UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF LOUISIANA

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

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

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PROCEEDINGS RECORDED BY MECHANICAL STENOGRAPHY USING COMPUTER-AIDED TRANSCRIPTION SOFTWARE

INDEX

DEFENDANTS' WITNESSES: PAGE

ALAN T.MURRAY, PH.D.

DIRECT EXAMINATION BY MR. GORDON 6

CROSS-EXAMINATION BY MR. NAIFEH 16

SHERRI WHATON HADSKEY

DIRECT EXAMINATION BY MR. STRACH 22

CROSS-EXAMINATION BY MR. LEWIS 35

(MAY 13, 2022)

THE COURT: GOOD MORNING, EVERYONE.

BE SEATED.

OKAY. I GUESS MAYBE WE CAN FIND OUT WHERE WE ARE ON THE CLOCK, ALTHOUGH I DON'T THINK IT'S GOING TO BE AN ISSUE. ARE WE OKAY WITH THAT? OKAY. SO WE CAN DISPENSE WITH THE CLOCK REPORT, AND THE DEFENSE MAY CALL THEIR NEXT WITNESS.

MR. GORDON: THANK YOU, YOUR HONOR. THIS IS PHILLIP GORDON FOR THE STATE OF LOUISIANA AS INTERVENORS.

THE STATE WOULD LIKE TO CALL DR. ALAN MURRAY.

ALAN T. MURRAY, PH.D.,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

THE COURT: GO AHEAD.

MR. GORDON: FIRST, YOUR HONOR, AS HAS BEEN OUR PRACTICE, I'D LIKE TO SEEK A STIPULATION AS TO THE WITNESS'S EXPERTISE. WE'D LIKE TO TENDER DR. MURRAY IN DEMOGRAPHIC ANALYSIS, SPATIAL ANALYTICS AS IT RELATES TO RACE, AND STATISTICS.

MR. NAIFEH: NO OBJECTION.

THE COURT: OKAY. DR. MURRAY MAY GIVE OPINION TESTIMONY ON DEMOGRAPHIC -- WHAT WAS IT? DEMOGRAPHIC WHAT?

MR. GORDON: ANALYSIS.

THE COURT: ANALYSIS. SPATIAL ANALYTICS AS IT RELATES TO RACE. AND THE THIRD THING WAS?

MR. GORDON: STATISTICS.

09:03

THE COURT: STATISTICS. ALL RIGHT. THANK YOU. YOU MAY PROCEED.

MR. GORDON: AND, YOUR HONOR, MAY I APPROACH WITH DR. MURRAY'S REPORT?

THE COURT: YOU MAY.

THE DEPUTY CLERK: AND WOULD YOU STATE AND SPELL YOUR NAME FOR THE RECORD, PLEASE?

THE WITNESS: MY NAME IS ALAN MURRAY. A-L-A-N, M-U-R-R-A-Y.

DIRECT EXAMINATION

BY MR. GORDON:

Q. THANK YOU, DR. MURRAY.

WHERE ARE YOU CURRENTLY EMPLOYED?

A. UNIVERSITY OF CALIFORNIA, SANTA BARBARA.

Q. AND WHAT IS YOUR TITLE AT THE UNIVERSITY OF CALIFORNIA, SANTA BARBARA?

A. I'M A PROFESSOR IN THE DEPARTMENT OF GEOGRAPHY.

Q. AND IS THAT A TENURED POSITION?

A. YES.

Q. WHAT DEGREES DO YOU HOLD?

A. I HAVE A BACHELOR'S IN MATHEMATICS, A MASTER'S IN PROBABILITY AND STATISTICS, AND A PH.D. IN GEOGRAPHY.

Q. APPROXIMATELY HOW LONG HAVE YOU BEEN A PROFESSOR?

A. TWENTY-FIVE YEARS, 27 YEARS.

Q. AND WHAT CLASSES DO YOU TEACH?

09:04 **A.** I TEACH CLASSES IN SPATIAL STATISTICS, GEOGRAPHIC INFORMATION SYSTEMS, GIS, AND SPATIAL OPTIMIZATION LOCATION MODELING.

Q. AND HAVE YOU EVER TESTIFIED AS AN EXPERT WITNESS IN A CASE BEFORE?

A. YES, I HAVE.

Q. IN WHAT CAPACITY DID YOU TESTIFY?

A. I PROVIDED EXPERT TESTIMONY DURING A DEPOSITION.

Q. AND SO HAVE YOU EVER TESTIFIED AT A TRIAL?

A. NO.

Q. THIS IS YOUR FIRST TIME?

A. YES.

Q. APPROXIMATELY HOW MANY PUBLICATIONS DO YOU HAVE?

A. APPROXIMATELY 300.

Q. AND ARE THOSE PUBLICATIONS RELEVANT TO YOUR AREA OF EXPERTISE?

A. YES.

Q. AND ABOUT HOW MANY TIMES HAS YOUR RESEARCH BEEN CITED?

A. SEVENTEEN THOUSAND.

Q. AND ARE THE BULK OF THOSE IN VARIOUS PEER-REVIEWED JOURNALS?

A. YES.

Q. OKAY. MOVING MORE TO THE WORK THAT YOU DID IN THIS CASE, DR. MURRAY, HOW MANY REPORTS DID YOU PROVIDE?

A. ONE.

09:05 **Q.** AND WHAT SOURCES DID YOU ANALYZE IN FORMULATING THE OPINIONS OF YOUR -- IN YOUR REPORT?

A. I LOOKED AT A NUMBER OF REDISTRICTING STUDIES, SOME ACADEMIC LITERATURE IN REDISTRICTING.

Q. AND WHAT DATA DID YOU USE TO FORM THE OPINIONS IN THIS CASE?

A. I USED U.S. CENSUS BLOCK-LEVEL DATA.

Q. AND ARE YOU RESPONDING TO ANY SPECIFIC PLAINTIFFS' REPORT WITH YOUR REPORT?

A. NO.

Q. DID YOU REVIEW ANY OF THE OTHER PLAINTIFFS' EXPERT REPORTS?

A. NO.

Q. AND I THINK IT'S -- IT GOES WITHOUT SAYING, BUT LET'S SAY IT ANYWAY, DID YOU RESPOND TO ANY SPECIFIC PLAINTIFFS' EXPERT REPORTS IN YOUR REPORT IN THIS CASE?

A. NO, I DID NOT.

Q. WHAT WERE YOU ASKED TO DO IN THIS CASE?

A. I WAS ASKED TO LOOK AT THE SPATIAL DISTRIBUTIONS OF BLACK VOTING AGE POPULATION AND WHITE VOTING AGE POPULATION IN THE STATE OF LOUISIANA.

Q. AND WHO REACHED OUT TO YOU ABOUT DOING WORK IN THIS CASE?

A. JASON TORCHINSKY.

Q. AND HOW MUCH PER HOUR WERE YOU PAID FOR YOUR WORK RELATED TO THIS CASE?

09:06 1 **A.** TWO-HUNDRED AND FIFTY.
2 **Q.** AND ABOUT HOW MANY HOURS HAVE YOU SPENT ON YOUR ANALYSIS
3 IN THIS CASE?
4 **A.** SOMEWHERE BETWEEN 20 AND 30 HOURS.
5 **Q.** DID YOU DO ANY ANALYSES OF ANY SOCIOECONOMIC FACTORS
6 RELATED TO YOUR EXPERT REPORT HERE?
7 **A.** NO.
8 **Q.** DID YOU DO AN ANALYSIS OF WHAT ARE TYPICALLY CALLED THE
9 TRADITIONAL REDISTRICTING CRITERIA IN YOUR --
10 **A.** NO.
11 **Q.** DID YOU DO AN ANALYSIS OF RACIALLY POLARIZED VOTING?
12 **A.** NO.
13 **Q.** DID YOU OPINE AS TO THE PROPER METRIC FOR MEASURING BLACK
14 POPULATION?
15 **A.** NO, I DID NOT.
16 **Q.** SO FOCUSING ON THE SUBSTANCE OF YOUR REPORT NOW, WHAT
17 CONCLUSIONS DID YOU REACH IN YOUR REPORT?
18 **A.** I REACHED THE CONCLUSION THAT BLACK AND WHITE VOTING AGE
19 POPULATION ARE HETEROGENEOUSLY DISTRIBUTED ACROSS THE STATE AND
20 THEY ARE NOT DISTRIBUTED IN THE SAME MANNER GEOGRAPHICALLY.
21 **Q.** ALL RIGHT. NOW, LET'S TURN TO YOUR REPORT, WHICH IS STATE
22 EXHIBIT 4.
23 **MR. GORDON:** CAN WE PLEASE BRING UP FIGURE III.A.3 ON
24 PAGE 11? IF WE COULD BLOW UP FIGURE III.A.3, PLEASE.
25 **BY MR. GORDON:**

09:08 1 **Q.** SO WHAT IS THIS MAP?
2 **A.** IN THIS FIGURE IT'S SHOWING THE PERCENT "ANY PART BLACK"
3 VOTING AGE POPULATION ACROSS THE STATE AT THE CENSUS-BLOCK
4 LEVEL.
5 **Q.** AND WHAT IS THE MEASUREMENT OF -- SORRY. LET ME BACK UP.
6 AND WHAT DOES THIS MAP SHOW YOU?
7 **A.** SO THIS SHOWS THE DISTRIBUTION IN TERMS OF THE PERCENTAGE
8 VOTING AGE POPULATION ACROSS THE STATE. IN PARTICULAR, IT
9 SHOWS LOW PERCENTAGES IN WHAT WOULD BE CHARACTERIZED AS THE
10 RURAL AREAS OF THE STATE, AND IN MORE URBAN AREAS, HIGHER
11 CONCENTRATIONS OF "ANY PART BLACK" VOTING AGE POPULATION.
12 **Q.** AND WHAT DOES THIS MAP TELL YOU ABOUT THE POPULATION OF
13 PEOPLE WHO IDENTIFY AS "ANY PART BLACK" THROUGHOUT THE STATE --
14 OR -- YES.
15 **A.** IT TELLS US THAT THERE ARE FEW DISTRIBUTED IN THE RURAL
16 AREAS. AND, AGAIN, MORE CONCENTRATED IN URBAN AREAS.
17 **Q.** AND THAT'S AS A PERCENTAGE OF THE POPULATION?
18 **A.** YES.
19 **Q.** NOW, LET'S TURN NOW TO FIGURE III.A.14 ON PAGE 21.
20 SO FOCUSING YOUR ATTENTION ON FIGURE III.A.14, THE
21 DIFFERENCE IN PERCENT WHITE AND BLACK (NON-HISPANIC) POPULATION
22 SPATIAL AUTOCORRELATION. WHAT DOES THIS MAP SHOW?
23 **A.** SO THIS MAP IS A SUMMARY OF A SPATIAL STATISTICAL MEASURE
24 LOCAL MORAN'S I THAT DETECTS WHETHER THERE ARE CLUSTERING OF
25 LIKE OR UNLIKE AREAS IN TERMS OF THE -- IN THIS CASE THE

09:10 DIFFERENCE BETWEEN THE PERCENT WHITE AND THE PERCENT BLACK, NON-HISPANIC VOTING AGE POPULATION.

Q. OKAY. AND SO LET'S BACK UP A COUPLE STEPS.

SO FIRST LET'S START WITH WHAT IS SPATIAL AUTOCORRELATION?

A. SO SPATIAL AUTOCORRELATION IS A MEASURE THAT LOOKS AT THE SIMILARITY OF ONE OBSERVATION, IN THIS CASE A BLOCK, TO ITS NEIGHBORING BLOCK ATTRIBUTE VALUES.

Q. OKAY. AND THEN YOU USED THE TERM PREVIOUSLY CALLED I THINK MORAN'S I. CAN YOU PLEASE TRY TO EXPLAIN THAT IN LAYMAN'S TERMS?

A. SO IT'S A STATISTICAL MEASURE THAT LOOKS AT THE OBSERVED OBSERVATION ATTRIBUTE VALUE COMPARED TO THE MEAN AND IT LOOKS AT THE DEVIATION FROM THIS MEAN OF AN OBSERVATION AND TO ITS NEIGHBORS.

Q. ALL RIGHT. AND THEN LET'S PROCEED SORT OF THROUGH THE KEY YOU HAVE HERE. CAN YOU FIRST TELL ME WHAT DOES NOT SIGNIFICANT MEAN?

A. SO IN TERMS OF THE KEY, THE NOT SIGNIFICANT SUGGESTS THAT STATISTICALLY THE OBSERVED DIFFERENCES OF AN OBSERVATION TO ITS NEIGHBORS ARE NOT STATISTICALLY DIFFERENT; THAT IS, THEY ARE SORT OF RANDOM AND DIFFERING IN SOME WAY.

Q. AND HOW ABOUT "HIGH-HIGH," THE NEXT ITEM ON THE KEY?

A. SO HIGH-HIGH INDICATES IN THIS CASE THAT THE BLOCK HAS A HIGH PERCENTAGE OF THE WHITE POPULATION SURROUNDED BY AREAS

09:11 1 THAT ALSO HAVE A HIGH PERCENT WHITE POPULATION.
2 **Q.** OKAY. AND THE "LOW-LOW"?
3 **A.** LOW-LOW IN THIS CASE SUGGESTS THAT IT HAS A LOW PERCENT
4 WHITE POPULATION SURROUNDED BY AREAS OF LOW WHITE POPULATION OR
5 A CONVERSELY HIGH BLACK POPULATION.
6 **Q.** OKAY. AND HOW ABOUT "LOW-HIGH"?
7 **A.** SO LOW-HIGH INDICATES A LOW PERCENT WHITE POPULATION
8 SURROUNDED BY A HIGH PERCENT WHITE POPULATION.
9 **Q.** AND THEN JUST FOR COMPLETENESS, "HIGH-LOW"?
10 **A.** HIGH-LOW SUGGESTS A HIGH PERCENTAGE WHITE POPULATION,
11 VOTING AGE POPULATION, SURROUNDED BY A LOW PERCENT -- AREAS OF
12 LOW PERCENT VOTING AGE POPULATION.
13 **Q.** OKAY. THANK YOU.
14 SO WHAT DO THE PATTERNS OF RED SHADES AND BLUE SHADES
15 AND THE CLEAR WHITE TELL YOU ABOUT THE POPULATION DISTRIBUTION
16 OF LOUISIANA?
17 **A.** SO IN TERMS OF THE HIGH-HIGH, WHAT WE SEE IS PREDOMINANTLY
18 -- AT LEAST IN TERMS OF THIS FIGURE, THE DEMONSTRATION THAT
19 RURAL AREAS ARE EFFECTIVELY HIGHER PERCENT WHITE, VERY HIGH
20 PERCENT WHITE, SURROUNDED BY OTHER AREAS THAT ARE HIGH PERCENT
21 WHITE, SO THE CLUSTERING OF HIGH PERCENTAGE WHITE POPULATION.
22 AND YEAH.
23 **Q.** AND THEN WHAT DOES IT TELL ABOUT THE DISTRIBUTION OF THE
24 BLACK POPULATION IN LOUISIANA?
25 **A.** SO IN THIS CASE THE BLUE WOULD INDICATE A HIGH PERCENTAGE

09:13 1 OF BLACK POPULATION, VOTING AGE POPULATION NON-HISPANIC, AND
2 THE -- THEY ARE EFFECTIVELY IN THE MORE URBAN AREAS OF THE
3 STATE.
4 **Q.** OKAY. AND AS AN ACADEMIC WHO WORKS WITH THIS DATA
5 FREQUENTLY, ARE THESE RESULTS STATISTICALLY SIGNIFICANT?
6 **A.** YES. ALL OF THE INDICATED COLORS ARE STATISTICALLY
7 SIGNIFICANT.
8 **MR. GORDON:** ALL RIGHT. CAN WE ZOOM OUT? AND THEN
9 ZOOM IN ON III.A.5 RIGHT BELOW IT.
10 **BY MR. GORDON:**
11 **Q.** CAN YOU JUST BRIEFLY DESCRIBE WHAT THIS MAP SHOWS?
12 **A.** SO THIS MAP SHOWS THAT FOR EACH OF THE COLORED AREAS IN
13 THE PREVIOUS FIGURE, THE ASSOCIATED LEVELS OF SIGNIFICANCE.
14 **Q.** AND WHAT DOES THE VARIOUS SIGNIFICANCE MEAN?
15 **A.** AND SO IN THIS CASE THE SIGNIFICANCE LEVELS GO DOWN TO A P
16 OF 0.05 UP TO A P OF 0.001, AND IN ALL CASES IN STATISTICS,
17 THESE ARE ALL CONSIDERED SIGNIFICANT LEVELS.
18 **Q.** AND JUST FOR OUR EDIFICATION, THEY ARE ALL SIGNIFICANT FOR
19 ECONOMIC PURPOSES, BUT WHICH COLOR IS MORE SIGNIFICANT VERSUS
20 LESS SIGNIFICANT?
21 **A.** SO THE DARKER GREEN WOULD SUGGEST A HIGHER LEVEL OF
22 SIGNIFICANCE, BUT YOU'RE PRETTY MUCH NITPICKING HERE. ALL OF
23 THESE ARE SIGNIFICANT.
24 **MR. GORDON:** ALL RIGHT. IF WE CAN ZOOM OUT REAL
25 QUICK. IF WE CAN BRING UP FIGURES -- ZOOM IN ON -- EXCUSE ME.

09:14 BRING UP SIDE BY SIDE WITH FIGURE III.A.3. IT'S ON PAGE 11.
PAGE 11, PLEASE.
BY MR. GORDON:
Q. SO COMPARING FIGURES III.A.14 TO FIGURE III.A.3, WHAT DOES THAT -- HOW DO THOSE TWO MAPS RELATE TO ONE ANOTHER?
A. THE OBSERVED DISTRIBUTION IN THIS CASE OF "ANY PART BLACK" SEEMS TO CONFORM OR MATCH EXACTLY WHAT WE SEE IN TERMS OF THE SIGNIFICANCE CATEGORIES IDENTIFIED IN FIGURE III.A.14.
Q. OKAY. AND I NOTICE THAT UNDER FIGURE III.A.14 YOU USE BLACK NON-HISPANIC AND FIGURE III.A.3, YOU USE ANY PART BLACK. IS THAT RIGHT?
A. YES, THIS IS TRUE.
Q. AND DOES THAT MAKE ANY DIFFERENCE TO THE ULTIMATE CONCLUSIONS IN YOUR REPORT?
A. IN THIS CASE THEY SEEM TO INDICATE EXACTLY THE SAME THING.
Q. ALL RIGHT. NOW, LET'S MOVE NOW TO YOUR SUB-STATE ANALYSIS ON PAGE 22.
MR. GORDON: AND IF WE COULD JUST BLOW UP BOTH NEW ORLEANS AND BATON ROUGE.
BY MR. GORDON:
Q. FIRST FOCUSING ON THE NEW ORLEANS AREA, WHICH IS THE TOP MAP, WHAT DOES THIS MAP SHOW?
A. SO THIS MAP IS A ZOOMED-IN VERSION OF FIGURE III.A.14. SO THE SAME CATEGORIES ARE SHOWN IN THESE COLORING SCHEMES. AND THIS SHOWS THE GREATER NEW ORLEANS AREA. AND WHAT WE SEE HERE

09:16 IN ZOOMING IN SOMETHING YOU CAN'T REALLY DIFFERENTIATE IN FIGURE A -- FIGURE III.A.14. YOU CAN SEE THAT WITHIN THE URBAN AREA THERE'S QUITE A BIT OF SPATIAL SEGREGATION OR DIFFERENCES IN TERMS OF THE PERCENT OF WHITE VOTING AGE POPULATION AND PERCENT OF BLACK VOTING AGE POPULATION IN THE CITY.

Q. ALL RIGHT. AND NOW LOOKING DOWN AT THE BATON ROUGE AREA, WHICH IS JUST BELOW THAT, WHAT DOES THAT MAP SHOW US?

A. A SIMILAR SORT OF PHENOMENA THAT THERE IS SEGREGATION OF THESE TWO RACIAL GROUPS WITHIN THE CITY; AND THAT IN BATON ROUGE THERE'S ALSO THIS DISTINGUISHING CHARACTERISTIC OF HIGH-LIGHTING SOME OF THE MORE RURAL AREAS AND THE FACT THAT THEY ARE HIGHER PERCENT WHITE POPULATION SURROUNDED BY AREAS THAT ARE ALSO HIGH PERCENT WHITE POPULATION.

Q. OKAY. SO OVERALL, THEN, HOW IS THE BLACK VOTING AGE POPULATION DISPERSED IN LOUISIANA?

A. THE BLACK VOTING AGE POPULATION SEEMS TO BE PREDOMINANTLY MORE CONCENTRATED IN URBAN AREAS. BUT EVEN IN URBAN AREAS OBVIOUSLY AS SHOWN IN THESE FIGURES, IT VARIES AS WELL. BUT DEFINITELY HETEROGENEOUSLY DISTRIBUTED ACROSS THE STATE BUT ALSO WITHIN URBAN AREAS.

Q. OKAY. AND TURNING NOW TO THE LAST PAGE OF THE REPORT, PAGE 24.

MR. GORDON: CAN YOU BLOW UP TABLE -- THE TABLE ON 24, PLEASE.

BY MR. GORDON:

09:18 **Q.** AND WHAT DOES THIS TABLE SHOW?
A. SO THIS TABLE SHOWS MILES BETWEEN THESE INDICATED SAMPLING OF CITIES AND THE DISTANCE METRIC IS A EUCLIDEAN STRAIGHT LINE, AS-THE-CROW-FLIES, DISTANCE IN MILES AGAIN.
Q. ALL RIGHT. AND SO JUST TO GIVE THIS A FIRM EXAMPLE, WHAT IS THE DISTANCE AS-THE-CROW-FLIES BETWEEN MONROE AND BATON ROUGE?
A. IT'S 152 MILES. AND THIS WOULD BE FROM CITY CENTER TO CITY CENTER.
Q. ALL RIGHT. THANK YOU.
MR. GORDON: AT THIS TIME I'D LIKE TO ADMIT STATE'S EXHIBIT 4 INTO EVIDENCE.
MR. NAIFEH: NO OBJECTION.
THE COURT: ADMITTED.
CROSS.

CROSS-EXAMINATION

BY MR. NAIFEH:
Q. GOOD AFTERNOON, DR. MURRAY, OR GOOD MORNING.
A. GOOD MORNING.
Q. I GUESS WE ARE STILL MORNING.
YOU HAVE NO BACKGROUND IN ELECTORAL REDISTRICTING. CORRECT?
A. THAT'S CORRECT.
Q. AND YOU'VE NEVER PUBLISHED ON ELECTORAL REDISTRICTING IN A PEER-REVIEWED JOURNAL. IS THAT CORRECT?

09:19 **A.** THAT'S CORRECT.
Q. AND HAVE YOU EVER PUBLISHED ON REDISTRICTING IN ANY ACADEMIC PUBLICATION?
A. NO, I HAVE NOT.
Q. AND HAVE YOU EVER PUBLISHED ON REDISTRICTING ANYWHERE?
A. I'VE PUBLISHED ON DISTRICTING, BUT NOT POLITICAL REDISTRICTING, NO.
Q. OKAY. AND YOU'VE NEVER DRAWN REDISTRICTING PLANS FOR ELECTORAL DISTRICTS. IS THAT CORRECT?
A. NO, I HAVE NOT.
MR. NAIFEH: AND CAN WE BRING UP STATE 4 AT PAGE 5?
BY MR. NAIFEH:
Q. AND SO THIS IS THE EXECUTIVE SUMMARY FROM THE REPORT YOU FILED IN THIS CASE. DO YOU RECOGNIZE IT?
A. YES, I DO.
Q. AND IN THE FIRST PARAGRAPH YOU SAY YOU WERE ENGAGED BY THE ATTORNEY GENERAL'S OFFICE TO ASSESS THE CHARACTERISTICS OF FIVE CONGRESSIONAL REDISTRICTING PLANS. YOU STATED ON DIRECT THAT YOU DID NOT REVIEW ANY OF THE EXPERT REPORTS SUBMITTED BY THE PLAINTIFFS IN THIS CASE. CORRECT?
A. THAT'S CORRECT.
Q. AND SO YOU HAVEN'T REVIEWED ANY CONGRESSIONAL REDISTRICTING PLANS SUBMITTED BY THE PLAINTIFFS IN THIS CASE THEN. IS THAT CORRECT?
A. WELL, I WAS ASKED TO DO THIS WORK IN THE CONTEXT OF THESE

09:21 1 CONGRESSIONAL REDISTRICTING PLANS.
2 **Q.** BUT DID YOU REVIEW ANY CONGRESSIONAL REDISTRICTING PLANS?
3 **A.** NO, I DID NOT.
4 **Q.** AND OUTSIDE OF THIS STATEMENT IN THE EXECUTIVE SUMMARY,
5 YOUR REPORT MAKES NO MENTION OF ANY CONGRESSIONAL REDISTRICTING
6 PLANS. CORRECT?
7 **A.** THAT'S CORRECT. BUT, AGAIN, THIS WAS THE CONTEXT IN WHICH
8 I WAS ASKED TO DO THE ANALYSIS.
9 **Q.** AND SO YOU EXPRESSED NO OPINION IN YOUR REPORT ON THE
10 CHARACTERISTICS OF ANY CONGRESSIONAL REDISTRICTING PLAN
11 INVOLVED IN THIS CASE. IS THAT CORRECT?
12 **A.** THAT'S CORRECT.
13 **Q.** AND YOU EXPRESSED NO OPINION ON WHETHER THE BLACK
14 POPULATION IN LOUISIANA IS SUFFICIENTLY NUMEROUS AND
15 GEOGRAPHICALLY COMPACT TO FORM A MAJORITY IN TWO CONGRESSIONAL
16 DISTRICTS IN LOUISIANA. IS THAT CORRECT?
17 **A.** THAT'S CORRECT.
18 **Q.** IN OTHER WORDS, YOU DON'T HAVE AN OPINION ON WHETHER TWO
19 DISTRICTS THAT ARE CONSISTENT WITH TRADITIONAL REDISTRICTING
20 PRINCIPLES CAN BE DRAWN IN LOUISIANA'S CONGRESSIONAL PLAN IN
21 WHICH A MAJORITY OF THE VOTING AGE POPULATION IS BLACK.
22 IS THAT RIGHT?
23 **A.** THAT'S TRUE, YEAH.
24 **Q.** AND YOU HAVE NO BASIS TO DISAGREE WITH ANY OF THE OPINIONS
25 OFFERED BY THE PLAINTIFFS' EXPERTS IN THIS CASE. CORRECT?

09:22 1 **A.** I DON'T KNOW WHAT THE OPINIONS ARE, BUT --
2 **Q.** SO YOU HAVE NO BASIS TO DISAGREE WITH ANY OF THEM?
3 **A.** AT THIS POINT, YEAH, THAT'S TRUE.
4 **Q.** HAVE YOU EVER PREVIOUSLY ANALYZED THE DISTRIBUTION OF
5 BLACK AND WHITE POPULATIONS IN ANY STATE OTHER THAN LOUISIANA?
6 **A.** YES, I HAVE.
7 **Q.** AND ARE YOU AWARE OF ANY STATE IN WHICH THE BLACK AND
8 WHITE POPULATION IS NOT HETEROGENEOUSLY DISTRIBUTED?
9 **A.** BASED ON MY EXPERIENCE, I HAVE NOT SEEN THAT.
10 **Q.** ARE YOU AWARE OF ANY COURT THAT HAS CONSIDERED A SPATIAL
11 ANALYSIS OF THE KIND YOU PERFORMED IN THIS CASE IN A CASE
12 INVOLVING SECTION 2 OF THE VOTING RIGHTS ACT?
13 **MR. GORDON:** EXCUSE ME, YOUR HONOR. I'D LIKE TO
14 LODGE AN OBJECTION. HE'S SEEKING OPINIONS OUTSIDE OF HIS
15 RELEVANT EXPERTISE. HE WOULD HAVE NO REASON TO KNOW ABOUT
16 COURT CASES.
17 **THE COURT:** SIR, I ACTUALLY MISSED YOUR QUESTION. I
18 WAS GOING TO ASK YOU TO REPEAT IT. SO CAN YOU REPEAT IT AND
19 THEN I CAN RULE ON THE OBJECTION?
20 **MR. NAIFEH:** THE QUESTION IS: IS MISTER -- IS DR.
21 MURRAY AWARE OF ANY COURT THAT HAS CONSIDERED A SPATIAL
22 ANALYSIS OF THE KIND HE PERFORMED HERE IN A CASE INVOLVING
23 SECTION 2 OF THE VOTING RIGHTS ACT?
24 **THE COURT:** I'LL OVERRULE THE OBJECTION.
25 **BY THE WITNESS:**

09:23 **A.** I'M NOT AWARE, NO.
BY MR. NAIFEH:
Q. OKAY. AND CAN WE TURN TO PAGE 25 OF STATE 4.
SO THESE ARE YOUR CONCLUSIONS IN YOUR REPORT. IS THAT CORRECT?
A. YES, THEY ARE.
Q. AND YOU STATE THAT ONE OF OUR CONCLUSIONS IS THAT THE WHITE AND BLACK VOTING AGE POPULATIONS ARE NOT AT ALL SIMILARLY GEO-SPATIALLY DISTRIBUTED WITH SIGNIFICANT CLUSTERS OF CONCENTRATED GROUPINGS. SO YOUR -- BY THAT, DO YOU -- I CONFESS I COULD NOT FOLLOW THE MATH IN YOUR REPORT. BUT ARE YOU SIMPLY TELLING US THAT BLACK PEOPLE AND WHITE PEOPLE ARE NOT DISPERSED EVENLY ACROSS THE STATE?
A. YES.
Q. AND SIMPLIFYING SOMEWHAT, YOUR CONCLUSION IS ESSENTIALLY THAT BLACK PEOPLE AND WHITE PEOPLE ARE CONCENTRATED IN DIFFERENT PLACES WITHIN THE STATE?
A. YES.
Q. OKAY. AND I THINK YOU SAID THIS EARLIER, BUT JUST SO I'M CLEAR -- CAN WE PULL UP PAGE 22, FIGURES III.A.16 AND III.A.17 OF THE REPORT?
AND HERE -- IS THIS AN EXAMPLE OF THE DIFFERENCE IN THE SPATIAL DISTRIBUTION OF THE BLACK AND WHITE POPULATION WITHIN CITIES?
A. NO, IT'S NOT. WHAT IT IS SHOWING ARE CLUSTERS OF LIKE

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

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

A. YES.

Q. I HAVE NO FURTHER QUESTIONS.

THE COURT: IS THERE ANY REDIRECT?

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

THE COURT: OKAY. YOU MAY STEP DOWN.

THANK YOU, SIR.

NEXT WITNESS.

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

THE DEFENSE CALLS SHERRI HADSKEY.

SHERRI WHARTON HADSKEY,

HAVING BEEN DULY SWORN, TESTIFIED AS FOLLOWS:

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

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

09:26 1 **DIRECT EXAMINATION**
2 **BY MR. STRACH:**
3 **Q.** GOOD MORNING, MS. HADSKEY.
4 **A.** GOOD MORNING.
5 **Q.** COULD YOU TELL THE COURT WHAT YOUR CURRENT POSITION IS?
6 **A.** I AM THE COMMISSIONER OF ELECTIONS FOR THE LOUISIANA
7 SECRETARY OF STATE.
8 **Q.** AND COULD YOU GIVE US A BRIEF OVERVIEW OF YOUR POSITION
9 AND WHAT YOU DO?
10 **A.** I OVERSEE ELECTIONS. WE HAVE ELECTIONS OPERATIONS,
11 ELECTIONS FIELD OPERATIONS, ELECTIONS BUSINESS, AND ELECTIONS
12 SERVICES, AND I OVERSEE THE ADMINISTERING OF THE ELECTIONS
13 PROCESS.
14 **Q.** ALL RIGHT.
15 **MR. STRACH:** FOREST, COULD WE PULL UP MS. HADSKEY'S
16 AFFIDAVIT WHICH IS SOS_1?
17 **BY MR. STRACH:**
18 **Q.** MS. HADSKEY, DOES THIS APPEAR TO BE A COPY OF -- A COPY OF
19 THE AFFIDAVIT, THE DECLARATION YOU SUBMITTED IN THIS CASE?
20 **A.** YES, IT DOES.
21 **Q.** AND DOES THIS AFFIDAVIT OUTLINE YOUR PROFESSIONAL
22 BACKGROUND AND CURRENT DUTIES?
23 **A.** YES, IT DOES.
24 **Q.** OKAY. ALL RIGHT. THEN WE WON'T GO INTO DETAIL ON THAT.
25 **MR. STRACH:** YOU CAN TAKE IT DOWN FOR US. THANK YOU.

09:28 1 **BY MR. STRACH:**
2 **Q.** MS. HADSKEY, DO YOUR DUTIES CURRENTLY INCLUDE
3 ADMINISTERING NEW REDISTRICTING PLANS AT THE FEDERAL, STATE AND
4 LOCAL LEVEL?
5 **A.** YES, IT DOES.
6 **Q.** ALL RIGHT. SO LET'S FOCUS IN ON WHAT WE'RE ALL HERE
7 ABOUT, THE CONGRESSIONAL REDISTRICTING PLANS. IN TERMS OF THE
8 ENACTED PLAN, THE ENACTED CONGRESSIONAL PLAN, WHAT IS THE
9 CURRENT STATUS OF THE READINESS OF THAT PLAN FOR THE 2022
10 ELECTION?
11 **A.** THE PARISHES THAT HAD CHANGES -- 15 OF THEM HAVE ALREADY
12 BEEN COMPLETED. THE VOTER CARDS TO THE 250,000 VOTERS HAVE
13 BEEN SENT AND WE'RE PREPARING NOW FOR THE NEXT SECTION OF
14 REDISTRICTING.
15 **Q.** ALL RIGHT. IS THERE A DEADLINE COMING UP ON JUNE 22ND?
16 **A.** YES.
17 **Q.** WHAT IS THAT DEADLINE?
18 **A.** SO THE DEADLINE ON JUNE 22ND IS THE DEADLINE FOR ALL
19 SCHOOL BOARD REDISTRICTING PLANS TO BE PROVIDED TO THE STATE.
20 ALSO, IT'S THE DEADLINE FOR A PETITION TO BE SUBMITTED BY
21 ANYONE WHO WOULD LIKE TO QUALIFY. AND THEY HAVE TO HAVE THE
22 APPROPRIATE NUMBER OF SIGNATURES, WHICH THEY HAVE 120 DAYS TO
23 GET THOSE SIGNATURES.
24 **Q.** ALL RIGHT. SO ON JUNE 22ND, FOLKS WHO WANT TO GET ON THE
25 BALLOT THROUGH A NOMINATING PETITION HAVE TO SUBMIT THAT

09:29 PETITION BY THAT DATE?
A. CORRECT. WITH ALL OF THE SIGNATURES, WHICH WILL BE SUBMITTED TO THE REGISTRARS FOR VERIFICATION.
Q. ALL RIGHT. AND SO IS YOUR OFFICE READY AND PREPARED FOR THAT DEADLINE AS OF TODAY?
A. WE ARE, BECAUSE THE CARDS HAVE NOTIFIED THE VOTERS WHICH DISTRICTS THEY ARE IN. THE PEOPLE THAT WANT TO QUALIFY FOR -- BY PETITION WILL HAVE THE CORRECT AREAS THAT THEY NEED TO GET THE SIGNATURES FROM.
Q. ALL RIGHT. WHEN IS THE QUALIFYING DEADLINE FOR CONGRESSIONAL CANDIDATES WHO WANT TO PAY THE FILING FEE?
A. THE QUALIFYING DEADLINE IS -- WELL, QUALIFYING IS THE 20TH, 21ST AND 22ND OF JULY.
Q. ALL RIGHT. SO YOU'RE WORKING BETWEEN NOW, OBVIOUSLY, AND JUNE 22ND AND JULY 20TH. WHAT KIND OF ACTIVITIES IS YOUR OFFICE ENGAGED IN AND FACING BETWEEN NOW AND JULY 20TH?
A. SO CURRENTLY WE ARE RECEIVING THE SCHOOL BOARD PLANS TO BEGIN THE PROCESS FOR REDISTRICTING WITH THE SCHOOL BOARDS, WHICH IS QUITE COMPLICATED. WE ALSO HAVE 158 MUNICIPALITIES THAT CAN BE REDISTRICTED AND WE ARE WAITING FOR THAT INFORMATION TO COME IN AS WELL.
WE ARE CONDUCTING AN ELECTION ON JUNE 4TH BECAUSE OF A REDISTRICTING ERROR THAT WAS MADE IN THE MARCH 26TH ELECTION IN CALCASIEU PARISH. SO WE HAVE EARLY VOTING AND THE ELECTION PROCESS GOING ON FOR THAT PARTICULAR AREA.

09:31 WE BEGIN CANVAS ON MAY 23RD FOR OUR VOTER REGISTRATION ROLES, AND WE WILL BE SENDING OUT THE CARDS FOR CANVAS, WHICH ARE GOING TO BE DUE BACK JULY 1ST.

ALSO DURING THIS TIME -- IT'S THE ONLY TIME OF THE YEAR THAT WE CAN CONDUCT OUR YEARLY MAINTENANCE ON ALL EQUIPMENT, OUR SCANNERS, OUR VOTING MACHINES, ALL OF OUR -- ALL OF THE INFORMATION THAT WE HAVE TO HAVE FOR THE MACHINES, BATTERIES, EVERYTHING THAT HAS TO BE CHANGED.

WE ALSO ARE RESPONSIBLE FOR THE ACTS OF LEGISLATION, AND WE ARE CURRENTLY LOOKING AT POSSIBLY 800 ACTS THAT WE HAVE TO PROCESS AS SOON AS SESSION ENDS, WHICH IS JUNE 6TH. AND THEN ANY OF THOSE ACTS OR ANY LEGISLATION THAT CHANGES OUR CERTIFICATES OR REGISTRATION FORMS OR ANY PART OF THE ELECTION PROCESS, WE HAVE TO UPDATE THAT INFORMATION. WE HAVE TO TRAIN ON THAT INFORMATION, AND WE HAVE TO GET EVERYTHING PRINTED TO BE ABLE TO PROVIDE FOR EVERYONE -- EVERY REGISTERED VOTER, I SHOULD SAY.

Q. ALL RIGHT. DO YOU HAVE ANY DUTIES WITH REGARD TO CONSTITUTIONAL AMENDMENTS?

A. YES. THE CONSTITUTIONAL AMENDMENTS, ONCE THEY COME OUT OF THE LEGISLATURE, WE ARE RESPONSIBLE TO WRITE THE SUMMARIES, HAVE THE SUMMARIES PLACED IN ORDER, THEN IT HAS TO BE APPROVED BY THE ATTORNEY GENERAL. AND WE HAVE A VERY LIMITED AMOUNT OF TIME TO GET THAT ONTO THE INSTRUCTIONS AND THE POSTERS FOR THE VOTERS TO BE ABLE TO HAVE THOSE AT THE PRECINCTS.

09:32 **Q.** ALL RIGHT. SO THE CANVAS, WHAT EXACTLY IS THE CANVAS? DESCRIBE THAT PROCESS FOR US.

A. SO CANVAS IS WHERE WE ARE COMPARING TO NOCCA, WE'RE COMPARING TO THE USPS. AND IF THERE IS CHANGES IN A REGISTERED VOTER'S ADDRESS OR CHANGES IN A REGISTERED VOTER'S NAME, ET CETERA, THEY ARE MAILED A CARD. IT'S IDENTIFIED, COMPARED TO OUR VOTER REGISTRATION LIST. AND THEY ARE MAIL A CARD TO SAY, "SOMETHING HAS CHANGED. ARE YOU STILL AT THIS ADDRESS? DO YOU STILL LIVE AT THIS LOCATION?" AND THEN THE VOTERS ARE RESPONSIBLE TO CONTACT THE REGISTRARS TO UPDATE THE INFORMATION OR MAKE THE CHANGES NECESSARY. SO IT'S BASICALLY MAINTAINING THE VOTER ROLLS.

Q. DO VOTERS GET NOTICES IN THE MAIL IF THE CANVAS AFFECTS THEM?

A. ABSOLUTELY.

Q. ALL RIGHT. AS YOU'RE PROCESSING -- AND THE REDISTRICTING IS GOING ON FOR LOCAL SCHOOL BOARDS, WILL VOTERS GETS CARDS NOTIFYING THEM OF THEIR SCHOOL BOARD DISTRICTS AS THOSE ARE PROCESS?

A. ABSOLUTELY. THEY HAVE TO KNOW WHICH DISTRICT THEY ARE IN. WE'VE ALREADY BEEN CONTACTED BY SOMEONE THAT WANTS TO QUALIFY BY PETITION, AND THEY HAVE TO KNOW WHICH AREA TO GET THEIR DISTRICT SIGNATURES IN AND THE VOTER -- THE CANDIDATE, THE PERSON THAT WANTS TO QUALIFY, NEEDS TO KNOW WHICH DISTRICT THEY ARE IN, IF IT'S THE SAME OR IF IT'S CHANGED.

09:34 1 **Q.** DO VOTERS GET NOTICES AS THE MUNICIPAL REDISTRICTING IS
2 PROCESSED TOO?
3 **A.** YES. ABSOLUTELY.
4 **Q.** ALL RIGHT. SO BETWEEN NOW AND JULY 20TH, SOME VOTERS
5 COULD BE GETTING AS MANY AS THREE OR FOUR NOTICES IN THE MAIL
6 REGARDING THEIR VARIOUS DISTRICTS. CORRECT?
7 **A.** CORRECT.
8 **Q.** OKAY. YOU'RE AWARE THAT IN THIS CASE THE PLAINTIFFS HAVE
9 SUBMITTED THROUGH EXPERTS SEVERAL ILLUSTRATIVE REDISTRICTING
10 PLANS FOR CONGRESS. ARE YOU AWARE OF THOSE?
11 **A.** YES.
12 **Q.** HAVE YOU REVIEWED THOSE ILLUSTRATIVE PLANS?
13 **A.** YES.
14 **Q.** ALL RIGHT. IF THROUGH THIS LITIGATION YOUR OFFICE HAD TO
15 IMPLEMENT A NEW CONGRESSIONAL REDISTRICTING PLAN THAT LOOKED
16 LIKE ONE OR MORE OF THOSE ILLUSTRATIVE PLANS, WHAT IMPLICATIONS
17 WOULD THAT HAVE FOR ELECTIONS ADMINISTRATION IN LOUISIANA?
18 **A.** SO OUR ERIN SYSTEM, WHICH IS OUR VOTER REGISTRATION
19 SYSTEM, CURRENTLY HAD THE PLANS CREATED AND THEN THE PLANS
20 ROLLED OVER INTO THE LIVE ERIN SYSTEM. IN ORDER TO RE-DO THOSE
21 PLANS, WE WOULD HAVE TO BACK OUT THE WORK THAT WAS DONE AND
22 THEN RE-ENTER ALL OF THE NEW WORK REQUIRED FOR THE PLAN SO THAT
23 THE VOTERS ARE INFORMED AND ARE GIVEN THE CORRECT DISTRICTS
24 THAT THEY NEED TO HAVE A BALLOT FOR.
25 **Q.** AND YOU MENTIONED THAT WHEN YOU WERE CODING THE CURRENT

09:35 1 PLAN, THAT WAS ABOUT 15 PARISHES THAT YOU HAD TO CODE?
2 **A.** THAT'S CORRECT.
3 **Q.** AND IN THE ILLUSTRATIVE PLANS APPROXIMATELY HOW MANY
4 PARISHES WOULD YOU HAVE TO RE-DO OR DO AGAIN TO CODE THOSE
5 PLANS IN THE SYSTEM?
6 **A.** IT APPEARS TO BE 25, APPROXIMATELY 25.
7 **Q.** ALL RIGHT. AND SO IF YOU WERE -- IF YOU WERE REQUIRED TO
8 UN-DO THE 15 PARISHES, RE-DO 25 PARISHES, YOU WOULD BE DOING
9 THAT WHILE ALL THIS OTHER WORK IS GOING ON IN YOUR OFFICE.
10 CORRECT?
11 **A.** CORRECT. AND IT'S VERY CUMBERSOME. AND I THINK YOU CAN
12 UNDERSTAND WHEN YOU HAVE A NEW REGISTRANT OR A MOVED REGISTRANT
13 AND YOU'RE INCORPORATING THESE PLANS AND THEN YOU HAVE TO PUT
14 THIS ADDITIONAL PERSON INTO THIS PLAN AND FIGURE OUT ALL OF THE
15 DISTRICTS THAT THEY SHOULD BE A PART OF, THE CONCERN IS TO MAKE
16 CERTAIN THAT ALL OF THAT INFORMATION IS CORRECT, OTHERWISE YOU
17 END UP WITH INCORRECT BALLOTS.
18 **Q.** AND WHO ARE THE FOLKS AT THE LOCAL LEVEL WHO RUN THE
19 ELECTIONS IN THE PARISHES?
20 **A.** THE REGISTRAR, THE CLERK OF COURT, YES. THE REGISTRAR OF
21 VOTERS IS RESPONSIBLE TO MOVE THE VOTERS WHEN THEY ARE SPLIT IN
22 PRECINCTS. ANY SPLITS IN PRECINCTS REQUIRE THAT THEY ARE MOVED
23 BY HAND, BY STREET RANGE, OR BY INDIVIDUAL VOTER. AND IT'S
24 VERY COMPLICATED -- THAT PROCESS IS -- ON THEM. AND THEN THEY
25 -- CURRENTLY, IT TAKES THEM SEVERAL WEEKS TO GET THIS DONE.

09:37 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.

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

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

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

A. ABSOLUTELY.

Q. OKAY.

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

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

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 RIGHT RACES."

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

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

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

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

09:42 FIND MASKS. WE ACTUALLY WERE BUYING BARRELS AND TRYING TO MAKE IT OURSELVES. THERE IS CONCERN OF HAVING THE SUPPLIES NECESSARY FOR THAT.

THE OTHER CONCERN THAT I HAVE, WHICH IS A TREMENDOUS CONCERN IS, OVER THE PAST TWO YEARS WE'VE HAD TO UNFORTUNATELY DEAL WITH HURRICANES. AND SOME OF THEM HAVE BEEN JUST CATASTROPHIC. AND THE WORST -- HAVING ONE FIVE DAYS PRIOR TO THE PRESIDENTIAL ELECTION, IT'S AN UNBELIEVABLE AMOUNT OF WORK TO BE ABLE TO PROVIDE PEOPLE A SAFE POLLING LOCATION THAT IS NEAR THEIR AREA. AND WE -- THE LOCAL GOVERNING AUTHORITIES ARE RESPONSIBLE FOR POLLING LOCATIONS. HOWEVER, WHEN A HURRICANE HITS, YOU'RE -- SOME ARE DISPLACED. THE LOCAL ELECTIONS ADMINISTRATORS ARE DISPLACED OR THEY ARE DEVASTATED WITH THEIR HOMES AND THEIR FAMILY HOMES. AND SO THE STATE DOES ASSIST IN THAT PROCESS, BUT IT ADDS TO THE REGULAR ELECTIONS PROCESS.

SO WE ALREADY HAVE A TIGHT SCHEDULE FOR OUR ELECTIONS AND THEN ON TOP OF THAT ADDING THESE OTHER FACTORS MAKE IT EVEN MORE DIFFICULT AND SCARY, TO SAY THE LEAST. AND THEN NOW HAVING REDISTRICTING ON TOP OF THAT. SO I AM VERY CONCERNED.

Q. OKAY. I'LL REPRESENT TO YOU -- GOING TO ANOTHER TOPIC, THERE HAS BEEN SOME TESTIMONY IN THIS HEARING ABOUT OPPORTUNITIES OF REGISTERING TO VOTE, JUST IN GENERAL. SO I THOUGHT IT WOULD BE A GOOD CHANCE FOR YOU TO TELL THE COURT, FROM YOUR PERSPECTIVE, WHAT DOES YOUR OFFICE DO TO PROMOTE OPPORTUNITIES FOR VOTER REGISTRATION AND VOTING CURRENTLY?

09:43 **A.** SO CURRENTLY YOU CAN REGISTER TO VOTE AT THE SOCIAL SECURITY OFFICES, THE FOOD STAMP OFFICES, THE DEPARTMENT OF MOTOR VEHICLES. WE ALSO HAVE AN OUTREACH DIVISION THAT I'VE ALWAYS BEEN PROUD OF. DR. SANDRA WILSON WAS OUR FIRST OUTREACH DIRECTOR. SHE'S THE REGISTRAR IN NEW ORLEANS NOW, AND I WORKED WITH HER FOR YEARS. AND WE DO PRIVATE ELECTIONS. WE GO OUT AND DO OUTREACH. WE ALSO HAVE A VOTER REGISTRATION WEEK.

AND LOUISIANA HAS A 90 PERCENT RATE OF VOTER REGISTRATION, WHICH WE'RE VERY PROUD OF. THAT'S A HUGE ACCOMPLISHMENT. AND FROM ALL AREAS OF THE STATE, EAST BATON ROUGE, CADDO, ORLEANS, ALL OF THE LOCALS - ARTHUR MORRELL, DARREN LOMBARD, EVERYBODY CAN TELL YOU THAT WE NOT ONLY DO THE PRIVATE ELECTIONS AND ENCOURAGE VOTER REGISTRATION, BUT WE ALSO WORK HAND IN HAND WITH THEM, THAT IF THEY EVER HAVE A NEED FOR THE VOTING MACHINES OR THINGS LIKE THAT. WE WORK HAND IN HAND TOGETHER WITH THEM. IT'S A GREAT PROGRAM.

Q. DOES YOUR OFFICE OFFER ONLINE REGISTRATION?

A. WE DO.

Q. AND WHAT'S THE SCHEDULE FOR EARLY VOTING?

A. SO EARLY VOTING IS -- IT BEGINS TWO WEEKS PRIOR TO ELECTION DAY AND ENDS THE WEEK PRIOR TO ELECTION DAY. AND SO FOR CONGRESSIONAL ELECTIONS, IT'S TUESDAY TO TUESDAY. FOR A STATE ELECTION, IT'S SATURDAY TO SATURDAY.

Q. OKAY. ARE YOU FAMILIAR WITH A LAW CALLED UOCAVA REGARDING OVERSEAS BALLOTS?

09:45 1 **A.** CORRECT.
2 **Q.** WHAT'S THE DEADLINE THIS YEAR FOR YOU TO SEND BALLOTS
3 PURSUANT TO THAT LAW?
4 **A.** SEPTEMBER 24TH ALL BALLOTS HAVE TO BE MAILED TO MEET THE
5 UOCAVA FEDERAL GUIDELINE. AND THE STATE WORKS DILIGENTLY WITH
6 THE DEPARTMENT OF JUSTICE. I'VE ALREADY HAD TWO MEETINGS WITH
7 THEM REGARDING OUR PLAN TO MAKE SURE THAT WE MEET THAT DEADLINE
8 AND TO CONFIRM THAT WE MEET THAT DEADLINE. AND I HAVE TO
9 REPORT BACK TO THEM THAT WE DID MEET THAT DEADLINE.
10 **Q.** ALL RIGHT. IS THERE ANYTHING IN PARTICULAR YOU DO FOR
11 VOTER REGISTRATION OUTREACH AND VOTING OUTREACH TO THE MINORITY
12 COMMUNITY?
13 **A.** WE DO. WE DO. ALL COMMUNITIES, EVERYBODY -- MORE THAN
14 ANYTHING, AS MUCH WORK AS WE PUT IN TO CONDUCTING AND
15 ADMINISTERING ELECTIONS, WE WANT PEOPLE TO VOTE. WE WANT
16 PEOPLE TO BE REGISTERED TO VOTE AND WE WANT PARTICIPATION.
17 THAT'S CRITICAL.
18 SO WE DO LOTS OF OUTREACH AND WE DO LOTS OF
19 CONDUCTING OF PRIVATE ELECTIONS, UNIONS, STATE POLICE. ALL OF
20 THE LOCAL AREA -- ZULU. WE'VE DONE, MANY, MANY PRIVATE
21 ELECTIONS TO ENCOURAGE PEOPLE TO LEARN ABOUT THE MACHINES AND
22 ALSO ENCOURAGE THEM TO REGISTER TO VOTE -- CHURCHES, COMMUNITY
23 CENTERS, EVERYTHING. AND I, MYSELF, HAVE DONE SOME OF THAT.
24 AND THAT'S THE GREAT PART OF OUR JOB. THAT'S THE FUN PART OF
25 OUR JOB.

09:47 **Q.** SO THERE'S ALSO BEEN SOME -- I'LL REPRESENT TO YOU JUST SOME GENERAL TESTIMONY ABOUT POLLING LOCATION CHANGES AND THINGS LIKE THAT. I JUST WANT TO MAKE SURE IT'S CLEAR, FROM YOUR PERSPECTIVE, WHO IS RESPONSIBLE FOR DECISIONS REGARDING POLLING LOCATION CHANGES AND PRECINCT CONSOLIDATIONS AND THINGS LIKE THAT?

A. SO THE ELECTION CODE STATES THAT IT IS THE PARISH GOVERNING AUTHORITY. SO YOUR LOCAL PARISH COUNCIL OR YOUR PARISH POLICE JURY, THEY'RE RESPONSIBLE FOR SELECTION OF THE POLLING LOCATIONS AND FOR SUBMITTING THE POLLING LOCATIONS TO OUR OFFICE SO THAT WE CAN UPLOAD THAT INFORMATION TO ERIN AND THAT WAY -- ON THE GEAUX VOTE APP. AND IN ERIN ON OUR VOTER PORTAL, PEOPLE CAN BE NOTIFIED. AND ALSO WE SEND THE CARDS NOTIFYING PEOPLE THAT THAT IS WHERE THEIR POLLING LOCATION HAS BEEN MOVED BY YOUR PARISH GOVERNING AUTHORITY OR YOUR POLICE JURY.

Q. ALL RIGHT. THANK YOU.

MR. GORDON: YOUR HONOR, I DON'T HAVE ANY FURTHER QUESTIONS AT THIS TIME.

THE COURT: CROSS.

CROSS-EXAMINATION

BY MR. SHELLY:

Q. I'M JACOB SHELLY FOR THE PLAINTIFFS.

A. HI.

Q. GOOD MORNING. GOOD MORNING, MS. HADSKEY. HOW ARE YOU

09:48 1 THIS MORNING?
2 **A.** GOOD MORNING.
3 NICE TO SEE YOU.
4 **Q.** AS I SAID, MY NAME IS JACOB SHELLY. I JUST HAVE A FEW
5 QUICK QUESTIONS FOR YOU THIS MORNING.
6 **A.** SURE.
7 **Q.** YOU MENTIONED A PAPER SHORTAGE IN YOUR DECLARATION. IS
8 THAT RIGHT?
9 **A.** THAT'S CORRECT.
10 **Q.** AND YOU POINT TO A COUPLE OF DOCUMENTS FROM A GROUP THAT
11 GOES BY THE ACRONYM EI SCC?
12 **A.** EI SCC? THE EI SCC, YES.
13 **Q.** LET'S JUST PULL THOSE DOCUMENTS UP QUICKLY. THE FIRST ONE
14 IS AT PAGE 9 OF THE AFFIDAVIT THAT YOU SUBMITTED. THIS
15 DOCUMENT IS TITLED "BALLOT PAPER SUPPLY CHAIN RISK MANAGEMENT."
16 IS THAT CORRECT?
17 **A.** UH-HUH.
18 **Q.** AND THEN LET'S JUMP TO THE SECOND DOCUMENT, WHICH IS ON
19 PAGE 11. THIS ONE IS CALLED "BALLOT PAPERS SUPPLY CHAIN RISK
20 MANAGEMENT." IS THAT RIGHT?
21 **A.** YES.
22 **Q.** YOUR OFFICE HASN'T PRINTED ANY BALLOTS FOR THE 2022
23 CONGRESSIONAL ELECTIONS. CORRECT?
24 **A.** NO. WE'VE ONLY PRINTED BALLOTS FOR THE JUNE 4TH ELECTION
25 AT THIS TIME.

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

A. THAT'S CORRECT.

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

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

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

A. NOT YET.

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

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

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

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

Q. THANK YOU.

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

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

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

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

09:51 ACQUIRE ALL THE PAPER THAT WE CAN NOW SO THAT WE'RE READY AND WE DON'T RUN INTO A PROBLEM WHERE WE WOULD HAVE TO SAY THAT WE CAN'T CONDUCT A FEDERAL ELECTION.

Q. WHEN DID YOUR OFFICE START WORK ON PRINTING AND MAILING THESE VOTER REGISTRATION CARDS?

A. THE VOTER REGISTRATION CARDS?

Q. DID I UNDERSTAND CORRECTLY THAT THOSE NEEDED TO BE UPDATED AFTER THE RECENT CONGRESSIONAL ENACTMENT?

A. OH, I'M SORRY. SO NOT A VOTER REGISTRATION CARD. IT'S A NOTIFICATION CARD THAT'S GOING TO THE VOTER OF THEIR DISTRICTS, AND THOSE WERE -- THE PLANS WENT INTO PLACE APRIL 25TH AND THE CARDS WERE MAILED DIRECTLY AFTER EACH PARISH'S PLAN WAS COMPLETED.

SO IF YOU WORK ON A PLAN AND THE REGISTRAR OF VOTERS CONFIRMS THE PLAN, THEN THE CARDS ARE RELEASED. AND SO IT DEPENDED ON WHICH PARISH COMPLETED THEIR PLAN AND WHAT TIME THEY DID AS TO WHEN THE CARDS GOT MAILED. I DO KNOW I CHECKED WITH STATE PRINTING THROUGH THE DIVISION AND THEY SAID ALL CARDS HAD BEEN MAILED.

Q. OKAY. LET'S TALK ABOUT THE PURPOSES SERVED BY THESE VOTER CARDS. I THINK YOU DISCUSSED THIS ON PAGE 4, PARAGRAPH 15 OF YOUR AFFIDAVIT. IT MIGHT BE HELPFUL TO TAKE A LOOK AT THAT. PERFECT.

SO FIRST YOU SAY THAT ISSUANCE OF THESE CARDS CAN HELP DECREASE VOTER CONFUSION. THAT'S RIGHT?

09:53 1 **A.** THAT'S RIGHT. IT HAS --
2 **Q.** THAT'S BECAUSE --
3 **A.** I'M SORRY.
4 **Q.** THAT'S BECAUSE THESE CARDS INFORM VOTERS WHICH DISTRICT
5 THEY RESIDE IN?
6 **A.** THAT'S CORRECT.
7 **Q.** ARE YOU FAMILIAR WITH THE GEAUX VOTE MOBILE APP?
8 **A.** YES.
9 **Q.** AND YOU'RE AWARE THAT THIS APP INCLUDES VOTER REGISTRATION
10 INFORMATION, VOTER DISTRICT INFORMATION, INFORMATION ABOUT
11 UPCOMING ELECTIONS, INCLUDING VOTING DATES AND TIMES, VOTING
12 LOCATIONS AND SAMPLE BALLOTS?
13 **A.** YES, IT DOES.
14 **Q.** AND ONCE THE SYSTEM IS UPDATED, ANY VOTER CAN CHECK THIS
15 INFORMATION ON THE APP, EVEN IF THEY HAVE NOT RECEIVED THE NEW
16 VOTER CARD IN THE MAIL. CORRECT?
17 **A.** THEY CAN. BUT WE FIND THAT -- FROM MY EXPERIENCE, NOT
18 EVERYBODY HAS A SMART PHONE AND NOT EVERYBODY IS SAVVY WITH
19 COMPUTERS. AND OUR ELDERLY COMMUNITY AND SOME OF THE -- SOME
20 OF THE POORER AREAS OF THE STATE, THEY DON'T HAVE THAT TYPE OF
21 ACCESS. SO WE WANT TO PROVIDE IT IN EVERY WAY POSSIBLE SO THAT
22 WE KNOW THAT YOU'RE ABLE TO SEE WHAT YOU NEED.
23 WHEN YOU'RE WORKING EARLY VOTING OR YOU'RE WORKING
24 ELECTION DAY, YOU CAN SEE A LOT OF PEOPLE THAT HAVE A
25 PAY-AS-YOU GO PHONE OR SOMETHING LIKE THAT. SO WE WANT TO MAKE

09:54 SURE THAT EVERYONE IS ABLE TO KNOW WHAT THEIR DISTRICTS ARE.
Q. THE INFORMATION IS ALSO AVAILABLE ON THE SECRETARY OF STATE'S WEBSITE. CORRECT?
A. ABSOLUTELY.
Q. LOOKING AT THE NEXT SENTENCE HERE, THE SECOND PURPOSE YOU SAY IS SERVED BY ISSUANCE OF THESE VOTER CARDS, IS THAT THEY LET CITIZENS KNOW WHAT DISTRICT THEY CAN RUN IN AND WHAT DISTRICT THEY NEED TO GATHER SIGNATURES IN IF THEY DECIDE TO FILE FOR ELECTION BY NOMINATING PETITION.
DID I READ THAT CORRECTLY?
A. THAT'S CORRECT.
Q. AND IT IS FOR THIS REASON THAT CARDS MUST BE MAILED WELL BEFORE THE DEADLINE TO SUBMIT THE NOMINATING PETITIONS, WHICH FOR THIS ELECTION CYCLE IS JUNE 22ND. IS THAT RIGHT?
A. CORRECT.
Q. SO YOUR POSITION IS THAT PROSPECTIVE CONGRESSIONAL CANDIDATES MAY BE WAITING ON THESE PRINTED VOTER CARDS TO DECIDE WHERE TO RUN FOR CONGRESS?
A. WE'VE HAD A FEW CALLS TO THE OFFICE, NOT JUST FOR CONGRESS, BUT ALSO FOR SCHOOL BOARD, ASKING US FOR THE NOMINATING PETITION, HOW DO THEY ACQUIRE THE SIGNATURES, WHERE WOULD -- IS THEIR DISTRICT GOING TO BE THE SAME. AND, OF COURSE, IF IT'S SCHOOL BOARD RELATED, WE POINT THEM INTO THE DIRECTION OF THEIR SCHOOL BOARD ORGANIZATION AND THEIR PARISH TO SAY, YOU NEED TO FIND OUT FROM THEM WHERE THEIR DISTRICT IS

09:55 GOING TO BE. AND THEN YOU CAN GO WITH THE FORM AND START OBTAINING EVERYTHING YOU NEED TO DO THAT.

FOR CONGRESS, IT TAKES A THOUSAND SIGNATURES. FOR SCHOOL BOARD IT TAKES 100 SIGNATURES, SO WE JUST WANT THEM TO BE ABLE TO DO THAT PROCESS IF THEY -- IF THEY NEED IT.

Q. OKAY. BUT IS IT YOUR TESTIMONY THAT IF CANDIDATES ARE DELAYED IN RECEIVING THEIR VOTER CARDS THAT WOULD CAUSE DISRUPTION TO THE ELECTION PROCESS AND MAKE IT DIFFICULT, IF NOT IMPLAUSIBLE, TO HOLD A SUCCESSFUL AND TIMELY CONGRESSIONAL ELECTION?

A. THEY CAN'T QUALIFY BY NOMINATING PETITION IF THEY DON'T KNOW WHERE TO GET THE SIGNATURES. IS THAT WHAT YOU'RE ASKING? I'M SORRY.

Q. I'M TRYING TO UNDERSTAND THE BURDEN THAT THIS WOULD CAUSE. THERE WOULD BE OTHER WAYS FOR THEM TO FIGURE OUT WHICH CONGRESSIONAL DISTRICT TO FILE IN THAN BESIDES JUST THEIR VOTER CARD. CORRECT?

A. IT COULD BE. BUT THE OTHER THING ABOUT THE VOTER CARDS, PEOPLE USE THOSE CARDS. THEY BRING THEM IN WHEN THEY VOTE. THEY HAVE THEM IN THEIR HAND. THEY PUT THEM IN THEIR WALLET. THEY -- YOU KNOW, SO IT'S SOMETHING THAT THEY KEEP WITH THEM FOR REFERENCE. AND I JUST THINK THEY ARE IMPORTANT. I THINK IT'S IMPORTANT.

Q. SWITCHING GEARS SLIGHTLY. LOUISIANA HAS THE ABSOLUTE LAST CONGRESSIONAL PRIMARY IN THE COUNTRY. CORRECT?

09:56 1 **A.** YES.
2 **Q.** AND THE GOVERNOR INITIALLY VETOED THE LEGISLATURE'S
3 CONGRESSIONAL PLAN ON MARCH 9TH THAT THE LEGISLATURE OVERRODE
4 THREE WEEKS LATER. IS THAT CORRECT?
5 **A.** YES.
6 **Q.** IF THE LEGISLATURE HAD FAILED TO OVERRIDE THE -- THE
7 GOVERNOR'S VETO OF THE CONGRESSIONAL PLAN, YOU ARE NOT
8 SUGGESTING IT WOULD BE IMPOSSIBLE TO HOLD A CONGRESSIONAL
9 ELECTION IN NOVEMBER, ARE YOU?
10 **A.** I'M NOT SAYING IT WOULDN'T BE IMPOSSIBLE. I'M SAYING THAT
11 I'M CONCERNED ABOUT ERRORS THAN CAN OCCUR TRYING TO RUSH
12 THROUGH THE PROCESS.
13 **Q.** YOU WOULD SEEK TO FULFILL YOUR RESPONSIBILITY TO ENSURE
14 THAT ELECTIONS RUN ON THE SCHEDULE THAT'S REQUIRED. CORRECT?
15 **A.** YES.
16 **Q.** AND YOU HAD TO RELY ON YOUR 30 YEARS OF EXPERIENCE IN
17 ELECTION ADMINISTRATION TO DO SO?
18 **A.** YES, ABSOLUTELY. AND I -- I DO WANT TO SAY THAT THE -- IN
19 THE HISTORY OF ELECTIONS THAT I'VE WORKED IN THE STATE, WE HAVE
20 HAD TO MOVE STATE ELECTIONS DUE TO EMERGENCIES, DUE TO
21 HURRICANES, DUE TO THINGS LIKE THAT, BUT NEVER IN MY CAREER
22 HAVE WE MOVED A FEDERAL ELECTION. WE CAN'T, IT'S IN THE
23 CONSTITUTION. SO THAT IS A FEAR FACTOR TO MAKE SURE THAT
24 EVERYTHING IS OKAY. YOU NEVER WANT TO HEAR, "WAIT A MINUTE. I
25 GOT MY JURISDICTIONS WRONG" THE WEEK BEFORE AN ELECTION.

09:58 THAT'S -- THAT'S A SCARY THING.
Q. YOU TOUCHED ON ONE OTHER THING THAT I'D LIKE TO ASK YOU A FEW QUESTIONS ABOUT. THE CANDIDATES HAVE TWO WAYS TO GET THEIR NAMES ON THE BALLOT. RIGHT? THEY CAN EITHER GATHER A CERTAIN NUMBER OF SIGNATURES OR PAY A FILING FEE?
A. CORRECT.
Q. AND FOR A CONGRESSIONAL RACE, IS THAT FILING FEE $100?
A. I BELIEVE SO. AND THEN -- YES. YES.
Q. AND THE DEADLINE FOR CANDIDATES FILING BY NOMINATING PETITION IS CURRENTLY JUNE 22ND?
A. CORRECT. SO THAT GIVES THE REGISTRAR OF VOTERS TIME TO VERIFY THE SIGNATURES THAT ARE ON THE PETITION.
Q. OKAY. AND THE DEADLINE FOR APPEALING OF THE FILING FEE IS ONE MONTH LATER, JULY 22ND?
A. CORRECT.
Q. AND THEN THERE IS SEVEN DAYS TO OBJECT TO ANY --
A. SEVEN DAYS TO OBJECT TO CANDIDACY.
Q. OKAY. YOU MENTIONED SOME SCHOOL BOARD EXAMPLES. BUT OVER THE COURSE OF YOUR CAREER, HOW MANY TIMES ARE YOU AWARE THAT A CONGRESSIONAL CANDIDATE HAS FILED BY NOMINATING PETITION?
A. WELL, UNFORTUNATELY I'VE BEEN THE COMMISSIONER OF ELECTION SINCE 2017, SO I DON'T REALLY KNOW PRIOR TO THAT WHETHER SOMEBODY HAS FILED OR NOT.
Q. ARE YOU AWARE OF ANY SINCE 2017?
A. NOT SINCE 2017. I THINK THAT -- WELL, LOCALLY, BUT NOT --

09:59 1 **Q.** FOR CONGRESSIONAL?
2 **A.** NOT FOR A CONGRESSIONAL RACE.
3 **Q.** OKAY. IF I WERE TO TELL YOU THAT WE WENT BACK AND CHECKED
4 THE SECRETARY OF STATE'S WEBSITE FOR EVERY ELECTION SINCE 2010
5 AND WE DIDN'T FIND A SINGLE CANDIDATE USED A NOMINATING
6 PETITION. WOULD THAT SURPRISE YOU?
7 **A.** NO. IT DOESN'T CHANGE THAT THE LAW IS ON THE BOOKS TO
8 ALLOW FOR IT. THAT'S WHAT -- AND I DO -- I DO HAVE PEOPLE THAT
9 HAVE REACHED OUT FOR THAT. SO THAT'S KIND OF WHAT'S GOT ME --
10 I DON'T KNOW WHAT'S HAPPENED IN THE PAST AS FAR AS PREVIOUS TO
11 2017.
12 **Q.** ARE YOU AWARE OF ANY PROSPECTIVE CONGRESSIONAL CANDIDATES
13 THIS YEAR WHO ARE PLANNING TO FILE BY NOMINATING PETITION?
14 **A.** WE HAD A CALL -- WE HAD AN EMAIL ABOUT TWO WEEKS AGO FROM
15 SOMEONE FROM ST. CHARLES PARISH BUT THAT WAS NOT FOR CONGRESS,
16 THAT WAS FOR SCHOOL BOARD. AND THEN WE DID HAVE A CALL -- I'D
17 HAVE TO CHECK WITH MY ELECTIONS BUSINESS DEPARTMENT TO FIND OUT
18 WHAT THEY WERE ASKING EXACTLY. BUT THEY DID ASK ABOUT THE
19 NOMINATING PETITION.
20 **Q.** OKAY. SO POSSIBLY ONE BUT NOT NECESSARILY FOR CONGRESS?
21 **A.** CORRECT.
22 **Q.** AND TO PUT THAT NUMBER IN CONTEXT, DO YOU KNOW HOW MANY
23 HUNDREDS OF THOUSANDS OF BLACK VOTERS CLAIMED THAT THEIR
24 FUNDAMENTAL VOTING RIGHTS ARE BEING VIOLATED BY THE ENACTED
25 CONGRESSIONAL PLAN?

10:00 **A.** NO.
Q. IN FACT, IS IT POSSIBLE THAT THERE ARE MORE LOUISIANIANS IN THIS ROOM WHO CLAIM THEIR FUNDAMENTAL VOTING RIGHTS ARE BEING VIOLATED THAN CONGRESSIONAL CANDIDATES IN THE ENTIRE STATE WHO WILL FILE BY NOMINATING PETITION?
A. I'M NOT AWARE OF THAT.
Q. NO FURTHER QUESTIONS. THANK YOU.
A. SURE.
THE COURT: REDIRECT?
MR. STRACH: NONE, YOUR HONOR.
THE COURT: OKAY. THANK YOU, MS. HADSKEY.
THE WITNESS: THANK YOU.
THE COURT: YOU MAY STEP DOWN.
OKAY. ARE THERE ANY FURTHER WITNESSES?
MR. STRACH: NO, YOUR HONOR. DEFENSE RESTS.
THE COURT: OKAY. IS THERE ANY REBUTTAL?
MS. KHANNA: NO, YOUR HONOR.
MR. NAIFEH: NONE FROM THE ROBINSON PLAINTIFFS.
THE COURT: OKAY. THE COURT WILL CONSIDER THE CASE SUBMITTED. THE COURT THANKS ALL COUNSEL FOR THEIR DILIGENT AND HARD WORK. Y'ALL TRIED A REALLY GOOD CASE.
OKAY. SO LET'S TALK ABOUT POST-TRIAL FILINGS. THE COURT HAS ALREADY ORDERED THAT THE PARTIES MAY BE PERMITTED TO FILE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON OR BEFORE CLOSE OF BUSINESS ON APRIL -- I'M SORRY, MAY 18, 2022. THE

10:01 COURT IS GOING TO ORDER THAT THERE BE ONE FILING OF FINDINGS OF FACT AND CONCLUSIONS OF LAW BY THE DEFENDANT SECRETARY OF STATE AND THE TWO STATE-RELATED INTERVENORS; NAMELY, THE LEGISLATIVE INTERVENORS AND THE ATTORNEY GENERAL INTERVENORS, AND ALSO ONE COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW BY THE PLAINTIFFS, BOTH SETS OF PLAINTIFFS, GALMON AND ROBINSON, AS WELL AS THE LEGISLATIVE BLACK CAUCUS INTERVENOR.

RECOGNIZING THAT YOU MAY WANT TO ARGUE YOUR CASES A BIT BEYOND JUST THE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THE COURT WILL ALLOW POST-TRIAL BRIEFS. THE SAME LIMITATIONS THAT I'VE JUST GIVEN, ONE BASICALLY PER SIDE, LIMITED TO 25 PAGES EACH.

DO THE PARTIES REQUIRE ANY OTHER TYPES OF DEADLINES? YES, MA'AM?

MS. FREEL: YOUR HONOR, ANGELIQUE FREEL FOR THE STATE.

THE COURT: YES, MA'AM.

MS. FREEL: DID YOU GIVE A NUMBER OF PAGES FOR THE FINDINGS OF FACT AND CONCLUSIONS OF LAW?

THE COURT: NO, I DID NOT LIMIT THE NUMBER OF PAGES FOR FINDINGS OF FACT AND CONCLUSIONS OF LAW.

YES, MA'AM?

THE DEPUTY CLERK: COULD YOU COME FORWARD? THIS MICROPHONE PICKS UP A LOT BETTER.

MS. MCKNIGHT: THANK YOU, YOUR HONOR. YOU ASKED IF

10:03 WE HAD OTHER DEADLINES. I WOULD SUGGEST A DEADLINE FOR THE TIME BY WHICH PLAINTIFFS CAN COMPLETE THEIR REVIEW OF THAT SUMMARY EXHIBIT, LEG NO. 79.

THE COURT: WELL, I HAD HOPED MAYBE THAT HAD BEEN DONE. WHERE ARE WE ON THAT?

MS. KHANNA: IT HAS. WE HAVE NO OBJECTION.

THE COURT: NO OBJECTION.

MR. NAIFEH: NO OBJECTION FROM ROBINSON.

THE COURT: LEGISLATURE EXHIBIT 79 IS ADMITTED.

MS. MCKNIGHT: THANK YOU, YOUR HONOR. THANK YOU.

THE COURT: OKAY. ANYTHING ELSE? ALL RIGHT. WELL DONE, EVERYONE. THE COURT LOOKS FORWARD TO RECEIVING YOUR FILINGS AND WE WILL WORK DILIGENTLY -- AS DILIGENTLY AS YOU HAVE TO GET YOU WRITTEN REASONS AS QUICKLY AS HUMANLY POSSIBLE.

ALL RIGHT. THANK YOU VERY MUCH.

WE STAND IN RECESS.

THE LAW CLERK: ALL RISE.

COURT IS AT RECESS.

(WHEREUPON, THIS MATTER WAS CONCLUDED.)

* * *

10:03

CERTIFICATE

I, SHANNON THOMPSON, CCR, OFFICIAL COURT REPORTER FOR THE UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF LOUISIANA, CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT TRANSCRIPT, TO THE BEST OF MY ABILITY AND UNDERSTANDING, FROM THE RECORD OF PROCEEDINGS IN THE ABOVE-ENTITLED MATTER.

Shannon Thompson

SHANNON THOMPSON, CCR
OFFICIAL COURT REPORTER