

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

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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.

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