

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

DR. DOROTHY NAIRNE, JARRETT LOFTON,
REV. CLEE EARNEST LOWE, DR. ALICE
WASHINGTON, STEVEN HARRIS, ALEXIS
CALHOUN, BLACK VOTERS MATTER
CAPACITY BUILDING INSTITUTE, and THE
LOUISIANA STATE CONFERENCE OF THE
NAACP,

Plaintiffs,

v.

R. KYLE ARDOIN, in his official capacity as
Secretary of State of Louisiana,

Defendant.

Civil Action No. 3:22-cv-00178
SDD-SDJ

NOTICE OF DEPOSITION UNDER FED. R. CIV. P. 30(b)(6)

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, counsel for Plaintiffs in the above-captioned matters will proceed to take the deposition of the Louisiana Secretary of State through one or more officers, directors, managing agents, or other persons who shall be designated to testify on the Secretary of State's behalf regarding all information known or reasonably available to the Secretary of State with respect to the topics identified in Exhibit A. The deposition will be held via Zoom or similar videoconferencing platform on August 18, 2023, beginning at 9 am CDT, with the witness appearing at 628 St. Louis Street, Baton Rouge, LA 70802 by agreement of the parties. By noticing a deposition on the limited topics in Exhibit A and as allowed by the Scheduling Order (*Nairne*, ECF No. 110 at 2).

**Exhibit
Hadskey 01**
SoS 30(b)(6)

Date: August 7, 2023

Respectfully submitted,

Sarah Brannon*
Megan C. Keenan*
American Civil Liberties Union Foundation
915 15th St. NW
Washington, DC 20005
sbrannon@aclu.org
mkeenana@aclu.org

Sophia Lin Lakin*
Dayton Campbell-Harris*
Luis Manuel Rico Román*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
slakin@aclu.org
dcampbell-harris@aclu.org
lroman@aclu.org

T. Alora Thomas-Lundborg
Election Law Clinic
Harvard Law School
6 Everett Street, Ste. 4105
Cambridge, MA 02138
tthomaslundborg@law.harvard.edu

Nora Ahmed (N.Y. Bar. No. 5092374)
ACLU Foundation of Louisiana
1340 Poydras St., Suite 2160
New Orleans, LA 70112
NAhmed@laaclu.org

Michael de Leeuw*
Amanda Giglio*
Cozen O'Connor
3 WTC, 175 Greenwich St.,
55th Floor
New York, NY 10007
MdeLeeuw@cozen.com
AGiglio@cozen.com

Attorneys for Plaintiffs

*Admitted Pro Hac Vice

**Pro Hac Vice Motion Forthcoming

/s/ John Adcock
John Adcock (La. Bar No. 30372)
Adcock Law LLC
Louisiana Bar No. 30372
3110 Canal Street
New Orleans, LA 70119
jnadcock@gmail.com

Ron Wilson (La. Bar No. 13575)
701 Poydras Street, Suite 4100
New Orleans, LA 70139
Tel: (504) 525-4361
Fax: (504) 525-4380
cabral2@aol.com

Leah Aden*
Stuart Naifeh*
Victoria Wenger*
NAACP Legal Defense & Educational Fund
40 Rector Street, 5th Floor
New York, NY 10006
laden@naacpldf.org
snaifeh@naacpldf.org
vwenger@naacpldf.org

I. Sara Rohani*
NAACP Legal Defense & Educational Fund
700 14th Street, Suite 600
Washington, DC 20005
(929) 536-3943
srohani@naacpldf.org

Josephine Bahn**
Cozen O'Connor
1200 19th Street NW
Washington, D.C. 20036
JBahn@cozen.com

EXHIBIT A

DEFINITIONS

Except as specifically defined below, the terms used in the topics shall be construed and defined in accordance with the Federal Rules of Civil Procedure, wherever applicable. Any terms not defined shall be given their ordinary meaning. The singular includes the plural and vice versa. The masculine includes the feminine and neutral genders. The past tense includes the present tense where the clear meaning is not distorted by change of tense. As used herein, the terms below have the following meaning:

1. “Absentee ballots” refer to ballots received by voters in advance of Election Day and returned via mail or hand delivery.
2. “Date” means the exact day, month, and year, if ascertainable, or, if not, the best available approximation (including relationship to other events).
3. “Describe” means to provide all knowledge or information about the subject.
4. “Document” is defined to be synonymous in meaning and the same in scope as the term 'document' as used in Rule 34 of the Federal Rules of Civil Procedure and the phrase “writings and recordings” as defined by Rule 1001 of the Federal Rules of Evidence, and includes without limitation any kind of written, typewritten, printed, graphic, or recorded material whatsoever, including without limitation notes, text messages, electronic mail, memoranda, letters, reports, studies, electronic mail messages, telegrams, publications, contracts, manuals, business plans, proposals, licenses, drawings, designs, data sheets, diaries, logs, specifications, brochures, product or service descriptions, periodicals, schematics, blueprints, recordings, summaries, pamphlets, books, prospectuses, interoffice and intra office communications, offers, notations of any sort of conversations, working papers, applications, permits, surveys, indices, telephone calls, meeting minutes, databases, electronic files, software, transcriptions of recordings, computer tapes, diskettes, or other magnetic media, bank checks, vouchers, charge slips, invoices, expense account reports, hotel charges, receipts, freight bills, agreements, corporate resolutions, minutes, books, binders, accounts, photographs, and business records. This shall include all non-identical copies, no matter how prepared; all drafts prepared in connection with such documents, whether used or not; and any deleted or erased documents that may be retrieved from hard drives, floppy disks, electronic back-up files, or any other back-up systems, regardless of location, together with all attachments thereto or enclosures therewith, in your possession, custody, or control or any of your attorneys, employees, agents, or representatives.
5. “Election cycle” refers to the phase of the electoral process beginning the day after the date of the most recent general election and ending on the date of the next general election. For example, the 2023 election cycle began on December 11, 2022, and will end on November 19, 2023.

6. “Local Election Officials” refers to individuals who administer elections on the parish-level in Louisiana including but not limited to clerk of court, registrar of voters, parish president, as well as their employees, designees, and agents.
7. “Regular Election” means primary and general election held every four years to fill the offices of the State Legislature, both the State Senate and the State House of Representatives.
8. “State Officials” means: the former, current, and/or future Louisiana Governor, and their staff, employees, contractors, consultants, advisors, or agents; the former, current, and/or future Louisiana Attorney General, and their staff, employees, contractors, consultants, advisors, or agents; Representatives of the Louisiana Senate and/or the Louisiana House of Representatives; and/or any current or former member, employee, contractor, advisor, agent, or representative of the Louisiana Senate, Louisiana House of Representatives, or any current or former committee, office, or unit of those entities; the current or former Louisiana Secretary of State, and their staff, employees, contractors, consultants, advisors, agents, and representatives; other Louisiana state officials tasked with election administration.
9. “Special Election” means an election called to fill vacancy in the office of a state legislator (both in the State Senate and the State House of Representatives) that occurs with six months or more of the term remains unexpired, as described under R.S. 18:601. This term shall include both primary and general elections held to fill vacancy as described above.
10. “Voter” means any registered voter in Louisiana and all persons who are eligible to register to vote by the close of discovery in this case.
11. “You” or “Your” means the Secretary of State of Louisiana, including any officers, agents, advisors, employees, representatives, consultants, contractors, or any person or entity acting or purporting to act on the Secretary of State’s behalf or subject to their control.
12. The terms “all,” “any” and “each” shall each be construed as encompassing any and all.
13. The terms “and” and “or” shall be construed either disjunctively or conjunctively, as necessary, to bring within the scope of the topic all responses that might otherwise be construed to be outside of its scope.
14. The term “including” shall mean “including, but not limited to.”
15. The terms “regarding,” “related to,” and “relating to” shall be construed in the broadest sense to mean referring to, describing, concerning, reflecting, alluding to, responding to, connected with, commenting on, with respect to, about, discussing, showing, analyzing, constituting, and/or evidencing, in any manner, whether directly or indirectly, the subject matter of the topic.

TOPICS

- I. **The following policies, procedures, regulations, guidance, and training regarding the Secretary of State’s implementation of new State Senate and State House district maps:**
 - A. All steps or activities required of You—and the steps or activities required of other State Officials, Local Election Officials, candidates, and any other persons involved in administering elections in this litigation to the extent You have knowledge of or have relied directly or intend to rely directly upon them—to implement a new redistricting plan from the time it is enacted into law or ordered by a court until the completion of the first election under such new redistricting plan.
 - B. Voting and candidate qualifying procedures, including:
 - a. Deadlines and the reasons for the deadlines for the candidate-qualifying and/or primary dates for the 2023 elections to be held under the Louisiana State Senate and Louisiana State House of Representative maps, including Gubernatorial Primary and Gubernatorial General elections.
 - b. Deadlines and the reason for the deadlines for candidate-qualifying and/or primary dates for special elections to be held under the Louisiana State Senate and Louisiana State House of Representative maps.
 - c. Anticipated deadlines and the reason for the deadlines for candidate-qualifying and/or primary dates for the 2027 elections to be held under the Louisiana State Senate and Louisiana State House of Representative maps.
 - d. Procedures for determining deadlines for all regular elections events, such as but not limited to, primary and general elections, and including but not limited to candidate filing deadlines, nominating period deadlines, and voting periods.
 - e. Procedures for determining deadlines for special elections events, both general and primary elections, including but not limited to candidate filing deadlines, nominating period deadlines, and voting periods.
 - f. The policies, processes, and procedures involved in allocating voters to new districts and notifying voters about their new districts, as well as the time and staff required to complete that process.
 - g. Any overlap in the voting and candidate qualifying procedures for State Senate and State House elections and U.S. congressional elections.
 - C. Ballot printing and sending deadlines and procedures including:
 - a. Policies, processes, and procedures, as well as the time and staff required, for creating ballot combinations, as well as proofing, revising, and printing ballot for any and all Louisiana elections.
 - b. Policies, processes, and procedures, as well as the time and staff required, for

proofing, revising, printing, and sending absentee ballots including Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”) ballots and emergency absentee ballots for any and all Louisiana elections.

- c. Deadlines, policies and procedures for printing and sending Overseas Citizens Absentee Voting Act (“UOCAVA”) ballots for primary and general regular elections as well as the time and staff required to complete that process.
- d. Deadlines, policies and procedures for sending UOCAVA ballots for special elections, including primary and general special elections, as well as the time and staff required to complete that process.
- e. Deadlines, policies and procedures for printing and sending absentee ballots for regular elections, as well as the time and staff required to complete that process.
- f. Deadlines, policies and procedures for printing and sending absentee ballots for special election, as well as the time and staff required to complete that process.
- g. Deadlines, policies, and procedures for printing and sending ballots to polling locations for regular election, as well as the time and staff required to complete that process.
- h. Deadlines, policies, and procedures for printing and sending ballots to polling locations for special elections, as well as the time and staff required to complete that process.
- i. Any overlap in the deadlines, polices, and procedures for printing and sending ballots for State Senate and State House elections and U.S. congressional elections.

D. Polling place polices and procedures:

- a. Any involvement Your office has in the designation of polling places for State Senate and State House polling places, as well as that of other State Officials and Local Election Officials to the extent You have knowledge of or have relied directly or intend to rely directly upon measures taken by them, and the policies, processes, and procedures for such designation, as well as the staffing time required to complete that process.
- b. Polling locations that were changed or split from the beginning of the 2019 election cycle to present; policies, processes, and procedures, as well as the time and staff required, for changing a polling location; and the availability during the 2024 election cycle of facilities currently designated or potentially designable as polling locations.
- c. Your knowledge of any overlap between polling places for State Senate, State House, and U.S. congressional elections and any polices and procedures related to overlapping poling places.

- E. Any other election-related resource requirements, including but not limited to:
- a. The number of staff hours for each staff person or type or category of staff person involved in carrying out the election-related responsibilities of the Secretary of State's office during a special election. Your election-related activities that occurred between the sending of absentee ballots and the date of the general election in the 2019 and 2023 election cycles.
 - b. Whether and how the resources and time required to implement new State Senate and State House maps vary depending on the degree of change from the prior maps.
 - c. Your election-related staffing levels from January 1, 2019 to present, and its anticipated staffing levels from present to December 2024, including how that staff is allocated among Your election-related functions.
 - d. Your experience hiring election-related staff during the 2019 and 2023 election cycles.
 - e. Any overlap in resources to run State House, State Senate, and to run U.S. congressional elections.
 - f. Allocation of election responsibilities between your office and Local Election Officials.

II. The following processes, policies, and procedures You undertook or participating in regarding the implementation of new State Senate and State House maps that applied or were used in prior election cycles, as well as that of other State Officials and Local Election Officials to the extent You have knowledge of or have relied directly or intend to rely directly upon measures taken by them:

- A. The experience of and procedures for implementing new State Senate and State House districts since 2011, including in response to court orders.
- B. Election calendars for election cycles after 2011.
- C. The timing, including deadlines and actual completion dates, of relevant processes regarding the implementation of new House State and House Senate maps for the 2020-2022 and 2010-2011 redistricting cycles, including but not limited to: updating street segments; notifying voters about their new districts; creating ballot combinations; proofing, revising, and printing ballots; proofing, revising, printing, and sending absentee ballots; and verifying candidate residency and other qualifications.

III. Knowledge of communication between your office and any members of the State House or State Senate about maps for the State House or the State Senate.

- A. Any written or oral communication between Your office any members or staff of the State Senate or State House about the new State Senate or State House maps prior to their passage in March 2022.

- B. Any written or oral communication between Your office any members or staff of the State Senate or State House about the new State Senate or State House maps after their passage in March 2022.

CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2023, a true and correct copy of the foregoing was served on all counsel of record by electronic mail.

/s/ T. Alora Thomas-Lundborg
Alora Thomas-Lundborg