION WERE ABLE TO PRINT THIS PARTICULAR

09:50 1 ENVELOPE IN THE WAY THAT IT'S MADE AND THE INFORMATION THAT'S
2 ON IT. AND IN ORDER TO HAVE THEM PRINT, PROOF, PRINT ALL OF
3 THEM THAT ARE NECESSARY FOR THE PRIMARY AND THE GENERAL AND
4 THEN HAVE THEM SHIPPED TO US, THEN BREAK IT DOWN AND DISTRIBUTE
5 THEM TO THE PARISHES, WE HAVE TO RECEIVE THOSE BY AUGUST 1ST.
6 WE CAN'T RECEIVE THEM ANY LATER THAN THAT OR WE WOULDN'T BE
7 ABLE TO GET THEM OUT TO THE LOCALS TO BE ABLE TO HAVE THEM TO
8 USE.

9 Q. THANK YOU.

10 THE NUMBER OF ABSENTEE BALLOT ENVELOPES WILL NOT
11 CHANGE DEPENDING ON THE SHAPE OF THE CONGRESSIONAL DISTRICTS.
12 CORRECT?

13 A. NO. THAT WILL DEPEND ON THE NUMBER OF PEOPLE THAT APPLY
14 FOR AN ABSENTEE BALLOT AND THE NUMBER OF PEOPLE THAT APPLY FOR
15 THE PROGRAMS LIKE THE OVER 65 PROGRAM OR THE DISABILITY
16 PROGRAM; THINGS LIKE THAT.

17 Q. YOU SUGGEST THAT THE PAPER SHORTAGE MIGHT AFFECT THE
18 PRINTING OF VOTER REGISTRATION CARDS. CORRECT?

19 A. IT COULD -- IT COULD AFFECT ANY ITEM THAT WE HAVE TO
20 PRINT. FOR EXAMPLE, THE PAPER ROLLS FOR THE VOTING MACHINES,
21 THE TAPES, THE CARDS OR ANY SUPPLY. IF YOU'VE GONE TO VOTE ON
22 ELECTION DAY AND YOU WANT TO CHANGE YOUR ADDRESS OR YOU WANT TO
23 VOTE BY AFFIDAVIT OR ANY OF THE SUPPLY ITEMS. ALSO, THE POLL
24 BOOK PAGES, WE USE PAPER POLL BOOK PAGES. WE DON'T USE E-POLL
25 BOOKS, SO EVERYTHING THAT IS PAPER-RELATED, WE'RE TRYING TO