

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

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION
NO. 3:22-CV-00211-SDD-SDJ
consolidated with
NO. 3:22-CV-00214-SDD-SDJ

DEFENDANT'S MEMORANDUM IN OPPOSITION TO PLAINTIFFS'
MOTIONS FOR PRELIMINARY INJUNCTION

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INTRODUCTION

Plaintiffs seek a preliminary injunction of Louisiana's Congressional Plan because the Legislature did not use race to draw a second majority-minority district. For the reasons stated herein, Plaintiffs do not meet their burden demonstrating that the Congressional Plan should be enjoined and the injunction motions should therefore be denied.

STATEMENT OF FACTS

Pursuant to U.S. Const. art. I §2, the Louisiana Legislature was required to re-draw its congressional districts using new census data from the 2020 census. Hampering this already difficult task, the Census Bureau delivered the 2020 census data months later than in previous redistricting years, and well-past the statutory deadline. Despite this significant setback, on February 18, 2022, the Louisiana Legislature complied with its constitutional duties and passed both H.B.1 and S.B.5 which contained identical congressional districting configurations. However, on March 9, 2021, Governor Edwards vetoed both of these bills. On March 30, 2020 the Louisiana legislature overrode the Governor's veto, and the Louisiana Congressional Plan ("Congressional Plan") became law. The Secretary of State's office is actively working to implement this law.

Galmon and *Robinson* Plaintiffs both filed separate suits the same day as the veto, claiming the Congressional Plan violates the Voting Rights Act (the "VRA") because the legislature did not use race to draw a second majority-minority district. On April 14, these cases were consolidated. On April 15, both Plaintiffs filed motions for preliminary injunctions and expert reports. While counsel for Defendant continued to receive missing backup materials from experts over the next week, the reports and accompanying briefing clearly show that Plaintiffs' only goal here is to use race inappropriately to draw a second majority-minority district. In compliance with the Court's scheduling order, Defendant responds to Plaintiffs' motions for preliminary injunction today. In

doing so Defendant again raises the issue of lack of adequate time to respond to Plaintiffs' voluminous reports and evidence, some of which Defendant has only had for a week. Despite this extraordinarily short time frame, the factual record in this case shows only one thing clearly—that Plaintiffs' fail to meet their burden, and thus their motions for preliminary injunction must be denied.

LEGAL HISTORY

For a legislature or a mapdrawer to legally draw districts based upon race, they must have evidence of the same three threshold conditions that a plaintiff must demonstrate to prove a claim under §2 of the VRA. These include evidence that (1) a “minority group” [is] ‘sufficiently large and geographically compact to constitute a majority’ in some reasonably configured legislative district”; (2) “the minority group must be ‘politically cohesive’”; and (3) a “district’s white majority must vote ‘sufficiently as a bloc’ to usually ‘defeat the minority’s preferred candidate.’” *Cooper v. Harris*, 137 S. Ct. 1455, 1470 (2017) (citing *Thornburg v. Gingles*, 478 U.S. 30, 50–51 (1986)).

Proof of the *Gingles* threshold conditions show that “‘the minority [group] has the potential to elect a representative of its own choice’ in a possible district, but that racially polarized voting prevents it from doing so in the district as actually drawn because it is ‘submerge[ed] in a larger white voting population’” *Id.* (citing *Grove v. Emison*, 507 U.S. 25, 40 (1993)). Only when a mapdrawer has evidence showing it has “good reason to think that all the ‘*Gingles* preconditions’ are met” does he have “good reason to believe that Section 2 requires drawing a majority-minority district. . . . But if not, then not.” *Id.* (citing *Bush v. Vera*, 517 U.S. 952, 978 (1996) (plurality)).

The Supreme Court has provided guidance on the first of the *Gingles* threshold conditions in two important cases, *League of United Latin American Citizens (LULAC) v. Perry*, 548 U.S.

399 (2006) and *Bartlett v. Strickland*, 556 U.S. 1 (2009). To understand these two decisions, it is important to define three different terms used by the courts to describe election districts “in relation to the requirements of the Voting Rights Act.” *Bartlett*, 556 U.S. at 13. In “majority-minority” districts, “a minority group composes a numerical, working majority of the voting-age population.” *Id.* There is no dispute that §2 can require the creation of this type of district. *Id.* “At the other end of the spectrum” are “influence” districts “in which the minority group can influence the outcome of an election[.]” *Id.* Finally, “crossover” districts are districts “in which the minority group is less than a majority of the population, but is potentially large enough to elect its candidate of choice with the help of voters who are members of the white majority and who cross over to support the minority’s preferred candidate.” *Bartlett*, 556 U.S. at 13 (internal citation omitted).

The issue in both *LULAC* and *Bartlett* was whether §2 justifies a state legislature’s decision to draw race-based districts with a targeted minority population of less than 50%. In *LULAC*, the Court held that §2 does not justify a state’s use of race to create influence districts. *LULAC*, 548 U.S. at 445. The Court warned that interpreting §2 as requiring legislatures to adopt influence districts “would unnecessarily infuse race into virtually every redistricting, raising serious constitutional questions.” *LULAC*, 548 U.S. at 445–46.

Subsequently, in *Bartlett*, the Court was called upon to decide whether §2 could be used by a state to justify using race to draw crossover districts. The defendants-petitioners in *Bartlett* argued that crossover districts satisfy the first *Gingles* condition because they allow the minority group to elect their candidate of choice and are therefore “effective minority districts.” *Id.* at 14. The *Bartlett* Court rejected this proposition holding that §2 only authorizes state legislatures to use race to draw districts where a geographically compact minority group constitutes an actual majority of the voters. *Id.* at 14–18. Reaffirming its warning in *LULAC*, the Court stated “[to] the

extent there is any doubt about whether §2 calls for the majority-minority rule, we resolve that doubt by avoiding serious constitutional concerns under the Equal Protection Clause.” *Id.* at 21.

After the decisions in *LULAC* and *Bartlett*, there can be no dispute that a mapdrawer cannot use race to draw districts absent evidence of a geographically compact minority group that would constitute an actual majority in a single member district. *See Cooper*, 137 S. Ct. at 1464.

The Supreme Court has also provided guidance on the third *Gingles* condition, i.e., that a state cannot draw districts on the basis of race unless it has evidence that the white majority is voting sufficiently in a bloc to usually defeat the minority’s preferred candidate. This concept is called “legally significant racially polarized voting.” *Gingles*, 478 U.S. at 52-55. Statistically significant “racially polarized voting” occurs whenever “there is a ‘consistent relationship between [the] race of the voter and the way in which the voter votes.’” *Gingles*, 478 U.S. at 53 n.21. The mere existence of a correlation between a person’s race and how they vote is not enough to satisfy the third threshold condition. Instead, mapdrawers must have evidence of “legally significant racially polarized voting.” *Id.* at 55. This occurs only when “less than 50% of white voters cast a ballot for the black candidate.” *Id.* Thus, the mapdrawer can only draw a majority black district under §2 where there is proof that the white majority usually votes as a bloc to defeat the minority’s preferred candidate. *Cooper*, 137 S. Ct. at 1470; *Covington v. North Carolina*, 316 F.R.D. 117, 167 (M.D.N.C. 2016), *aff’d*, 137 S. Ct. 2211 (2017) (Mem.).

Only when all of these preconditions are met may a mapdrawer use race to draw districts.¹ Otherwise, the plan is at risk of being a racial gerrymander. The Supreme Court first recognized a claim for racial gerrymandering in *Shaw v. Reno*, 509 U.S. 63, 649 (1993). The *Shaw I* plaintiffs challenged North Carolina’s infamous I-85, Twelfth Congressional District. *Id.* at 635–36. This

¹ As we will discuss, Plaintiffs must also prove that a second majority-minority district is required by the “totality of the circumstances.” *See Fusilier v. Landry*, 963 F.3d 447, 455 (5th Cir. 2020).

district was enacted by the General Assembly in an attempt to obtain preclearance of its 1992 Congressional Plan under §5 of the VRA. *Id.* In reversing the district court’s dismissal of the plaintiffs’ challenge, the Supreme Court held that plaintiffs had stated a claim under the Fourteenth Amendment by alleging that the Twelfth District “cannot be understood as anything other than an effort to separate voters into different districts on the basis of race, and that the separation lacks sufficient justification.” *Id.* at 649. The Supreme Court subsequently clarified that “[a] plaintiff pursuing a racial gerrymandering claim must show that ‘race was the predominant factor motivating the legislature’s decision to place a significant number of voters within or without a particular district.’” *Alabama Legis. Black Caucus v. Alabama*, 575 U.S. 254, 272 (2015) (quoting *Miller v. Johnson*, 515 U.S. 900, 916 (1995)).

Assuming a plaintiff satisfies the burden of proof explained in *Miller*, mapdrawers can defend the use of race in the drawing of districts if “its redistricting plan was in pursuit of a compelling state interest” and provided “its districting legislation is narrowly tailored to achieve [that] compelling interest.” *Shaw v. Hunt*, 517 U.S. 899, 908 (1996) (“*Shaw II*”) (quoting *Miller*, 515 U.S. at 920) (alteration in original). The Supreme Court has “long assumed that one compelling interest [that can justify the predominant use of race in the drawing of districts] is complying with operative provisions of the [VRA].” *Cooper* 137 S. Ct. at 1464. To date, the Supreme Court has not identified *any* other compelling governmental interest that might justify separating voters into different districts because of their race.

But, recent Supreme Court jurisprudence should leave mapdrawers wary of this exception. Just last redistricting cycle, the Supreme Court upheld lower court opinions holding that legislatively enacted plans were racial gerrymanders where a majority-minority district based on race was drawn in an attempt to comply with the VRA by relying upon two expert reports showing

the presence of “statistically significant” racially polarized voting as grounds for establishing the third *Gingles* threshold condition. *Cooper*, 137 S. Ct. at 1471 n.5; *Covington*, 316 F.R.D. at 169–71. This jurisprudence inevitably puts mapdrawers in a difficult situation as the attenuated relationship between the VRA and racial gerrymandering claims continues to be litigated.

Redistricting litigation over Louisiana congressional plans and the placement of East Baton Rouge Parish (“EBR”) in majority black districts created under those plans is also highly relevant to this case. In the 1980s, the Louisiana congressional plan contained only a single majority black district. In the early 1990s, the United States Department of Justice (“DOJ”) adopted a policy (known as the “max black theory”) requiring the maximization of the number of majority black districts for a covered state to obtain preclearance under Section 5 of the VRA. To achieve preclearance, the Louisiana Legislature adopted two different plans which included two majority black districts. In both versions, the legislature used portions of EBR to anchor the second majority black district (CD 4) found in both plans. In both instances, the federal district court found that the second majority black district was an illegal racial gerrymander. In 1996, the district court adopted a congressional plan that was used for the rest of the decade. The court’s plan reverted back to Louisiana’s policy of establishing only a single majority black district. The court’s plan did not use EBR as the keystone for a second majority black district and instead placed that parish into a majority white district (CD 6). Therefore, there is no precedent for EBR being lawfully used as the primary building block for a second majority black district. *Hays v. Louisiana*, 839 F.Supp.1188 (W.D. La. 1993), *vacated*, 512 U.S. 1230 (1994), *order on remand*, 862 F.Supp 119 (W.D. La. 1994), *vacated sub nom.*, *United States v Hays*, 515 U.S. 737 (1995), decision on remand, 936

F.Supp. 360 (W.D.La. 1996), *affirmed*, 518 U.S. 1014 (1996); See also Ex. 1, Expert Report of Dr. Sadow (“Sadow”) ¶¶ 15-21.²

ARGUMENT

I. Plaintiffs Do Not Meet the High Burden for an Injunction to Issue

The burden is on Plaintiffs to establish the following elements for a preliminary injunction to issue:

(1) a substantial likelihood of success on the merits, (2) a substantial threat of irreparable injury if the injunction is not issued, (3) that the threatened injury if the injunction is denied outweighs any harm that will result if the injunction is granted, and (4) that the grant of an injunction will not disserve the public interest.

Janvey v. Alguire, 647 F.3d 585, 595 (5th Cir. 2011) (quoting *Byrum v. Landreth*, 566 F.3d 442, 445 (5th Cir. 2009)). Furthermore, given that “[a] preliminary injunction is an extraordinary remedy which should not be granted unless the party seeking it has ‘clearly carried the burden of persuasion’ on all four requirements.” *Western Surety Co. v. PASI of LA, Inc.*, 334 F. Supp. 3d 764, 789 (M.D. La. 2018); *see also Bluefield Water Ass’n, Inc. v. City of Starkville*, 577 F.3d 250, 253 (5th Cir. 2009) (“We have cautioned repeatedly that a preliminary injunction is an extraordinary remedy which should not be granted unless the party seeking it has ‘clearly carried the burden of persuasion’ on all four requirements.”).

Importantly, in the context of a preliminary injunction, the burden is on the plaintiffs to establish a “‘clear showing’ of standing to maintain the injunction.” *Texas Democratic Party v. Abbott*, 978 F.3d 168, 178 (5th Cir. 2020) (quoting *Barber v. Bryant*, 860 F.3d 345, 352 (5th Cir. 2017)). At the outset, Plaintiffs have failed to make a clear showing of standing. In challenges to redistricting plans the harm is directly to a voter “who lives in the district attacked, [b]ut they do

² The district court’s 1993 opinion in *Hays* was vacated by the Supreme Court because the Legislature passed its second plan with two majority black districts while on appeal, mooting the appeal. The 1994 opinion by the district court was subsequently vacated because the plaintiffs didn’t live in the challenged districts, and thus lacked standing.

not so keenly threaten a voter who lives elsewhere in the State.” *Alabama*, 575 U.S. at 263. In fact, voters must live in a challenged district in order to have standing. *Id.* *Galmon* Plaintiffs challenge the entire congressional plan, but only have Plaintiffs living in Congressional Districts 2,5, and 6. As a result they lack standing to challenge the entire plan, and lack standing to maintain this action.

In any event, as shown below in greater detail, Plaintiffs cannot clearly carry their burden of persuasion on all four elements. Plaintiffs clearly cannot show a likelihood of success on the merits, nor can they show that the injunction will not disserve the public interest, or that the harm of the injunction does not outweigh the threatened injury.³

II. Plaintiffs Are Unlikely to Succeed on the Merits

To prove that the Louisiana Congressional Plan violates §2, Plaintiffs must meet the preconditions set forth in *Gingles*, namely that (1) black voters are “sufficiently large and geographically compact to constitute a majority in a single member district”; (2) black voters are politically cohesive; (3) the white majority “votes sufficiently as a block to enable it...usually to defeat the minority’s preferred candidate.” 428 U.S. at 50-51. However, Plaintiffs must also show based on the “Zimmer Factors” that “under the totality of circumstances, they do not possess the same opportunities to participate in the political process and elect representatives of their choice enjoyed by other voters.” *Fusilier v. Landry*, 963 F.3d 447, 455 (5th Cir. 2020).

A. Plaintiffs’ *Gingles* Claim Fails at the Geographic Compactness Threshold

With regard to the first *Gingles* precondition, Plaintiffs concede that they must prove that Black Voting Age Population (“BVAP”) is both sufficiently numerous and geographically compact to form a majority black district (D.E. 41-1 p.8). All of Plaintiffs’ illustrative maps reply upon using portions of EBR as the cornerstone for a second proposed majority black district. But,

³ Nor have Plaintiffs proved that they will suffer any irreparable harm. Rather, Defendant’s evidence proves that if anyone will be irreparably harmed, it would be the State and the voters of Louisiana.

Plaintiffs' whole argument rests on the idea that simply because Louisiana has a BVAP statewide that could proportionally create a second district, that such a district *must* be created, regardless of how spread out across the state's black voters are. This argument is very similar to the "max black" theory underlying two different congressional plans rejected as racial gerrymanders in the 1990s. *See supra* at p. 6. And like the state in the 1990s, Plaintiffs ignore their burden to prove that the second majority-minority district is also geographically compact. Perhaps in acknowledgement that their illustrative plans do not draw geographically compact second majority-minority districts, Plaintiffs focus on statewide levels of compactness (D.E. 41-1 p. 9) and argue a case from nearly 30 years ago that "oddly shaped" plans are perfectly acceptable. This is flawed. The first *Gingles* precondition is not concerned with statewide compactness scores, but the geographic compactness of the majority-minority district. And Plaintiffs' illustrative plans provide anything but that.

Take, for example, Mr. Cooper's three illustrative plans. CD5 for each of these plans combines portions of EBR with parishes in the far north of the state like East and West Carroll. And Plaintiffs concede these parishes have some of the highest black population in the state (D.E. 42 p. 4). Plaintiffs' rationale for this is that Baton Rouge is the "urban center" for these areas. (*Id.* at p. 7). But the fact remains that federal courts have twice rejected plans that used EBR to build a second majority black district on the ground that such districts were uncompact racial gerrymanders that did not satisfy the *Gingles* preconditions. *See supra* at p. 6; Sadow at ¶¶ 15-21.

As recognized by the original decision in *Hays*, Plaintiffs' argument for combining EBR with rural northeastern parishes is absurd on its face. Delta Parishes, like East Carroll Parrish, are approximately an hour from the urban areas of Vicksburg, Greenville, and Monroe, and less than two hours from the urban areas of Jackson and Natchez. In contrast, East Carroll Parish is a

whopping 3 hours and 25 minutes from Baton Rouge. Even Shreveport is a full hour closer to East Carroll Parish than Baton Rouge. So too is Little Rock, Arkansas.

In fact it's nearly 200 miles, snaking along I-65 and I-61 from EBR to East and West Carroll parishes, a combination featured in all of Mr. Cooper's plans. In Cooper's Illustrative Plan 1, District 5 is stretched even further from EBR, to Moorehouse Parish, a 3 hour and 45 minute drive, at the fastest route.⁴ Illustrative Plan 3 largely follows this same route, but carves out oddly shaped portions of Tangipahoa and Ouachita parishes. In his Illustrative Plan 2, Cooper draws an even more bizarre district which connects EBR, through Moorehouse Parish then swings west to Claiborne Parish and down to Bienville Parish creating a fish hook shape. The distance from EBR to Claiborne Parish is approximately 250 miles, over a four hour drive.

The legally unprecedented combinations used by Cooper to create his proposed Fifth Districts, results in ridiculous districts for the rest of the state. Each of Cooper's illustrative plans splits more parishes than the Congressional Plan, and splits more population in Metropolitan Statistical Areas than the Congressional Plan. (Sadow p. 21-23, Tables 1-3). Further, the travel time required to get between cities in the districts proposed by Cooper is more evidence of the noncompact nature of the illustrative plans. (Sadow p. 25, Tables 4-7). Driving from central city to central city within each district of the enacted Congressional Plan would require 904 miles of driving. Compare this with 1,244 miles of driving under Cooper Plan 1, 1,047 miles of driving under Cooper Plan 2, and a whopping 1,720 miles of driving (roughly the equivalent of miles from New Orleans to Las Vegas) in Cooper Plan 3. (Sadow p. 25, Tables 4-7). Cooper Plan 1 grabs at portions of Baton Rouge, Monroe, Alexandria, and Lafayette, marries another portion of Baton Rouge to Hammond and half of St. Tammany, while the other portion of St. Tammany wraps

⁴ *Robinson* Plaintiffs' expert, Mr. Fairfax offers an illustrative plan that is similar to this plan. *See* D.E. 41-2 at p. 26.

around south of New Orleans and up through bayou country. (Sadow ¶¶68). Cooper Plan 2 similarly scoops from Monroe, Alexandria, and Baton Rouge only to then hurl itself across the northern border of the state. (Sadow ¶¶69). Cooper Plan 2 continues on to separate Lafayette from its suburbs, but somehow unites the shores of Lake Pontchartrain with the Atchafalaya River Basin and Swamps thereby “connecting New Orleans jazz with Breaux Bridge zydeco – often conflated in movies, but never before in congressional representation.” (*Id.*). But, as Dr. Sadow explains, Cooper Plan 3 may be the most audacious of all, featuring the same “strange bedfellows” of Baton Rouge and St. Tammany, and finding a way to stitch together Macon Ridge, the central hills, Cajun country, the strawberries of the Florida Parishes by ingesting parts of Monroe, Alexandria, Lafayette, Baton Rouge, and Hammond. (Sadow ¶¶70).

It is clear that in all of Cooper’s illustrative plans he looks to connect concentrated black voters in East Carroll, Tensas, and Madison Parish to urban EBR, along a stretch of state highway in a manner that ignores communities of interests along the way. (Sadow ¶¶67-72). This blatant racial tactic belies any argument that these proposed fifth districts are geographically compact, or that the BVAP in these regions is geographically compact enough to form a majority-minority district. In any other instance in this country, connecting voters based on their race to other voters 3.5-4 hours away would be a racial gerrymander in violation of the Fourteenth Amendment and that is exactly what Plaintiffs’ illustrative plans are.

But we don’t just have to rely on common sense to tell us this. Supreme Court precedent is clear on this issue. In *Shaw II*, the Supreme Court determined that the “snakelike” and “approximately 160 miles long” features of the now infamous District 12 in North Carolina created a racial gerrymander that could not be justified by a defense of avoiding liability under §2. 517 U.S. at 917. In fact, as the Supreme Court explained in *Shaw I*:

Reapportionment is one area in which appearances do matter. A reapportionment plan that includes in one district individuals who belong to the same race, but who are otherwise widely separated by geographical and political boundaries, and who may have little in common with one another but the color of their skin, bears an uncomfortable resemblance to political apartheid. It reinforces the perception that members of the same racial group—regardless of their age, education, economic status, or the community in which they live—think alike, share the same political interests, and will prefer the same candidates at the polls. 509 U.S. at 647.

Subsequently, in *Miller v. Johnson*, 115 S.Ct. 2475 (1995), the Supreme Court clarified that districts drawn based upon race could fail the compactness requirement of *Gingles* even when they were not as obviously irregular in shape as the bizarre North Carolina CD 12. In the 1991 redistricting cycle, the DOJ refused to preclear plans that did not maximize the number of majority black districts. In Georgia, the DOJ refused to preclear a remedial plan drawn by the Georgia General Assembly, because the General Assembly refused to create the third majority-minority district found in the “max-black” plan drafted by the ACLU for the General Assembly’s black caucus. *Id.* at 2484. “Twice spurned” by the DOJ’s refusal to preclear plans with less than three majority-black districts, the General Assembly finally relented and enacted the ACLU’s “max-black” plan. *Id.* at 2484. The hallmark of the ACLU’s “max-black” plan was the “Macon/Savannah trade” which moved the densely black population of Macon into a new district, thereby creating a district that connected “black neighborhoods of metropolitan Atlanta to the poor black populace of Coastal Chatham County” near Savannah. *Id.* This new district was 260 miles long and “worlds apart in culture.” *Id.* The Supreme Court found that this district was a “geographic monstrosity” that tied majority black population centers at the periphery of Atlanta, Augusta, and Savannah with a sparsely populated rural area called “plantation country.” *Id.* In striking down this “max-black” strategy, the Supreme Court held that only “a shortsighted and unauthorized view of the Voting Rights Act...which has played a decisive role in redressing some of our worst forms of

discrimination” could support “the very racial stereotyping the Fourteenth Amendment forbids.” *Id.* at 2494.

It appears the ACLU’s strategy has changed very little in the last 25 years. Mr. Cooper’s plans are anywhere from 50-100 miles longer than what is widely regarded as the most egregious racial gerrymander of all times struck down in *Shaw I* and *II*. It also bears striking geographic similarities to the ACLU’s 1991 “max-black” plan for Georgia. At the outset, Mr. Cooper’s Illustrative Plan 3, is almost the exact same length as the Georgia district struck down in *Miller*. Moreover, all of his Illustrative Plans take the urban and suburban areas of EBR and connect them to far north eastern parishes in the old “Natchez district”, an area which has always had a largely rural and agrarian economy dating back to the days of its original development for cotton plantations. These configurations have never been seen in Louisiana before in any lawful district though they are very similar to a district rejected by the federal court in the 1990s. (Sadow ¶¶68-70). This is exactly the sort of line-drawing the Supreme Court condemned in *Miller*. In fact, Plaintiffs’ illustrative plans do nothing but create convoluted lines to include in one district individuals of the same race who are otherwise “widely separated by geographical and political boundaries” which reinforces the abhorrent “perception that members of the same racial group... think alike.” *Shaw I*, 509 U.S. at 647. It cannot be that Plaintiffs can succeed on their VRA claims, by producing a district that is such an obvious racial gerrymander.

B. Plaintiffs’ Illustrative Plans Fail to Demonstrate the Existence of a Second Performing Majority Black District.

Plaintiffs contend they are entitled to a second majority-minority congressional district, but have done little else other than offer alternative maps showing that it’s possible to draw one, which is insufficient for a preliminary injunction. For example, the Supreme Court recently rejected a similar argument that states must draw as an additional majority black based solely upon proof

that the district can be based upon “sufficiently large and compact population of black residents to fill it.” *Wisconsin Legislature v. Wisconsin Elections Comm’n*, 142 S. Ct. 1245 (2022). The Court held that this was “just the sort of uncritical majority-minority district maximization that we have expressly rejected. *citing Johnson v. De Grandy*, 512 U.S. 997, 1017, 114 S.Ct. 2647 (1994)(“Failure to maximize cannot be the measure of § 2”). Instead, among other elements, plaintiffs must show that the alleged majority black district actually has enough black voting age population so that black voters actually have the ability to elect their candidate of choice, as opposed to a bare majority that functions as a crossover or influence district.

In *Harding v. County of Dallas, TX.*, the Fifth Circuit affirmed a district court’s rejection of a plaintiffs’ §2 vote dilution claim based on a 2011 redistricting plan for county commissioners that provided only one Anglo-minority district. The district court held that the plaintiffs failed to prove the “ultimate question” of vote dilution under §2 – that the minority group (Anglos) had the potential to elect their candidate of choice in a second district. 948 F.3d, 302, 308-09 (2020). On appeal, the plaintiffs claimed that they only needed to provide an alternative map with two Anglo-majority districts. Critically, the plaintiffs had not offered any evidence about the functionality of their proposed remedial plan – i.e., how the candidates of choice (Republicans) of the Anglo minority group would perform in elections under their remedial plans. 948 F.3d at 309.

Relying upon *Abbott v. Perez*, the Fifth Circuit held that simply proposing an alternative map containing an additional majority-minority district did not establish an increased opportunity to elect candidates of choice under *Gingles*. *Id.* In *Abbott*, the plaintiffs’ expert estimated the performance of two proposed Latino opportunity districts and found that one performed in only 7 out of 35 relevant elections, and the other did not perform in any of the elections, unless county lines were broken in multiple places, which the district court found was beyond what §2 required.

138 S.Ct. 2305, 2332 (2018). The *Abbott* court rejected the district court’s suggestion that the §2 claim could survive because the plaintiff did not show that the two districts would not perform:

This observation twisted the burden of proof beyond recognition. It suggested that a plaintiff might succeed on its §2 claim because its expert failed to show that the necessary factual basis for the claim could not be established. Courts cannot find §2 effects violations on *the basis of uncertainty*.

Abbott, 138 S. Ct. at 2333 (*emphasis added*). Ultimately, the *Harding* court held that the burden remains upon Plaintiffs to provide evidence that Anglos could elect a second Republican commissioner.

There is nothing but uncertainty here. There is no consensus as to the percentage of BVAP needed for a minority candidate to be able to elect their candidate of choice, or even if there is a sufficiently cohesive and geographically compact group of voters to warrant such a district. In the past, notable Louisiana experts and even incumbent congressmen believed that a district with at least 60% black voting age population was necessary for a district to perform as a true majority minority district. *See Sadow ¶¶24, 34*. Moreover, there is no evidence from Plaintiffs’ experts providing a localized racially polarized voting analysis. Rather, Plaintiffs’ experts relied on statewide races, for a statewide analysis, which is impermissible. *See Shaw II*, 517 U.S. at 917.

Therefore, not only is Plaintiffs’ evidence unpersuasive— it is also based on a faulty legal premise as illustrated by *Cooper v. Harris*. In *Cooper* the Supreme Court struck down North Carolina’s CD1 finding that the inclusion of the urban areas of Durham, was an impermissible racial quota where the state was trying to draw a majority-minority district. 137 S.Ct. at 1466-1472. The Court held that the electoral history provided “no evidence that a §2 plaintiff could demonstrate the third *Gingles* prerequisite- effective white block voting.” *Id.* at 1472. In fact, no such evidence existed in part, because as the lower court noted, there was “no evidence that the general assembly conducted or considered any sort of a particularized polarized voting analysis

during the 2011 redistricting process for CD1” *Harris v. McCrory*, 159 F.Supp.3d 600, 624 (M.D.N.C. 2016). In 1986, the Supreme Court in *Gingles*, found that there was no racially polarized voting in Durham, due to the success of black candidates in that county. *Gingles*, 478 U.S. at 41. Thirty years later, both the district court and the Supreme Court questioned the inclusion of Durham in the state’s first congressional district because of the absence of legally significant racially polarized voting in that county. Both courts also pointed to the district’s history as an extraordinarily safe district for minority preferred candidates, even though District 1’s BVAP hovered between 46-48%. *Cooper* at 1472. The Supreme Court held that the victories by preferred candidates occurred because the district’s white population did *not* vote sufficiently as a bloc to thwart black voter preference. *Id.* This doomed the state’s efforts to redraw CD1 with a majority black population because “in areas with substantial cross over voting” Section 2 plaintiffs cannot prevail because they cannot establish the 3rd *Gingles* criteria. *Id. citing Strickland*, 556 U.S. at 24.

Here, like *Cooper*, there is no evidence that any of Plaintiffs’ experts produced the sort of localized racially polarized voting analysis required under Supreme Court jurisprudence. If Plaintiffs had done even a cursory study on their proposed second majority-minority district, they would have seen what Dr. Solanky discovered—Plaintiffs have a *Cooper* problem. Here, there is ample evidence that each of the proposed Fifth Congressional Districts reach into Baton Rouge and pull out Black voters primarily from EBR—just like North Carolina’s CD1 reached into Durham. (Sadow ¶¶68-72) And like *Cooper*, there is no evidence of legally significant racially polarized voting in EBR. (Ex. 2, Expert Report of Dr. Solanky, (“Solanky”) ¶30)

Rather, it appears that there is significant white cross over voting in EBR. In 2020, only 44.1 percent of the voters in EBR were black, but the Parish overwhelmingly voted for President Biden in the 2020 election. (Solanky p. 11 Table 7) In fact, when Dr. Solanky examined the Fifth

District in Cooper's Illustrative Plan 1, he found that of the five parishes that voted for President Biden in 2020, EBR was the *only* majority-white parish. (Solanky ¶20). The other four parishes were majority-minority. (Solanky ¶20). Furthermore, Parish-wide races in EBR show that white voters are not voting as a bloc to defeat the minority preferred candidate, but voting to elect that candidate. (Solanky ¶¶ 23, 26, 30; Ex. 3, Declaration of Joel Watson, Jr. ("Watson") ¶ 9). This is evidenced by the election of a black candidate for Mayor- President in EBR since 2004. (Watson ¶9). And as shown by Dr. Solanky, EBR makes up a significant portion of the Fifth District under the illustrative plans. (Solanky ¶27). For example, in Cooper's First Illustrative Plan, EBR comprises 34.2% of the parishes used by Cooper to create this version of the illustrative Fifth District. (Solanky ¶27). Therefore there is a lack of bloc voting sufficient to satisfy *Gingles* in the largest Parish comprising the illustrative fifth district.

C. Plaintiffs' Claims also Fail Under the Totality of the Circumstances- Namely the Legislature's Policy Choice for Preserving Continuity of Representation.

Even if Plaintiffs could satisfy all of the *Gingles* preconditions, this would still not be enough to prove likelihood of success, because the totality of the circumstances show that minority voters possess the same opportunities to participate in the political process and elect their candidate of choice. *See Fusilier*, 963 F.3d at 455. Specifically, under *Gingles*, the "ultimate question" is whether the district dilutes votes of minority voters, but the Fifth Circuit has held that "it is hard to see how this standard could be met if the alternative to the districting decision at issue would not enhance the ability of minority voters to elect their candidates of choice." *Id. citing Harding*, 948 F.3d at 310-311. Like in *Fusilier*, the record here casts doubt about the effectiveness of the proposed second majority-minority district. *Id.* at 455-456. In fact, it is highly unlikely that the proposed fifth district is effective.

Furthermore, Plaintiffs’ oddly shaped versions of CD5 “suggests that race served as the *sine qua non* for selecting which blocks to include in the proposed district” exactly like the district at issue in *Fusilier*. 963 F3d at 455. Both cases also feature a non-tenuous state interest. In *Fusilier* the Fifth Circuit held that Louisiana has a substantial interest in retaining at-large elections for judges so that everyone in the Parish could vote for each Judge. *Id.* at 462. Here, Louisiana has an equally substantial interest in maintaining the continuity of representation in its districting plans, as it has for the previous two redistricting cycles. *See Karcher v. Daggett*, 462 U.S. 725, 470 (1983) (explaining that retaining the cores of prior districts or avoiding contests between incumbents are legitimate legislative policies during redistricting). As explained by Dr. Sadow, the state adopted its policy of maintaining continuity of representation since at least 2001. (Sadow ¶¶45-47). And it has done so after federal courts rejected the legality of any congressional plan which contained a second majority-minority district that was drawn into EDR and during a period where the proportional of majority black districts within the state’s congressional plan has actually increased despite the percentage of black population remaining flat or even declining. *Id.*

In all respects, Plaintiffs’ case here fares no better than the *Fusilier* plaintiffs. Both sets of plaintiffs offer marginal cases of vote dilution, coupled with evidence that casts doubt on the performance of the proposed majority-minority districts. *Fusilier*, 963 F.Supp. at 462-63. Moreover, drawing districts to maintain continuity of representation is not an attenuated state policy. *Id.* Therefore, under the controlling *Fusilier* opinion, it is unlikely that Plaintiffs can prove under a totality of the circumstances that minority voters lack the same opportunities to participate in the political process.

III. The Purcell Doctrine Bars An Injunction at this Late Stage

In a normal election cycle, “[r]unning elections state-wide is extraordinarily complicated and difficult.” *Merrill v. Milligan*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant

of applications for stays). Elections officials must navigate “significant logistical challenges” that require “enormous advance preparations.” *Id.* But, admittedly, the 2022 election cycle has been far from a “normal” cycle in Louisiana. In addition to the challenge of needing to draw new districts and conduct elections under these new districts, numerous other parishes and school boards are also redistricting this year. Exacerbating this already challenging scenario, the Covid-19 pandemic delayed the results of the 2020 census and, in turn, Louisiana’s redistricting efforts.

In 2006 the United States Supreme Court held in *Purcell v. Gonzalez*, “[c]ourt orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase.” 549 U.S. 1, 4-5 (2006) (per curiam).

In the wake of this seminal opinion, the United States Supreme Court has consistently admonished courts not to alter state election laws and processes in the period close to an election *Andino v. Middleton*, 141 S. Ct. 9, 10 (2020) (Kavanaugh, J., concurring in grant of stay application) see also *Milligan*, 142 S. Ct. at 879; *Merrill v. People First of Ala.*, 141 S. Ct. 25 (2020); *Merrill v. People First of Ala.*, 141 S. Ct. 190 (2020); *Clarno v. People Not Politicians*, 141 S. Ct. 206 (2020); *Little v. Reclaim Idaho*, 140 S. Ct. 2616 (2020); *Republican Nat’l Comm. v. Democratic Nat’l Comm.*, 140 S. Ct. 1205 (2020) (per curiam); *Democratic Nat’l Comm. v. Wisc. State Legislature*, 141 S. Ct. 28 (2020) (declining to vacate stay); *Benisek v. Lamone*, 138 S. Ct. 1942 (2018) (per curiam); *Veasey v. Perry*, 574 U.S. 951 (2014).

The 2022 election cycle already underway is no exception. Over two months ago, the United States Supreme Court in *Milligan* issued a stay of the district court’s opinion that enjoined the use of Alabama’s congressional redistricting plan. In his concurring opinion, Justice Kavanaugh invoked the *Purcell* doctrine for the proposition that courts “should not enjoin a state’s

election laws in the period close to an election.” 142 S. Ct. at 879-880. This is because, “filing deadlines need to be met” candidates need to “be sure what district they need to file for” or even determine “which district they live in.” *Id.* In this concurrence Justice Kavanaugh opined that the *Purcell* doctrine “might” be overcome if the Plaintiff establishes “at least” that:

(i) the underlying merits are entirely clear-cut in favor of the plaintiff; (ii) the plaintiff would suffer irreparable harm absent the injunction; (iii) the plaintiff has not unduly delayed bringing the complaint to court; and (iv) the changes in question are at least feasible before the election without significant cost, confusion, or hardship. *Id.* at 881.

Plaintiffs utterly fail to meet this test. As shown above, Plaintiffs fail to even prove that they are likely to succeed on the merits of their claims, much less that the evidence is “entirely clear-cut” in their favor. *Id.* Nor can Plaintiffs prove that their requested change, an entirely new congressional plan, is feasible before the election, and certainly not without significant cost, confusion, and hardship. For any redistricting plan, each Louisiana voter must be assigned to their new districts in the state election database system called ERIN. (Ex. 4, Declaration of Sherri Hadskey (“Hadskey”) ¶14). Once voters are assigned, this information must be carefully proofed, before it goes “live” in the ERIN system. (*Id.*). Once voters are assigned to their new districts, voter registration cards are mailed reflecting a voter’s new district. (*Id.* at ¶15). These cards serve a dual purpose. Not only do they decrease voter confusion, the cards also let citizens know what district they can run in, and what district they need to gather signatures if they seek candidate qualification by nominating petition in lieu of paying the filing fee. (*Id.*). Because of these purposes, cards must be mailed well before the deadline to submit nominating petitions, which this year is June 22, 2022. (*Id.* at 16). Eliminating or extending this deadline could have the effect of jeopardizing the ability of lower-income citizens to run for office. Given this tight timeline and the delay in census

data, the Secretary of State's office has already begun assigning voters to their new congressional districts in ERIN, and cards are being mailed. (*Id.* at 19).

Furthermore, after the nominating petition deadline, there is only 30 days to verify the signatures on these petitions, as under state law candidate qualifying ends on July 22, 2022. (*Id.* at 16). Objections to candidates must be filed no later than July 29, 2022, and absentee ballots to service members must be mailed no later than September 24, 2022. (*Id.*). Therefore under the current schedule, there is already less than a two-month period to adjudicate objections to candidates and prepare all ballots. (*Id.*). This tight timeframe cannot be rushed any further. Smaller municipal elections that ran on March 26th with a short, but longer lead up time than would be feasible if the Court implemented new maps, already saw administration problems. (*Id.* at 19). As a result of these problems, a judge required state and local officials to hold a new election in the City of Sulphur because voters were wrongly assigned to the district in question. (*Id.*). Changing the congressional districts at this stage clearly creates an unacceptable risk of the same sort of issues happening state-wide. And lastly, should the Court order a new plan, the cost to the state would be astronomical in terms of overtime, additional postage, and additional printing of voter ID cards and potentially absentee ballots in a national election paper shortage. (*Id.* at 20).

Courts across the country are following the *Milligan* precedent in this redistricting cycle, and this Court should too. Three weeks after the *Milligan* opinion was issued, the Georgia district court in *Alpha Phi Alpha Fraternity, Inc., v. Raffensperger*, followed suit, declining to enjoin the State's redistricting plan due to the *Purcell* doctrine. ___F.Supp.3d___, 2022 WL 633312, 1:21-cv-05337(N.D. Ga. Feb. 28, 2022). Days after that, the Supreme Court denied a stay application that would have resulted in different congressional districts in North Carolina over two months before North Carolina's scheduled primary. *Moore v. Harper*, No. 21A455, 595 U.S. ____

(Kavanaugh, J. concurring). And just this month, a three judge panel convened in the Southern District of Ohio affirmatively put in place a plan already rejected by a state supreme court, to ensure that the people of Ohio could hold elections under the *Purcell* doctrine, months ahead of the new August primary date. *Michael Goindakis, v. Frank LaRose, in his capacity as Ohio Sec'y of State, et al.*, No. 2:22-CV-0773, 2022 WL 1175617, at *19 (S.D. Ohio Apr. 20, 2022).

Courts in this Circuit have also routinely abided by the *Purcell* doctrine to not meddle with state election laws in a period close to an election. *See Veasey v. Abbott*, 830 F.3d 216, 243 (5th Cir. 2016) (Remanding Section 2 case for new trial but ordering that no remedy could be enforced until after the election, which was four months away); *Texas Democratic Party v. Abbott*, 961 F.3d 389, 412 (5th Cir. 2020) (staying enforcement of a preliminary injunction to minimize voter confusion on June 4, 2020, five months prior to the election). And Plaintiffs arguments that *Purcell* does not apply because the election is months away are unavailing. As shown in Ms. Hadskey's Declaration, work on these elections has already begun, and ballots must be mailed to overseas voters no later than September 24, 2022, in a mere five months. Circuit courts have upheld the denial of preliminary injunctions with even more time before an election. *See Short v. Brown*, 893 F.3d 671, 680 (9th Cir. 2018) (upholding district court's denial of a preliminary injunction because the district court properly "concluded that the appellants had failed to justify such a disruptive injunction" in its April 25, 2018 opinion, over six months before the election.)

This precedent is designed to prevent 11th hour judicial intervention which risks impinging upon an individual's right with the "most fundamental significance under our constitutional structure"—the right to vote. *Burdick v. Takushi*, 504 U.S. 428, 433 (1992); *see also Purcell*, 549 U.S. at 4-5. Additionally, when a Court makes changes close to the election, these changes "can themselves result in voter confusion and consequent incentive to remain away from the polls."

Purcell, 549 U.S. at 4-5. Late intervention can also impose significant burdens on state and local elections staff, as well as unfairly impact candidates or political parties. *Milligan*, 142 S. Ct. at 881 (Kavanaugh, J., concurring in grant of applications for stays).

Plaintiffs ask this Court to eschew this well-reasoned precedent and create election chaos. Plaintiffs ask that this Court enjoin Louisiana's Congressional Plan, an action which cannot possibly occur until the last day of the hearing on May 13, at the earliest, a mere 5 weeks before the nominating petition date of June 22. Even if the Court were inclined to grant this drastic remedy, that would leave the Louisiana Legislature with insufficient time to pass a new congressional plan, and certainly no time for a Court to review this remedial action.

Simply, Plaintiffs requested relief is the sort of relief the *Purcell* doctrine encourages courts to decline on the eve of an election. And this is true even if the Court believes the underlying election laws at issue may be constitutionally circumspect, which, as shown above, is not the case here. *See Merrill*, 142 S. Ct. 879, 880 (2022) (Kavanaugh, J., concurring in grant of applications for stays of enforcement where lower court found VRA violations in Alabama's Congressional redistricting plan); *Covington* 316 F.R.D. at 177 (refusing to enjoin election 2.5 months away despite entering a final judgment holding certain North Carolina legislative districts were racial gerrymanders because "such a remedy would cause significant and undue disruption to North Carolina's election process and create considerable confusion, inconvenience, and uncertainty among voters, candidates, and election officials."); *Raffensperger*, 2022 WL 633312 (noting that the Court's denial of the preliminary injunction on the basis of the *Purcell* doctrine "should not be viewed as an indication of how the Court will ultimately rule on the merits at trial"); *Upham v. Seamon*, 456 U.S. 37, 44, 102 S. Ct. 1518, 1522, 71 L. Ed. 2d 725 (1982) (holding that even though there was error by the lower court the interim plan should be used

because the filing date for candidates had “come and gone” and the primary was looming.) Therefore, even assuming *arguendo* the Court were inclined to believe Plaintiffs arguments that the Congressional Plan violates the VRA, which it does not, the Court should allow the 2022 elections to go forward under the Congressional Plan while adjudicating the merits of Plaintiffs’ claims.

If Plaintiffs’ expansive relief is granted at this late hour, the prejudice to voters, and especially absentee and overseas voters will be immense. This is exactly the “increased risk” of confusion the Supreme Court warned about in *Purcell*. See also *Democratic Nat’l Comm. v. Wisc. State Legislature*, 141 S. Ct. 28, 42 (2020) (*DNC*) (Kagan, J., dissenting) (“Last-minute changes to election processes may baffle and discourage voters...”). This risk is in addition to jeopardizing state and parish election officials’ ability to prepare for and administer the election. This Court should follow *Purcell* and its progeny and decline to create election chaos in Louisiana.

CONCLUSION

For the reasons stated above, the Court should deny Plaintiffs’ Motion for Preliminary Injunction.

Respectfully submitted this the 29th day of April, 2022.

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**Admitted Pro Hac Vice*

4862-9699-2286 v.1

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Exhibit 1

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

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION

NO. 3:22-CV-00211-SDD-SDJ

consolidated with

NO. 3:22-CV-00214-SDD-SDJ

I. INTRODUCTION

1. My name is Jeffrey D. Sadow. I earned a B.A. from the University of Oklahoma in public administration and political science in 1983, an M.B.A. from Vanderbilt University concentrating in management information systems and finance in 1985, and a Ph.D. from the University of New Orleans in political science in 1990.

2. At Louisiana State University Shreveport I served as an assistant professor of political science from 1991-97, and since then as an associate professor with tenure; attached as Exhibit A is my *curriculum vitae*.

3. I have taught a variety of courses, most relevantly American Government, Louisiana Government, Political Behavior, Political Parties and Interest Groups, Research Methods in the Social Sciences, State and Local Politics, and Urban Politics.

4. I have presented/published at/in a variety of conferences/journals, most relevantly in 1996 publishing “The Effects of the 1978 Shreveport Charter Change,” in the *Northwestern Louisiana Historical Association Journal*, in 1996 “David Duke and Black Threat: Laying to Rest an Old Hypothesis Revisited” in the *American Political Review*, and in 2005 “Partisanship, Chauvinism, and Reverse Racial Dynamics in the 2003 Louisiana Gubernatorial Election” in *The Forum*.

5. I have written as a weekly political columnist for the Shreveport Times from 1997-98, the Westside Reader (West Baton Rouge Parish) from 2007-15, the Houma Daily Courier from 2008-15, Hanna Publications (Ouachita Citizen, Concordia Sentinel, and Franklin Sun) from 2013-present, the Baton Rouge Advocate from 2015-19, the Minden Press-Herald in 2018, and Focus SB (Caddo Parish) from 2019-2020, with subjects almost entirely about state and local politics in Louisiana.

6. Since 2005 I have authored the web log Between the Lines (<http://www.between-lines.com>), publishing nearly 4,500 posts exclusively concerning Louisiana state and local politics. This was twice named a state “best blog” by the Washington Post.

7. Since 2005 I have authored the web log Louisiana Legislature Log (<http://www.laleglog.com>), publishing over 500 entries about legislation introduced into the Louisiana Legislature.

8. I have granted approximately 500 media interviews concerning a variety of topics, to various local, state, national, and international outlets. Predominantly these have involved Louisiana state and local politics, and occasionally they have addressed reapportionment issues.

9. I have not at this date served as an expert witness concerning reapportionment issues.

10. I was retained by the defendants to this litigation to provide a historical overview of congressional reapportionment in Louisiana since 1992, to understand the motivations and dynamics that have produced the various maps, litigated and otherwise, and to evaluate plaintiffs' preferred maps in comparison to the enacted map.

11. I am compensated at a rate of \$300 per hour. Payment doesn't depend upon the conclusions that I draw.

II. SUMMARY OF EXPERT CONCLUSIONS

12. An overview of past reapportionment efforts encompassing the 1990, 2000, and 2010 cycles shows these consistently produced maps that rejected multiple majority-minority (M/M) district plans. This provoked dissension from black elected officials involved in the process about whether these were necessary or constitutional, whether such plans less faithfully followed traditional principles of redistricting compared to the single M/M plans enacted in their stead, whether written by the courts or legislatively enacted and granted preclearance by the U.S. Department of Justice (DOJ), in an era where statewide black population remained essentially static and where the proportion of M/M districts of the whole increased over the two decades.

13. The 2020 cycle, following reapportionment principles approved by the Legislature, produced a single M/M plan and rejected attempts at multiple M/M maps, an outcome similar to

the two most recent cycles. Unlike the previous cycles, no black elected officials questioned the necessity of a multiple M/M map.

14. Plaintiffs' challenge to the enacted map contains alternatives of multiple M/M plans that they allege do a better job of meeting principles of reapportionment adopted by the Louisiana Legislature, or following judicial guidelines. However, by several quantitative and qualitative measures they do not and, in a way, suggest these alternatives primarily were constructed with race as the dominant criterion.

III. HISTORICAL OVERVIEW – 1990-2010 REAPPORTIONMENT CYCLES

The 1990 Cycle¹

15. Louisiana congressional districts reapportionment in the 1992 Regular Session was guided heavily by the belief that two M/M districts had to be created in order to receive VRA Sec. 5 preclearance, attempts to gain partisan advantage by the minority Republican Party, the political ambition of a leading state senator, and protection of incumbents all in the context of the state having its number of seats reduced from eight to seven.

16. Entering this cycle, Louisiana had five Democrats and three Republicans in Congress, with only one M/M district and one black Democrat elected. The state's population according to the 1990 census was white non-Hispanic single race of 65.78 percent and black non-Hispanic single race of 30.60 percent. This meant M/M representation comprised 12.50 percent of the whole.

17. State and national Republicans, including the Pres. George Bush Administration and his DOJ, were supportive of drawing two M/M districts in the state, seeing this as part of a long-

¹ The following draws heavily upon Thysell, Joseph R. Jr. 2002. "Race Gerrymandering in Louisiana." *International Social Science Review* 77 (No. 3/4): 171-84.

term strategy to elbow out of office white Democrats by concentrating as many black voters as possible where two districts could do that better than one, depriving Democratic candidates in non-M/M districts of likely Democratic voters. From the perspective of Democratic incumbents, two M/M districts were part of a deliberate partisan gerrymander. The DOJ signaled to state officials that in the post-Thornburg v. Gingles² environment, black representation needed maximization where possible to satisfy preclearance requirements.

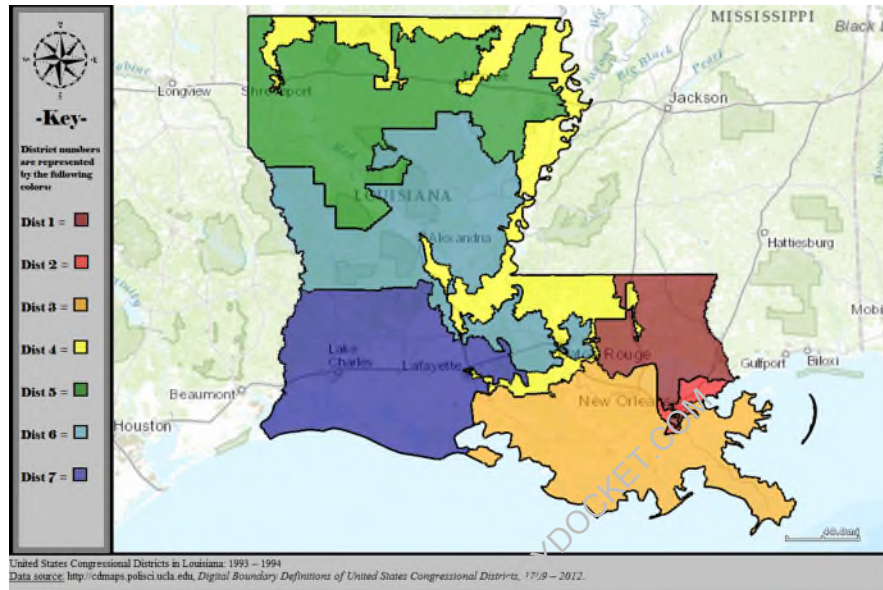
18. This believed imperative helped to goad the white Democrats who dominated the Legislature to follow along. Without that, the handful of Republicans in the Legislature, even if allied with the handful of black Democrats, would not have had the majorities necessary to pass such a plan. But with possible refusal by DOJ of preclearance, this provided the impetus to attempt to enact more than once plans with bizarrely-shaped districts that bore little resemblance to historical boundaries, tested the limits of compactness, and rent asunder to a degree far beyond the historical norm political subdivisions and communities of interest.

19. Also shaping the process was the publicly undisclosed but widely discerned desire of the chairman of the Senate and Governmental Affairs Committee Democrat state Sen. Cleo Fields to run in a new majority-black district. Having already attempted and failed to win in the Republican-leaning Eighth District in 1990, he helped to make it the sacrificial lamb and created the Fourth District with favorable demographics that meandered all over the state, from Shreveport across the northern part of the state, down the Mississippi River to Baton Rouge, emanating into Alexandria as well, while also bulging to the east of Baton Rouge and its west side into Lafayette, picking off majority black precincts all the while. Along the way, it divided Shreveport, Monroe, Alexandria, Baton Rouge, and Lafayette, knifing its way into four other

² 478 U.S. 30 (1986)

districts at some junctures only a precinct in width, and pushing two other districts to the brink of non-contiguity. Below is an image of the original congressional plan for the 1990s:

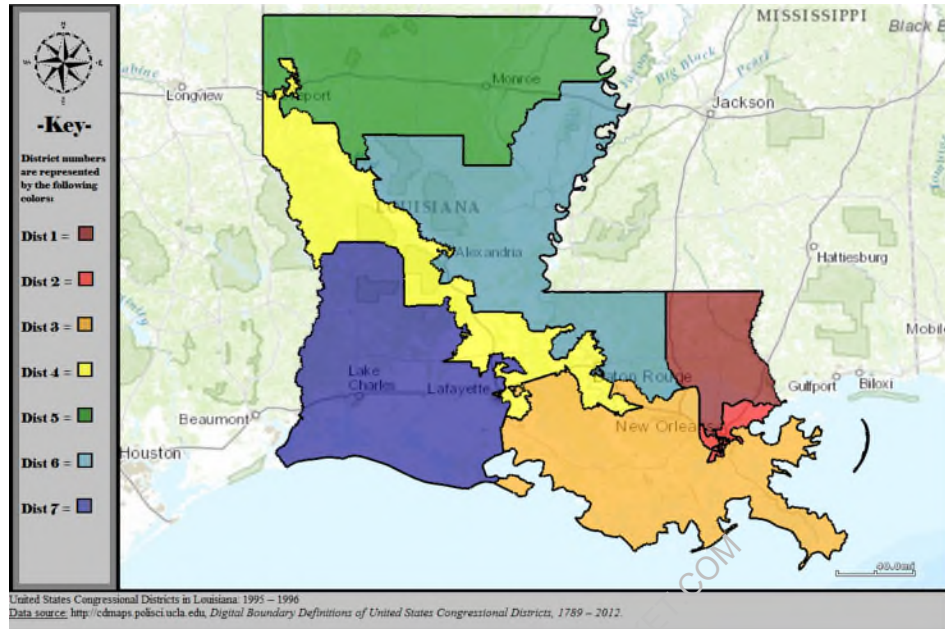
Louisiana Legislature's Original Map for the 1990s Cycle



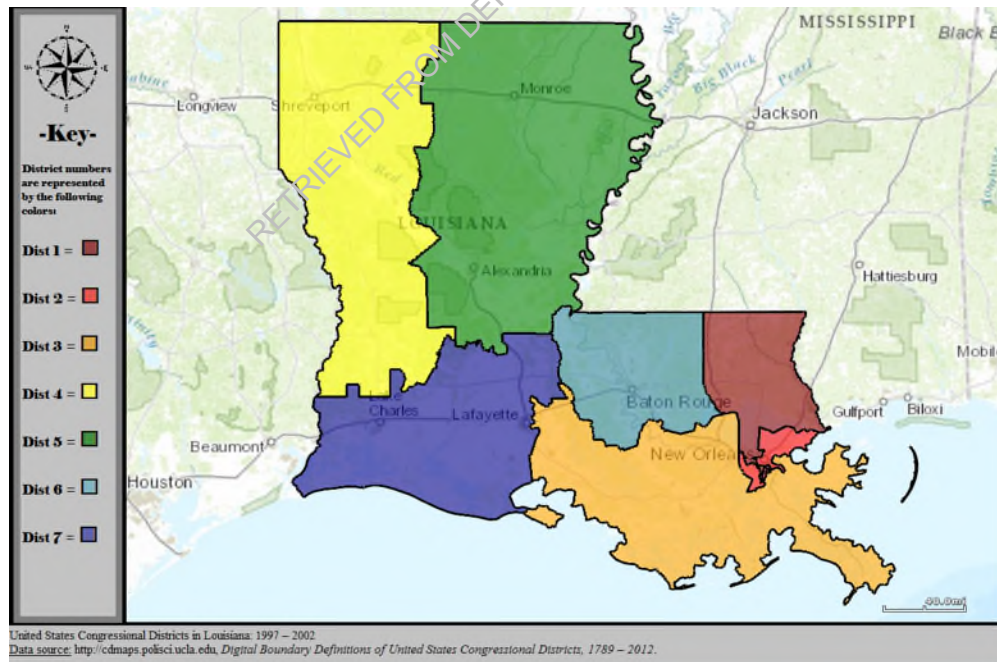
20. After the Legislature stubbornly continued to draw two M/M districts, so as not to endanger preclearance, the series of Hays cases struck down this practice because the state could offer no compelling reason to justify the second M/M district. As a result, the federal court ended up ordering new districts. A second state attempt went down the Red River and then forked south of Natchitoches to Baton Rouge and Lafayette, making something more compact but encapsulating the same violations of traditional district-drawing only to a lesser degree as it divided four major cities. After a dispute over standing that allowed the first map to stand for the next round of elections in 1994, which delayed matters enough to derive further judicial guidance through the decision on Miller v. Johnson,³ the court reaffirmed the constitutional infirmity of a two M/M district map and imposed its own, effective for the 1996 round of elections, which contained as the only M/M district an expanded version of the Second District.

³ 515 U.S. 900 (1995)

Louisiana Legislature's Remedial Map for 1990s Cycle



Map Enacted by the Hays Court



21. Notably, the state tried to defend its maps by arguing some traditional reapportionment criteria applied, such as continuity of representation. But the courts ruled that

this desire did not carry sufficient importance to compensate for violation of other criteria, most prominently the divisions to political subdivisions and communities of interest. It concluded the same concerning the use of race, in that the state couldn't provide an interest compelling enough to vault race above all other criteria. Beyond the court's declarations on this matter, different interests had used race as a bludgeon to create a second M/M district to satisfy their own agendas.

The 2000 Cycle

22. Drawing districts for the 2002 elections is best explained as an exercise in continuity of representation, to the chagrin of the Louisiana Legislative Black Caucus (LLBC).

23. Entering this reapportionment cycle, Louisiana had five Republicans and two Democrats in Congress, with only one M/M district and one black Democrat elected. The state's population according to the 2000 census was white non-Hispanic single race of 62.53 percent and black non-Hispanic single race of 32.30 percent. This meant M/M representation comprised 14.28 percent of the whole.

24. During the reapportionment process that culminated in Act 10 of the 2001 Second Extraordinary Session, all seven members of the state's congressional delegation, including black Democrat Rep. William Jefferson of the Second District, communicated that they wished to see current district lines preserved as much as possible.⁴ Act 10 represented a high degree of continuous representation with 94 percent of residents remaining in their current districts.

25. Only members of the LLBC objected in seeking a two M/M district solution. Its members argued that having only one amounted to "retrogression" under VRA Sec. 5, since there had been two in the 1992 and 1994 election cycles, and basic "fairness" as well should

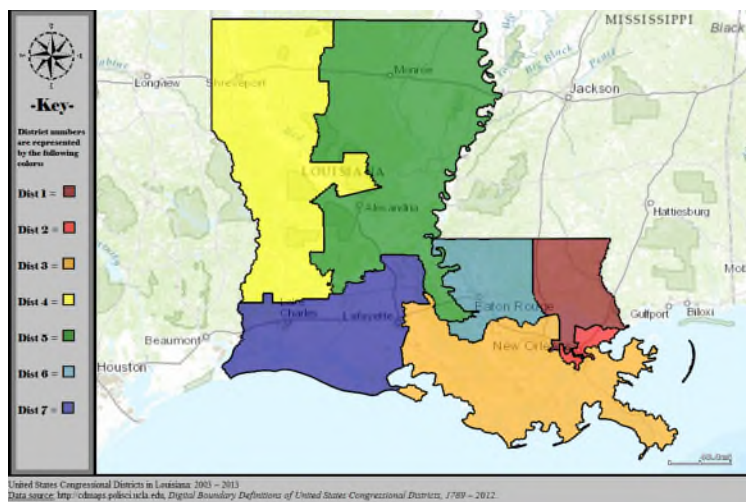
⁴ Naresh, Ragan. 2001. "Louisiana Lawmaker Seeks Lost Ground in Congressional Remap." *Congressional Quarterly Daily Monitor* (Oct. 3).

create a number of M/M districts as closely proportional to the proportion of black residents as possible to achieve “equal” representation. However, neither legislative Democrats nor their state party endorsed that view. As it turned out, neither did the DOJ of Pres. George W. Bush, which issued preclearance of the plan on Apr. 1, 2002 despite LLBC objections.

26. During the 2001 2nd Extraordinary Session, the LLBC plan was presented through Democrat state Rep. Arthur Morrell’s HB 6, which drew another M/M district outside of the existing one in New Orleans that enveloped much of northeast Louisiana, followed down the Mississippi River to Baton Rouge and then veered towards Lafayette, splitting Monroe, Baton Rouge, and Lafayette between districts. By contrast, Act 10 kept all three cities whole, maintained only the division of the New Orleans metropolitan area south of Lake Pontchartrain, and split few parishes statewide.

27. Although legislators did not expressly articulate criteria for reapportionment in this round, they clearly applied an incumbent protection/district continuity standard and a desire to keep political subdivisions and communities of interest whole. An image of the districts drawn in Act 10 is below:

Map of Districts in Act 10



The 2010 Cycle

28. Combining the continuity of representation present in the 2000 cycle with the imperative of seat reduction from the 1990 cycle, the 2010 cycle almost entirely bypassed the discussion that dominated the 1990 cycle of adding an M/M seat.

29. Entering this reapportionment cycle, Louisiana had six Republicans and one Democrat in Congress, with only one M/M district and one black Democrat elected. The state's population according to the 2010 census was white non-Hispanic single race of 60.33 percent and black non-Hispanic single race of 31.82 percent (lower and more dispersed because of the impact of Hurricanes Katrina and Rita in 2005). This meant M/M representation comprised 14.28 percent of the whole.

30. But because of relative population loss to other states (even if about 65,000 higher in absolute numbers), Louisiana stood to lose a seat. Clearly contraction would cost a white majority district, all of which under the existing arrangement favored a Republican, since the M/M district not only would have to survive but also to expand because of the relatively large concentration of black residents in southeast Louisiana. This kind of plan effectively raised the proportion of M/M districts to 16.67 percent of the whole.

31. No fewer than 14 such plans were offered, almost all of which made freshman Third District Republican Rep. Jeff Landry the odd man out by putting him and Seventh District Republican Rep. Charles Boustany in the same district that geographically encompassed more of the Seventh. This change also pushed the majority of the old Third into the First and Sixth Districts, leaving the new Third running essentially along southwest Louisiana into Acadiana. These plans allowed survival of the Second District as M/M by extending it up the Mississippi River encompassing much of the River Parishes and into East and West Baton Rouge Parishes.

32. What to do north of this area consumed most of the 2011 First Extraordinary Session. The main arguments focused on whether to have north-south districts running parallel to each other that largely mirrored the current districts except extending more to south Louisiana or to create east-west districts running parallel. Demographics among them differed slightly, but the eventual adopted plan, Act 2, produced two northern districts of a roughly two-to-one white-black voting age population. It split only the New Orleans and Baton Rouge metropolitan areas and extended the Fifth District around into the Florida Parishes, thereby creating the largest congressional district by land area in the country in a state with multiple districts.

33. By contrast, a plan offered by House and Governmental Affairs Committee chairman Democrat state Rep. Rick Gallot, HB 3, would have created a northern-most district of 54 percent white and 42 percent black, which perhaps not coincidentally contained his residence. Gallot, himself black, repeatedly stressed that drawing two M/M districts he believed would require unconstitutional gerrymandering,⁵ so a swing district of sorts provided the best opportunity legally for blacks to maximize their ability to obtain representation. Gallot offered another plan, HB 4, that kept the same north Louisiana boundaries, but, unlike in HB 3, curtailed the Fourth District's southern reaches into the Florida Parishes and instead extended the Fourth into Acadiana.

34. Gallot argued that the key metric to avoid a determination by DOJ of retrogression would be that any M/M district have at least 60 percent black population. To this, a couple of prominent demographers, Greg Rigamer of New Orleans and Elliott Stonecipher of Shreveport, agreed.⁶ Thus, any plan that featured a district below that marker was suspect.

⁵ Barrow, Bill. 2011. "Remap could change how race influences politics in Louisiana; Priority in redistricting is compliance with law." *New Orleans Times-Picayune*, Mar. 20: A1

⁶ Ballard, Mark. 2011. "The Worst of Both Worlds?" *Baton Rouge Advocate*, Mar. 20: B07.

35. Besides jurisprudential factors, in comparing maps' adherence to reapportionment criteria for this cycle the Legislature used formal guidelines fashioned by Gallot's committee and a similar set from the Senate and Governmental Affairs Committee, whose chairman Republican state Sen. Bob Kostelka offered SB 2. This plan had the formal backing of Republican Gov. Bobby Jindal and of all the state's GOP congressional delegation save Landry and varied only slightly with the eventual Act 2.

36. The House panel's version established, among other principles, that "All redistricting plans shall respect the recognized political boundaries and natural geography of this state, to the extent practicable" and counseled "to minimize voter confusion, due consideration shall be given to traditional district alignments."⁷ The Senate panel's version almost was identical, except it didn't contain the phrase "to minimize voter confusion."⁸

37. Other provisions in both — such as near zero-tolerance equiproportional populations by district, use of contiguous geography in these, and pledges of minority protections as jurisprudentially defined by the Constitution and statute — articulated the implicit principles used in the 2000 cycle and echoed the landscape of reapportionment in the American states.⁹

38. Only one dissenter surfaced. Backed by the LLBC¹⁰, no party state Rep. Michael Jackson introduced HB 42 to create two M/M districts. That second such district under his plan, the Fifth, began in the northeast and traveled through the east central part of the state before

⁷ Louisiana Legislature. House of Representatives. 2011. *Committee on House and Governmental Affairs Committee Rules for Redistricting*. 2011 First Extraordinary Sess., Jan. 19.

https://house.louisiana.gov/h_redistricting2011/2011_H&GA_REAPP%20RULES_ADOPTED.pdf.

⁸ Louisiana Legislature. Senate. 2011. *Committee on Senate and Governmental Affairs Committee Rules for Redistricting*. 2011 First Extraordinary Sess., Feb. 16.

<https://senate.legis.state.la.us/reDist2011/Documents/rules.pdf>.

⁹ Eckman, Sarah J. "Congressional Redistricting Criteria and Considerations," Congressional Research Service Insight #11618 version 3. <https://crsreports.congress.gov/product/pdf/IN/IN11618> (Nov. 15, 2021).

¹⁰ Anderson, Ed. 2011. "Bill creates a second minority district; It also would realign the other five. *New Orleans Times-Picayune*, Mar. 31:A02.

filtering out to Baton Rouge and the western Florida Parishes. Instead of sending the Second District into Baton Rouge, it was sent due west into Lafayette, which with the Fifth, foisted a pincher movement on a finger of the majority white Third District emanating from the southeast. Thus, the Second bisected the New Orleans area and Lafayette, while the Fifth split Monroe, Alexandria, and Baton Rouge, creating in the latter a district with 55 percent black majority.

39. By the now-formally adopted principles, Rep. Jackson's map clearly respected neither recognized political boundaries nor traditional district alignments. Besides the substantial alterations to the Second and Fifth, the Sixth District retained little of its existing territory, and the other three saw substantial minorities of their existing land areas dispatched elsewhere. And obviously it did not meet Gallot's criterion.

40. Gallot's two maps, HB3 and HB4, fared better according to the principles. Their alignments split only Monroe and Natchitoches, besides the Baton Rouge and New Orleans areas, although HB 4 carved up the Capitol Area across four districts.

41. Yet the Senate – which recently had come under Republican control by virtue of several Democrats switching party affiliation – bucked the plan preferred by Jindal in favor of SB 3 by Democrat state Sen. Lydia Jackson. It followed Gallot's criterion with a 40 percent black population for the Fourth District running across the northern part of the state. However, in the process it put Shreveport exurbs into the same district as Lake Charles and Lafayette. Another district strung together Alexandria, Houma, and the New Orleans exurbs, although in the process separating Lafayette from nearby Opelousas and the east bank of the Red River from Alexandria's suburbs. As with all other plans splitting the New Orleans and Baton Rouge districts, it arguably adhered at least as well to the reapportionment principles.

42. Practically speaking, Sen. Jackson's bill separated Boustany and Landry but threw the Fourth District's Republican Rep. John Fleming together with the Fifth District's Republican Rep. Rodney Alexander. Sen. Jackson also resided in that proposed district. With unanimous support from black Democrats, white Democrats, and most of the white ex-Democrats, the Senate passed SB 3.¹¹

43. However, spurred by the threat of a Jindal veto, Gallot's committee narrowly derailed that effort.¹² With his preferred SB 2 apparently locked up in the Senate, Jindal at first called on delaying congressional reapportionment until 2012¹³ – when after state elections in the fall Republicans were expected to (and ultimately did) expand their narrow legislative majorities. But eventually Jindal swung his support to the similar bill HB 6 that became Act 2 (after representatives undid Senate changes that had put HB 6 in the same posture as SB 3, making for a second rescue of the bill since before heading to the Senate previously it already had survived an attempt to put it into the same posture as HB 42) with legislative leaders pleading to members that otherwise no congressional reapportionment bill this year would become law.¹⁴

44. Jindal signed HB 6 and, as in 2001, the LLBC protested to DOJ. On Aug. 1, 2011 DOJ confirmed preclearance of Act 2. An image of this plan is below:

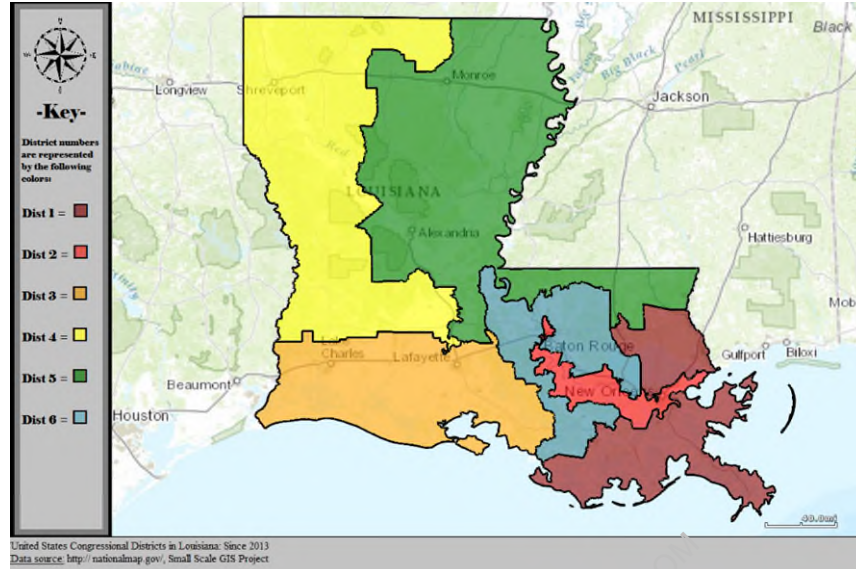
¹¹ Louisiana Legislature. Senate. 2011. *Daily Journal*, First Extraordinary Sess. (Apr. 5): 244.

¹² Tilove, Jonathan. 2011. "Remap strains state GOP unity; Support for proposal cast as betrayal." *New Orleans Times-Picayune*, Apr. 8: A01.

¹³ Barrow, Bill, 2011. "Jindal, congressmen call for delay of remap; Tensions over decisions mount." *New Orleans Times-Picayune*, Apr. 10: A01.

¹⁴ Hasten, Mike. 2011. "Louisiana Legislature OKs congressional redistricting plan, sends to Jindal." *Alexandria Town Talk*, Apr. 14.

Map of Districts in Act 2



Conclusions on the 1990-2010 Reapportionment Cycles

45. From 1990 to 2010, the state's black population changed little proportionally, while actually the proportion of M/M districts of the whole increased due to reduction in the number of districts. Regardless of this static statewide black population proportion, claims for the necessity of having multiple M/M districts varied considerably depending upon the partisan and personal interests of the elected officials involved. While the early portion of the 1990 cycle was shaped decisively by DOJ insistence on maximizing M/M districts wherever possible, making policy-makers focus on race as the dominant criterion and using that for their own personal and partisan purposes, the post-Shaw environment that negated this interpretation saw dissension break out among black political elites in maintaining the necessity of two M/M districts. In 2000, the state's leading black elected official, a member of Congress, said he wanted a plan with only his single M/M district. In 2010, two influential black legislators attempted – and succeeded temporarily in one chamber on multiple occasions – passage of a plan deliberately designed to create a swing district instead of a second M/M district because they believed the latter could not

be drawn in a constitutional fashion due to that district not having at least 60 percent black population.

46. Throughout, because of Louisiana’s demography that packs black residents mainly in its largest cities separated from 50 to 250 miles from each other and in corridors along the Mississippi River, between New Orleans and Baton Rouge and to a lesser extent northward, multiple M/M districts proposed were injurious to traditional reapportionment principles — most prominently preserving political subdivisions and existing boundaries — that by the 2010 cycle became codified. In each circumstance, race stood out as the only plausible explanation for why these districts took on the shapes they did – even, in a less intensive way, in the drawing of the 2010 swing districts. By contrast, the single M/M plans enacted minimized this disruption, limited only to division of the New Orleans and Baton Rouge metropolitan areas in an effort to create the sole M/M district.

47. Additionally, no offsetting reasons or compelling state interest existed to justify the greater disruption of reapportionment principles featured in multiple M/M plans. The 1990 cycle ended with court intervention to produce a single M/M district, born of the principle that to produce a map with two M/M districts gave race undue prominence as a reapportionment factor. This deliberate discrimination made other explanations for its boundaries appear as disingenuous rationalizations, such as trying to achieve partisan goals, fulfill incumbent wishes, cater to alleged commonality of socioeconomic interests, represent a mythical commonality of interest of people living on the same river, or recreate a district designed to reelect a congressman dead nearly a decade.¹⁵ Shorn of those rationalizations, the nullified districts clearly segregated by race “could not be justified without strong evidence as to the lingering effects of

¹⁵ Thyssen, pp. 177-79.

past discrimination or continuing legal prejudice in voting laws and procedures, coupled with specific remedies”¹⁶ The evidence that wasn’t present in the 1990 cycle was just as absent for the 2000 and 2010 cycles, which again supplied insufficient justification to draw maps with another M/M district to the exclusion of the single M/M maps ultimately preferred by the majoritarian branches.

IV. 2020 CYCLE

48. Entering this cycle with six Republicans and one Democrat elected and one M/M district, 2020 Census data revealed little had changed from the previous decades: white non-Hispanic single race population was 55.75 percent; black non-Hispanic single race was 31.18 percent. This meant M/M representation remained 16.67 percent.

49. Thus, over the 1990-2020 period black non-Hispanic single race population had increased in proportion to the entire population only 0.58 points and actually had declined 1.12 points since 2000. Over the same period, among the state’s districts the proportion of M/M districts had risen from 14.28 percent to 16.67 percent.

50. For the 2020 cycle, the Louisiana Legislature in its 2021 Regular Session passed HCR 90 that became Joint Rule 21. This restated and made formal the principles followed in 2011. Besides requiring that “plans shall respect the established boundaries of parishes, municipalities, and other political subdivisions and natural geography of this state to the extent practicable,” it also added “this criterion is subordinate to and shall not be used to undermine the maintenance of communities of interest within the same district to the extent practicable.”¹⁷ In effect, this meant map-drawers would put some weight on continuity of representation for

¹⁶ *Hays v. State of Louisiana*, 862 F.Supp. 124 (1994).

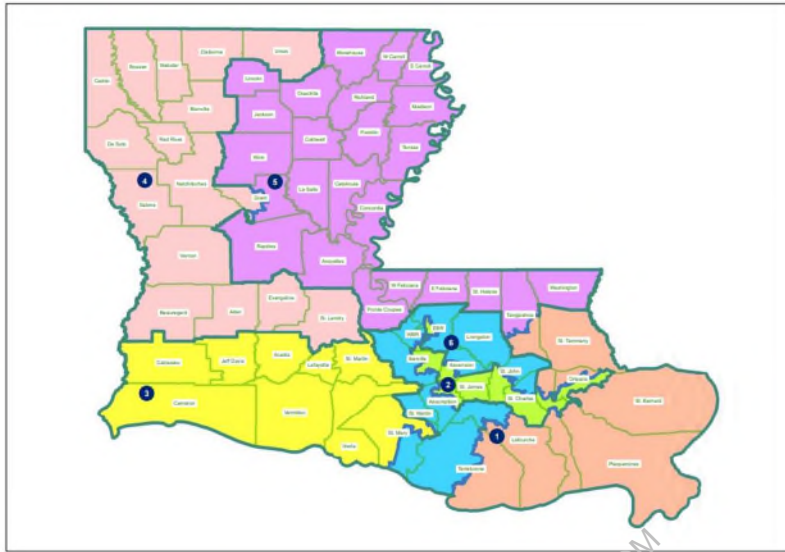
¹⁷ Louisiana Legislature. *Joint Rules*, JRULE 21. <https://legis.la.gov/Legis/Law.aspx?d=1238755>

communities of interest within existing districts formed over time because they traditionally had been represented in the same district. This would serve as a corollary to preferring to draw boundaries along existing lines, or as closely as possible to that.

51. The session, the 1st Extraordinary Session of 2022, following the familiar path this century, saw the passage of two identical congressional reapportionment plans that contained a single M/M district while rejecting several others that drew multiple such districts. Besides the novelty of having two identical plans sent to Democrat Gov. John Bel Edwards, the chief executive provided his own twist by vetoing both of them. That led to a historic veto session featuring the first-ever veto override in such a session of one of the bills, becoming Act 5 on Mar. 31, 2022. Almost immediately after, the plaintiffs sued.

52. Act 5 emulated in large part Act 2 of the 2011 1st ES, just as Act 10 of the 2001 2nd ES had copied fairly faithfully the 1996 court redraw. To accommodate population loss in the north relative to the south, some Florida Parishes previously split had their southern portions rolled into the Fifth District to become whole, and St. Martin Parish, which is geographically split into northern and southern portions by Iberia Parish, saw its southern part ceded from the Third District to the First District. St. Landry Parish also found itself split, with its eastern half moved from the Fourth District to the Fifth. A copy of the Act 5 map is below:

Map of Districts in Act 5



53. This fairly high degree of continuity thus largely replicated existing divisions of political subdivisions. Of the state's nine Census Bureau-defined Metropolitan Statistical Areas (MSAs) in the state – New Orleans-Metairie-Kenner, Baton Rouge, Lafayette, Shreveport-Bossier City, Houma-Bayou Cane-Thibodaux, Lake Charles, Monroe, Alexandria, and Hammond – five featured split parishes: New Orleans MSA among the First, Second, and Sixth Districts; Baton Rouge MSA between the Second and Sixth; Lafayette MSA between the Third and Sixth; Houma MSA between the First and Sixth, and Hammond MSA between the First and Sixth. In all, this created 11 split segments, and four MSAs kept whole parishes. The splits largely came as a consequence of drawing the M/M district and its ripple effects on others.

V. COMPARISONS WITH PLAINTIFFS' PLANS

54. Plaintiffs present three¹⁸ illustrative plans that create two very narrow black majority population M/M districts. While they allege these maps do as well as, or slightly better than, the Act 5 map in keeping political subdivisions whole and together communities of interest by using some often-employed metrics for sizing up districts in reapportionment, more intuitive statistical measures and facial evidence show they do not, and they certainly do great violence to continuity of representation.

55. Several measures can evaluate to what degree a plan separates political subdivisions and communities of interest, which are built around proximate political subdivisions, stemming from a Willie Sutton¹⁹ conceptualization: the more mapmakers elevate a criterion such as race to the forefront in drawing boundaries, the more the process disturbs the boundary integrity of the largest population centers, because that's where the people are to redistribute. Thus, measures to detect this must concentrate on how a map treats parishes within MSAs and the largest parishes statewide within those MSAs.

56. One way is to determine how many people are affected by splits among districts with a parish in an MSA. In a district where no parishes within an MSA are split with another district, that number would be zero indicating perfect integrity in preserving subdivisions and communities. The higher the raw number, the less fidelity is paid to keeping these whole.

57. Another indicator is assessing in a plan how many MSAs feature parish splits and to how many districts. For a map with perfect integrity, no parish within an MSA would be split

¹⁸ There are actually four, but the sole Fairfax plan is so close to that of Illustrative Plan 1 of Cooper that for the purposes of this exposition and due to the limited time to prepare this report it will be treated as producing the same results.

¹⁹ Although he denied actually ever saying it, infamous bank robber Willie Sutton supposedly answered a reporter, when asked why he robbed banks, with "Because that's where the money is." (<https://www.fbi.gov/history/famous-cases/willie-sutton>)

among districts. The more splits that occur, the less fidelity there is to keeping subdivisions and communities together. Making the measure more robust is detailing how many MSA parishes are split how many ways, where the more extra-fragmented MSAs exist in a plan, the less faithfully the plan protects subdivisions and communities.

58. Concentrating on the largest MSA parishes, greater protection of subdivisions and communities would occur where the fewest such parishes are split among districts. So, the more such parishes split, the less such protection a plan provides.

59. Data to evaluate Act 5 on these metrics, using voting-age population data, exists in its enrolled version, while plaintiffs provide such statistics for their Illustrative Plan 1 (IP1), Illustrative Plan 2 (IP2), and Illustrative Plan 3 (IP3). Table 1 presents for each MSA by district the number of people residing in a split parish in that MSA assigned to that district, for each of Act 5, IP1, IP2, and IP3.

Table 1:

MSA Split Parishes by Population in District, by Plan

Plan	MSA ²⁰	CD1	CD2	CD3	CD4	CD5	CD6	ALL
Act 5	NOMK	235717	466247				20930	
	BR		113181				379000	
	L			38250			1154	
	SBC							
	HBCT	84348					72276	
	LC							
	M							
	A							
	H	30157				71334		
	Totals	349772	579428	38250	0	71334	473860	1513094
IP1	NOMK	309702	435241				108135	
	BR		35960			169497	242382	

²⁰ NOMK = New Orleans-Metairie-Kenner (7 parishes); BR = Baton Rouge (9); L = Lafayette (5); SBC = Shreveport-Bossier City (3); HBCT = Houma-Bayou Cane-Thibodaux (2); LC = Lake Charles (2); M = Monroe (2); A = Alexandria (2); H = Hammond (1). Altogether these include over half of the state's parishes.

	L	27871		159943		48852		
	SBC							
	HBCT							
	LC							
	M				49519	70681		
	A				37318	61474		
	H							
	Totals	337573	471201	159943	86837	350504	350517	1756575
IP2	NOMK	392327	438390				61092	
	BR		7283			158183	282103	
	L		32249	151626				
	SBC							
	HBCT							
	LC							
	M				55388	64812		
	A				59346	39446		
	H							
	Totals	392327	477922	151626	114734	262441	343195	1742245
IP3	NOMK	263525	435241				154312	
	BR		35960			151830	260049	
	L	36287		146837		53542		
	SBC							
	HBCT							
	LC							
	M				61294	58906		
	A			56904		41888		
	H					61154	40337	
	Totals	299812	471201	203741	61294	367320	454698	1858066

60. Act 5 has the fewest total people affected by parishes within an MSA that are split among districts, while IP1 has 16 percent more, IP2 15 percent more, and IP3 23 percent more. Thus, Act 5 does the best job in keeping together subdivisions and communities.

61. Table 2 is derived from Table 1. It shows figures for the number of MSAs with split parishes and the kinds of splits. The most any MSA with split parishes was divided into was three districts, so accordingly it presents the number of MSA parish splits into three, two, and

zero districts, as well as the total number of splits endured (computable from divisions by multiplying the number of MSA splits by how many ways for each, then summing).

Table 2:

MSAs by Number of District Divisions Splitting Parishes, and Total Plan Splits

Plan	Three	Two	Zero	Splits
Act 5	1	4	4	11
IP1	3	2	4	13
IP2	2	3	4	12
IP3	3	3	3	15

62. While three plans kept four MSAs from having any of their parishes split among districts, Act 5 only allowed one three-way split (see previous discussion) while the plaintiffs' plans engineered more and with IP3 having one fewer zero split MSA. Again, having MSAs with fewer parish splits and across fewer districts signals better ability to protect subdivisions and communities of interest.

63. Table 3 provides details about whether the state's 14 largest parishes according to the 2020 Census – those with at least 100,000 residents that in total comprise about two-thirds of the state's population – are split among districts, by plan.

Table 3:

District Splits in a Parish for 100,000+ Population, by Plan

Parish	Act 5	IP1	IP2	IP3
East Baton Rouge	2	2	2	2
Jefferson	2	2	2	2
Orleans	2	2	2	2
St. Tammany	0	2	2	2
Lafayette	0	2	2	2
Caddo	0	0	0	0
Calcasieu	0	0	0	0
Ouachita	0	2	2	2
Livingston	0	0	0	0
Tangipahoa	2	0	0	2

Rapides	0	2	2	2
Bossier	0	0	0	0
Ascension	2	2	2	2
Terrebonne	2	0	0	0
Totals	12	16	16	18

64. Again, Act 5 injures the fewest large parishes, splitting only six (no parish was split into more than two districts in any plan). By contrast, IP1 and IP2 split eight, and IP3 divided nine.

65. A final indicator of whether a plan divides subdivisions and communities can come from distances between the central cities of the nine MSAs. A map whose districts carve these up to a greater degree will split the parishes of more central cities among its districts. Thus, if a hypothetical driver goes to each district on a mission to drive from each central city that has at least part of its parish in the district to every other, creating $n(n-1)/2$ treks where n equals the number of central cities with at least part of its parish in a district, the sum of these indicates how spread out the district is and makes for a propinquity argument: the farther apart distinct larger population centers of a district are, the less likely they are to share a community of interests. Therefore, the higher the sum, the less the districts adhere to preserving communities, and also likely indicate greater division of subdivisions and interests.

66. Tables 4 through 7 present the mileage for trips required by the districts in each plan and the total of these for the plan (to reduce confusion, these are reported in the two cells representing the poles of the trip even as it is only one journey, although if two districts require the same trip, then the figure is doubled, and so on; and because these are double-reported, for exposition's sake the total is divided by half). An empty row or column indicates that central city was not in a district with any other central city.

Table 4:**Miles Traveled²¹ between All Central Cities in Districts under Act 5**

Central city	NO	BR	S	L	LC	M	A	Houma	Hammond	Total/2
New Orleans		81						58	58	
Baton Rouge	81							85		
Shreveport										
Lafayette					75					
Lake Charles				75						
Monroe							97		208	
Alexandria						97			156	
Houma	58	85							86	
Hammond	58					208	156	86		
										904

Table 5:**Miles Traveled between All Central Cities in Districts under IP1**

Central city	NO	BR	S	L	LC	M	A	Houma	Hammond	Total/2
New Orleans								58		
Baton Rouge				59		187	128		45	
Shreveport						100	125			
Lafayette		59			75	184	89			
Lake Charles				75						
Monroe		187	100	184			194			
Alexandria		128	125	89		194				
Houma	58									
Hammond		45								
										1244

²¹ Computed at <https://mileagemath.com/distance/louisiana> and Google Maps.

Table 6:**Miles Traveled between All Central Cities in Districts under IP2**

Central city	NO	BR	S	L	LC	M	A	Houma	Hammond	Total/2
New Orleans				135				58		
Baton Rouge						187	128		45	
Shreveport						100	125			
Lafayette	135				75					
Lake Charles				75						
Monroe		187	100				194			
Alexandria		128	125			194				
Houma	58									
Hammond		45								
										1047

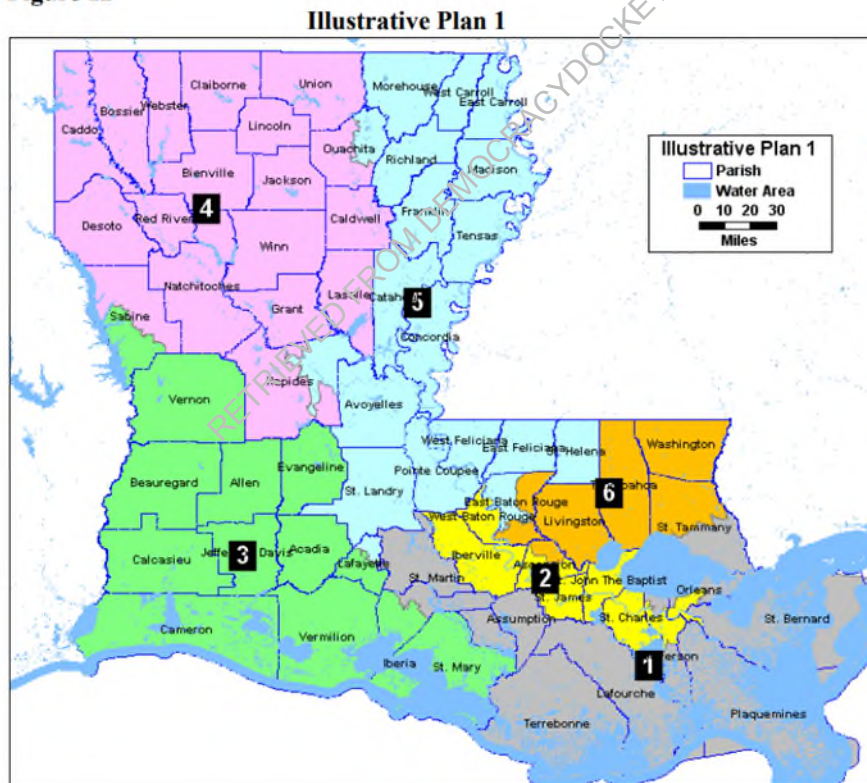
Table 7:**Miles Traveled between All Central Cities in Districts under IP3**

Central city	NO	BR	S	L	LC	M	A	Houma	Hammond	Total/2
New Orleans								58		
Baton Rouge				59		187	128		90	
Shreveport						100				
Lafayette		59			75	184	178		101	
Lake Charles				75			99			
Monroe		187	100	184			97		208	
Alexandria		128		178	99	97			156	
Houma	58									
Hammond		90		101		208	156			
										1720

67. As Table 4 makes obvious, Act 5 requires by far the least amount of driving miles. Going from central city to central city within each district of each plan would require only 904 miles, or 73 percent of the distance for IP1, 86 percent of the distance for IP2, and 53 percent of the distance for IP3, which at 1,720 miles is about the same amount of driving to get from New Orleans to Las Vegas, throwing in cruising the Strip a time or two.

68. Finally, on their faces the three illustrative plans pose problems, particularly with the additional M/M district outside of the New Orleans area termed the Fifth District. IP1 (reproduced below) grabs at Baton Rouge, Monroe, Alexandria, and Lafayette in a never-before-seen combination (Fifth), marries part of Baton Rouge to Hammond and half of St. Tammany (Sixth) while the other half finds itself part of a district (First) that wraps around south of New Orleans (only picking up New Orleans East and a bare sliver of the Orleans/Jefferson lakefront) that steams through bayou country to within a stone's throw of Lafayette, in the process trapping another district (Second) with the rest of Orleans and Jefferson tied to the River Parishes that separates West and East Baton Rouge – all novel combinations.

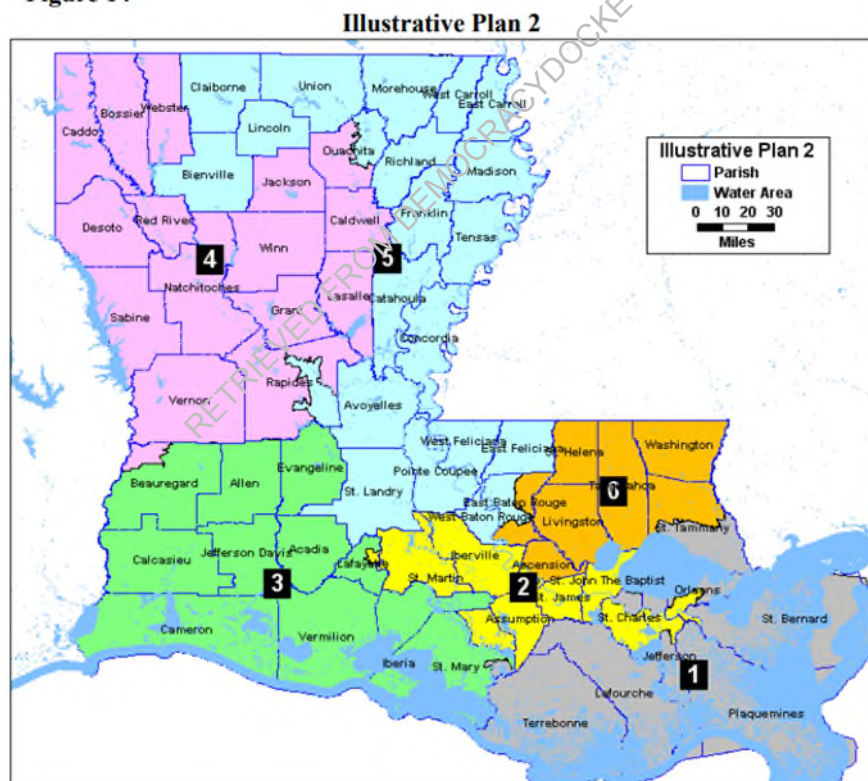
Figure 12



69. IP2 (reproduced below) similarly scoops from Monroe, Alexandria and Baton Rouge and hurls itself across the northern border of the state, stopping only within a couple of dozen

miles from the southern border of Bossier City (Fifth). It creates another shotgun marriage of Baton Rouge and St. Tammany (Sixth) but at least in the wraparound district (First) with the rest of St. Tammany (and a somewhat bigger chunk of Jefferson) stops before Acadiana. Instead, the River Parishes district (Two) heads more westerly to let the Baton Rouge parishes to unite, but at the cost of capturing much of Lafayette and otherwise separating it from its suburbs, somehow uniting New Orleans' Little Woods neighborhood ragged beach on the shores of Lake Pontchartrain with the Atchafalaya River basin and its swamps, and connecting New Orleans jazz with Breaux Bridge zydeco – often conflated in movies, but never before in congressional representation.

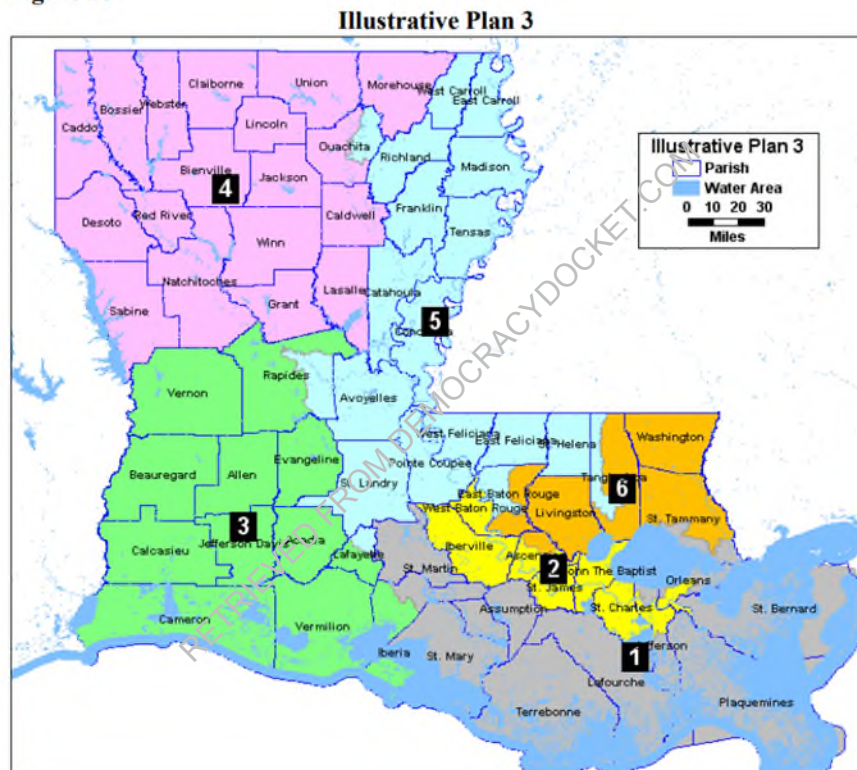
Figure 14



70. Perhaps the most audacious of all, IP3 (reproduced below) features the same strange bedfellows of Baton Rouge and St. Tammany (Sixth) and River Parishes tied to most of Orleans and Jefferson while keeping West and East Baton Rouge apart (Second), but then shoots for

topping the 1993-97 Fourth District's orgy of slicing and dicing by finding a way to stitch together Macon Ridge, the central hills, Cajun country, the strawberries of the Florida Parishes, and supposed Capitol Area sophistication by ingesting parts of Monroe, Alexandria, Lafayette, Baton Rouge, and Hammond that might cause its congressman when rambling around this district to become the first in history to rack up frequent flier miles to travel among all of its central cities (Fifth).

Figure 16

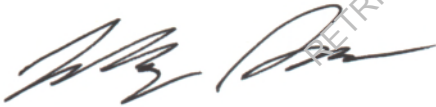


71. Using refined mathematical measurements, plaintiffs may assert their maps don't seem unusual and perform even better on those metrics than Act 5, leading them to claim they fulfill better criteria such as protecting subdivisions and interests. But these induce a kind of ecological fallacy; not all subdivision splits are created equally. Compared to Act 5, their plans aggressively dissect most of the state's largest central cities and metropolitan areas and then, in a manner admonished against in Miller v. Johnson, sew the remains into a patchwork of

communities hundreds of miles apart and metaphorically millions of miles separated from each other in all of social, cultural, and economic terms.

72. More intuitive statistical measures and tests capture how plaintiffs' plans, compared to Act 5, create districts more dismissive of traditional boundaries, continuity of representation, and of maintaining community interests in their zeal to divide large such communities so as to tie their separate parts to the separated parts of other such communities rendered the same way, a perception reinforced by observing the maps that create unions and divisions not witnessed for a quarter century by a strategy later deemed unconstitutional. Their end products appear understandable only through the lens of race, as the product of a search party combing the state for people of particular races and bringing some together while fencing others off to achieve a certain demographic end.

I declare under penalty of perjury that the foregoing is true and correct. 28 U.S.C. § 1746

A handwritten signature in black ink, appearing to read 'Jeffrey D. Sadow', written over a horizontal line.

Jeffrey D. Sadow

Bossier City, LA

Apr. 29, 2022

Exhibit A

RETRIEVED FROM DEMOCRACYDOCKET.COM

VITAE

Jeffrey D. Sadow

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EDUCATION

ACADEMIC CAREER

B.A. (Public Administration & Political Science) University of Oklahoma, 1983
M.B.A. (Management Information Systems & Finance) Vanderbilt University, 1985
Ph.D. (Political Science) University of New Orleans, 1990
Dissertation Title: "Structure and Clarity in Ideological Identification," directed by Dennis W. Gleiber.

AREAS OF SPECIALIZATION

Political Behavior, with a concentration in political communication, American political behavior (voting and state), and political psychology.
International Relations, with a concentration in the South Pacific, gaming-simulations, and theory.
Political Theory, with a concentration in conservative thought, contemporary theory, and liberal theory.

EMPLOYMENT

ACADEMIC APPOINTMENTS

Associate Professor of Political Science, Louisiana State University in Shreveport, 1997-present
Assistant Professor of Political Science, Louisiana State University in Shreveport, 1991-97.
Adjunct Professor of Political Science, University of Illinois at Springfield, 2000-01.
Visiting Professor of Political Science, Centenary College, 2000, 2005.
Visiting Professor of Political Science, Southern University-Shreveport, 1991.

Assistant Professor of Political Science, University of Mississippi, 1990-91.
Assistant Professor of Political Science, University of Alabama in Huntsville, 1989-90.
Visiting Assistant Professor of Political Science, University of Southern Mississippi,
1989.
Teaching Assistant in Political Science, University of New Orleans, 1987-88.

COURSES TAUGHT

Undergraduate

American Government (freshman and sophomore levels; classroom and Internet)
American Legislative Process (classroom)
European Politics (classroom and Internet)
Introduction to International Studies (team taught; classroom)
Introduction to Political Science (classroom and Internet)
Louisiana Government (classroom and Internet)
Political Parties and Interest Groups (classroom)
Research Methods in the Social Sciences (classroom and Internet)
Sources and Methods in History (guest lecturer; classroom)
State and Local Politics (classroom)
Third World Politics (classroom and Internet)
The United States and the United Nations (classroom)
Urban Politics (classroom)
Western Political Thought (Internet)

Graduate/Undergraduate

Balkan History from 1879 (compressed video facilitator; classroom)
International Organizations (classroom and Internet)
International Politics (classroom and Internet)
Introduction to Public Administration (classroom)
Political Behavior (classroom and Internet)
Politics of the Cinema (classroom, compressed video, and Internet)
Public Policy and Evaluation (classroom and Internet)
U.S. Foreign Policy from World War II (classroom and Internet)

Graduate

Public Policy Evaluation (classroom)
Data Administration in Human Services Organizations (Internet)
Nonprofit Governance and Decision-making (correspondence)
Tutorial in International Law (classroom)

RESEARCH EXPERIENCE

Research Director, Louisiana Community Policing Institute, 1997-1998.
ICPSR quantitative methods coursework, 1987 and 1989.
Research assistant for Professors Steven Shull and Robert Jordan, Fall, 1986 through
Summer, 1987, and Summer, 1988.
Intern, University of New Orleans Poll, under the direction of Professor Susan Howell,
developing survey research instruments and assisting in poll management, Fall,
1986.

OTHER EXPERIENCE

First Commerce Corp., New Orleans, LA., 1985-86.

Department Manager, Official Items, for \$4 billion bank holding company,
supervising seven employees handling \$68 million in accounts including
all State of Louisiana items.

The Oklahoma Daily, Norman, OK., 1980-83.

Editor-in-Chief, Copy Chief, copy editor, reporter.

MANUSCRIPTS

ARTICLES -- EDITED VOLUMES

"Delivery Models for Curricula within the American Humanities Programs," with N. Dolch, R. Kidwell, and J. Smith, in Michael O'Neill and Kathleen Fletcher, eds. *Nonprofit Management Education: A U.S. and World Perspective*. Greenwood, 1998.

"Delivery Models for Curricula within the American Humanities Programs," with N. Dolch, R. Kidwell, and J. Smith, in "Nonprofit Management Education 1996: A U.S. and World Perspective." San Francisco: Institute for Nonprofit Organization Management, 1996.

ARTICLES -- REFEREED JOURNALS

"The Nature of Nonprofit Graduate Education: Models of Curriculum Delivery," (with Norman A. Dolch, Marvin Ernst, John E. McClusky, and Rosanne Mirabella) in *Nonprofit and Voluntary Sector Quarterly*, (Dec., 2007) 36:4 (supp): 28-50.

"Partisanship, Chauvinism, and Reverse Racial Dynamics in the 2003 Louisiana Gubernatorial Election," in [The Forum](#), Spring, 2005: article 5.

"Viewing Political Film in an Almost-Empty Theater," in *EPS: European Political Science*, Spring, 2002:62-64.

"David Duke and Black Threat: Laying to Rest an Old Hypothesis Revisited," in *American Political Review*, Spring, 1996:58-69.

"Pedagogical Problems in Playing Planetary Politics," in *Simulation and Gaming*, Sep., 1991: 373-81.

ARTICLES -- EDITED JOURNALS

"The Effects of the 1978 Shreveport Charter Change," *The Northwestern Louisiana Historical Association Journal*, Winter, 1996: 41-57.

"America, the South Pacific, and Benign Neglect," *Asian Thought and Society*, May, 1990: 236-48.

"Computer Applications in Teaching International Political Interaction," (principal author) with R.S. Jordan and P. Sanchez-Navarro, *The Political Science Teacher*, Winter, 1989: 8-11

BOOK REVIEWS

Feldman, Glenn. *The Great Melding: War, the Dixiecrat Rebellion, and the Southern Model for America's New Conservatism*, in *Louisiana History*, Spring, 2017: 247-49.

Lockerbie, Brad. *Do Voters Look to the Future? Economics and Elections*, in *American Political*

Review, Jun., 2009.

Butler, Daniel Allen. *The Other Side of the Night*, in *The Northern Mariner*, Jul., 2009: 346-48.

Steinberger, Peter J. *The Concept of Political Judgment*, in *Political Psychology*, Mar., 1995: 207-210.

Lal, Victor. Fiji: *Coups in Paradise*, in the *American Political Science Review*, Dec. 1991: 1486-87.

Pugh, Martin C. *The ANZUS Crisis, Nuclear Visiting, and Deterrence*, in the *American Political Science Review*, Dec. 1990: 1473-75.

Dean, Eddie and Stan Ritova. *Rabuka: No Other Way*, in *Asian Thought and Society*, Oct. 1990: 324-26.

MONOGRAPHS

“[The Provision of the Right to Counsel in Caddo Parish, Louisiana](#),” with Bernadette Jones Palombo. July, 2004. Underwritten by the Southern Poverty Law Center and the Open Society Institute.

REFERENCE ENTRIES

“Life-Cycle Effect,” in Warren, Kenneth F., ed., *The Encyclopedia of Campaigns, Elections, and Electoral Behavior*. Sage Publications, 2008.

PAPERS PRESENTED

“The ‘Obama Effect’ and its Impact on the 2008 Louisiana Elections,” at the Louisiana Political Science Association annual meeting, Apr. 3, 2009.

“Term Limits and Their Effects on Legislators' Voting Behavior Relative to Their Districts,” at the Southern Political Science Association annual meeting, Jan. 9, 2009.

“Racism and Chauvinism as Competing Explanations for Bobby Jindal’s Statewide Election Results,” at the Louisiana Political Science Association annual meeting, Feb. 8, 2008.

“After the Perfect Storm: Displacement and Term Limits in the 2007 Louisiana State Elections,” at the Southern Political Science Association annual meeting, Jan. 12, 2008.

“The Perfect Storm: Louisiana State Elections in 2007,” at the Southern Political Science Association annual meeting, Jan. 6, 2007

“Online Instruction’s Impact on Power Conceptualizations In and Out of the ‘Classroom,’ at the American Political Science Association annual meeting, Aug. 31, 2006

“Moving the Curriculum Online: Initial Impression of a Case Study,” at the Transformation, Teaching, Leading, and Research in Challenging Times Conference, Apr. 21, 2006

“The Abnormal Vote in Louisiana’s Coming Elections,” at the Louisiana Political Science Association annual meeting, Mar. 3, 2006

“The Provision of the Right to Counsel in Caddo Parish, Louisiana,” with Bernadette Jones Palombo, at the Academy for Criminal Justice Sciences annual meeting, Mar. 17, 2005.

“Where and Whom with You Sit Affects Where You Stand: Racial Dynamics in the 2003 Louisiana Gubernatorial Election,” at the Southern Political Science Association annual meeting, Jan. 8, 2005.

“An Experimental Study on Cinema’s Effects on Political Attitudes,” at the Southern Political Science Association annual meeting, Jan. 10, 2004.

- "Terror in the Aisles – on Planes, Trains, in Theaters, and within the Public's Mind," at the American Political Science Association annual meeting, Aug. 30, 2002.
- "Teaching Political Film in an Empty Theater," at the ECPR 2001 conference, Sep. 8, 2001.
- "Political Film and Political Attitudes," at the American Political Science Association annual meeting, Sep. 1, 2001.
- "Presidential Candidate Websites: A Test of the Uses and Gratifications Theory of Internet Campaigning," at the Illinois Political Science Association annual meeting, Nov. 11, 2000.
- "Coups, South Pacific Style," at the International Studies Association-Midwest annual meeting, Oct. 27, 2000.
- "A Uses and Gratifications Theory of Internet Campaigning," at the American Political Science Association annual meeting, Sep. 1, 2000.
- "Political Campaigning on the Internet: The Revolution that Isn't, Yet," (principal author), with K. James, at the Southwestern Political Science Association annual meeting, Mar. 16, 2000.
- "Virtual Billboards? Candidate Web Sites and Campaigning in 1998," (principal author) with K. James, at the American Political Science Association annual meeting, Sep. 3, 1999.
- "You Can Take the Islander Out of the Pacific, but Can You Take the Pacific Out of the Islander," at the Pacific Islands Political Studies Association biannual meeting, Dec. 7, 1998.
- "The Three Faces of Power and Subversion in The Manchurian Candidate," at the American Political Science Association annual meeting, Sep. 6, 1998.
- "Levels of Political Knowledge and Local Voting," at the Southwestern Political Science Association annual meeting, Mar. 19, 1998.
- "Effectiveness of Campaign Techniques in Local Elections," at the Louisiana Political Science Association annual meeting, Feb. 27, 1998.
- "Utilization of the World Wide Web as a Communicator of Campaign Information," with K. James, at the American Political Science Association annual meeting, Aug. 30, 1997.
- "Elite Endorsement Effects in Local Elections," at the American Political Science Association annual meeting, Sep. 1, 1996.
- "Delivery Models for Curricula within the American Humanities Programs," with N. Dolch, R. Kidwell, and J. Smith, at the Nonprofit Management Education 1996: A U.S. and World Perspective conference, Mar. 15, 1996.
- "'Black Threat' and Southern Urban Voting," at the Louisiana Political Science Association annual meeting, Mar. 7, 1996.
- "Plugged In: Computer Conferencing Information's Effect on 1994 Voting Behavior," at the American Political Science Association annual meeting, Sep. 1, 1995.
- "How Do National Factors Affect Local Elections," at the Southwestern Political Science Association annual meeting, Mar. 24, 1995.
- "The Subversive Effects of the 1978 Shreveport Charter Change," at the Louisiana Political Science Association annual meeting, Mar. 3, 1995.
- "Hot Air or Hot Button: Talk Media and Their Relationship to Political Attitudes," at the Southern Political Science Association annual meeting, Nov. 5, 1994.
- "Beavis and Butt-head's Shaping of Political Attitudes," at the Southwestern Political Science Association annual meeting, Mar. 31, 1994.

- "Benign to Total Neglect? U.S.-South Pacific Relations in the Post-Soviet Era," at the Pacific Islands Political Studies Association biannual meeting, Dec. 7, 1993.
- "Mainstreaming or Extreming: Television and Political Orientation," at the Southwestern Political Science Association annual meeting, Mar. 19, 1993.
- "Protest Candidates in Recent Louisiana Elections," at the Louisiana Political Science Association annual meeting, Mar. 4, 1993.
- "An Ideological Public of Non-Ideologues," at the Southern Political Science Association annual meeting, Nov. 6, 1992.
- "Racism or Resentment and the David Duke Supporter," at the American Political Science Association annual meeting, Aug. 30, 1992.
- "PC: Do Students Fear It or Want to Own One?", at the Southwestern Political Science Association annual meeting, Mar. 28, 1992.
- "The Politics of Plato, Jane Fonda, and Do Students Give a Damn," at the Western Political Science Association annual meeting, Mar. 19, 1992.
- "Determinants of Radicals' Differing Partisanships and Political Attitudes," (principal author) and B. R. Gitz, at the Northeastern Political Science Association annual meeting, Nov. 15, 1991.
- "Status or Race Polarization and Today's Voter," at the American Political Science Association annual meeting, Aug. 29, 1991.
- "Information Legislators Use to Redistrict," at the Midwest Political Science Association annual meeting, Apr. 20, 1991.
- "Some of the People None of the Time," (principal author) and B. R. Gitz, at the Midwest Political Science Association annual meeting, Apr. 19, 1991.
- "Candidate Success Routes and Political Party Relevance," at the Alabama Political Science Association annual meeting, Apr. 6, 1991.
- "Gender Differences and Personal Freedom," at the Southern Political Science Association annual meeting, Nov. 9, 1990.
- "1988 as an I-word Election," at the Midwest Political Science Association annual meeting, Apr. 7, 1990.
- "I Come Not to Praise Constraint, But to Bury It," at the Southwestern Political Science Association annual meeting, Mar. 28, 1990.
- "Reaffirmation, Reelection, and Reptiles," at the Southern Political Science Association annual meeting, Nov. 4, 1989.
- "Modeling God as an International Political Actor, or Pedagogical Problems in Playing Planetary Politics," (principal author) and M. S. Ziegler, at the International Studies Association-South annual meeting, Nov. 3, 1989.
- "What is Ideological Identification, Thought Process or Mass Belief System," at the American Political Science Association annual meeting, Sep. 3, 1989.
- "Extrapolitical Ideas in the Origins of Ideological Identification," at the Midwest Political Science Association annual meeting, Apr. 15, 1989.
- "Strong Democracy as Thin Democracy," at the Northeastern Political Science Association annual meeting, Nov. 11, 1988.
- "A Conservative Public Explained: Tired Symbols or Unclear Meanings," at the Southern Political Science Association annual meeting, Nov. 4, 1988.

- "Benign Neglect: the Neglected Strategy in U.S. Foreign Policy towards the South Pacific," at the Southern Political Science Association annual meeting, Nov. 3, 1988.
- "Partisanship Socialization in the Urban South," at the Louisiana Political Science Association annual meeting, Mar. 12, 1988.
- "The Formation of Partisan and Ideological Identification in France Using a Volition-Based Model," at the Southern Political Science Association annual meeting, Nov. 5, 1987.
- "Racial Differences in the Adoption of Partisanship and Ideology," at the Louisiana Political Science Association annual meeting, Mar. 28, 1987.

PROFESSIONAL ACTIVITIES

JOURNALS AND PUBLISHERS

- Reviewer, *Politics and Policy*, 2009, 2010, 2011
- Reviewer, Lexington Books, 2007.
- Associate Editor, *Politics and Policy*, 2001-02.
- Referee, *American Politics Quarterly*, 2002.
- Reviewer, Longman Publishing, 2001.
- Referee, *Journal of Politics*, 1999.
- Reviewer, Harcourt Brace College Publishers, 1996-97.
- Referee, *Harvard Journal of Press and Politics*, 1996.
- Referee, *Southeastern Political Review*, 1995-98.
- Referee, *Political Research Quarterly*, 1993.
- Referee, *Quarterly Journal of Ideology*, 1992, 1997, 2002.
- Referee, *American Journal of Political Science*, 1990.

CONFERENCES

- Discussant and chair, "American Politics," Louisiana Political Science Association annual Meeting, Mar. 2, 2013.
- Discussant and chair, "American Politics," Louisiana Political Science Association annual meeting, Feb. 25, 2012.
- Chair, "International Relations," Louisiana Political Science Association annual meeting, Feb. 25, 2012.
- Discussant and chair, "Louisiana at 200: Institutional Evolution," Southern Political Science Association annual meeting, Jan. 14, 2012.
- Participant, roundtable discussion, "Louisiana Politics," Southern Political Science Association annual meeting, Jan. 14, 2012.
- Participant, roundtable discussion, "Redistricting in Louisiana," Southern Political Science Association annual meeting, Jan. 8, 2011.
- Participant, roundtable discussion, "Presidential Primary Election of the U.S. and South Korean President," Southern Political Science Association annual meeting, Jan. 9, 2009.
- Participant, roundtable discussion "Revenge of the Republicans," Southern Political Science Association annual meeting, Jan. 12, 2008.
- Participant, roundtable discussion "Louisiana Political Developments in 2007," Southern Political Science Association annual meeting, Jan. 6, 2007.

Discussant, It's Showtime: Political Elections in Film roundtable, American Political Science Association annual meeting, Sep. 3, 2004.

Instructor, Using Film to Teach Political Concepts short course, American Political Science Association annual meeting, Aug. 27, 2003.

Chair, International Politics panel, Louisiana Political Science Association annual meeting, Mar. 7, 2003.

Chair, Media Politics panel, Southwestern Political Science Association annual meeting, Mar. 30, 2002.

Discussant, Rights, Preferences, and Behavior panel, Louisiana Political Science Association annual meeting, Feb. 15, 2002.

Chair, Parties, Elections, and the Internet panel, Southwestern Political Science Association annual meeting, Mar. 16, 2000.

Discussant, Legislative Elections and Political Parties panel, Southwestern Political Science Association annual meeting, Mar. 16, 2000.

Chair and Discussant, Electoral Politics panel, Louisiana Political Science Association annual meeting, Dec. 3, 1999.

Chair, Women in the Political System panel, Visible Women in the South Conference, Louisiana State University in Shreveport, Oct. 23, 1998.

Chair and Discussant, Dimensions of Political Issues and Communication panel, Southwestern Political Science Association annual meeting, Mar. 28, 1997.

Discussant, Roundtable on Undergraduate Education, Louisiana Political Science Association annual meeting, Mar. 7, 1997.

Discussant, Interplay of Influence: Media, Citizens, and Government in a Changing Communications Environment panel, American Political Science Association annual meeting, Aug. 31, 1996.

Discussant, Norms in Legislative Bodies panel, Southwestern Political Science Association annual meeting, Mar. 23, 1996.

Discussant, Issue Salience and Mass Political Behavior panel, Western Political Science Association annual meeting, Mar. 15, 1996.

Discussant, Creating the Model Four-Year Curriculum in Political Science roundtable, Louisiana Political Science Association, Mar. 8, 1996.

Discussant, Running for the Hill: Elections for the House and Senate panel, Southwestern Political Science Association annual meeting, Apr. 1, 1994.

Conference Chairman, Louisiana Political Science Association annual meeting, Mar. 3-5, 1994, Long Beach, MS.

Discussant, International Politics panel, Louisiana Political Science Association annual meeting, Mar. 4, 1994.

Discussant, Politics of Racial Conflict panel, American Political Science Association annual meeting, Aug. 31, 1992.

Discussant, Psychological Ramifications of the Gender Gap panel, Northeastern Political Science Association annual meeting, Nov. 14, 1991.

Moderator, 9th and 10th or the Forgotten Amendments panel, Louisiana State University in Shreveport Fall Forum, Sep. 19, 1991.

Discussant, Diffusion of Campaign Techniques panel, American Political Science Association annual meeting, Aug. 30, 1991.

Discussant, roundtable on Political Parties in Mississippi, Mississippi Political Science Association annual meeting, Feb. 16, 1991.

Chairman and discussant, Political Information and Networks panel, Southwestern Political Science Association annual meeting, Mar. 28, 1991.

Discussant, Political Context and Attitudes panel, American Political Science Association annual meeting, Aug. 30, 1990.

Discussant, International Relations panel, Louisiana Political Science Association annual meeting, Mar. 12, 1988.

GRANTS

Student Technology Fee Grant, Louisiana State University Shreveport, "Upgrade Computer Lab in BH304," \$20,786 in 2016.

Student Technology Fee Grant, Louisiana State University Shreveport, "Projector and Monitor: BH 301," \$1,031 in 2015.

Student Technology Fee Grant, Louisiana State University Shreveport, "Projector: BH 461," \$1,055 in 2014.

Student Technology Fee Grant, Louisiana State University Shreveport, with G. Joiner, C. Hale, C. White, and H. Wise. "Projector: BH 301," \$982 in 2013.

Student Technology Fee Grant, Louisiana State University Shreveport, with G. Joiner, C. Hale, C. White, and H. Wise. "BH101, BH 461 and BH 463 smart classroom upgrades." \$2,835 in 2012.

Student Technology Fee Grant, Louisiana State University Shreveport, with G. Joiner, C. Hale, C. White, and H. Wise. "Bronson Hall 108 Smart Classroom II," \$2,962 in 2012.

Student Technology Fee Grant, Louisiana State University Shreveport, with R. Arnold, G. Joiner, C. Hale, C. White, and H. Wise. "Bronson Hall 108 Smart Classroom," \$3,889 in 2009.

Student Technology Fee Grant, Louisiana State University Shreveport, with R. Arnold, G. Joiner, C. Hale, C. White, and H. Wise. "Bronson Hall 101 Smart Classroom," \$4,031 in 2008.

Student Technology Fee Grant, Louisiana State University Shreveport, with R. Arnold, G. Joiner, and C. White, "Classroom Smart Cart," \$4,650 in 2006.

Louisiana Board of Regents Support Fund Grant, Louisiana Board of Regents, with M. Conway and L. Krajewski, "Curriculum Development for Comparative Culture," \$13,066 in 2003.

Student Technology Fee Grant, Louisiana State University in Shreveport, Blackboard/Internet Access Classroom in Bronson Hall 465, \$5,969 in 2003.

Faculty Development Grant, Louisiana State University in Shreveport, for travel to one professional meeting, \$250 in 2001.

Faculty Development Grant, Louisiana State University in Shreveport, for travel to one professional meeting, \$400 in 1999.

Faculty Research Grant, Louisiana State University in Shreveport, for "Candidate Web Site Survey," \$500 in 1999.

Faculty Research Grant (with K. James), Louisiana State University in Shreveport, for "Candidate Web Site Survey," \$500 in 1998.

Faculty Development Grant, Louisiana State University in Shreveport, for equipment purchase, \$150 in 1997.
Faculty Development Grants, Louisiana State University in Shreveport, for travel to three professional meetings, \$800 in 1996.
Southwest Institute for Research on Women, The University of Arizona, "Enlarging our World View: Undergraduate Education and the Middle East" Conference travel stipend, \$720 in 1994.
Eisenhower Leadership Training Program, U.S. Department of Education, Project Manager for LSU-S Leadership Studies Program A. McLaurin, director), \$162,914 in 1994.
Faculty Research Grant, Louisiana State University in Shreveport, for "American Mass Popular Culture and Its Effects on the Political Values of American Youths" \$500 in 1993.

HONORS

Best in Conference Award, for paper presented at the Transformations: Teaching, Leading, and Researching in Challenging Times Conference, 2006.
Louisiana State University in Shreveport Foundation Faculty Excellence Award, 1994-95.
President and Vice-President, Epsilon Rho chapter of Pi Sigma Alpha, 1987-89.
Member, Pi Sigma Alpha.

PROFESSIONAL ASSOCIATIONS

Offices

Treasurer, Louisiana Political Science Association, 2001-present.
Executive Council, Louisiana Political Science Association, 1998-present.
Webmaster and Executive Governing Committee member (ex-officio), International Society for Political Psychology, 2000-2004.
Executive Committee, Conference Group on Film and Politics, 1998-2004.
Membership Director, Conference Group on Film and Politics, 2000-2004.
President, Louisiana Political Science Association, 1994-95, 2000-2001.
Vice President, Louisiana Political Science Association, 1993-94, 1999-2000.

Memberships

American Political Science Association
Politics, Literature, and Film Section (APSA)
International Society for Political Psychology
Louisiana Political Science Association
National Association of Scholars

SERVICE

PROFESSIONAL

Secretariat, Model Illinois Government, 2000-01.

UNIVERSITY

University

Member, Graduate Council, LSU in Shreveport, 1997-2000, 2002.
 Member, Graduate Human Services Administration Executive Committee, LSU in Shreveport, 1999-2002.
 University Grievance Committee, LSU in Shreveport, 1999-2000.
 Chairman, Courses and Curriculum Committee, LSU in Shreveport, 1994-98, 2007-09.
 Secretary, Courses and Curriculum Committee, LSU in Shreveport, 1993-94.
 Member, Courses and Curriculum Committee, LSU in Shreveport, 1992-98, 2006-09.
 Member, General Education Requirements Committee, LSU in Shreveport, 2007-09.
 Member, Distance Learning Committee, LSU in Shreveport, 1995-1997.
 Member, American Humanics Advisory Board, LSU in Shreveport, 1994-2002.
 Member, Southern Association of Colleges and Schools Undergraduate Curriculum Self-Study Committee, LSU in Shreveport, 1992-93.

College

Member, College of Liberal Arts Educational Requirements Review Committee, 2007.
 Member, College of Liberal Arts Courses and Curriculum Committee, LSU in Shreveport, 1992-1998.
 Member, International Studies Committee, LSU in Shreveport, 1991-2000.
 Member, Computer Services Search Committee, LSU in Shreveport, 1995.
 Member, Board of Public Issues Forum, LSU in Shreveport, 1993-1994.

Department

Chairman, Department of History/Social Sciences Technology Committee, 2005-present.
 Chairman, Department of History/Social Sciences Curriculum Review Committee, 2005-present.
 Member, Department of History/Social Sciences Recruitment and Retention Committee, 2005-present.
 Member, Departmental Search Committees, 2000-08.

Other

Adviser, Model Illinois Government, University of Illinois in Springfield, 2000-01.
 Adviser, Model United Nations, University of Illinois in Springfield, 2000-01.
 Adviser, College Republicans, LSU in Shreveport, 1992-1995; 2003-04.
 Adviser, International Studies Club, LSU in Shreveport, 1992-93.
 Adviser, Political Science Club, University of Alabama in Huntsville, 1989-90.
 Adviser, Sigma Chi Gamma social fraternity, University of Alabama in Huntsville, 1990.
 Adviser, Delta Iota Chi social fraternity, University of New Orleans, 1989.

COMMUNITY

Lecturer, "2016 Elections," Shreveport Building Owners and Managers Association, Sep. 9, 2016.
 Lecturer, "Looking to 2013 in Louisiana Politics," Shreveport Downtown Optimists, Dec. 13, 2012
 Lecturer, "Bill Passage in the Louisiana Legislature," Northwest Louisiana Professional Civil Law Notary Association, May 1, 2012
 Lecturer, "Louisiana Retirement System Reform," We the People of Northwest

Louisiana, Apr. 24, 2012

Lecturer, "2010: Budget Deficits All Around," Southwest Shreveport Rotary, Jan. 14, 2010

Lecturer, "2008 Elections and Beyond," West Shreveport Rotary, Jan. 23, 2009.

Lecturer, "2008 Elections and Beyond," East Shreveport Rotary, Jan. 20, 2009.

Lecturer, "2007 Session and Elections," Benton Lions Club, Jul. 11, 2007.

Lecturer, "2007 Session and Elections," Southwest Shreveport Rotary, Mar. 15, 2007.

Lecturer, "2007 Session and Elections," Red River issues Group, Mar. 6, 2007

Lecturer, "2007 Session and Elections," Shreveport Downtown Optimists, Mar. 3, 2007.

Lecturer, "2007 Session and Elections," Bossier Republican Women's Club, Feb. 27, 2007.

Lecturer, "2004 Elections," Sons of the American Revolution, Jun. 22, 2004.

Lecturer, "Louisiana Senate Contest," Caddo Parish Professional Women's Club, Shreveport, LA, Dec. 3, 2002.

Lecturer, "Fiscal Reform in Louisiana," Caddo Parish Republican Political Action Committee, Shreveport, LA, Dec. 4, 2001.

Lecturer, "The Middle East and Terrorism," Southwest Shreveport Rotary Club, Shreveport, LA, Oct. 18, 2001.

Lecturer, "The War on Terrorism," Bossier Parish Republican Political Action Committee, Bossier City, LA, Oct. 2, 2001.

Lecturer, "1998 Elections," West Shreveport Rotary Club, Shreveport, LA, Jul. 8, 1998.

Lecturer, "1998 City Elections," Downtown Optimists Club, Shreveport, LA, Jun. 5, 1998.

Lecturer, "1998 Mayor's Contest," North Shreveport Lions Club, Shreveport, LA, Mar. 26, 1998.

Lecturer, "1997 Louisiana Legislative Actions," Sons of the American Revolution, Shreveport, LA, Jun. 24, 1997.

Lecturer, "The Second First 100 Days of the Clinton Administration," Women's Department Club, Minden, LA, May 6, 1997.

Lecturer, "1996 Elections," East Shreveport Rotary Club, Nov. 4, 1996.

Lecturer, on "Women's Political Participation," Captain Shreve High School, May 15, 1996.

Panelist, "Affirmative Action," Women's History Week at LSU-S, Mar. 12, 1996.

Lecturer, on "Local Northwest Louisiana Politics," Junior League of Caddo/Bossier, Mar. 1, 1996.

Lecturer, on "Recent Third World Leaders," Captain Shreve High School, Dec. 6, 1995.

Lecturer, on "National and State Politics through 1996," Women's Department Club, Minden, LA, May 4, 1995.

Lecturer, on "Getting into the College of Your Choice," Shreveport Booker T. Washington High School 4-H Club, Nov. 16, 1994.

Lecturer, on "1994 Elections in Caddo Parish and the U.S.," West Shreveport Rotary Club, Nov. 9, 1994.

Instructor, Shreveport/Bossier Chamber of Commerce Political Training Institute, Jun.-Jul., 1994.

Panelist, "Robert Oakley on Somalia," Public Issues Forum, Louisiana State University in Shreveport, Feb. 21, 1994.

Consultant, Caddo Parish Sheriff's Office, 1993.

Moderator, "Face to Face: Sexual Harassment in the Wake of the Hill/Thomas Confrontation," Louisiana State University in Shreveport Symposium, Mar. 16, 1993.

Judge, Red River Debate Classic, 1993-98, 2001-02.

Panelist, "The New World Order," Magale Library Forum, Centenary College, May 7, 1992.

Lecturer, on "Presidential Primary Wrap-Up," College of Liberal Arts Forum, LSU in Shreveport, Apr. 23, 1992

Lecturer, on "David Duke as Political Priest or Pied Piper," College of Liberal Arts Forum, LSUS in Shreveport, Mar. 17, 1992.

Panelist, Louisiana Legislative Reapportionment Forum, Jan.-Feb., 1992, in Shreveport, New Orleans, and Baton Rouge, LA. (three sessions)

Judge, Louisiana State Exhibit Museum essay contest, 1991.

Lecturer, on "The 1988 Presidential General Election Campaign," College of Liberal Arts Forum, University of New Orleans, Oct. 16, 1988.

MEDIA

Weekly political columnist, for The Oklahoma Daily, 1982-83; Vanderbilt Hustler, 1983-85; New Orleans Driftwood, 1986-90; The Times of Shreveport, Bossier City, and the Ark-La-Tex, 1997-98; The Westside Reader, 2007-2015; The Houma Daily Courier, 2008-2015; Hanna Publications, 2013-present; Fax-Net Update, 2001-2017; The Baton Rouge Advocate, 2015-2019; The Minden Press-Herald, 2018; The Caddo Inquisitor, 2019-2020.

Occasional political columnist, for the Times, Forum Magazine; PoliticsLa.com (2003-2004); BayouBuzz.com, 2004-2016; BossierNow, 2020-present.

Blogger, Between the Lines (<http://jeffsadow.blogspot.com>) and Louisiana Legislature Log (<http://laleglog.blogspot.com>)

Political analyst for local television and radio stations and newspapers; statewide public television; several regional, national, and international newspapers, magazines and wire services; and for Louisiana statewide radio stations and networks and Texas radio stations, 1990-present (approximately 475 appearances).

Consultant, Shreveport Times and KTBS-TV poll operations, 1994-96.

Commentator, bi-weekly talk radio show, KEEL-AM 710, Shreveport, 2002.

Commentator, weekly talk radio show, KBCL-AM 1070, Shreveport, 1993-2000.

Host, daily talk radio show, KBCL-AM 1070, Shreveport, 1996-1999.

Commentator, various cable access television shows, 1993-2016.

Exhibit 2

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION
NO. 3:22-CV-00211-SDD-SDJ
consolidated with
NO. 3:22-CV-00214-SDD-SDJ

Expert Report of Tumulesh K.S. Solanky, Ph.D

I. Introduction

1. I was requested to statistically study the voting patterns and the composition of the congressional districts in Louisiana. My credentials are set forth in my *curriculum vitae* (CV), which includes a recitation of prior legal assignments in both federal and state courts. My CV is attached as Appendix 1 to this Expert Report/Declaration.

2. I am over 18 years of age and am competent to make this declaration. I have personal knowledge of the statements contained in this declaration. I am a professor and chair of the mathematics department at the University of New Orleans (UNO). I have a Ph.D. in statistics from the University of Connecticut. I have been teaching statistics and mathematics at UNO since August 1990. I have taught a number of graduate classes on statistics, such as Sampling Theory, Applied Statistics, Regression Analysis, Linear Models, Design of Experiments, Biostatistics, Statistical Consulting, Nonparametric Statistics, Data Analytics, Multivariate Analysis, and Time Series Analysis. At present, I serve as an associate editor of four scholarly journals, including *Sequential Analysis: Design Methods and Applications*, the flagship journal in my research area. My research focuses primarily on data collection/sampling strategies, especially the development of new sampling designs to collect and analyze data. I have authored/co-authored a research level book, two book chapters, and over 25 research articles in scholarly peer-reviewed journals, all in the field of statistics. I have also served as the guest editor of a special issue of the *American Journal of Mathematical and Management Sciences* in my research area. I have presented my research at over 50 national and international conferences/meetings of peers. I have provided my statistical expertise to the National Aeronautics and Space Administration (NASA), the United States Department of Agriculture (USDA), banks, hospitals, school boards, polling firms, Attorneys General Offices, District Attorney's Offices, and others, designing surveys and authoring over 150 internal/expert reports. Details of above-mentioned items and others are available in my CV.

3. List the documents reviewed:

- i. Individual voter level data for all registered voters identifying the registered voters parish, precinct, Congressional District, party affiliation, gender, and whether or not the individual voted or not for statewide elections¹. I requested this data from the Secretary of State's office.
- ii. Galmon Cooper Report
- iii. Galmon Lichtman Report
- iv. Galmon Palmer Report
- v. Robinson Backup
 - i. LA CD Illustrative Plan 1
 - ii. LA CD Illustrative Plan 1.dbd
 - iii. LA CD Illustrative Plan 1.key
 - iv. LA CD Illustrative Plan
 - v. LA CD Illustrative Plan 1.dbf
 - vi. LA CD Illustrative Plan 1.prj

¹ The election dates included in the data are 2012-11-06, 2014-12-06, 2015-10-24, 2015-11-21, 2016-11-08, 2016-12-10, 2017-11-18, 2018-12-08, 2019-10-12, 2019-11-16, 2020-11-03.

- vii. LA CD Illustrative Plan 1.shp
- viii. LA CD Illustrative Plan 1.shx
- vi. Galmon Backup
 - a. Illustrative_1__Districts 2022-04-11
 - i. Illustrative_1__Districts 2022-04-11.dbf
 - ii. Illustrative_1__Districts 2022-04-11.prj
 - iii. Illustrative_1__Districts 2022-04-11.shp
 - iv. Illustrative_1__Districts 2022-04-11.shx
 - b. Illustrative_1-2-3_equiv
 - i. Illustrative_1_equiv.dbf
 - ii. Illustrative_2_equiv.dbf
 - iii. Illustrative_3_equiv.dbf
 - c. Illustrative_2_Districts 2022-04-11
 - i. Illustrative_2_Districts 2022-04-11.dbf
 - ii. Illustrative_2_Districts 2022-04-11.prj
 - iii. Illustrative_2_Districts 2022-04-11.shp
 - iv. Illustrative_2_Districts 2022-04-11.shx
 - d. Illustrative_3_Districts 2022-04-11
 - i. Illustrative_3_Districts 2022-04-11.dbf
 - ii. Illustrative_3_Districts 2022-04-11.prj
 - iii. Illustrative_3_Districts 2022-04-11.shp
 - iv. Illustrative_3_Districts 2022-04-11.shx
 - e. Illustrative_1__Districts 2022-04-11
 - i. Illustrative_1_Districts 2022-04-11.dbf
 - ii. Illustrative_1_Districts 2022-04-11.prj
 - iii. Illustrative_1_Districts 2022-04-11.shp
 - iv. Illustrative_1_Districts 2022-04-11.shx
 - f. Illustrative_1-2-3_equiv
 - i. Illustrative_1_equiv.dbf
 - ii. Illustrative_2_equiv.dbf
 - iii. Illustrative_3_equiv.dbf
 - g. Illustrative_2_Districts 2022-04-11
 - i. Illustrative_2_Districts 2022-04-11.dbf
 - ii. Illustrative_2_Districts 2022-04-11.prj
 - iii. Illustrative_2_Districts 2022-04-11.shp
 - iv. Illustrative_2_Districts 2022-04-11.shx
 - h. Illustrative_3_Districts 2022-04-11
 - i. Illustrative_3_Districts 2022-04-11.dbf
 - ii. Illustrative_3_Districts 2022-04-11.prj
 - iii. Illustrative_3_Districts 2022-04-11.shp
 - iv. Illustrative_3_Districts 2022-04-11.shx
- vii. Exhibits Set 1 to Robinson PI
- viii. Exhibits Set 12 to Robinson PI
- ix. Galmon CooperExhibits 3
- x. Galmon CooperExhibits 2
- xi. Galmon CooperExhibits

- xii. block_demo_2015
- xiii. block_demo_2016
- xiv. block_demo_2017
- xv. block_demo_2018
- xvi. block_demo_2019
- xvii. block_demo_2020
- xviii. Galmon v. Ardoin - Palmer Data
 - a. ei (R code file)
 - b. illustrative_map_results
 - c. la_candidates
 - d. la_candidates.rds
 - e. la_ei_data
 - f. la_ei_data.rds

4. The statistical analysis reported below is based on my preliminary review of the documents listed above and other publically available data sets described below in the report. Due to the time constraints, I did not had adequate time to review the files/datasets/programs listed above.

Statistical Analysis

5. The Louisiana's Secretary of State website summarizes statewide registration statistics by race and party affiliation at several time points. For example, the report created on 11/1/2020, lists 3,091,340 registered voters². Of these, 1,951,331 are White, 964,985 Black, and 175,114 were Other. That is, the percentage of registered White voters in Louisiana was 63.1% and for Black it was 31.2% just prior to the November 3, 2020 general elections.

6. The individual voter level data for the November 3, 2020 general elections had 3,093,004 registered voters. The Party affiliation for the individuals and whether or not they voted in the elections is summarized below in Table 1. Note that 69.24% of the registered democrats and 80.65% of the registered republicans voted in the elections.

Table 1: Party Affiliation Summary for November 2020 General Elections

Party	Voted in Elections		
	NO	YES	Total
DEM	388,434 30.76%	874,163 69.24%	1,262,597
OTH	339,006 41.50%	477,820 58.50%	816,826
REP	196,150 19.35%	817,431 80.65%	1,013,581
Total	923,590	2,169,414	3,093,004

² https://electionstatistics.sos.la.gov/Data/Registration_Statistics/Statewide/2020_1101_sta_comb.pdf

7. The race of the 3,093,004 registered voters for the November 3, 2020 general elections and whether or not they voted in the elections is summarized in the Table 2. Note that 74.47% of the registered White and 63.10% of Black registered individuals voted in Louisiana in the November 3, 2020 general elections.

Table 2: Race Summary for November 2020 General Elections

Race	Voted in Elections		
	NO	YES	Total
BLACK	356231 36.90%	609134 63.10%	965365
OTHER	68799 39.30%	106256 60.70%	175055
WHITE	498560 25.53%	1454024 74.47%	1952584
Total	923590	2169414	3093004

8. In Table 3, the voting percentage by the congressional districts is reported.

Table 3: Voting Summary by Congressional District for November 2020 General Elections

CONGRESSIONAL DISTRICT	Voted in Elections		
	NO	YES	Total
1	145005 26.80%	396123 73.20%	541128
2	180867 34.17%	348461 65.83%	529328
3	159388 30.71%	359545 69.29%	518933
4	151064 31.27%	332043 68.73%	483107
5	152607 31.15%	337374 68.85%	489981
6	134659 25.38%	395868 74.62%	530527
Total	923590	2169414	3093004

9. Next, the summary by race in each congressional district is reported in Table 4. For example, there were 67,765 black registered voters in the congressional district 1 and 63.44% of them voted in the November 2020 General Elections.

Table 4: Voting Summary and Race by Congressional District for November 2020 General Elections

CONGRESSIONAL DISTRICT	Race	Voted in Elections =YES		Total Registered Voters
		Count	Percent of Total Registered Voters	
1	BLACK	42993	63.44	67765
	OTHER	30566	65.14	46924
	WHITE	322564	75.64	426439
2	BLACK	206416	63.97	322664
	OTHER	24436	58.79	41564
	WHITE	117609	71.24	165100
3	BLACK	75774	60.62	124996
	OTHER	12433	56.18	22131
	WHITE	271338	72.98	371806
4	BLACK	99509	61.39	162092
	OTHER	12588	58.03	21692
	WHITE	219946	73.48	299323
5	BLACK	97595	59.75	163340
	OTHER	8101	56.06	14451
	WHITE	231678	74.21	312190
6	BLACK	86847	69.75	124508
	OTHER	18132	64.09	28293
	WHITE	290889	77.01	377726
All		2169414	70.14	3093004

10. Next, I have reported the summary by race and parish for the November 2020 general elections in Table 5. The table summarizes this data for the parishes, which have been proposed to become the Congressional District 5 in the various Illustrations presented by plaintiffs experts.

Table 5: Summary by Parishes and Race for November 2020 General Elections

Parish	Race	Voted in Elections			
		Vote=NO		Vote=YES	
		Count	Percent	Count	Percent
05 - AVOYELLES	BLACK	2498	37.05	4244	62.95
	OTHER	247	38.35	397	61.65
	WHITE	4376	25.24	12960	74.76
07 - BIENVILLE	BLACK	1077	26.22	3030	73.78
	OTHER	42	47.19	47	52.81
	WHITE	971	19.11	4110	80.89

Parish	Race	Voted in Elections			
		Vote=NO		Vote=YES	
		Count	Percent	Count	Percent
13 - CATAHOULA	BLACK	651	35.11	1203	64.89
	OTHER	29	46.77	33	53.23
	WHITE	1168	24.07	3685	75.93
14 - CLAIBORNE	BLACK	1482	36.33	2597	63.67
	OTHER	62	39.24	96	60.76
	WHITE	1012	20.35	3961	79.65
15 - CONCORDIA	BLACK	1919	38.46	3070	61.54
	OTHER	102	45.54	122	54.46
	WHITE	2182	27.45	5768	72.55
17 - EAST BATON ROUGE	BLACK	46407	35.14	85672	64.86
	OTHER	6842	38.44	10959	61.56
	WHITE	36156	24.14	113622	75.86
18 - EAST CARROLL	BLACK	1615	44.70	1998	55.30
	OTHER	22	45.83	26	54.17
	WHITE	339	23.31	1115	76.69
19 - EAST FELICIANA	BLACK	1717	31.21	3784	68.79
	OTHER	179	34.76	336	65.24
	WHITE	1797	21.63	6509	78.37
20 - EVANGELINE	BLACK	2344	37.90	3841	62.10
	OTHER	133	36.54	231	63.46
	WHITE	3947	25.44	11566	74.56
21 - FRANKLIN	BLACK	1819	42.21	2490	57.79
	OTHER	62	50.82	60	49.18
	WHITE	2293	24.05	7242	75.95
24 - IBERVILLE	BLACK	2704	25.62	7851	74.38
	OTHER	167	35.68	301	64.32
	WHITE	1986	18.43	8787	81.57
28 - LAFAYETTE	BLACK	14347	37.37	24044	62.63
	OTHER	3351	38.25	5409	61.75
	WHITE	28169	24.63	86197	75.37
31 - LINCOLN	BLACK	4191	42.10	5764	57.90
	OTHER	503	46.23	585	53.77
	WHITE	3815	22.57	13089	77.43
33 - MADISON	BLACK	2119	43.74	2726	56.26
	OTHER	69	61.06	44	38.94
	WHITE	706	26.41	1967	73.59
34 - MOREHOUSE	BLACK	3917	44.61	4863	55.39
	OTHER	162	51.76	151	48.24
	WHITE	2595	27.94	6693	72.06
37 - OUACHITA	BLACK	16611	43.90	21229	56.10
	OTHER	1829	47.19	2047	52.81
	WHITE	18459	28.42	46494	71.58
39 - POINTE COUPEE	BLACK	1643	28.62	4097	71.38
	OTHER	79	31.98	168	68.02
	WHITE	1805	17.94	8254	82.06

Parish	Race	Voted in Elections			
		Vote=NO		Vote=YES	
		Count	Percent	Count	Percent
40 - RAPIDES	BLACK	10197	40.01	15287	59.99
	OTHER	1639	42.22	2243	57.78
	WHITE	14205	25.26	42032	74.74
42 - RICHLAND	BLACK	2122	41.08	3043	58.92
	OTHER	98	40.66	143	59.34
	WHITE	2126	23.67	6854	76.33
46 - ST. HELENA	BLACK	1400	29.59	3331	70.41
	OTHER	64	50.00	64	50.00
	WHITE	935	24.55	2874	75.45
49 - ST. LANDRY	BLACK	9550	36.85	16364	63.15
	OTHER	660	42.53	892	57.47
	WHITE	8448	25.68	24453	74.32
50 - ST. MARTIN	BLACK	4144	36.48	7217	63.52
	OTHER	428	47.35	476	52.65
	WHITE	5873	23.91	19649	76.99
	WHITE	35259	23.08	117524	76.92
53 - TANGIPAHOA	BLACK	9225	39.74	13991	60.26
	OTHER	1217	39.68	1850	60.32
	WHITE	14999	26.12	42429	73.88
54 - TENSAS	BLACK	587	29.93	1374	70.07
	OTHER	13	38.24	21	61.76
	WHITE	325	20.98	1224	79.02
56 - UNION	BLACK	1581	40.68	2305	59.32
	OTHER	219	46.70	250	53.30
	WHITE	2792	24.14	8773	75.86
61 - WEST BATON ROUGE	BLACK	1618	22.84	5466	77.16
	OTHER	133	37.89	218	62.11
	WHITE	1876	17.99	8552	82.01
62 - WEST CARROLL	BLACK	502	46.83	570	53.17
	OTHER	41	47.67	45	52.33
	WHITE	1674	27.12	4498	72.88
63 - WEST FELICIANA	BLACK	593	25.05	1774	74.95
	OTHER	47	31.97	100	68.03
	WHITE	1034	18.81	4463	81.19

11. The Table 5 provides the count of Black, White, and Other individuals in the parish who voted or not voted in the November 2020 general elections. For example, in Avoyelles parish there were a total of 6,742 black registered voters (2,498 plus 4,244) and 4,244 or 62.95% of the total voted in the November 2020 general elections.

12. The precinct level votes for each candidate in the November 2020 general elections is available on the *Redistricting Data Hub* website³. This data was used to obtain the candidate votes by precincts and parishes for the November 2020 presidential elections.

13. It is important to note that all the registered voters who voted in the November 2020 general elections may not have voted for the presidential elections. In the November 2020 general elections, 2,169,414 persons voted. Whereas, 2,148,062 voted for the presidential elections. That is about 0.98% individuals who voted in the general elections decided to not vote for the presidential election.

14. Assuming the proportions who elected to not vote for the presidential election is uniform across the voters race, one can estimate the total number of votes casted by race for the presidential election in November 2020 elections in the parish.

15. This leads to the racial breakdown of the total 2,148,062 votes casted in the November 2020 presidential elections was

Black: 602,636

White: 1,440,202

Other: 105,224

Total: 2,148,062

16. And, the breakdown by candidates of the total 2,148,062 votes casted in the November 2020 presidential elections was;

Trump: 1,255,776

Biden: 856,034

Other Candidates: 36,252

Total: 2,148,062.

17. The total votes casted for each candidates in the November 2020 presidential elections and estimated votes casted by race for the presidential election in November 2020 elections is summarized in the Table 6 for parishes that have been associated with Congressional District 5 various Illustration Plans presented in the plaintiffs' expert reports.

Table 6: Total votes in 2020 Presidential Election by Parish

Parish	Candidate			Race			Total Voted
	Trump	Biden	Other Candidates	Black	White	Other	
AVOYELLES	12028	4979	285	4169	12732	391	17292
BIENVILLE	3891	3067	92	2972	4032	46	7050
CATAHOULA	3541	1269	48	1188	3638	32	4858

³ The website is

https://redistrictingdatahub.org/download/?datasetid=35186&document=%2Fweb_ready_stage%2Flegislative%2F2021_adopted_plans%2F1a_cong_adopted_2022.zip

CLAIBORNE	3770	2731	79	2568	3917	95	6580
CONCORDIA	5550	3177	101	3025	5683	120	8828
EAST BATON ROUGE	88420	115577	4185	84828	112503	10851	208182
EAST CARROLL	1080	1900	56	1932	1078	26	3036
EAST FELICIANA	6064	4280	165	3741	6436	332	10509
EVANGELINE	11053	4158	201	3785	11399	228	15412
FRANKLIN	6970	2658	92	2472	7189	59	9720
IBERVILLE	7893	8514	312	7749	8673	297	16719
LAFAYETTE	72519	39685	2317	23809	85356	5356	114521
LINCOLN	11311	7559	405	5716	12979	580	19275
MADISON	1930	2654	86	2687	1939	44	4670
MOREHOUSE	6510	4946	118	4808	6617	149	11574
OUACHITA	42255	25913	998	21045	46092	2029	69166
POINTE COUPEE	7503	4683	185	4049	8156	166	12371
RAPIDES	38347	19475	1043	15108	41540	2217	58865
RICHLAND	6607	3225	108	3013	6786	141	9940
ST HELENA	2714	3346	98	3272	2823	63	6158
ST LANDRY	23171	17372	611	16146	24128	880	41154
ST MARTIN	18203	8439	396	7137	19431	470	27038
TANGIPAHOA	37806	18887	968	13845	41986	1830	57661
TENSAS	1197	1329	28	1340	1194	20	2554
UNION	8407	2654	140	2279	8675	247	11201
WEST BATON ROUGE	7684	6200	213	5413	8468	216	14097
WEST CARROLL	4317	710	25	563	4444	45	5052
WEST FELICIANA	3863	2298	107	1755	4414	99	6268

18. Next, I have reviewed the November 2020 presidential election votes for the 19 parishes that are being considered to become the Congressional District 5 in the Illustration Plan 1 presented in Dr. Cooper's report.

19. The Table 7 summarizes the registered voters and the November 2020 presidential election votes in those 19 parishes.

Table 7: Summary of 19 Parishes and November 2020 presidential election Outcomes

Parish	Parish Registered Voters			November 2020 presidential election Outcome			
	Total	Black Percent	White Percent	Trump Votes Pct.	Biden Votes Pct.	Trump's lead number of Votes	Election Outcome by Parish
AVOYELLES	24722	27.3	70.1	69.6	28.8	7049	Trump Won by 40.8%
CATAHOULA	6769	27.4	71.7	72.9	26.1	2272	Trump Won by 46.8
CONCORDIA	13163	37.9	60.4	62.9	36.0	2373	Trump Won by 26.9%
EAST BATON ROUGE	299658	44.1	50.0	42.5	55.5	-27157	Biden Won by 13.0%
EAST CARROLL	5115	70.6	28.4	35.6	62.6	-820	Biden Won by 27.0%
EAST FELICIANA	14322	38.4	58.0	57.7	40.7	1784	Trump Won by 17.0%
FRANKLIN	13966	30.9	68.3	71.7	27.3	4312	Trump Won by 44.4%
LAFAYETTE	161517	23.8	70.8	63.3	34.7	32834	Trump Won by 28.7%
MADISON	7631	63.5	35.0	41.3	56.8	-724	Biden Won by 15.5%
MOREHOUSE	18381	47.8	50.5	56.2	42.7	1564	Trump Won by 13.5%
OUACHITA	106669	35.5	60.9	61.1	37.5	16342	Trump Won by 23.6%
POINTE COUPEE	16046	35.8	62.7	60.6	37.9	2820	Trump Won by 22.8%
RAPIDES	85603	29.8	65.7	65.1	33.1	18872	Trump Won by 32.1%
RICHLAND	14386	35.9	62.4	66.5	32.4	3382	Trump Won by 34.0%
ST HELENA	8668	54.6	43.9	44.1	54.3	-632	Biden Won by 10.3%
ST LANDRY	60367	42.9	54.5	56.3	42.2	5799	Trump Won by 14.1%
TENSAS	3544	55.3	43.7	46.9	52.0	-132	Biden Won by 5.2%
WEST CARROLL	7330	14.6	84.2	85.5	14.1	3607	Trump Won by 71.4%
WEST FELICIANA	8011	29.5	68.6	61.6	36.7	1565	Trump Won by 25.0%
TOTAL	875,868	36.7	58.8	55.3	42.9	75,110	Trump Won by 12.4%

20. In the 19 parishes listed above, note that Biden won in five parishes, namely East Baton Rouge, East Carroll, Madison, St. Helena, and Tensas. And, among these five parishes, Black voters constitute a majority of registered voters in four of the parishes. The only exception is the East Baton Rouge Parish.

21. In the East Baton Rouge Parish, Black voters constitute 44.1% of registered voters and White voters constitute 50.0% of the registered voters.

22. Also, an estimated 54.0% of the individuals who voted in the 2020 November presidential elections are White and 40.7% Black.

Summary of November 2020 Presidential Elections in East Baton Rouge Parish:

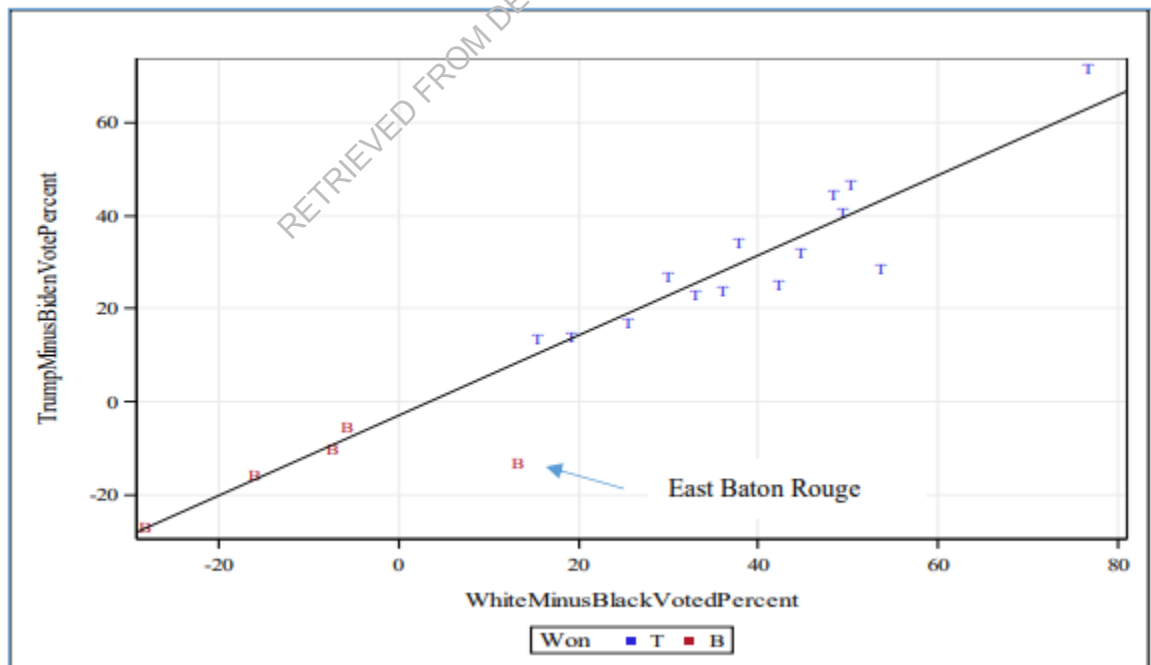
Total Votes: 208,182

Estimated Black Votes= 84,828 (=40.7% of total votes)

Estimated White Votes= 112,503 (=54.0% of total votes)

23. That is, there were 13.3% more White voters who participated in the elections in East Baton Rouge parish, yet the minority preferred candidate (Biden) won by 13.0%. In other words, based on the voting pattern in East Baton Rouge, it is apparent that under the 2020 presidential election, White voters did not vote as a bloc to defeat the black (minority) preferred candidate.

Figure 1: Racial Voting Disparity v. Candidate Votes Percentage Disparity



24. The disparity in voting patterns between East Baton Rouge and remaining 18 parishes is displayed in the Figure 1. The Figure 1 displays on the horizontal axis the difference between the percentages of votes casted by White and Black voters (WhiteMinusBlackVotedPercent) and

on the vertical axis the difference between the percentages of votes for Trump and Biden (TrumpMinusBidenVotePercent) for the 19 parishes. For example, in East Baton Rouge parish the difference between the percentages of votes casted by White and Black voters was 13.3% and difference between the percentages of votes for Trump and Biden was 13.0%.

25. In order to study the voting pattern difference between the East Baton Rouge Parish and the remaining 18 parishes, the Figure 1 also displays a fitted linear regression line⁴ based on the 18 parishes after excluding the East Baton Rouge. The value of the R-squared (R^2) for the regression line is 0.9471. The R-squared is a statistical measure that represents the proportion of the variance for a dependent variable that's explained by an independent variable or variables in a regression model. The R-Square is a measure that indicates the model fit. The R-Square ranges from 0 to 1. And, closer the values of R-Square is to 1, the better is the model fit. The value of R-squared as 0.9471 means the fitted regression model is able to explain 94.71 percent of the variation in the data and indicates a good fit.

26. The Figure 1 also visually depicts the disparity in voting pattern between East Baton Rouge Parish and the other 18 parishes. Extrapolating using the regression line based on the 18 non East Baton Rouge parishes, for WhiteMinusBlackVotedPercent as 13.3%, the TrumpMinusBidenVotePercent should be approximately 8.5%. Whereas, the observed value in the November 2020 election was -13.0%. That is, a change of 21.5% (from -13.0% to 8.5%) votes away from Trump and in favor of Biden. Again, indicating that White voters are not voting as a bloc to defeat the black (minority) preferred candidate in the East Baton Rouge parish.

27. It is important to note that East Baton Rouge is a relatively heavily populated parish compared to other parishes listed among the 19 parishes that make up Plaintiffs' Congressional District 5 under the Illustrative Plan 1. In fact, in terms of registered voters:

Total Registered voters in the 19 parishes: 875,868
Registered Voters in East Baton Rouge Parish: 299,658.

That is, East Baton Rouge Parish comprises 34.2% of the total registered voters in 19 parishes listed above.

28. The percentage of individuals who voted in the general elections in the East Baton Rouge parish and decided to not vote for the presidential election is 2,071 or 0.98% of the individuals who voted. This matches the similar percentage of 0.98% observed for entire Louisiana.

29. As remarked earlier, due to the time constraints, I did not had adequate time to review Plaintiffs' files/datasets/programs. With more time, I would have completed the review and would have included statistical analysis for more statewide elections in Louisiana.

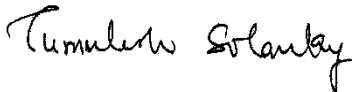
⁴ The equation of the fitted regression line is $Y = -2.91 + 0.86 * X$.

Conclusions

30. After reviewing the voting data for the Louisiana, in my opinion, the following conclusions can be drawn:

- i. Based on the voting pattern in East Baton Rouge, for the 2020 presidential election it does not appear that White voters are voting as a bloc to defeat the black (minority) preferred candidate.
- ii. East Baton Rouge is a heavily populated parish and constitutes 34.2% of the total registered voters from the 19 parishes which are being considered for proposed new congressional district.

31. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 29th day of April 2022, in Metairie, Louisiana.



Tumulesh K. S. Solanky, PhD

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APPENDIX 1: CURRICULUM VITAE

TUMULESH K. S. SOLANKY

ADDRESS:

Department of Mathematics
University Of New Orleans,
New Orleans, LA 70148
Email: tsolanky@uno.com
Citizenship: USA

EDUCATION:

Ph.D. in Statistics	University of Connecticut, 1990
M.Sc. in Mathematics	Indian Institute Of Technology, New Delhi, India, 1987
B.Sc. in Mathematics (Honors)	University of Delhi, India, 1985

EMPLOYMENT AND POSITIONS:

August 2008-present	Professor and Chair of the Mathematics Department
2021- present	The University of Louisiana System Foundation and Michael and Judith Russell Professor in Data/Computational Sciences
2001- 2008	Professor of Mathematics, University of New Orleans
1995-2001	Associate Professor of Mathematics, University of New Orleans
1996-1997	Visiting Associate Professor, University of Toronto (On Sabbatical Leave)
1990-1995	Assistant Professor of Mathematics, University of New Orleans
1989-1990	Lecturer of Statistics, University of Connecticut

MAJOR AWARDS

(i). **Seraphia D. Leyda University Teaching Fellow**, Awarded in year 2009.
(ii). **Cooper R. Macklin Medallion**, Awarded in year 2018. *Cooper R. Macklin Medallion is awarded to a faculty or staff member who has made outstanding contributions in support of the University's mission. The recipient is an individual who has demonstrated excellent, sustained, and selfless service to the university.*

MAJOR STATISTICAL CONSULTING EXPERIENCE:

40. Louisiana Organ Procurement Agency (LOPA) and Mid-America Transplant Services (MOMA), St Louis, MO; Assisted LOPA and MOMA with statistical analysis related to organ procurement data in Louisiana and Missouri.
Duration: August 2021— present.
Extent of Involvement: Submitted several internal reports.

39. Robert Mark Turner v. Go Auto Insurance Company, Suit Number: 678,933; Division: "25"; Assisted Go Auto Insurance Company with statistical analysis of claims data.
Duration: May 2021— present.
Extent of Involvement: Submitted expert report; Deposed.

38. UNITED STATES OF AMERICA v. LOUIS AGE, JR., et al., NO. 2:16-CR-00032; Assisted the Clerk of Court for the Eastern District of Louisiana (EDLA) by reviewing and analyzing the jury selection process from the 13 parishes in EDLA.
Duration: April 2020—June 2021.
Extent of Involvement: Submitted expert report.

37. Jackson Women's Health Organization v. Dobbs, No. 3:18-cv-00171 (S.D. Mississippi);
Duration: April 2020--.
Extent of Involvement: Submitted expert report; Deposed.

36. Planned Parenthood Arizona Incorporated, et al., v. Mark Brnovich, et al., Case No. CV-19-00207-TUC-JGZ (U.S. District Court for the District of Arizona);
Duration: May 2020- August 2020.

Extent of Involvement: Submitted expert report.

35. STATE OF LOUISIANA v. MELVIN CARTEZ MAXIE (NUMBER: 13-CR-072522), 11TH JUDICIAL DISTRICT COURT, SABINE PARISH, LOUISIANA;

Duration: June 2019- November 2019.

Extent of Involvement: Statistical Work; Submitted Trial Exhibits.

34. LITTLE ROCK FAMILY PLANNING SERVICES, et al., v. LESLIE RUTLEDGE, et al.;

Duration: June 2019- August 2019.

Extent of Involvement: Submitted two expert reports; Testified in Court.

33. 19th Judicial District Court, Parish of East Baton Rouge, State of Louisiana; City of Walker, et al. versus State of Louisiana through the Department of Transportation and Development, et al.;

Duration: March 2018- March 2019.

Extent of Involvement: Submitted one expert report; Testified in Court.

32. PLANNED PARENTHOOD OF ARKANSAS & EASTERN OKLAHOMA, d/b/a PLANNED PARENTHOOD GREAT PLAINS and STEPHANIE HO, M.D., on behalf of themselves and their patients, v LARRY JEGLEY, Prosecuting Attorney for Pulaski County, in his official capacity, his agents and successors; MATT DURRETT, Prosecuting Attorney for Washington County, in his official capacity, his agents and successors;

Duration: June 2018- December 2018.

Extent of Involvement: Submitted one expert report; Testified in Court.

31. UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MISSOURI, CENTRAL DIVISION, COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, et al. v. RANDALL W.

WILLIAMS, MD, in his official capacity as Director of the Missouri Department of Health and Senior Services, et al.;

Duration: January 2018- November 2019.

Extent of Involvement: Submitted two expert reports; Deposed.

30. UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF TEXAS, HOUSTON DIVISION, REBA CARTER, et. al., v. HOUSTON INDEPENDENT SCHOOL DISTRICT

Duration: June 2017- April 2018.

Extent of Involvement: Submitted expert report.

29. CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS, STATE OF LOUISIANA, HG NEW ORLEANS RETAILERS JOINT VENTURE vs. THE CITY OF NEW ORLEANS by and through THE NEW ORLEANS AVIATION BOARD;

Duration: July 2017- August 2017.

Extent of Involvement: Submitted expert report.

28. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA, UNITED STATES of AMERICA v. HENRY EVANS, M.D., MICHAEL JONES, M.D., SHELTON BARNES, M.D., GREGORY MOLDEN, M.D., PAULA JONES, JONATHON NORA;

Duration: September 2016- May 2017.

Extent of Involvement: Testified in Court.

27. UNITED STATES DISTRICT COURT, WESTERN DISTRICT OF MISSOURI, CENTRAL DIVISION, COMPREHENSIVE HEALTH OF PLANNED PARENTHOOD GREAT PLAINS, et al. v. PETER LYSKOWSKI, in his official capacity as Director of the Missouri Department of Health and Senior Services, et al.;

Duration: January 2017- August 2017.

Extent of Involvement: Submitted two expert reports.

26. UNITED STATES of AMERICA v. RODNEY HESSON, ET AL, DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA;

Duration: August 2016- January 2017.

Extent of Involvement: Submitted reports/Trial Exhibits.

25. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF ARKANSAS WESTERN DIVISION
PLANNED PARENTHOOD ARKANSAS & EASTERN OKLAHOMA, d/b/a PLANNED PARENTHOOD OF THE
HEARTLAND; and STEPHANIE HO, M.D. v. LARRY JEGLEY, Prosecuting Attorney for Pulaski County, in his
official capacity and MATT DURRETT, Prosecuting Attorney for Washington County;
Duration: December 2015- February 2016.
Extent of Involvement: Submitted expert report.

24. UNITED STATES DISTRICT COURT, MIDDLE DISTRICT OF LOUISIANA, JUNE MEDICAL SERVICES,
LLC, ET AL., KATHY KLIEBERT, ET AL;
Duration: October 2014- August 2016.
Extent of Involvement: Submitted expert report; Deposed; Testified in Court.

23. United States District Court, Middle District of Louisiana, Albert Woodfox v. BURL CAIN, *Warden of the
Louisiana State Penitentiary*, ET AL., Civil Action; Assisted the Office of the Attorney General of Louisiana related to a
jury selection matter.
Duration: September 2011- August 2013.
Extent of Involvement: Submitted two expert reports; Deposed; Testified in Court.

22. United States District Court EDLA, U.S. v. Khlgatian, et al, Criminal Docket Number 11-105 "I"; Assisted a federal
agency and the Office of the AUSA; sampling of the patient charts; statistical comparisons with peers.
Duration: February 2012- December 2012.
Extent of Involvement: Submitted two expert reports.

21. United States District Court, Eastern District of Louisiana, Diamond Young, et al. v. United States of America, C.A.
No. 11-2438, Section "H" (5); Civil Action;
Duration: April 2012- December 2012.
Extent of Involvement: Submitted an expert report.

20. Statistical Consultant: Textron Marine & Land Systems; Provided statistical expertise related to product
reliability/testing/sampling and quality control;
Duration: September 2010- January 2011.
Extent of Involvement: Submitted an expert report.

19. United States District Court, St. Tammany Parish Hospital. vs. Ace American Ins. Co. and Trinity Marine Products,
Inc. (and several other related cases); Civil Action;
Duration: March 2010- March 2012.
Extent of Involvement: Submitted over ten expert reports; Deposed.

18. United States District Court, Eastern District of Louisiana, Malcolm Louis LeBlanc, et al. vs. Chevron USA Inc., et
al.; Civil Action;
Duration: October 2008- July 2010.
Extent of Involvement: Submitted an expert report; Deposed.

17. United States District Court, 27th Judicial District, Opelousas, Charles C. Foti, Jr., et al. vs. Janssen Pharmaceutica, et
al.; Civil Action; Served as the *court appointed Statistical Expert* to assist the court in a complex litigation matter.
Duration: August 2008- July 2010.

16. GCR, New Orleans and Barrios, Kingsdorf & Casteix, L.L.P.; *Statistical Consultant*; Provided statistical expertise to
GCR in statistical analysis of CDW related matter;
Duration: January 2010- March 2010.
Extent of Involvement: Submitted expert report.

15. United States District Court, 24th Judicial District, Parish of Jefferson, Warren Lester, et al. vs. Exxon Mobil
Corporation, et al.; Civil Action;
Duration: March 2008- May 2010;

Extent of Involvement: Assisted the attorneys and other experts; Submitted expert reports; Deposed twice.

14. Medicare Matter.

Duration: October 2009- December 2009.

Extent of Involvement: Submitted an expert report; Testified in Court (via Video Conference).

13. United States District Court, St. Bernard Parish, Mumphrey v. Chalmette Medical Center; Civil Action;

Duration: October 2008- November 2008.

Extent of Involvement: Submitted an expert report; Deposed; Testified in Court.

12. GCR, New Orleans; *Statistical Consultant*; Provided statistical expertise to GCR in designing polls & analyzing the poll results for the state elections in 2007;

Duration: May 2007- October 2007.

11. United States District Court, 19th Judicial District, Parish of East Baton Rouge, Patrick J. Cunningham, et al. vs. IBM Corp.; Civil Action;

Duration: December 2006- August 2007;

Extent of Involvement: Assisted the attorneys and other experts; wrote over 25 internal reports related to statistical computations and interpretation of results.

10. UNITED STATES DISTRICT COURT, EASTERN DISTRICT OF LOUISIANA; Provided statistical expertise in a jury selection matter; Wrote an expert report/Affidavit;

Duration: May 2006- August 2006;

9. United States District Court, Eastern District of Texas, June Pryor Avance, et al. vs. Kerr-McGee Chemical LLC; Civil Action; *Statistical Expert*; Wrote three expert reports/Affidavits on statistical projections;

Duration: January 2005- July 2007;

Extent of Involvement: Deposed.

8. United States District Court, Down South Entertainment versus SMG; Civil Action; *Statistical estimation of crowd for Easter Jam*; Wrote three expert reports on statistical projections and the reliability of projections;

Duration: December 2003- May 2005;

Extent of Involvement: Deposed twice and testified in court.

7. Naval Oceanographic Center (US Navy), Mississippi; *statistical guidance to update their methods of data collection and data storage, statistical algorithms to discard the noise and save only the relevant data*. Duration: May 1998- March 2002.

6. United States District Court, Bank of Louisiana versus Kenwin Shops Inc.; Civil Action; *Wrote two expert reports on statistical analysis related to Bankruptcy of a BOL's client*;

Duration: May 1999- December 1999; Extent of Involvement: Deposed.

5. Jefferson Parish Public Schools; *As the statistician for the court appointed expert witness*: designed a survey of schools under Jefferson Parish Public Schools, assisted in statistical projections reported to the court.

Duration: August 1998- January 1999.

4. Lifemark Hospitals of Louisiana (Kenner Regional Medical Center); *Statistical sampling of patient charts*; Wrote three expert reports on statistical analysis/ sampling of the patient charts;

Duration: August 1996 – August 1997; Extent of Involvement: Deposed.

3. KPMG New Orleans; *Sample size determination, Designed and Analyzed samples of patient charts/drug usage to estimate total drug cost for the Tenet group of Hospitals/Lifemark Hospitals*; Wrote two expert reports on statistical analysis;

Duration: August 1994 – December 1995.

2. USDA, Department of Forestry, Louisiana: *Statistical assistance to USDA in data collection, designing and modeling*, Models used: Time-Series Models (for forecasting; Both Time Domain--ARIMA MODELS-- and Frequency Domain models).

Duration: August 1991- December 1994.

1. NASA Stennis Space Center, Mississippi: *Statistical Design and Analysis of the Rocket Seal Configuration Tester*, assisted NASA with the statistical issues related to the design of experiments and performance evaluation of the rocket seals.

Duration: August 1994-December 1995.

CURRENT EDITORIAL SERVICE:

- Associate Editor: AJMMS (American Journal of Mathematical and Management Sciences), 2012-present.
- Associate Editor: *Sequential Analysis*, 2003-present.
- Associate Editor: Journal of Combinatorics, Information and System Sciences, 2003-present.
- Associate Editor: Journal of the Indian Society of Agricultural Statistics, 2009-present.

SCHOLARLY/PROFESSIONAL ACTIVITIES:

- President, Louisiana Chapter of American Statistical Association: 1994-1995.
- Vice-President, Louisiana Chapter of American Statistical Association: 1993-1994.
- Secretary, Louisiana Chapter of American Statistical Association: 1995-1996.
- Reviewer: Journal of Statistical Planning and Inference, Sequential Analysis, Metrika, Communications in statistics, Statistics and Decisions, and others.
- Member: American Statistical Association (ASA), Life member of the Forum for Interdisciplinary Mathematics.
- Selection Committee Chair: Abraham Wald Prize in Sequential Analysis for Best Paper: Sequential Analysis Journal. The first prize was awarded at JSM, 2005. Chaired the international selection committee from 2006-2021.
- Guest Editor: Special Volume of AJMMS (American Journal of Mathematical and Management Sciences). Co- edited a special volume of AJMMS related to my research area of Selection and Ranking/MCP.
- Symposium Organizer: Co-organized "Symposium on **Ranking and Selection Methodologies – Multiple Comparison Procedures**". The symposium was held during the *Pre-ICM International Convention on Mathematical Sciences*, University of Delhi, December, 2008.
- Symposium Organizer: Co-organized a symposium at the Auburn University (December 2005) in my research area of Selection and Ranking/MCP. I also chaired the symposium. The symposium was held during the SCMA 2005/FIM XII Conference.
- Editor (Statistical Science): AJMMS (American Journal of Mathematical and Management Sciences), 2009-2012.
- Associate Editor: Statistical Methodology, 2010-2015.

RESEARCH PUBLICATIONS

Scholarly books:

(i.) *Multistage Selection and Ranking Procedures: Second-Order Asymptotics*, Marcel Dekker, Inc., ISBN No.: 0-8247-9078-2, (with N. Mukhopadhyay), 1994.

Refereed Scholarly book chapters:

(i.) On an improved accelerated sequential methodology with applications in selection and ranking, *Frontiers in Probability and Statistics*, Editors: S.P. Mukherjee, et al., 250-259, 1998, (with N. Mukhopadhyay).

(ii.) Applications of Sequential Tests to Target Tracking by Multiple Models, *Applied Sequential Methodologies*, Marcel Dekker, edited by N. Mukhopadhyay, et al., 219-247, 2004, (with X. Rong Li).

As Guest Editor of a Journal's Special Issue:

Co-edited a Special Volume of *AJMMS* (American Journal of Mathematical and Management Sciences) in my research area: RANKING AND SELECTION AND MULTIPLE COMPARISON PROCEDURES. American Journal of Mathematical and Management Sciences, Volume 29 (2009), Nos. 1 & 2, 294 pages.

As Associate Editor of Conference Proceedings:

SOME RECENT ADVANCES IN MATHEMATICS AND STATISTICS, Proceedings of Statistics 2011 Canada/IMST 2011-FIM XX, Editor: Yogendra P Chaubey, World Scientific Publishing Co. Pte. Ltd., 2013.

REFEREED JOURNAL PUBLICATIONS

26. Second Order Asymptotics of a Fine-Tuned Purely Sequential Procedure for the Generalized Partition Procedure, *Statistics and Applications*, Volume 19, No. 1, 401-415, 2021.
25. A Generalization of the Partition Problem, *Sequential Analysis*, **34**(04), pp. 483 – 503, 2015 (with Jie Jhou).
24. Discussion on “Sequential Estimation for Time Series Models” by T. N. Sriram and Ross Iaci, *Sequential Analysis*, **33**(02), pp. 186 – 189, 2014.
23. On Two-stage comparisons with a control under heteroscedastic normal distributions, *Methodology and Computing in Applied Probability*, Volume 14, Number 3, Pages 501-522, 2012 (with N. Mukhopadhyay).
22. Second-Order Asymptotics of a Fine-Tuned Unbalanced Purely Sequential Procedure For The Partition Problem, *Journal of Combinatorics, Information and System Sciences*, vol. 36, 233-248, 2011.
21. Discussion on “Two-Stage Procedures for High-Dimensional Data” by Makoto Aoshima and Kazuyoshi Yata, *Sequential Analysis*, **30**(04), pp. 429 – 431, 2011.
20. On Approximate Optimality of the Sample Size for the Partition Problem, *Communications in Statistics - Theory and Methods*, 38:16, 3148 — 3157, 2009 (with Y. Wu).
19. Discussion on “A Hybrid Selection and Testing Procedure with Curtailment” by Elena M. Buzaiianu and Pinyuen Chen, *Sequential Analysis*, 28:1, 38-40, 2009.
18. A two-stage procedure with elimination for partitioning a set of normal populations with respect to a control, *Sequential Analysis*, 25, 297-310, 2006.
17. On unbalanced multistage methodologies for the partition problem, *Proceedings of the International Sri Lankan Statistical Conference: Visions of Futuristic Methodologies*, 447-466, 2004 (with Y. Wu).
16. Predicting multivariate response in linear regression model, *Commun. in Statistics, Simulation & Computation*, Vol. 32, No. 2, 389-409, 2003 (with M. Srivastava).
15. Multistage methodologies for comparing several treatments with a control, *Journal of Statistical Planning and Inference*, 100, No. 2, 209-220, (with N. Mukhopadhyay), 2002.
14. A sequential procedure with elimination for partitioning a set of normal populations having a common unknown variance, *Sequential Analysis*, Vol. 20 (4), 279-292, 2001.
13. Estimation of coating time in the magnetically assisted impaction coating process, *Journal of Powder Technology I*, 121, 159-167, 2001(P. Singh, T.K.S. Solanky, R. Mudryy, R. Pfeffer, and R. Dave).

12. *Power comparison of some tests for detecting a change in the multivariate mean*, Commun. in Statistics, Simulation & Computation, Volume 30, Issue 1, 19--36 (2001) (with M. Srivastava and A.K. Sen).
11. *Convection and local acceleration dominated regimes in Lennard-Jones liquids*, Physics Letters A, 266, 11-18 (2000) (with P. Singh).
10. *A Robust Methodology for selecting the smaller variance*, Journal of Nonparametric Statistics, Vol. 11, 361-376 (1999) (with N. Mukhopadhyay and A. Padmanabhan).
9. *Multistage methodologies for fixed-width simultaneous confidence intervals for all pairwise comparisons*, Journal of Statistical planning and Inference, 73, 163-176 (1998) (with N. Mukhopadhyay).
8. *On estimating the reliability after sequentially estimating the mean: the exponential case*, Metrika, 45(3), 235-252 (1997) (with N. Mukhopadhyay and A. Padmanabhan).
7. *Accuracy of formula-derived Creatinine clearance in paraplegics subjects*, Clin. Nephrol., 47(4), 237-242 (1997) (with V. Thaakur, E. Reisin, M. Solomonow, R. Baratta, E. Anguilar, R. Best, R. D'Ambrosia).
6. *Estimation After Sequential Selection and Ranking*, Metrika, 45(2), 95-106 (1997) (with N. Mukhopadhyay).
5. *A nonparametric accelerated sequential procedure for selecting the largest center of symmetry*, Journal of Nonparametric Statistics, 3, 155-166 (1993) (with N. Mukhopadhyay).
4. *Accelerated sequential procedure for selecting the best exponential population*, Journal of Statistical planning and Inference, 32, (1992), 347-361 (with N. Mukhopadhyay).
3. *Accelerated sequential procedure for selecting the largest mean*, Sequential Analysis, vol. 11, (1992), 137-148 (with N. Mukhopadhyay).
2. *Improved sequential and accelerated sequential procedures for estimating the scale parameter in a uniform distribution*, Sequential Analysis, vol. 10, (1991), 235-245 (with L. Kuo and N. Mukhopadhyay).
1. *Second order properties of accelerated stopping times with applications in sequential estimation*, Sequential Analysis, vol. 10, (1991), 99-123 (with N. Mukhopadhyay).

OTHER PUBLICATIONS

- (i.) Proceedings of The second International Workshop in Sequential Methodologies (IWSM 2009): Multistage Methodologies for Partitioning a Set of Exponential Populations, 4 pages, 2009.
- (ii.) Proceedings of The 56th Session of the International Statistical Institute (ISI 2007): On Optimality of the Sample Size for the Partition Problem (jointly with Yuefeng Wu), pages 2033-2037, 2007.
- (iii.) *Selecting the Best Component in a Multivariate Normal Population*, (with N. Mukhopadhyay).
 - Presented at the Joint Statistical Meetings, San Francisco, August 1993.
 - Abstract in IMS Bulletin, Vol. 22, No. 3, page 333, 1993.
 - Article appears in Chapter 6, *Multistage Selection and Ranking Procedures: Second-Order Asymptotics*, Marcel Dekker, Inc., 1994, page 266-280.
- (iv.) *On Asymptotic Second-Order Properties of Selecting the t-best Exponential Populations*, (with N. Mukhopadhyay).
 - Presented at the Joint Statistical Meetings, Boston, August 1992.
 - Abstract in IMS Bulletin, Vol. 23, No. 3, page 339, 1992.

- Article appears as a separate section in *Multistage Selection and Ranking Procedures: Second-Order Asymptotics*, Marcel Dekker, Inc., 1994, Section 4.9, page 198-208.

(v.) *On Asymptotic Second-Order Properties of Selecting the t-best Normal Populations*, (with N. Mukhopadhyay).

- Presented at the Joint Statistical Meetings, Atlanta, August 1991.
- Abstract in IMS Bulletin, Vol. 20, No. 3, page 335, 1991.
- Article appears as a separate section in *Multistage Selection and Ranking Procedures: Second-Order Asymptotics*, Marcel Dekker, Inc., 1994, Section 3.9, page 117-141.

GRANTS AND CONTRACTS FUNDED AS PI/Co-PI

- {21.} L.E.Q.S.F. Enhancement Grant, \$54,112.00, 2017-2018, *Redesigning Freshman Mathematics Instruction at UNO Using Technology Based Interactive Teaching Format* [The proposal was ranked first among all the proposals in the category. With Lisa Crespo and Lori Hodges].
- {20.} Howard Hughes Medical Institute (HHMI), \$1,500,000.00, 2014-2019, *Increasing recruitment and retention of STEM students at UNO, an urban university* [as Co-PI, Dr. Wendy Schluchter is the PI].
- {19.} L.E.Q.S.F. Enhancement Grant, \$15,000.00, 2011-2013, *Continuation of Statistical Consulting Education at UNO* [Linxiong Li].
- {18.} UNO SCoRE award, \$15,000, 2011.
- {17.} L.E.Q.S.F. Enhancement Grant, \$20,000.00, 2008-2010, *Enhancement of Industry Oriented Statistical Education at UNO: Post Katrina Years* [Linxiong Li].
- {16.} L.E.Q.S.F. Enhancement Grant, \$27,500.00, 2005-2007, *Continuation of Enhancement of Industry Oriented Statistical Education at UNO* [with Terry Watkins and Linxiong Li].
- {15.} L.E.Q.S.F. Enhancement Grant, \$35,874.00, 2002-2004, *Enhancement of Industry Oriented Statistical Education at UNO*. [The proposal was ranked first among all the proposals in the category. With Terry Watkins, Linxiong Li, and Zhide Fang].
- {14.} AFCEA Silicon Bayou Chapter Award, \$300, 2002-2003, for purchasing classroom supplies for the mathematics department.
- {13.} National Science Foundation (NSF), \$219,900, 2000-2002, *UNOMACSS: A Scholarship Program in the Mathematical and Computer Sciences* [with A. DePano of Computer Science Department]. It provided scholarship to 20 mathematics and 20 computer science students for two years.
- {12.} L.E.Q.S.F. Enhancement Grant, \$172,512, 1996-1998, *Statistics and Applied Mathematics Laboratory* [with Lew Lefton and Adam Harrison].
- {11.} {L.E.Q.S.F. Research Grant}, \$75,325, 1995-1998, *Robustness and Implementability of Various Multistage Selection and Ranking Procedures*.
- {10.} NASA, Graduate Student Research Program, \$64,000, 1994-1996, *Statistical Analysis of Rocket Seal Tester*.
- {9.} U.S.D.A. Research Grant, \$20,000, 1994-1998, Statistical Assistance to USDA in EPA Projects (with Terry A. Watkins).
- {8.} Institute of Mathematical Statistics, \$400, 1994, *Travel Award to present a paper at the annual meeting in Chapel Hill, North Carolina*.
- {7.} UNO Research Support Award, \$2,000, 1994-1995.
- {6.} U.S.D.A. Research Grant, \$10,000, 1993-1994, Statistical Assistance to USDA (with Terry A. Watkins).
- {5.} L.E.Q.S.F. Research Grant, \$14,583, 1992-1993, *Permutationally Invariant Change point Estimation*, (with Terry A. Watkins).
- {4.} Institute of Mathematical Statistics, \$800, 1990, *Travel Award to present a paper at the annual meeting in Uppsala, Sweden*.
- {3.} UNO faculty summer scholar award, \$3667, summer 1991.
- {2.} UNO Research Council Grant, \$1330, 7/91--6/92.
- {1.} UNO Faculty Development Award, \$1,600, June-December 1993.

Professional Service as Referee:

I have refereed several hundred papers as a referee for scholarly journals and over 20 books in the field of statistics/Data Science. The books reviewed in the academic year 2020-21 are:

1. Foundations of Statistics for Data Scientists: With R and Python, Alan Agresti, Maria Kateri; ISBN 9780367748456, October 2021, Chapman and Hall/CRC.
2. Gini Inequality Index Methods and Applications, Nitis Mukhopadhyay, Partha Pratim Sengupta, ISBN 9781003143642, April 2021, Chapman and Hall/CRC.

PROFESSIONAL PRESENTATIONS

- {57.} Some issues related to implementation of the partition problem formulations for normal population, **invited talk**, 34th NESS (New England Statistics Symposium), University of Rhode Island, September 30- October 2, 2021.
- {56.} A generalization of the statistical Partition Problem for Normal Populations, **contributed talk**, International Conference on Mathematical Modelling, Applied Analysis and Computation (ICMMAAC-2019), JECRC University, Jaipur, India, August 8-10, 2019.
- {55.} A Generalized Two-stage Procedure for the Partition Problem, **invited talk**, 7th IWSM 2019, Binghamton University, June 17-21, 2019 (With Jie Zhou).
- {54.} Enhancing Student Engagement by Using Technology Based Interactive Teaching, contributed talk, Joint Mathematics Meetings (JMM 2018), San Diego, January, 2018.
- {53.} Designing Experiments for Multiple Comparisons, **plenary talk**, The Sixth International Workshop in Sequential Methodologies (IWSM 2017), University of Rouen Normandy, France, June, 2017.
- {52.} A Two-Stage Procedure for the Generalized Partition Problem, **invited talk**, 8th INTERNATIONAL WORKSHOP ON APPLIED PROBABILITY (IWAP2016) June 20-23, 2016, Toronto, Canada.
- {51.} Statistical Partition Problem: Past, Present and Future, **invited talk**, IWSM 2015, Columbia University, New York, June, 2015.
- {50.} A Generalization of the Partition Problem, Poster Session, FRONTIERS OF HIERARCHICAL MODELING IN OBSERVATIONAL STUDIES, COMPLEX SURVEYS AND BIG DATA, University of Maryland, July, 2014 (With Jie Zhou).
- {49.} A Note on Partitioning Exponential Populations, **invited talk**, IWSM 2013, University Of Georgia, Athens, Georgia, July, 2013.
- {48.} Nonparametric sequential procedure for partitioning a set of populations with respect to a standard or control **invited talk**, International Conference On Statistics and Informatics in Agricultural Research, New Delhi, India, December, 2012.
- {47.} On a generalization of the Partition Problem, **invited talk**, IMSCT 2012 -- FIM XXI, Punjab University, India, December, 2012.
- {46.} Robustness of the fine-tuned Purely Sequential procedure for the unbalanced partition problem, **invited talk**, STATISTICS 2011 CANADA and IMST 2011-FIM XX, Montreal, July, 2011.
- {45.} On a generalization of the Partition Problem, **invited talk**, International Workshop on Sequential Methods, Stanford University, June, 2011 (with Jie Zhou).
- {44.} Use and Misuse of the ANOVA methodology, *Mathematical Association of America*, Florida Chapter Meeting, University of West Florida, Pensacola, Florida, November, 2010.
- {43.} Some Issues Related to the Partition Problem, **invited talk**, *50+ Years of Research: Mini-Conference in Honor of Professor Zacks*, Binghamton, New York, December, 2009.
- {42.} Multistage Methodologies for Partitioning a Set of Exponential Populations, **invited talk**, IWSM 2009, Troyes, France, June, 2009.
- {41.} SQA Editor's Round Table, **Plenary Session**, IWSM 2009, Troyes, France, June, 2009 (with Marie Hušková, N. Mukhopadhyay, Alexander Tartakovsky, and S. Zacks).
- {40.} Multistage Methodologies for Partitioning a Set of Several Populations With Respect to a Standard or a Control, **SQA Editors Special Invited Talk**, Joint Statistical Meeting, Denver, Colorado, August, 2008.
- {39.} A Nonparametric Purely Sequential Procedure For the Partition Problem, **invited talk**, **Dudewicz Honor Conference**, Syracuse, New York, July, 2008.
- {38.} On Approximate Optimality of the Unbalanced Sequential Procedure for the Partition Problem, **invited talk**, IISA Conference, Connecticut, May, 2008 (with Y. Wu).
- {37.} The role of Statistics in Clinical Trials, Invited talk for the students in the *Honors Program*, *University of New Orleans*, **invited talk**, April, 2008.
- {36.} On Optimality of the Sample Size for the Partition Problem, ISI 2007 Conference, Lisbon, Portugal, August, 2007 (with Y. Wu).
- {35.} A Nonparametric Methodology for the Partition Problem, **invited talk**, IWSM 2007, Auburn, Alabama, July, 2007.
- {34.} SQA Editor's Round Table, **invited participant**, IWSM 2007, Auburn, Alabama, July, 2007 (with M. Aoshima, M. Carpenter, N. Mukhopadhyay, and S. Zacks).

- {33.} Multiple Comparison Procedures in Statistics: A Distribution Free Approach, Department of Electrical Engineering, University of New Orleans, April, 2007.
- {32.} The problem of selection and Ranking: An introduction and some current research, **invited talk**, Department of mathematics, IIT Delhi, January, 2007.
- {31.} An Efficient Design For Partitioning a set of Populations With Respect to a Control, *International Conference on Statistics and Informatics*, **invited talk**, Delhi, India, December, 2006.
- {30.} Efficient Designs for the Partition Problem, Department of Mathematics, Department of Mathematics, *University of Louisiana, Lafayette*, **invited talk**, September, 2005.
- {29.} A note on the Efficiency of Some Designs for the Partition Problem, *International conference on recent advances in statistics*, **invited talk**, IIT Kanpur, India, January, 2005.
- {28.} On an improved accelerated sequential methodology with applications in selection and ranking, *International Sri Lankan Statistical Conference: Visions of Futuristic Methodologies*, **invited talk**, Kandy, Sri Lanka, December, 2004.
- {27.} Implementation and other issues related to the partition problem, *Punjab University, Chandigarh*, **invited talk**, India, December, 2004.
- {26.} Robustness of methodologies for the partition problem, *University of Connecticut, Storrs, Connecticut*, **invited talk**, October, 2004.
- {25.} A two stage procedure for the partition problem, *IISA 2004 Conference*, **invited talk**, Athens, Georgia, May, 2004.
- {24.} A two stage procedure with elimination, *Department of Electrical Engineering, UNO*, September, 2003.
- {23.} On combining subset selection and indifference zone approaches, *International conference on Bayesian Statistics*, LaManga, Spain, May, 2003.
- {22.} Robustness of multistage procedures, **invited talk**, *Ninth International conference on Statistics, Combinatorics and related areas*, Allahabad, India, December, 2002.
- {21.} A sequential procedure with elimination, *International conference on statistical inference and reliability*, **invited talk**, Chandigarh, India, December, 2001.
- {20.} On generalizing the partition problem for the normal population, **invited talk**, *Joint Statistical Meeting of IISA*, etc., New Delhi, India, December, 2000.
- {19.} On Robustness of the partition problem for the normal population, *Sixth Conference of the Forum for Interdisciplinary Mathematics: International Conference on Combinatorics, Information Theory and Statistics*, University of South Alabama, Mobile, December, 1999. Maryland, August, 1999.
- {18.} On partitioning a set of normal populations with respect to a control, **Invited Talk**, *Fifth Conference of the Forum for Interdisciplinary Mathematics: International Conference on Combinatorics, Information Theory and Statistics*, University of Mysore, India, December, 1998.
- {17.} Three-Stage and accelerated sequential methodologies for comparing several treatments with a control, **Invited Talk**, *Third Conference of the Forum for Interdisciplinary Mathematics: International Conference on Combinatorics, Information Theory and Statistics*, University of Southern Maine, Portland, Maine, July, 1997 (with N. Mukhopadhyay).
- {16.} Research in Statistics, Invited talk for the students in the *Honors Program, University of New Orleans*, **invited talk**, March, 1997.
- {15.} Few generalizations to the selection and Ranking Problem, *Department of Statistics, University of Toronto*, November, 1996 (with N. Mukhopadhyay).
- {14.} Multistage methodologies for fixed-width simultaneous confidence intervals for all pairwise comparisons, *Indian Science Congress Meeting*, Patiala, India, January, 1996 (with N. Mukhopadhyay).
- {13.} On estimating the reliability after sequentially estimating the mean: the exponential case, *Annual Joint Statistical Meetings of ASA, IMS etc.*, Orlando, August, 1995 (with N. Mukhopadhyay and A. Padmanabhan).
- {12.} Multistage methodologies for fixed-width simultaneous confidence intervals for all pairwise comparisons, *Bose Memorial Conference, Colorado State University*, Colorado, June, 1995 (with N. Mukhopadhyay).
- {11.} On an Improved Accelerated Sequential Methodology With Applications in Selection and Ranking, *Annual Joint Statistical Meetings of ASA, IMS etc.*, Toronto, August, 1994 (with N. Mukhopadhyay).
- {10.} Accelerated Sequential Estimation of the Largest Location Parameter in the Normal and Negative Exponential Cases, *Annual Meeting of Institute of Mathematical Statistics*, North Carolina, June, 1994 (with N. Mukhopadhyay).
- {9.} Selecting the Best Component in a Multivariate Normal Population, *Annual Joint Statistical Meetings of ASA, IMS etc.*, San Francisco, August, 1993 (with N. Mukhopadhyay).
- {8.} A Note on Sequential Selection and Ranking, *Department of Mathematics, I.I.T. Delhi*, India, June, 1993.
- {7.} On Asymptotic Second-Order Properties of Selecting the t-best Exponential Populations, *Annual Joint Statistical Meetings of ASA, IMS etc.*, Boston, August, 1992 (with N. Mukhopadhyay).
- {6.} On Asymptotic Second-Order Properties of Selecting the t-best Normal Populations, *Annual Joint Statistical Meetings of ASA, IMS etc.*, Atlanta, August, 1991 (with N. Mukhopadhyay).

- {5.} Accelerated Sequential Procedure for Selecting the Largest Mean, *Department of Statistics, University of Southwestern Louisiana*, April, 1991 (with N. Mukhopadhyay).
- {4.} Nonparametric Accelerated Sequential Procedure for Selecting the Best Population, *2nd World Congress of The Bernoulli Society for Mathematical Statistics and Probability and Annual meeting of IMS, Uppsala, Sweden*, August, 1990 (with N. Mukhopadhyay).
- {3.} A Computational Based Approach to Selection and Ranking Problem, *22nd Symposium on the Interface: Computing Science and Statistics*, Michigan State University, May, 1990 (with N. Mukhopadhyay).
- {2.} A note on Sequential Selection and Ranking Procedures, *Department of Statistics, University of Connecticut*, April, 1990 (with N. Mukhopadhyay).
- {1.} Computationally Intensive Accelerated Sequential Procedure for Selecting the Best Exponential Population, *Fourth Annual New England Statistics Symposium*, Lowell University, March, 1990 (with N. Mukhopadhyay).

UNIVERSITY SERVICE (University of New Orleans)

Selected University Service:

President's Executive Committee: Member, 2008-09.

Policy Committee: Chair, 2008-09.

Strategic Planning Committee (The Strategic Plan 2009-2012): Committee Member.

Policy Committee: Represented the College of Sciences, 2006-2009.

University Senate: 2006-2009.

Provost Search Committee: Member, 2008-2009.

Dean Search Committee: Member, 2009-2010.

First Year Initiatives (FYI): Committee member, 2009-2013.

University Committee: Committee on University Admissions, member 2003-2006, Committee Chair 2005-2006, member 2006-2009.

Strategic Planning Committee (2013-2014): Committee Member.

Provost Search Committee: Member, 2014-2015.

Faculty Governance Committee: Member, 2013-2016.

Strategic Enrollment Management Committee (SEMC): Faculty Co-Chair, 2015-present.

Retention Steering Committee, Chair, 2015- Fall 2019.

Provost Search Committee: Member, 2016.

Strategic Plan 2015 – 2020: Member, 2016- 2017.

Charges Committee: Fall 2020—present.

College Service:

Chair, College of Sciences Retention Committee, 2013-14.

College of Sciences, Dean Search Committee, 2009-10.

Member, College of Sciences Teaching Award Committee, 2002-2008.

Department Service:

Department Chair: Fall 2008—present.

Member of Several Departmental Committees such as Computer Committee; Graduate Advisory;

Courses and Curricula, etc: 1990-present.

Mathematical Service:

Math Bootcamp for 9th and 10th Graders [Funded by *College Track*], Summer 2013.

Math Bootcamp for 11th and 12th Graders [Funded by *College Track*], Summer 2013.

ACING THE ACT: Organized ACT preparation workshop [Funded by *College Track*], Summer & Fall 2013

Dual Enrollment ACT Preparation: Tutoring program for about 25 Lake Area High School students to improve their ACT Math score to make them eligible for DE class at UNO

[Funded by *Urban League*]

DOCTORAL THESIS SUPERVISION AS MAJOR PROFESSOR

- i. Jie Zhou, A Generalization of The Partition Problem in Statistics; 2013.
- ii. Jin Gu, Statistical Partition Problem for Exponential Populations and Statistical Surveillance of Cancers in Louisiana; 2014.
- iii. Rui Wang, Generalizing Multistage Partition Procedures for Two-parameter Exponential Populations; 2018.

Other Activities Related to Teaching and MS/PhD Committee Memberships

- (i). Master's thesis supervision for 2 students.

- (ii). Major Professor for over 40 Masters Students with non-thesis Master's Degree program.
- (iii). PhD Thesis committee member for 30 plus students.

Major Areas of Research Interest

Statistical Consulting, Statistical Sampling, Statistical Modeling, Sequential Analysis, Selection and Ranking, Change point Problem, Statistical Computing, Biostatistics, and Biomedical applications.

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Exhibit 3

RETRIEVED FROM DEMOCRACYDOCKET.COM

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

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION
NO. 3:22-CV-00211-SDD-SDJ
consolidated with
NO. 3:22-CV-00214-SDD-SDJ

DECLARATION OF JOEL WATSON, JR.

Now comes Joel Watson, Jr., 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 the field of election administration and political campaigns since 2013. For the past 3.5 years I have been employed as the Director of Special Projects in the Louisiana Secretary of State's office.
3. In my capacity as Director of Special Projects I complete projects in a variety of fields including communications, assisting with legislation, voter registration, reporting, and election data.

4. In my capacity as Director of Special Projects I have access to the state ERIN system, and am also familiar with the data posted on our website. I routinely use ERIN and the information on our website to compile information on voter registration and/or elections.
5. Exhibit A is a spreadsheet I created using publicly available voter registration data from the Secretary of State's Website found at <https://www.sos.la.gov/ElectionsAndVoting/Pages/RegistrationStatisticsStatewide.aspx>.

On April 25, 2022, I accessed this information and pulled reports containing voter registration and party affiliation information for April of each year dating back to 2002. Column B reports the total number of registered voters for the state of Louisiana. Column C reports net change in the total number of registered voters year over year, and the total over the course of the last 20 years. As you can see, Louisiana has gained 243,087 registered voters in the last 20 years. Column D reports the number of Louisiana voters who are registered Democrats in each year since 2002. Column E again calculates the change in number of registered Democrats year over year. As you can see there has been a steady decline in the number of voters registered as Democrats over the course of the last 20 years, totaling a loss of 415,996 registered Democratic voters over the past 20 years. Column F shows the number of Louisiana Voters who are registered as Republican. Column G again calculates the change in number of registered Republicans year over year. Column G shows that there has been an increase in voters registering as Republican over the course of the last 20 years, totaling an increase of 368,756 registered Republican voters.

6. Exhibit B is a spreadsheet I created using publicly available election data from ballotpedia.org

[[https://ballotpedia.org/Louisiana House of Representatives elections, 2019](https://ballotpedia.org/Louisiana_House_of_Representatives_elections_2019)] On April 25, 2022, I accessed this information and pulled election results for the Louisiana House and Louisiana Senate for election years 2007, 2011, 2015, and 2019. I used these election results to show the partisan breakdown of the members of the Louisiana Legislature. Columns B through D show the number of members of the Louisiana State House broken down by party affiliation. Columns F-H show the same information for the Louisiana Senate. This spreadsheet shows that the number of Democratic members in the House declined from 53 after the 2007 election to 35 after the 2019 election, and declined in the Senate from 28 after the 2007 election to 12 after the 2019 election. This corresponds to an increase in Republican members in both the House and Senate.

7. Exhibit C is a spreadsheet showing election returns for statewide races dating back to 1990. I created this spreadsheet with data from <https://voterportal.sos.la.gov/graphical> which I accessed on April 26, 2022. Column A lists the statewide election. Column B lists the percentage of the Democratic vote. Column C shows the Democratic raw vote total. Columns E and F show this information for the Republican totals, and Columns F and G show this for the “other” totals. Column H reflects the total vote for each race. Column I shows the result of each race. Exhibit C reflects a trend of increasing outright wins during the primary election by a Republican candidate over the course of the last 30 years.
8. Exhibit D is a spreadsheet reflecting registered voters in East Baton Rouge Parish dating back to April 2002. I created this spreadsheet with data from <https://www.sos.la.gov/ElectionsAndVoting/Pages/RegistrationStatisticsStatewide.aspx>. On April 25, 2022, I accessed this information and pulled reports containing voter

registration information for April of each year dating back to 2002 . Column A reflects the month and year of the data collected. Column B reflects the total number of registered voters in East Baton Rouge Parish. Column C reflects the number of Black Registered Voters in East Baton Rouge Parish. Column D Reflects the number of Black Registered Voters in East Baton Rouge Parish as a percentage of all registered voters in East Baton Rouge Parish.

9. Exhibit E is a spreadsheet showing the winner of the Mayor-President election for East Baton Rouge Parish dating back to 2004. I worked with other staff in the Secretary of State's office to pull this report using data from the Secretary of State's ERIN System. Exhibit E shows that since 2004, East Baton Rouge Parish has elected a black candidate to the office of Mayor-President.

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 29 day of April, 2022, at Baton Rouge, Louisiana.

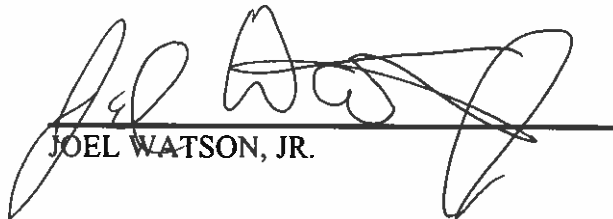

JOEL WATSON, JR.

Exhibit A

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	Total	Net Change	Dems	Net Change	Reps	Net Change	Other	Net Change
April 2002	2,769,514		1,617,581		633,517		518,416	
April 2003	2,728,779	-40,735	1,572,460	-45,121	632,241	-1,276	524,078	5,662
April 2004	2,803,172	74,393	1,581,921	9,461	658,995	26,754	562,256	38,178
April 2005	2,822,961	19,789	1,560,985	-20,936	682,324	23,329	579,652	17,396
April 2006	2,856,684	33,723	1,552,145	-8,840	697,851	15,527	606,688	27,036
April 2007	2,809,946	-46,738	1,505,970	-46,175	691,700	-6,151	612,276	5,588
April 2008	2,857,347	47,401	1,503,113	-2,857	714,659	22,959	639,465	27,189
April 2009	2,903,436	46,089	1,518,601	15,488	740,740	26,081	644,095	4,630
April 2010	2,914,180	10,744	1,500,085	-18,516	750,073	9,333	664,022	19,927
April 2011	2,820,244	-93,936	1,414,839	-85,246	751,647	1,574	653,758	-10,264
April 2012	2,866,341	46,097	1,401,850	-12,989	779,812	28,165	684,679	30,921
April 2013	2,915,672	49,331	1,398,679	-3,171	808,140	28,328	708,853	24,174
April 2014	2,911,071	-4,601	1,376,726	-21,953	807,311	-829	727,034	18,181
April 2015	2,879,795	-31,276	1,337,557	-39,169	805,944	-1,367	736,294	9,260
April 2016	2,927,642	47,847	1,330,165	-7,392	851,823	45,879	745,654	9,360
April 2017	2,976,028	48,386	1,316,175	-13,990	894,929	43,106	764,924	19,270
April 2018	2,957,987	-18,041	1,291,359	-24,816	895,531	602	771,097	6,173
April 2019	2,957,064	-923	1,265,487	-25,872	911,794	16,263	779,783	8,686
April 2020	2,992,140	35,076	1,257,686	-7,801	944,599	32,805	789,855	10,072
April 2021	3,093,405	101,265	1,246,573	-11,113	1,022,481	77,882	824,351	34,496
April 2022	3,012,601	-80,804	1,201,585	-44,988	1,002,273	-20,208	808,743	-15,608
2002-2022	Total Net Chan	243,087	D Net Change	-415,996	R Net Change	368,756	O Net Change	290,327

Exhibit B

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	HOUSE				SENATE		
	DEMS	REPS	IND		DEMS	REPS	IND
2007 Election Result	53	50	2		28	11	0
2011 Election Result	45	58	2		15	24	0
2015 Election Result	42	61	2		14	25	0
2019 Election Result	35	68	2		12	27	0

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Exhibit C

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	Comb. Dem.%	Comb. Dem Raw	Comb. GOP%	Comb. GOP Raw	Comb. Other%	Comb. Other Raw	Tot. Vote	Result
1990 US Senate	56.52%	789,121	43.48%	607,091	0.00%	0	1,396,212	Dem Win
1991 Primary-Gov.	35.47%	549,486	63.82%	988,833	0.71%	11,035	1,549,354	Runoff
1991 Primary-Lt. Gov.	57.42%	836,405	42.58%	620,199	0.00%	0	1,456,604	Runoff
1991 Primary-SOS	54.19%	744,416	45.81%	629,237	0.00%	0	1,373,653	Runoff
1991 Primary-AG	67.53%	959,727	32.47%	461,427	0.00%	0	1,421,154	Runoff
1991 Primary-AgCom	77.70%	1,069,853	22.30%	307,080	0.00%	0	1,376,933	Dem Win
1991 Primary-InsCom	36.33%	520,503	63.67%	912,212	0.00%	0	1,432,715	Runoff
1991 Primary-ElecCom	71.63%	940,309	28.37%	372,480	0.00%	0	1,312,789	Dem Win
1991 General-Gov.	61.17%	1,057,031	38.83%	671,009	0.00%	0	1,728,040	Dem Win
1991 General-Lt. Gov.	59.27%	1,009,026	40.73%	693,412	0.00%	0	1,702,438	Dem Win
1991 General-SOS	49.72%	818,355	50.28%	827,506	0.00%	0	1,645,861	GOP Win
1991 General-AG	68.91%	1,147,592	31.09%	517,660	0.00%	0	1,665,252	Dem Win
1991 General-InsCom	59.78%	1,002,038	40.22%	674,097	0.00%	0	1,676,135	Dem Win
1992 Presidential	45.58%	815,971	40.97%	733,386	13.44%	240,660	1,790,017	Dem Win
1995 Primary-Gov.	53.78%	793,801	44.09%	650,667	2.13%	31,428	1,475,896	Runoff
1995 Primary-Lt. Gov.	66.86%	903,804	26.81%	362,374	6.33%	85,577	1,351,755	Runoff
1995 Primary-SOS	43.91%	583,022	56.09%	744,707	0.00%	0	1,327,729	GOP Win
1995 Primary-AG	76.45%	1,019,041	19.82%	264,150	3.73%	49,771	1,332,962	Dem Win
1995 Primary-Treasure	63.90%	820,682	36.10%	463,735	0.00%	0	1,284,417	Runoff
1995 Primary-AgCom	79.45%	1,052,738	20.55%	272,349	0.00%	0	1,325,087	Dem Win
1995 Primary-InsCom	66.89%	902,868	27.65%	373,234	5.46%	73,686	1,349,788	Dem Win
1995 Primary-ElecCom	74.68%	954,076	25.32%	323,422	0.00%	0	1,277,498	Dem Win
1995 General-Gov.	36.50%	565,861	63.50%	984,499	0.00%	0	1,550,360	GOP Win
1995 General-Lt. Gov.	65.25%	964,559	34.75%	513,613	0.00%	0	1,478,172	Dem Win
1995 General-Treasure	100.00%	1,409,244	0.00%	0	0.00%	0	1,409,244	Dem Win
1996 US Senate-Primar	43.54%	534,887	54.59%	670,716	1.87%	22,993	1,228,596	Runoff
1996 Presidential	52.01%	927,837	39.94%	712,586	8.05%	143,536	1,783,959	Dem Win
1996 General-US Senat	50.17%	852,945	49.83%	847,157	0.00%	0	1,700,102	Dem Win
1998 US Senate	65.05%	630,395	32.46%	314,580	2.50%	24,190	969,165	Dem Win
1999 Primary-Gov.	33.89%	438,975	65.60%	849,615	0.51%	6,615	1,295,205	GOP Win
1999 Primary-Lt. Gov.	80.22%	968,249	18.18%	219,418	1.60%	19,345	1,207,012	Dem Win
1999 Primary-Treasure	100.00%	1,119,115	0.00%	0	0.00%	0	1,119,115	Dem Win
1999 Primary-InsCom	69.66%	821,872	30.34%	357,934	0.00%	0	1,179,806	Runoff
1999 Primary-ElecCom	33.28%	387,672	57.23%	666,666	9.48%	110,479	1,164,817	Runoff
1999 General-InsCom	57.18%	426,098	42.82%	319,124	0.00%	0	745,222	Dem Win
1999 General-ElecCom	0.00%	0	100.00%	740,078	0.00%	0	740,078	GOP Win
2000 Presidential	44.88%	792,344	52.55%	927,871	2.57%	45,441	1,765,656	GOP Win
2002 Primary-US Senat	47.89%	596,900	50.77%	632,702	1.34%	16,731	1,246,333	Runoff
2002 General-US Senat	51.70%	638,654	48.30%	596,642	0.00%	0	1,235,296	Dem Win
2003 Primary-Gov.	58.75%	800,478	39.34%	535,973	1.91%	26,073	1,362,524	Runoff
2003 Primary-Lt. Gov.	52.68%	674,803	47.32%	606,076	0.00%	0	1,280,879	Dem Win
2003 Primary-SOS	22.42%	284,125	72.30%	916,235	5.28%	66,969	1,267,329	GOP Win
2003 Primary-AG	53.55%	689,179	46.45%	597,917	0.00%	0	1,287,096	Dem Win
2003 Primary-AgCom	65.63%	822,682	34.37%	430,856	0.00%	0	1,253,538	Dem Win
2003 Primary-InsCom	53.56%	675,043	43.64%	549,924	2.80%	35,280	1,260,247	Runoff

2003 General-Gov.	51.95%	731,358	48.05%	676,484	0.00%	0	1,407,842	Dem Win
2003 General-InsCom	57.70%	773,578	42.30%	567,034	0.00%	0	1,340,612	Dem Win
2004 Presidential	42.22%	820,299	56.72%	1,102,169	1.06%	20,638	1,943,106	GOP Win
2004 US Senate	47.48%	877,482	51.03%	943,014	1.49%	27,560	1,848,056	GOP Win
2007 Primary-Gov.	30.65%	397,755	53.88%	699,275	15.47%	200,810	1,297,840	GOP Win
2007 Primary-Lt. Gov.	56.60%	701,887	40.85%	506,603	2.54%	31,520	1,240,010	Dem Win
2007 Primary-SOS	31.27%	374,199	63.32%	757,821	5.41%	64,723	1,196,743	GOP Win
2007 Primary-AG	67.56%	823,807	32.44%	395,498	0.00%	0	1,219,305	Runoff
2007 Primary-AgCom	41.35%	505,504	58.65%	717,123	0.00%	0	1,222,627	Runoff (Dem candidate dropped out before runoff, GOP win)
2007 Primary-InsCom	35.58%	423,986	64.42%	767,537	0.00%	0	1,191,523	GOP Win
2007 General-AG	66.60%	477,574	33.40%	239,485	0.00%	0	717,059	Dem Win
2008 Presidential	39.93%	782,989	58.56%	1,148,275	1.50%	29,497	1,960,761	GOP Win
2008 US Senate	52.11%	988,298	45.72%	867,177	2.17%	41,099	1,896,574	Dem Win
2010 US Senate	37.67%	476,572	56.55%	715,415	5.77%	73,007	1,264,994	GOP Win
2011 Primary-Gov.	28.16%	288,161	65.80%	673,239	6.04%	61,763	1,023,163	GOP Win
2011 Primary-Lt. Gov.	0.00%	0	100.00%	949,590	0.00%	0	949,590	GOP Win
2011 Primary-SOS	0.00%	0	100.00%	890,786	0.00%	0	890,786	GOP Win
2011 Primary-AgCom	27.80%	267,942	66.50%	640,886	5.70%	54,888	963,716	GOP Win
2011 Primary-InsCom	32.54%	314,317	67.46%	651,559	0.00%	0	965,876	GOP Win
2012 Presidential	40.58%	809,141	57.78%	1,152,262	1.64%	32,662	1,994,065	GOP Win
2014 Primary-US Senat	43.42%	639,233	55.69%	819,777	0.89%	13,034	1,472,044	Runoff
2014 General-US Senat	44.07%	561,210	55.93%	712,379	0.00%	0	1,273,589	GOP Win
2015 Primary-Gov.	57.25%	637,938	41.61%	463,700	1.14%	12,698	1,114,336	Runoff
2015 Primary-Lt. Gov.	33.29%	361,092	66.71%	723,733	0.00%	0	1,084,825	Runoff
2015 Primary-SOS	37.79%	394,587	62.21%	649,540	0.00%	0	1,044,127	GOP Win
2015 Primary-AG	28.44%	302,763	71.56%	761,842	0.00%	0	1,064,605	Runoff
2015 Primary-Trasurer	0.00%	0	100.00%	983,468	0.00%	0	983,468	GOP Win
2015 Primary-AgCom	30.12%	312,705	66.39%	689,316	3.49%	36,214	1,038,235	GOP Win
2015 Primary-InsCom	32.42%	340,242	67.58%	709,301	0.00%	0	1,049,543	GOP Win
2015 General-Gov.	56.11%	646,924	43.89%	505,940	0.00%	0	1,152,864	Dem Win
2015 General-Lt. Gov.	44.62%	506,640	55.38%	628,876	0.00%	0	1,135,516	GOP Win
2015 General-AG	0.00%	0	100.00%	1,084,374	0.00%	0	1,084,374	GOP Win
2016 Presidential	38.45%	780,154	58.09%	1,178,638	3.46%	70,240	2,029,032	GOP Win
2016 Primary-US Senat	35.96%	695,288	61.33%	1,185,889	2.71%	52,458	1,933,635	Runoff
2016 General-US Senat	39.35%	347,816	60.65%	536,191	0.00%	0	884,007	GOP Win
2019 Primary-Gov.	47.41%	636,963	51.84%	696,434	0.75%	10,084	1,343,481	Runoff
2019 Primary-Lt. Gov.	31.86%	413,556	68.14%	884,309	0.00%	0	1,297,865	GOP Win
2019 Primary-SOS	33.78%	434,587	66.22%	851,885	0.00%	0	1,286,472	Runoff
2019 Primary-AG	33.79%	436,502	66.21%	855,366	0.00%	0	1,291,868	GOP Win
2019 Primary-Treasurer	34.53%	442,740	60.02%	769,462	5.45%	69,908	1,282,110	GOP Win
2019 Primary-AgCom	34.95%	446,241	65.05%	830,427	0.00%	0	1,276,668	GOP Win
2019 Primary-InsCom	0.00%	0	100.00%	1,180,860	0.00%	0	1,180,860	GOP Wing
2019 General-Gov.	51.33%	774,498	48.67%	734,286	0.00%	0	1,508,784	Dem Win
2019 General-SOS	40.93%	601,126	59.07%	867,607	0.00%	0	1,468,733	GOP Win
2020 Presidential	39.85%	856,034	58.46%	1,255,776	1.69%	36,252	2,148,062	GOP Win
2020 US Senate	35.29%	730,989	61.18%	1,267,291	3.54%	73,263	2,071,543	GOP Win

Exhibit D

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	EBR Total Reg.	EBR Black Registered Voters, R	EBR Black % of All Reg. Voters
April 2002	249,495	85,529	34.28%
April 2003	242,370	84,807	34.99%
April 2004	248,317	88,820	35.77%
April 2005	252,345	92,867	36.80%
April 2006	254,160	94,205	37.07%
April 2007	248,849	92,995	37.37%
April 2008	260,107	100,515	38.64%
April 2009	271,801	111,157	40.90%
April 2010	271,666	111,352	40.99%
April 2011	266,498	109,992	41.27%
April 2012	269,526	112,003	41.56%
April 2013	278,615	118,992	42.71%
April 2014	277,241	119,146	42.98%
April 2015	278,002	121,502	43.71%
April 2016	282,819	123,287	43.59%
April 2017	285,738	124,119	43.44%
April 2018	282,539	123,355	43.66%
April 2019	283,596	123,837	43.67%
April 2020	289,841	128,185	44.23%
April 2021	299,783	132,380	44.16%
April 2022	291,518	129,447	44.40%

Exhibit E

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ElectionDate	OfficeTitle	Description	Parish	BallotLastNam	BallotFirstName	Race	Result
11/2/2004	Mayor-President	Metro Council, City of Baton Rou	EAST BATON ROUG	Holden	Melvin L. "Kip"	Black	Elected
10/4/2008	Mayor-President	Metro Council, City of Baton Rou	EAST BATON ROUG	Holden	Melvin "Kip"	Black	Elected
11/6/2012	Mayor-President	Metro Council, City of Baton Rou	EAST BATON ROUG	Holden	Melvin "Kip"	Black	Elected
12/10/2016	Mayor-President	Metro Council, City of Baton Rou	EAST BATON ROUG	Broome	Sharon Weston	Black	Elected
12/5/2020	Mayor-President	Metro Council, City of Baton Rou	EAST BATON ROUG	Broome	Sharon Weston	Black	Elected

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Exhibit 4

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

PRESS ROBINSON, et al.,

Plaintiffs,

v.

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

Defendant.

consolidated with

EDWARD GALMON, SR., et al.,

Plaintiffs,

v.

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

Defendant.

CIVIL ACTION
NO. 3:22-CV-00211-SDD-SDJ
consolidated with
NO. 3:22-CV-00214-SDD-SDJ

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. Additionally, 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. I have received several awards from the Louisiana Registrars of Voters Association for this work.

10. I also work with parish clerks 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. I have also received several awards for this work from the Louisiana Clerks of Court Association.
11. As Commissioner of Elections, I am familiar with the procedures for registration and voting in this State. I also work with the Secretary of State to implement any election related laws, including redistricting plans, passed by the Legislature, or other local parishes or 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. Louisiana has a history of high standards of ballot and election integrity. Recently, Louisiana was ranked 7th in the nation for election integrity. Louisiana's Operation Geaux Vote has been recognized as one of three state finalists by the National Association of Secretaries of State ("NASS") IDEAS award. After a thorough audit over numerous months, the Louisiana Legislative Auditors found that the state has procedures and processes in place to ensure election integrity.

13. The 2022 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, parish, or school board level.
14. 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 often includes coordination with parish registrars of voters.
15. Once a voter is assigned to their new district in ERIN, new voter registration cards containing a list of the district the voter resides in must be mailed to registered voters. Issuance of these cards helps decrease voter confusion. It also serves the purpose of letting 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. In order to facilitate this, cards must be mailed well before the deadline to submit nominating petitions, which for this election cycle is June 22, 2022.
16. It is primarily my responsibility to ensure that the elections run on schedule, and that all deadlines for election administration are met. In addition to the June 22, 2022 deadline for nominating petitions, the following important deadlines must be met during the run up to election day:
 - a. Candidate qualifying must be complete by July 22, 2022;
 - b. Objections to any candidates must be filed no later than July 29, 2022;

c. Absentee ballots to overseas service members and overseas residents must be mailed no later than September 24, 2022; and

d. Early voting begins for certain state residents on October 18, 2022.

This means that under the current schedule there is already less than a two-month period to adjudicate any objections to candidates and fully prepare all ballots. Additionally, registered voters may request an absentee ballot at any point, including today.

17. This year, administration for the 2022 election cycle has been made more difficult by a compressed timeline to accomplish all of these goals due to the late arrival of the 2020 census data. The Secretary of State's office is responsible for the implementation of the state redistricting plan in ERIN, as well as working with the registrars in each parish to complete local and parish redistricting. Due to the delays resulting from COVID-19, local jurisdictions are also experiencing difficulties in meeting these deadlines. Local challenges in meeting these obligations furthers the burden faced by our office in ensuring all plans are implemented prior to the deadline.

18. In view of the quickly approaching deadlines, assigning voters to their new congressional districts in the ERIN system has already begun. This work is necessary to ensure we meet deadlines set by state law given the late start caused by the late census data. We are also in the process of mailing voter registration cards to newly assigned voters in the new congressional districts.

19. Because of the census data delay, the administration of the congressional election has already been put under challenging time constraints. I am concerned that any further disruption to that process would make it difficult if not implausible to hold a successful and timely congressional primary election. Election administration should not be rushed.

Municipal elections that ran on March 26, on the new, redistricted lines, have already seen administration problems. Just this month, a judge required state and local officials to hold a new election in the City of Sulphur. *See* Exhibit A. The prior election was invalidated because voters were wrongly assigned to the district in question. Rushing the voter assignment process creates an unacceptable risk of error that leads to flawed elections.

20. The prospect of administering the election and mailing new voter cards after redistricting is complete is also currently hampered by a national paper shortage, with the Election Infrastructure Sector Coordinating Council recommending identifying paper needs with the ballot printing vendors at least 180 days prior to the election. The Election Infrastructure Sector Coordinating Council also recommends that we avoid wasting paper, as reprints could be difficult to fulfill with the lack of paper in stock. *See* Exhibits B and C.

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 29 day of April, 2022, at Baton Rouge, Louisiana.


SHERRI WHARTON HADSKY

Exhibit A

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BALLOT PAPER SUPPLY CHAIN RISK MANAGEMENT

Executive Overview

February 18, 2022

In June of 2021, the Election Infrastructure Subsector Coordinating Council (EI SCC) decided to explore the establishment of a SCC Supply Chain Risk Management (SCRM) Working Group (WG) with the general purpose to explore potential SCRM risks to the EI Subsector. In September 2021, it established SCRM Subgroups to develop SCRM risks in the HW, SW, Services and Ballot Paper areas. The “Ballot Paper” (BP) WG subsequently focused on assessing risks associated with the Ballot Paper Supply Chain and developing recommendations on how to manage those risks for Subsector Partners.

This working group has identified eight risk categories to the ballot paper supply chain. They are:

Pulp and paper mills	Raw materials
Ballot printers/mail fulfillment vendors	Transportation
Warehousing	Labor
Packaging	Last minute requests/changes

In each of these categories the SCC working group developed background and context information, specific vulnerabilities, risks and potential mitigations to manage the risk. For example, in the pulp/papermill category:

Background: The trend in the raw material of paper has been mills closing and less available paper supply sources. With the Covid-19 pandemic and various supply chain challenges, the print and mail industry has experienced some of the worst supply chain disruptions and price volatility in many decades. Prior to the pandemic, paper mills could produce and deliver up to ten truckloads of paper in as few as four weeks. In January 2022, print and mail vendors are not always guaranteed the full quantity of paper forecasted months in advance. Lead times are stated in months rather than weeks or days. We do not anticipate this market dynamic to last, but we must succeed in 2022 and plan through the upcoming presidential election cycle of 2024.

Vulnerability: The number of pulp and paper mills are reducing, resulting in less supply options for ballot printers and envelope manufacturers to obtain product from.

Risks:

- Less paper production means fewer options for ballot printers to fulfill your orders
- Less paper production means fewer options for ballot printers to fulfill election jurisdictions' last minute ballot orders
- We are experiencing less paper production and less supply which is translating to higher prices

Potential mitigation strategies:

- Secure contracts or service agreements immediately, as most printers will not be able to procure paper needed for requests outside of their present commitments.
- Discuss the anticipated paper needs with your print and mail vendor at least 180 days prior to your election.
- Focus on not wasting paper. Ballot proofing needs to be at its best. Reprints will be costly or potentially difficult to fulfill since ballot printers have less 'back-up' ballot stock. Order the correct amount “up front” to prevent costly or the inability to fulfill add-on orders.

The SCC working group has developed similar analysis for all eight risk categories which can be found in the attached report.

Exhibit B

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BALLOT PAPER SUPPLY CHAIN RISK MANAGEMENT

Working Group: Threats, Vulnerabilities, Risks and Mitigation

February 2022



Government Facilities Sector
Election Infrastructure
Subsector Coordinating Council

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EXECUTIVE SUMMARY

Ballot Paper Supply Chain Risk Management (BP-SCRM) is the process of identifying, assessing, preventing, and mitigating the risks associated with the distributed and interconnected nature of the manufacturing of blank ballot paper stock and its respective service supply chains that deliver to the ballot printers and ballot manufacturers. BP-SCRM addresses critical parts of the life cycle of the ballot paper supply chain and encompasses traditional supply chain management and supply chain security considerations. It is important to note this document is a snapshot in time (February 2022) and represents the supply chain as it exists today and for the foreseeable future through the 2022 election cycle.

In June of 2021, the Election Infrastructure Subsector Coordinating Council decided to explore establishment of an SCC Supply Chain Risk Management Working Group with general purpose to explore potential SCRM risks to the EI Subsector partnership. In September 2021, it established SCRM Subgroups to develop SCRM risks in the HW, SW, Services and Ballot Paper areas. The “Ballot Paper” WG subsequently focused on assessing risks associated with the BP SC and develop recommendations on how to manage those risks for Subsector Partners.

The Working Group (WG) membership was tasked with identifying a representative sample of the top BP-SCRM assets and threats specifically focused on suppliers, raw materials, manufacturing, and fulfillment. Once the main threats were identified, the WG proceeded to build and identify additional issues to capture and refine risk mitigation.

The groupings and descriptive titles were shared with the WG membership for review and comment. The WG determined a list of eight (8) asset categories that represented a reasonable model for this work product. These asset groupings served to guide the development of the threats and related events for conducting supply chain threat and risk assessment.

For each asset category, the WG developed a threat and mitigation model that included background information on the threat itself, the importance of this threat, and the potential risks and impacts it has on the supply chain. If found appropriate by the team, multiple issues were developed for the threat in each asset category.

The process and resulting narratives not only serve as a baseline evaluation of specific BP-SCRM threats but can be used as guidance for risk mitigation.

*Note: New redistricting efforts may impact the recommendations in this report. As redistricting plans are approved, changed and sometimes challenged in court, in the past, this has led to delays in the availability of final ballot content for election administrators as well as last minute court rulings that can result in ballot reprints or other mitigations.

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1.0 WORKING GROUP TEAM MEMBERS

Leadership team for Working Group:

TABLE 1—LEADERSHIP AND ADMINISTRATIVE SUPPORT FOR WORKING GROUP

Co-Chairs:	Chris Wlaschin	ES&S
	Jim Suver	Runbeck

Working Group consists of the members listed below:

TABLE 2—BALLOT PAPER SUPPLY CHAIN WORKING GROUP MEMBERS

Name	Company
Brad Moorhouse	K&H Print
Dave Haines	K&H Print
Doug Sunde	SeaChange
Edwin Smith	Smartmatic
Kimberly Waltz	Cathedral
Kristy Ericson	ES&S
Matt Bernhard	VotingWorks
Roberta Shoemaker	ES&S
Sean McCully	VoteShield

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2.0 BACKGROUND

In June of 2021, the Election Infrastructure Subsector Coordinating Council decided to explore establishment of an SCC Supply Chain Risk Management Working Group with general purpose to explore potential SCRM risks to the EI Subsector partnership. In September 2021, it established SCRM Subgroups to develop SCRM risks in the HW, SW, Services and Ballot Paper areas. The "Ballot Paper" WG subsequently focused on assessing risks associated with the BP SC and develop recommendations on how to manage those risks for Subsector Partners. Outlined below are the relationships between the respective risks and the relevant definitions used throughout this document.

2.1 Relationship between Threat, Vulnerability, and Risk

A threat is something (threat source) that interacts with a weakness (vulnerability), resulting in something bad happening (threat event). A vulnerability is a shortcoming in the *sustainability*, *security*, or *reliability* of an asset. Risk represents the potential for loss, injury, or destruction of an asset because of a threat exploiting a vulnerability. Risk is also the intersection of assets, threats, and vulnerabilities.

2.2 Relevant Definitions

Asset: A critical element of the supply chain. Assets can include manufacturing capabilities, raw materials, labor, fulfillment, or the ability to provide urgent services.

Vulnerability: A weakness that can be exploited or triggered by a threat.

Threat: Any circumstance or event with the potential to adversely impact organizational operations (including mission, functions, perception, or reputation), organizational assets, or individuals. A threat to the vulnerability of an asset creates the largest risk for the election process.

Issue: An example of a past or current circumstance adversely impacting organizational operations (including mission, functions, perception, or reputation), organizational assets, or individuals.

Risk: The potential for loss or inability to fulfill service commitments because of a threat exploiting a vulnerability.

Mitigation: The planning, activity or action that is suggested to minimize the risk to an entity or organization.

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3.0 OBJECTIVE, SCOPE, AND METHODOLOGY

This Working Group is focused on identifying the supply chain-related threat and conducting a risk assessment.

3.1 Objective

To produce a set of processes and criteria for conducting supplier, product, and service threat assessments and risk mitigations.

3.2 Scope

Challenges and strategies addressing the suppliers of raw material, labor, fulfillment, transportation, and traditional supply chain management practices.

3.3 Methodology

The Working Group initially conducted many meetings to build asset and threat categories from the diverse WG membership. There were no constraint parameters given to the identification of assets and threats, which is why the scope includes a wide representation of manufacturers products, labor, and services.

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4.0 ASSET AND THREAT CATEGORIES

4.1 Asset Category 1: Pulp/Paper Mills

4.1.1 Threat Category 1: Pulp/Paper Mills Have Closed/Consolidated

- Issue 1: Mills are closing
- Issue 2: Paper mills are converting operations to corrugated boxes and board stock
- Issue 3: Mills are not allowing ballot printers to order as much as the previous order
- Issue 4: Very long order lead times are now required for blank ballot paper
- Issue 5: Lack of inventory--less and less paper available to store
- Issue 6: Paper suppliers are periodically cancelling their commitment or reducing the order to the print and mail vendors
- Issue 7: Paper mill equipment is aging
- Issue 8: Paper mill operators are retiring

Background:

The trend in the lack of raw material and paper supply has been due to mills closing over the last few decades. With the Covid-19 pandemic and various supply chain challenges, the print and mail industry has experienced some of the worst supply chain disruptions and price volatility in many decades. Prior to the pandemic, paper mills could produce and deliver up to ten truckloads of paper in as few as four weeks. In February 2022, print and mail vendors are not always guaranteed the full quantity of paper forecasted months in advance. Lead times are stated in months rather than weeks or days. We do not anticipate this market dynamic to last, but we must succeed in 2022 and plan through the upcoming presidential election cycle of 2024.

Vulnerability

The number of pulp and paper mills is decreasing, resulting in fewer supply options for ballot printers and envelope manufacturers.

Risks

- Less paper production means fewer options for ballot printers to fulfill orders
- Less paper production means fewer options for ballot printers to fulfill election jurisdictions' last minute ballot orders changes and/or reprints.
- Less paper production and less supply which is translating to higher prices

Potential Mitigating Strategies for the Election Jurisdiction

- Secure contracts or service agreements immediately, as most printers will not be able to procure paper needed for requests outside of their present commitments
- Discuss the anticipated paper needs with print and mail vendor at least 180 days prior to the associated election
- Focus on reducing paper waste. Ballot proofing needs to be at its best to prevent reprints. Reprints will be costly or potentially difficult to fulfill since ballot printers have less 'back-up' ballot stock. Order the correct amount "up front" to avoid incurring additional costs or being unable to fulfill 'add-on' orders.

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4.2 Asset Category 2: Raw Materials

4.2.1 Threat Category 2: Raw Materials, Envelopes and other supplies - Lack of Availability

- Issue 1: Envelope suppliers are requiring 3 - 4+ month lead time to order
- Issue 2: Envelope producers are 'rationed' to their previous order volume
- Issue 3: Envelope suppliers are breaking their price contracts with ballot printers because the envelope suppliers cannot hold their prices
- Issue 4: Other envelope consumers (banks, healthcare) are overordering which 'consumes' press time for election envelope manufacturing
- Issue 5: Toner, ink and drum reserves are lower, and suppliers are rationing orders to ballot printers which have less backstock
- Issue 6: Outside buys for "I Voted" stickers are 3 - 4+ month lead time

Background:

The issues and challenges with the paper supply chain impacts the envelope industry and other materials used in the ballot mail packets. Shortages in labor impact the ability for these supplies to be manufactured. Lead time to order raw materials has been longer than we have seen in decades.

Vulnerability

- Lack of backstock for paper
- Lack of envelope producers
- Lower or depleted back stock of toner, ink, and drums

Risks

- Less paper production means fewer options for ballot printers to fulfill orders
- Less envelope production means fewer options for ballot printers for last minute paper
- The lead time for orders is getting very long, risking last minute ballot print needs
- Orders without sufficient lead time may not be able to be fulfilled risking compliance with constitutional or statutory election requirements
- Other industries creating demand for the same products

Potential Mitigating Strategies for the Election Jurisdiction

- Cannot waste paper — Better proofing and ownership of the proofing
- Cannot waste paper — Order the correct amount up front and avoid wasting time in order fulfillment
- Order early to avoid placement at the back of the line with the ballot printer. Make sure to stay ahead of the line for production and fulfillment

Questions to Consider:

- Have you decided your poll ballot versus absentee/vote by mail plan?
- Are you forecasting your ballot and envelope orders as early as you can?
- Are you, in turn, placing your ballot and envelope order to your print vendors?
- Are you or the state requiring 'one off' print solutions unique to your jurisdiction causing undue risk to fulfill – undue risk you may not know about?
- Do you have a contingency budget for raw material pricing increases due to supply chain shortages?
- Do you have a plan to ask for more money/budget allocation from your respective Board/s?
- Are your inserts unique in size and paper weight?
- Are you ordering 'I voted' stickers as early as possible?
- Are you going to easily meet your UOCAVA deadline, or will it require 'last minute' activity for you and your ballot printer?

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4.3 Asset Category 3: Ballot Printers and Mail Fulfillment vendors

4.3.1 Threat Category 3: New or Inexperienced Ballot Printers and/or Mail Fulfillment Providers Entering the Election Market

- Issue 1: Market entry of new or inexperienced ballot printers in 2020
- Issue 2: New or inexperienced printers can unintentionally bring unnecessary risks and political exposure in this election cycle
- Issue 3: Lack of defined RFP specifications for hiring ballot print vendors
- Issue 4: Last minute RFPs for election services may draw inexperienced printers to the market, as existing election print and mail providers may choose not to respond in a rushed procurement timeline

Background:

The Covid-19 pandemic during the 2020 election cycle introduced many new challenges to the election process, challenges we had not faced in the last 100 years. One voting option that grew during this cycle was absentee voting and/or vote by mail. Because of the increased demand for this voting option, we saw new ballot and mail vendors looking for opportunities to enter the election market. Some had success, others did not. Those that were not as successful may not have understood the gravity, the complexity, and the expectation this market needs from their print and mail vendors.

Vulnerability

- Potential for the lack of industry knowledge by the new print vendors in the election market
- Potential for the lack of industry knowledge around the USPS election mail guidelines and processing
- The potential for a lack of manufacturing knowledge by the jurisdiction doing the hiring. Jurisdictions must know the correct criteria and skills needed by their manufacturers when hiring a ballot printer or election mail fulfillment vendor

Risks

- Inexperienced ballot printers to the election marketplace may introduce other risks to the jurisdiction
- Inexperienced envelope printers to the election marketplace may introduce other risks to the jurisdiction
- Inexperienced election mail fulfillment vendors may send incorrect ballots to voters.

Potential Mitigating Strategies for the Election Jurisdiction

- Consider soliciting for value added proposals, not only the lowest price
- Contract sooner with your print vendor so they can provide the jurisdiction more lead time to order paper for future elections.
- Longer term contracts allow the print vendor the ability to understand the jurisdiction's needs and anticipate paper needs in the future.

Questions to Consider:

- Do you have 'back up' ballot printers?
- Can a new vendor get the ballot paper needed?
- Can a new vendor get envelopes needed?
- Is the vendor aware of the testing needed for ballots?
- Does the vendor have a defined manufacturing quality process in place?
- What quality and accuracy verification processes does the vendor use?
- Does your print and mail vendor have reserve capacity?
- Does your print and mail vendor have access to certified materials?
- Are you using a defined ballot print/mail RFP process?
- Is your ballot print company 'audited' or experienced in elections?
- Does your printer have any third-party audit and/or accreditation?
- Does your printer have a disaster recovery plan?
- What is your printer's security process?

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- What are your printer's election compliance regulations?
- Is the print and mail vendor taking on too much?
- Is the print and mail vendor experienced with elections?
- Is the print and mail vendor able to scale up for other election demands?
- Is the printer committed to "responsible growth" versus chasing new revenue?
- Can your current printer fulfill your needs for the 2022 election cycle?
- Are your printers dedicated to the election industry work or is election work 'part time' for them?
- A commercial print and mail order and an election print and mail order can be very different. Make sure election material order definitions and expectations are reviewed many times to eliminate surprises
- Is election printing sustainable for the print and mail vendor or do they need supplemental work in the off year (or odd numbered i.e., 2019, 2021, 2023)?
- Is your new print and mail vendor a commercial printer first — and an election printer second? If they are a commercial print vendor first, do they understand the need for 100% accuracy?

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4.4 Asset Category 4: Transportation

4.4.1 Threat Category 4: Transportation Inefficiencies

- Issue 1: Difficult to have “on demand” tractor/trailer combinations to move product. Short notice for transportation needs is no longer an option
- Issue 2: Promised deliveries by suppliers are not being fulfilled, putting more pressure on ballot printers to fulfill orders to the jurisdictions
- Issue 3: It is difficult to “buy your way out” of the transportation supply chain problem
- Issue 4: Other industries are using and maintaining custody of the trailer and using the trailer for storage to gain efficiencies in their supply chain, but this impacts the supply of trailers for other industries
- Issue 5: All delivery mechanisms for the printers/mail fulfillment vendors are impacted including; trucks, trailers, drivers, UPS, FEDEX and USPS

Background:

Transportation challenges are global, but they are impacting the election market domestically in specific ways. The shortage in labor reduces the availability of tractor/trailer combinations and their ability to deliver the necessary material to the print and mail vendors. In turn, this impacts the ability to easily deliver ballots and mail packets to the jurisdictions. These issues require more planning and lead time to accommodate the shortcomings in supply.

Vulnerability

- Shortage of trailers
- Shortage of labor
- USPS facilities are closing

Risks

- Delivery of raw material to printers
- Delivery of materials to election jurisdictions
- Delivery of materials to USPS

Potential Mitigating Strategies for the Election Jurisdiction

- Communicating reasonable messages and expectations
- Confirm vendors are not overpromising
- Develop a USPS strategy on where to execute mail entry
- Schedule for mail drops that are critical to election standards
- State-specific: Some states have an expectation that sample ballot material must be mailed at the same time as the official absentee/vote-by-mail packet. The transportation and logistical challenge occur when the sample ballot material is late, and it falsely delays the mailing of the official absentee/vote-by-mail packets. Explore if this expectation can be relaxed to allow the official absentee/vote-by-mail packets to be mailed through USPS when the packets are ready.
- USPS messaging is conflicting and not as timely
- There are different entry timing/days for the UPSP. Work with your USPS representative early to develop the strategies and processes for delivering and receiving your election mail.
- Plan for USPS facility shutdowns or abbreviated schedules due to Covid-19 and/or labor shortage

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4.5 Asset Category 5: Warehousing

4.5.1 Threat Category 5: Reduction in Warehousing

- Issue 1: General warehousing is becoming limited in some areas of the country
- Issue 2: Print vendors are needing to store/warehouse more product
- Issue 3: Print and mail storage by suppliers and the availability of that storage is also limited
- Issue 4: Paper suppliers of ballot stock are storing less inventory for the print and mail vendors

Background:

The inventory of warehouse space has diminished in larger metropolitan markets. Labor shortages have contributed to the cost of these services increasing while the general supply chain of leasable square footage is reduced. Because of the reduction in supply, the price for warehouse storage and services has also increased.

Vulnerability

- Lack of storage around the U.S.
- Lack of labor for warehousing tasks to be performed

Risks

- Delivery of final product
- Other industries are still creating demand for this warehousing service

Potential Mitigating Strategies for The Election Jurisdiction

- Consider if your jurisdiction can take an early delivery of ballots/mail packets to hold and store before it needs to be presented at the USPS
- Consider or plan on a warehousing budget in your future election plan

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4.6 Asset Category 6: Labor

4.6.1 Threat Category 6: Labor shortages

- Issue 1: Labor shortages limit ability for mills to scale up
- Issue 2: Labor shortages limits increases in blank ballot paper
- Issue 3: Labor shortages negatively impact warehousing and transportation services
- Issue 4: Pandemic related absences and “employee leave laws” may impact labor availability with little or no advance notice
- Issue 5: More effort and resource demands are needed by ballot print vendors for recruiting and hiring FTEs and temporary labor
- Issue 6: Wage increases — this is a ‘never ending’ issue
- Issue 7: Hiring skilled and unskilled labor and its retention

Background:

Labor shortages have impacted all elements of the supply chain and will continue through the 2022 election cycle. Print and mail vendors are seeing shortages in skilled and unskilled labor. Successful production outcomes require renewed advance planning for sustained labor throughout the year. Additionally, wage increases are continuing, and influencing the behavior of the labor force. Labor retention has become an emphasis in a less predictable labor market.

Vulnerability

- Lack of labor reduces production ability and certainty

Risks

- Delivery of final product
- Other industries creating demand for labor (e.g., McDonalds pays \$21/hour)
- Labor costs are going up and these labor rates need to be matched to retain the workforce

Potential Mitigating Strategies for the Election Jurisdiction

- Consider if the print vendor has labor issues addressed or solved
- Due to labor shortages, costs will increase which may impact your jurisdiction’s budget

Questions to Consider

- Is your print and mail vendor paying ‘par’ or better wages to keep labor to fulfil the jurisdiction’s orders?
- If your print and mail vendor is not keeping up with the needed labor supply will your election order be finished and completed accurately?
- Does your print and mail vendor have back up labor sources?

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4.7 Asset Category 7: Packaging

4.7.1 Threat Category 7: Reduction in Packaging Availability

- Issue 1: Non cardboard packaging requires longer ordering lead times
- Issue 2: Less availability of cardboard boxes and longer ordering lead times
- Issue 3: Substantial price increases of cardboard boxes

Background:

The reduction in raw materials and labor shortages has also impacted the cost and availability of packaging and packaging supplies. These issues are real threats as the print and mail vendors rely on these resources to safely package, label, inventory and transport ballots and election material to the jurisdictions. Print and mail providers cannot be without packaging as this is an important element in the chain of custody process provided to the jurisdictions.

Vulnerability

- Lack of materials
- Lack of labor
- Increased lead time to order

Risks

- If there is no packaging, the safety of ballot and mail packet content is at risk
- It can delay the delivery of final product
- Other industries creating demand for cardboard packaging

Potential Questions for the Election Jurisdiction

- Does your print vendor have back up packaging?
- Can an election jurisdiction be flexible to packaging alternatives?
- Can order fulfillment be different and still meet the jurisdiction's needs?

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4.8 Asset Category 8: The ability of Print and Mail Vendors to Successfully Fulfill or Address Unknown, Urgent Requests or Issues Closer to Election Day

4.8.1 Threat Category 8: Supply Chain Constraints Reduce the Ability of Print and Mail Vendors to Successfully Fulfill or Address Unknown, Urgent Requests, or Issues Closer to Election Day

- Issue 1: Ballot changes that happen after proofing
- Issue 2: Envelope changes that happen after proofing
- Issue 3: Late or custom envelope orders
- Issue 4: Constant announcements by USPS of fewer hours to be open--USPS never or rarely announces they will offer longer hours of service
- Issue 5: USPS announces new delays and new revised delivery schedules
- Issue 6: Last minute ballot orders and absentee mail packets orders

Background:

Historically, it has been an asset that jurisdictions rely on and receive quick fulfillment of their urgent ballot and mail requests the closer and closer it gets to Election Day. It has also been an asset that the print and mail vendors can successfully react and overcome unknown, urgent challenges (i.e., transportation, warehousing) that are not directly related to a jurisdiction's order. Additionally, as new redistricting plans are approved, changed and sometimes challenged in court with last minute court rulings these variables result in delays of final ballot content. This forces election administrators, jurisdictions, and ballot and envelope vendors to emergently manage late ballot reprints which will further strain this critical supply chain challenge. In 2022, with the current supply chain issues, the asset of successful 'expedited services' will be more difficult to provide.

Vulnerability

- Availability of paper resources is less
- Availability of transportation resources is less
- Lack of labor resources
- Lack of all resources to react like we have been able to in the past

Risks

- Inability for print and mail vendors to fulfill last minute orders
- Delivery of final product

Potential Mitigating Strategies for the Election Jurisdiction

- Consider and work with your vendor to discuss paper and envelope inventory and how they could or could not fulfill a request in an emergency
- Confirm your print and mail vendor has reserve manufacturing capacity to handle an emergency.
- Manage expectation — when the lawsuits happen after candidate filing, print and mail vendors will NOT have the same flexibility and latitude to react as in the past
- If and when ballot access litigation occurs, confer with the print vendors and advise the court about practical deadlines to meet statutory requirements
- Consider changes to law providing for longer election lead times
- Consider your jurisdiction's decision process and how it impacts your vendor's manufacturing ability to fulfill your request in the current supply chain environment

Questions to Consider:

- What do you anticipate your print and mail emergency to be and what are the dependencies on paper and envelope supply chain issues?
- What do you anticipate your print and mail emergency to be and what are its dependencies on transportation?
- What is your county's print and mail contingency plan?
- The election timeline needs to be understood and met by the election jurisdiction. We all know lost days cannot be recovered by the jurisdiction or the print and mail vendors.

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5.0 CONCLUSION

Successful elections require good partnerships from all parties. As we learn and understand these threats and issues, we need to work together to overcome them. Election planning, communication and extended lead times are the most important factors in this current supply chain environment. The guidance outlined in this document is an artifact intended to benefit all the respective stakeholders through the 2022 election cycle. The BP SCRM will continue to monitor these documented risks and will be glad to share these recommendations with Subsector partners as appropriate.

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Exhibit C

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MICHAEL "MIKE" KOONCE, AS A
CANDIDATE FOR THE OFFICE OF
COUNCILMAN FOR THE CITY OF
SULPHUR, DISTRICT 2

NO. 2022-1323

DIV: H

14TH JUDICIAL DISTRICT COURT

VERSUS

HONORABLE ROBERT KYLE
ARDOIN, SECRETARY OF STATE,
STATE OF LOUISIANA and
NICHOLAS NEZAT

PARISH OF CALCASIEU

JUDGMENT

FILED APR 18 2022
Jenifer Wyatt
Deputy Clerk of Court
Parish of Calcasieu, Louisiana

This matter came before this Court for trial on April 8, 2022.

Present in Court were:

Plaintiff and Defendant-in-Reconvention, Michael "Mike" Koonce, and his attorney, R.

Michael McHale;

Defendant and Plaintiff-in-Reconvention, Nicholas Nezat, and his attorneys, Adam Johnson
and Kilburn Landry; and

Celia R. Cangelosi, attorney for defendant, Robert Kyle Ardoin, Secretary of State, State of
Louisiana.

The Court, after considering the pleadings, testimony, evidence adduced and applicable law,
and for reasons orally assigned, rendered judgment as follows:

IT IS ORDERED, ADJUDGED AND DECREED that judgment is rendered herein in favor
of plaintiff, Michael "Mike" Koonce, and against defendants, Nicholas Nezat and Robert Kyle
Ardoin, Secretary of State, State of Louisiana, declaring the March 26, 2022, election for the office
of Councilman, City of Sulphur, District 2, null and void, and ordering that a new election for
Councilman, City of Sulphur, District 2, be held on June 4, 2022, with early voting beginning May
21, 2022 through May 28, 2022;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is rendered in
favor of defendant-in-reconvention, Michael "Mike" Koonce, and against plaintiff-in-reconvention,
Nicholas Nezat, dismissing the reconventional demand filed by Nicholas Nezat; and

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that each party shall bear its
own costs.

JUDGMENT RENDERED in Open Court at 6:05 p.m. on April 8, 2022;

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JUDGMENT READ AND SIGNED in Chambers at Lake Charles, Louisiana, on April 18,

2022.

Kendrick J. Guidry
HONORABLE KENDRICK J. GUIDRY
Judge, 14th Judicial District Court

Judgment Prepared and Submitted By:

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