

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

EDWARD GALMON, SR., CIARA
HART, NORRIS HENDERSON, and
TRAMELLE HOWARD

Plaintiffs,

v.

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

Defendant

Case No.: 3:22-CV-00214-BAJ-RLB

THE STATE OF LOUISIANA'S MOTION TO INTERVENE

The State of Louisiana, by and through Attorney General Jeff Landry, moves to intervene pursuant to Federal Rule of Civil Procedure 24. The Court should grant the State's motion to intervene because it satisfies the requirements of intervention as of right and of permissive intervention under Federal Rule of Civil Procedure 24.

BACKGROUND

This case arises out of the decennial reapportionment and redistricting of the United States congressional districts in Louisiana. On February 18, 2022, the Legislature passed HB 1 and SB 5, redistricting congressional districts, during the First Extraordinary Session. On March 9, 2022, the Governor vetoed the bills. On March 30, 2022, the Louisiana Legislature convened in a veto session and voted to override the Governor's veto to HB 1 of the 2022 First Extraordinary Session.

Plaintiffs challenge the congressional redistricting plan enacted by the Louisiana Legislature. Plaintiffs ask this Court to step in and remedy an alleged

violation of the Voting Rights Act of 1965. *See* Complaint, ECF No. 1 at 26. Plaintiffs allege that the plan dilutes “the political power of the state’s Black voters.” *Id.* at 11, ¶ 40. Plaintiffs allege dilution of Black voting strength by “packing and cracking Black voters.” *Id.* at 11, ¶ 42. Plaintiffs ask the Court to declare the plan unlawful, enjoin its use in future elections, take actions to adopt a second majority-minority district, and grant such other relief the Court deems appropriate. *Id.* at 26 (Prayer for Relief).

ARGUMENT

Federal Rule of Civil Procedure 24(a) requires a federal court to permit intervention of a non-party who “claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, unless existing parties adequately represent that interest.” Fed. R. Civ. P. 24(a)(2). Rule 24(b) permits a federal court to allow intervention of non-parties that tender “a claim or defense that shares with the main action a common question of law or fact.” Fed. R. Civ. P. 24(b)(1)(B). “Rule 24 is to be liberally construed” in favor of intervention. *Brumfield v. Dodd*, 749 F.3d 339, 341 (5th Cir. 2014); *accord Wal-Mart Stores, Inc. v. Tex. Alcoholic Beverage Comm’n*, 834 F.3d 562, 565 (5th Cir. 2016). “The inquiry is a flexible one, and a practical analysis of the facts and circumstances of each case is appropriate.” *Brumfield*, 749 F.3d at 341 (internal quotation marks omitted). “Intervention should generally be allowed where no one would be hurt and greater justice could be attained.” *Ross v. Marshall*, 426 F.3d 745, 753 (5th Cir. 2005).

I. LOUISIANA SATISFIES THE REQUIREMENTS FOR INTERVENTION AS OF RIGHT.

Under Rule 24, “[a] party seeking to intervene as of right must satisfy four requirements: (1) The application must be timely; (2) the applicant must have an interest relating to the property or transaction that is the subject of the action; (3) the applicant must be so situated that the disposition of the action may, as a practical matter, impair or impede its ability to protect its interest; and (4) the applicant’s interest must be inadequately represented by the existing parties to the suit.” *Brumfield*, 749 F.3d at 341 (citation omitted). The State satisfies each of these elements.

A. The State’s Application Is Timely.

This intervention motion is timely. The Complaint was filed on March 30, 2022, the deadline for responsive pleadings has not yet passed, and no meaningful case events have occurred. As a result, “timeliness is not at issue.” *Brumfield*, 749 F.3d at 342; *see also Edwards v. City of Houston*, 78 F.3d 983, 1000 (5th Cir. 1996) (finding that delays of “only 37 and 47 days . . . are not unreasonable”); *Ross*, 426 F.3d at 755 (permitting post-judgment intervention); *United States v. Virginia*, 282 F.R.D. 403, 405 (E.D. Va. 2012) (“Where a case has not progressed beyond the initial pleading stage, a motion to intervene is timely.”); *Mullins v. De Soto Securities Co.*, 3 F.R.D. 432, 433 (W.D. La. 1944) (finding motion to intervene timely during the initial pleading stage).

B. The State Has the Requisite Interest in the Subject of this Case.

The State “has a ‘direct, substantial, legally protectable interest in the proceedings.’” *Edwards*, 78 F.3d at 1004 (quoting *New Orleans Pub. Serv., Inc. v. United Gas Pipe Line Co.*, 732 F.2d 452, 463 (5th Cir. 1984)). “A ‘legally protectable’ right” for intervention purposes “is not identical to a ‘legally enforceable’ right, such that ‘an interest is sufficient if it is of the type that the law deems worthy of protection, even if the intervenor . . . would not have standing to pursue her own claim.’” *DeOtte v. Nevada*, 20 F.4th 1055, 1068 (5th Cir. 2021) (citations omitted); accord *Wal-Mart Stores*, 834 F.3d at 566. Rather, “[a] movant found to be a ‘real party in interest’ generally establishes sufficient interest.” *League of United Latin Am. Citizens, Council No. 4434 v. Clements*, 884 F.2d 185, 187 (5th Cir. 1989) (“LULAC, Council No. 4434”). “[A] ‘real party in interest’ may be ascertained by determining whether that party caused the injury and, if so, whether it has the power to comply with a remedial order of the court.” *Id.* at 187.

Jeff Landry is the duly elected Attorney General for the State of Louisiana. As the State’s “chief legal officer,” he is charged with “the assertion and protection of the rights and interests” of the State and its taxpayers and citizens, and he has a sworn duty to uphold the State’s Constitution and laws. La. Const. art. IV., § 8. The Louisiana Constitution gives him authority “to institute, prosecute, or *intervene* in any civil action or proceeding.” *Id.* (emphasis added). The State’s intervention is necessary here as a matter of right, through its constitutionally designated officer, Attorney General Jeff Landry, to defend the State’s congressional plan.

The Attorney General also has a right under state and federal law to defend the legality and constitutionality of state laws. When a state statute has been challenged, article 1880 of the Louisiana Code of Civil Procedure requires certification of the issue to the state attorney general. The Federal Rule of Civil Procedure require the same. *See* Fed. R. Civ. P. 5.1(B)(2) (requiring parties to “serve the notice and paper on . . . the state attorney general if a state statute is questioned”). Here, Plaintiffs’ complaint calls into question the legality of state law.

Additionally, the Louisiana Attorney General maintains a longstanding history of defending the State in Voting Rights litigation in Louisiana.¹ *See, e.g., Chisom v. Edwards*, No. 2:86-cv-4075 (E.D. La. 1986); *Clark v. Edwards*, No. 86-cv-435 (M.D. La. 1986); *Prejean v. Foster*, No. 99-30360 (M.D. La. 1999); *Hall v. Louisiana*, No. 3:12-cv-0657 (M.D. La. 2012); *Terrebonne Par. Branch NAACP v. Jindal*, No. 3:14-cv-0069 (M.D. La. 2014); *La. State Conf. of the NAACP v. Louisiana*, No. 3:19-cv-00479 (M.D. La. 2019).

In short, the State of Louisiana, through Attorney General Jeff Landry, has the requisite interest in the subject of this case, and he has a right to intervene as a matter of law to protect the interests of the State.

C. The Disposition of this Case May Substantially Impair or Impede the State’s Interests.

¹ Attorneys general routinely defend their states against challenges to electoral methods for judicial and non-judicial offices. *See Houston Lawyers Ass’n v. Att’y Gen. of Tex.*, 501 U.S. 149 (1991) (Texas attorney general); *Thornburg v. Gingles*, 478 U.S. 30 (1986) (North Carolina attorney general); *S. Christian Leadership Conf. of Ala. v. Sessions*, 56 F.3d 1281 (11th Cir. 1995) (en banc) (Alabama attorney general); *LULAC v. Clements*, 999 F.2d 831 (5th Cir. 1993) (en banc) (Texas attorney general).

Without intervention, the disposition of this case will impair the State of Louisiana's ability to protect its interests, and it will impair and impede the Attorney General from carrying out his constitutional duties to defend and uphold the laws of the State of Louisiana.

Plaintiffs mount serious allegations against the State that the State cannot defend against without intervening. Plaintiffs allege that Louisiana has a long, tragic history of voting-related discrimination. *See* Complaint, ECF No. 1 at 13, ¶ 50. Plaintiffs allege that the State has undertaken efforts to minimize minority representation through congressional and legislative redistricting. *See id.* at 19, ¶ 70. Plaintiffs allege that "Louisiana's practice of voter discrimination is not merely historic" and that the State continues to implement voting practices that have "hindered the ability of Black citizens to participate equally in the political process." *Id.* at 20, ¶ 75. Plaintiffs allege that Louisiana continues to disenfranchise felons. *See id.* Plaintiffs allege ongoing effects of Louisiana's history of discrimination. *See id.* at 21–22. All of these are very serious allegations directed against the State itself. The State has both a right and obligation to defend against them.

In addition to his duties outlined above, the State of Louisiana provides the Attorney General of Louisiana with an active role in elections, which warrants intervention as a matter of right. The Attorney General is required by State law to approve election forms prepared by the Louisiana Secretary of State, *see* La. R.S. 18:18(A)(3); he is statutory counsel for each parish's Registrar of Voters, *see* La. R.S. 18:64; and he is statutory counsel for each Parish Board of Election Supervisors, *see*

La. R.S. 18:423(G). Additionally, he serves as a member on the State's Board of Election Supervisors. *See La. R.S. 18:23(A)(3)*.

The Attorney General also carries out other election responsibilities for the State of Louisiana as established in the Louisiana Election Code, including approving summaries of constitutional amendments, *see La. R.S. 18:431(C)*; standing to initiate actions against convicted felons from running for office, *see La. R.S. 18:495*; authority to enforce laws regarding the establishment of precincts and precinct boundaries, *see La. R.S. 18:537*; authority to initiate actions to declare an office vacant, *see La. R.S. 18:671(C)*; making appointments to the Voting System Commission, *see La. R.S. 18:1362.1*; collections for election expenses, *see La. R.S. 18:1400.6*; receiving allegations of election fraud, *see La. R.S. 18:1412*; preparing the election offense packet for candidates, *see La. R.S. 18:1472*; and authority to initiate criminal actions for campaign finance violations, *see La. R.S. 18:1511.6*.

Disposing of this case without intervention will impair the State's interests in providing a defense to Plaintiffs' challenge to the method of electing members to Congress. Further, the Court's determination could have long lasting impacts on the State.

D. The State's Interests are Inadequately Represented by the Existing Parties.

The State's interests are inadequately represented by the existing parties to the suit. The Attorney General has an interest in defending the injury to the State itself that would result from an injunction against or changes to the challenged

congressional plans, and/or a determination that the current plan passed by the State Legislature is unlawful.

In *Miller v. Vilsack*, the Fifth Circuit recently discussed two presumptions that must be considered when determining if representation by the current parties is inadequate. No. 21-11271, 2022 WL 851782 (5th Cir. Mar. 22, 2022). The burden by the proposed intervenor is minimal. *Id.* (citing *Sierra Club v. Espy*, 18 F.3d 1202, 1207 (5th Cir. 1994)). The burden, however, “cannot be treated as so minimal as to write the requirement completely out of the rule.” *Id.* The first presumption applies “when the would-be intervenor has the same ultimate objective as a party to the lawsuit.” *Id.* The second presumption applies in cases where a party “is presumed to represent the interests of all of its citizens,” *Hopwood v. Texas*, 21 F.3d 603, 605 (5th Cir. 1994) (per curiam), such as “when the putative representative is a governmental body or officer charged by law with representing the interests of the [intervenor],” *Texas*, 805 F.3d at 661 (quotation omitted). This presumption is limited, however, to “suits involving matters of sovereign interest.” *Edwards*, 78 F.3d at 1005.

There is no reason to believe that the State’s sovereign interests will be represented by existing parties. This is not a case where “the would-be intervenor has the same ultimate objective as a party to the lawsuit.” See *Entergy Gulf States*, 817 F.3d (citation omitted). The Defendant Secretary of State’s objective is in the orderly implementation of whatever election rules are in force. The Attorney General is a separately elected official tasked specifically with defending the laws and sovereign interests of the State of Louisiana. The Attorney General intends to defend the

challenged plans, the policies undergirding them, and the sovereign interests of the State.

The State has unique sovereign interests not shared by the other parties. Any proposed judgment involving injunctive relief or federal oversight would have future consequences for the State and necessarily involve the State's sovereign interests. As pointed out recently by the United States Supreme Court, it is one thing for a State to change its election laws close to its own elections. But it is different for a federal court to swoop in and redo a State's election laws in the period close to an election. *See Merrill v. Milligan*, 595 U.S. ____ (2022).

"Reapportionment is primarily the duty and responsibility of the State." *Chapman v. Meier*, 420 U.S. 1, 27 (1975); *see also Voinovich v. Quilter*, 507 U.S. 146, 156–57 (1993); *Grove v. Emison*, 507 U.S. 25, 34 (1993). Electoral districting is a most difficult subject for legislatures, and so the States must have discretion to exercise the political judgment necessary to balance competing interests.

Plaintiffs have alleged that the congressional redistricting plan for Louisiana is invalid and unlawful. Plaintiffs request an injunction enjoining the Secretary of State from enforcing or giving effect to boundaries of the congressional districts and from conducting congressional elections in accordance with that plan until the next decennial reapportionment occurs. It is necessary that Louisiana's Chief Legal Officer be allowed to intervene to make sure that the State's interests are adequately protected.

II. IN THE ALTERNATIVE, THE STATE SHOULD BE GRANTED PERMISSIVE INTERVENTION.

The Attorney General fulfills the requirements for permissive intervention. Federal Rule of Civil Procedure 24(b)(1) provides that “[o]n timely motion, the court may permit anyone to intervene who: (A) is given a conditional right to intervene by a federal statute; or (B) has a claim or defense that shares with the main action a common question of law or fact.” “In exercising its discretion, the court must consider whether the intervention will unduly delay or prejudice the adjudication of the original parties' rights.” Fed. R. Civ. P. 24(b)(3). Permissive intervention under Rule 24(b) “is wholly discretionary with the [district] court . . . even though there is a common question of law or fact, or the requirements of Rule 24(b) are otherwise satisfied.” *Kneeland v. Nat’l Collegiate Athletic Ass’n*, 806 F.2d 1285, 1289 (5th Cir. 1987). Intervention is appropriate when: “(1) timely application is made by the intervenor, (2) the intervenor's claim or defense and the main action have a question of law or fact in common, and (3) intervention will not unduly delay or prejudice the adjudication of the rights of the original parties.” See *Frazier v. Wireline Solutions, LLC*, 2010 WL 2352058, at *4 (S.D. Tex. June 10, 2010) (citation omitted); *In re Enron Corp. Sec., Derivative & “ERISA” Litig.*, 229 F.R.D. 126, 131 (S.D. Tex. 2005).

As discussed above, the intervention is timely; the Attorney General’s claims or defense and the main action have a question of law or fact in common; and the intervention will not unduly delay or prejudice the adjudication of the rights of the original parties. Moreover, the Attorney General’s intervention will facilitate an equitable result. The Attorney General can provide a crucial perspective on the

important issues implicated by the Complaint. This case has significant implications; therefore, it is essential that all arguments in attack of the continued viability of the congressional plan receive full attention. For the reasons stated above, this Court should grant this motion permissively, if it does not grant it as of right.

CONCLUSION

The Court should grant the State of Louisiana's Motion to Intervene, and Louisiana Attorney General Jeff Landry should be allowed to fulfill his constitutional duty to represent the State's interests.

Dated: April 12, 2022

Respectfully Submitted,

Jeff Landry
Louisiana Attorney General

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 12th day of April 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Angelique Duhon Freel
Angelique Duhon Freel

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

EDWARD GALMON, SR., CIARA
HART, NORRIS HENDERSON, and
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Plaintiffs,

v.

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

Defendant

Case No.: 3:22-CV-00214-BAJ-RLB

ORDER

Upon consideration of the State of Louisiana's motion to intervene, and considering the grounds presented, it is hereby ORDERED that the motion is GRANTED; and further ORDERED that the Proposed Intervenor are permitted to participate in the above captioned matter as Intervenor-Defendants; SO ORDERED.

This ____ day of _____ 2022.

United States District Judge

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

EDWARD GALMON, SR, CIARA HART,
NORRIS HENDERSON, and TRAMELLE
HOWARD

Plaintiffs,

v.

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

Defendant.

Case No. 3:22-0214-BAJ-RLB

**ANSWER AND DEFENSES BY DEFENDANT/INTERVENOR STATE OF LOUISIANA,
THROUGH JEFF LANDRY IN HIS OFFICIAL CAPACITY AS LOUISIANA
ATTORNEY GENERAL**

NOW INTO COURT, through undersigned counsel, comes Defendant/Intervenor, the State of Louisiana ("State"), through Jeff Landry, in his official capacity as Louisiana Attorney General ("Attorney General"), who responds to the Complaint for Declaratory and Injunctive Relief by denying each and every paragraph thereof except as expressly admitted herein and further answers and pleads defenses as follows:

AFFIRMATIVE DEFENSES

First Defense - Lack of Subject Matter Jurisdiction

A.

The case raises a political question reserved to the Congress of the United States pursuant to the Elections Clause (Article I, Section 4, Cl. 1) of the U.S. Constitution so that this Court lacks jurisdiction over the subject matter of the claim to the extent the case seeks to alter an act of the

Louisiana Legislature relating to the time, place and manner of holding elections for U.S. Representatives.

B.

These claims are not justiciable claims capable of resolution by the federal courts to the extent they assert or involve partisan gerrymandering that is traditionally and historically beyond the reach of the courts as political questions.

C.

Some or all of the plaintiffs fail to show a sufficient interest and/or injury arising from the challenged Louisiana law establishing U.S. Congressional Districts and so lack standing to assert the claims set out in the Complaint, including but not limited to plaintiffs, Tramelle Howard and Norris Henderson.

Second Defense - Failure to State a Claim Upon Which Relief Can Be Granted

Some or all of the plaintiffs fail to state a claim upon which relief can be granted, including by not limited to plaintiffs, Tramelle Howard and Norris Henderson, who, if their allegations are true, do not assert a cognizable claim and would not be entitled to relief under existing law.

Third Defense – Failure to Join a Required Party

Plaintiffs failed to join parties required under Fed. R. Civ. P. 19(a) who have an interest relating to the subject of the action and are so situated that disposing of the action in their absence may as a practical matter impair or impede their ability to protect their interests.

AND NOW FURTHERING ANSWERING the particular allegations and averments of the Complaint, the State pleads as follows:

1.

The State is without sufficient information to confirm or deny the Plaintiffs' reason for bringing this action; therefore, the allegations in Paragraph 1 are denied. However, from the allegations set out by some or all of the Plaintiffs, the Complaint seeks to challenge the act of the Louisiana Legislature reapportioning and redistricting U.S. House of Representative Districts on Fourteenth and Fifteenth Equal Protection grounds wherein the Plaintiffs set out a general claim of inequitable composition and make-up of congressional election districts.

2.

The allegations of Paragraph 2 are conclusory and require no response but are denied out of an abundance of caution.

3.

The allegations of Paragraph 3 are conclusory and require no response but are denied out of an abundance of caution.

4.

The allegations of Paragraph 4 are conclusory and require no response but are denied out of an abundance of caution.

5.

The allegations of Paragraph 5 are conclusory and require no response but are denied out of an abundance of caution.

6.

The allegations of Paragraph 6 are conclusory and require no response but are denied out of an abundance of caution.

7.

Paragraph 7 requires no response from the State but the allegations are denied out of an abundance of caution.

JURISDICTION AND VENUE

8.

Reserving the jurisdictional objections raised in its Affirmative Defenses, the State admits that the jurisdictional statutes cited in Paragraph 8 are the correct jurisdictional statutes for this claim, but the State avers that the claims asserted in the Complaint arise, in whole or in part, under the United States Constitution.

9.

To the extent the court has jurisdiction, the State admits that the venue statute cited in Paragraph 9 is the correct venue provision for this case.

10.

Paragraph 10 contains a conclusion of law that requires no response from the State.

PARTIES

11.

The allegations of Paragraph 11 are denied for lack of sufficient information to justify a belief therein to the extent facts are alleged. With respect to the numerous conclusions contained in Paragraph 11, which require no response, the State nonetheless denies the conclusions out of an abundance of caution as erroneously drawn.

12.

The allegations of Paragraph 12 are denied for lack of sufficient information to justify a belief therein to the extent facts are alleged. With respect to the numerous conclusions contained

in Paragraph 12, which require no response, the State nonetheless denies the conclusions out of an abundance of caution as erroneously drawn.

13.

The allegations of Paragraph 13 are denied for lack of sufficient information to justify a belief therein to the extent facts are alleged. With respect to the numerous conclusions contained in Paragraph 13, which require no response, the State nonetheless denies the conclusions out of an abundance of caution as erroneously drawn. By the terms of Norris Henderson's allegations, he has not and will not suffer harm or injury as a result of the Congressional Districts contested in the case.

14.

The allegations of Paragraph 14 are denied for lack of sufficient information to justify a belief therein to the extent facts are alleged. With respect to the numerous conclusions contained in Paragraph 11, which require no response, the State nonetheless denies the conclusions out of an abundance of caution as erroneously drawn. By the terms of Tramelle Howard's allegations, he has not and will not suffer harm or injury as a result of the Congressional Districts contested in the case.

15.

R. Kyle Ardoin is admitted to be the Louisiana Secretary of State designated as chief election officer of the state by Louisiana constitution and statute. Otherwise, Paragraph 15 contains conclusions that require no response but are denied out of an abundance of caution.

LEGAL BACKGROUND

16.

The requirements of the Voting Rights Act are set out in statute and constitute the best evidence of its terms, and the excerpts set out in Paragraph 16 do not constitute a complete statement of the terms and meaning of the statute and are thus denied. Additionally, the conclusory statement as to its application require no response but is denied out of an abundance of caution.

17.

The allegations of Paragraph 17 are denied to the extent a response to the conclusory statement of law and its application contained therein requires a response.

18.

The allegations of Paragraph 18 are denied to the extent a response to the conclusory statement of law and its application contained therein requires a response.

19.

The allegations of Paragraph 19 are denied to the extent a response to the conclusory statement of law and its application contained therein requires a response.

20.

The allegations of Paragraph 20 are denied to the extent a response to the conclusory statement of law and its application contained therein requires a response.

21.

The allegations of Paragraph 21 are denied to the extent a response to the conclusory statement of law, the partial history thereof and the law's application contained therein requires a response.

22.

The allegations of Paragraph 22 are denied to the extent a response to the conclusory statement of law, the partial history thereof and the law's application contained therein requires a response.

FACTUAL ALLEGATIONS

I. Louisiana's 2011 Congressional Redistricting

23.

The allegations of Paragraph 23 are admitted as substantially correct, except that the State is unaware and cannot verify or deny the race of the legislators voting on each proposed plan. Additionally, the State would show that the districts enacted by the legislature in 2011 required preclearance by the U.S. Department of Justice pursuant to Section 5 of the Voting Rights Act of 1965 and were precleared without objection.

24.

In response to the allegations of Paragraph 24, the State admits that a number of legislators proposed redistricting plans during the 2011 legislative session the best evidence of which are the plans themselves. The characterization of the plans in Paragraph 24 is denied.

25.

In response to the allegations of Paragraph 25, the best evidence of the proceedings of the Louisiana Legislature are the official records of the proceedings. The characterization of those proceedings in Paragraph 25 is denied.

26.

In response to the allegations of Paragraph 26, the best evidence of the proceedings of the Louisiana Legislature are the official records of the proceedings. The characterization of those proceedings in Paragraph 25 is denied.

27.

In response to the allegations of Paragraph 27, the best evidence of 2011 Congressional Districts is the statute. The characterization of those proceedings in Paragraph 25 is denied.

II. The 2020 Census

28.

In response to the allegations of Paragraph 28, the best evidence of census data is the official results of the census by the United States Census Bureau. The characterization of those proceedings in Paragraph 28 is denied.

29.

In response to the allegations of Paragraph 29, the best evidence of census data is the official results of the census by the United States Census Bureau. The characterization of those proceedings in Paragraph 29 is denied.

III. Louisiana's 2022 Congressional Redistricting

30.

The State is without sufficient knowledge to verify or deny allegations as to what “Black Louisianians and civil rights groups” did following the 2020 census. Nor can the State confirm or deny what “residents” did at a public meeting on November 16, 2021. Nor can the State confirm or deny statements made by Ted James as reported in Paragraph 30. To the extent a response is required the allegations are denied.

31.

Paragraph 31 does not conform to the pleading requirement of Fed. R. Civ. P. 8 and should be stricken from the pleading. Reporting the opinion of a random third party is immaterial to any claim or cause of action. To the extent a response is required the allegations are denied.

32.

The allegations in Paragraph 32 are denied with respect to U.S. Congressional Districts.

33.

Except to admit that the Louisiana House of Representatives passed HB 1, the best evidence of the proceedings of the Louisiana Legislature are the official records thereof. The characterization and summary of the proceedings contained in Paragraph 33 are denied.

34.

The best evidence of the proceedings of the Louisiana Legislature are the official records thereof. The characterization and summary of the proceedings contained in Paragraph 34 are denied.

35.

The best evidence of the proceedings of the Louisiana Legislature are the official records thereof. The characterization and summary of the proceedings contained in Paragraph 35 are denied.

36.

The best evidence of the proceedings of the Louisiana Legislature are the official records thereof. The characterization and summary of the proceedings contained in Paragraph 36 are denied.

37.

The best evidence of the proceedings of the Louisiana Legislature are the official records thereof. The characterization and summary of the proceedings contained in Paragraph 37 are denied.

38.

Except to admit that the Governor vetoed HB1 on or about March 9, 2022, the allegations of Paragraph 38 are denied as characterized, excepted and stated in Paragraph 38.

39.

Except to admit that the legislature overrode the Governor's veto on March 30, 2022, the allegations of Paragraph 39 are denied.

IV. Louisiana's New Congressional Plan

40.

The allegations of Paragraph 40 are denied.

41.

The Congressional redistricting plan for Louisiana following the 2020 census is the best evidence of the composition of the districts, and the characterization thereof in Paragraph 41 is denied.

42.

The Congressional redistricting plan for Louisiana following the 2020 census is the best evidence of the composition of the districts, and the characterization thereof in Paragraph 41 is denied.

43.

The allegations of Paragraph 43 are denied.

V. Racial Polarization in Louisiana

44.

Paragraph 44 is made up of legal conclusions and case citations that require no response from the State but is denied out of an abundance of caution to the extent a response is required.

45.

Paragraph 45 is a mere conclusory statement of the pleader that requires no response from the State but is denied out of an abundance of caution to the extent a response is required.

46.

Paragraph 46 is a mere conclusory statement of the pleader that requires no response from the State but is denied out of an abundance of caution to the extent a response is required.

47.

Paragraph 47 is a mere conclusory statement of the pleader that requires no response from the State but is denied out of an abundance of caution to the extent a response is required.

48.

Paragraph 47 is a mere conclusory statement of the pleader based upon a hearsay statement from a news outlet that requires no response from the State but is denied out of an abundance of caution to the extent a response is required.

VI. Voting-Related Racial Discrimination in Louisiana

50.

The allegations of Paragraph 50 are conclusory requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs.

51.

The allegations of Paragraph 51 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

52.

Paragraph 52 is immaterial and does not relate to Congressional redistricting and should be stricken from the pleading as non-conforming to Fed. R. Civ. P. 8. To the extent a response is required, the allegations are denied as characterized by the Plaintiffs.

53.

The allegations of Paragraph 53 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

54.

The allegations of Paragraph 54 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

55.

The allegations of Paragraph 55 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

56.

The allegations of Paragraph 56 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

57.

The allegations of Paragraph 57 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

58.

The allegations of Paragraph 58 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

59.

The allegations of Paragraph 59 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

60.

The allegations of Paragraph 60 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

61.

The allegations of Paragraph 61 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs.

As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

62.

Paragraph 62 contains conclusory statements that require no response from the State but are denied as characterized in Paragraph 62.

63.

Paragraph 63 contains conclusory statements of the pleader that require no response from the State but are denied as characterized in Paragraph 63.

64.

Paragraph 64 contains conclusory statements of the pleader that require no response from the State but are denied as characterized in Paragraph 64.

65.

Paragraph 65 contains conclusory statements of the pleader that require no response from the State but are denied as characterized in Paragraph 65.

66.

Paragraph 66 contains conclusory statements of the pleader that require no response from the State but are denied as characterized in Paragraph 66.

67.

The allegations of Paragraph 67 are denied except to admit that the Department of Justice objected to a Louisiana state redistricting plan in or around 1981 when submitted for preclearance.

68.

Except to admit that the Department of Justice questioned points on state redistricting plans, which were resolved and the referenced plans put into effect, the State denies the characterization of events in Paragraph 68.

69.

The allegations of Paragraph 69 are denied as characterized.

70.

The allegations of Paragraph 70 are denied as characterized, and the State of Louisiana utilizes driver's licenses and state identification for registration and voting for all voters.

71.

The allegations of Paragraph 71 are conclusory and are denied as characterized by Paragraph 71.

72.

The allegations of Paragraph 72 are denied.

73.

Except to admit the reported decision at the cite alleged in Paragraph 73, the allegations of Paragraph 73 are denied as characterized.

74.

The allegations of Paragraph 74 are denied as they relate to questions raised by the Department of Justice with respect to voting changes and the reasons for such objections.

75.

The allegations in Paragraph 75 are denied.

76.

The allegations of Paragraph 76 are denied as characterized.

77.

Paragraph 77 is not material or relevant to Congressional redistricting and should be stricken for failure to conform to the pleading requirement of Fed. R. Civ. P. 8. To the extent a response is required, the allegations are denied.

VII. Ongoing Effects of Louisiana's History of Discrimination

78.

The allegations of Paragraph 78 are recycled and inflammatory conclusory statements requiring no response from the State but are nonetheless denied as characterized by the Plaintiffs. As the Supreme Court recently noted remote history is no longer germane to voting rights questions, and burdens imposed by the Voting Rights Act must be justified by current needs.

79.

Paragraph 79 contains mere conclusory statements of the pleader that require no response from the State but are denied out of an abundance of caution as characterized.

80.

Paragraph 80 contains mere conclusory statements of the pleader that require no response from the State but are denied out of an abundance of caution as characterized.

81.

Paragraph 80 contains mere conclusory statements of the pleader that require no response from the State but are denied out of an abundance of caution as characterized.

82.

Paragraph 82 contains mere conclusory statements of the pleader that require no response from the State but are denied out of an abundance of caution as characterized.

VIII. Racial Appeals in Louisiana Politics

83.

The allegations of Paragraph 83 are denied to the extent the allegations mischaracterized Louisiana practices as general conditions and practices in Louisiana elections.

84.

Except to admit that David Duke was once elected to the Louisiana House of Representatives, the allegations of Paragraph of Paragraph 84 are denied for lack of sufficient information to justify a belief therein.

85.

The allegations of Paragraph 85 are not material or relevant to Congressional election districts and are denied or denied for lack of sufficient information to justify a belief therein.

86.

The allegations of Paragraph 86 are denied or denied for lack of information to justify a belief therein.

87.

The allegations of Paragraph 87 are denied or denied for lack of information to justify a belief therein.

88.

The allegations of Paragraph 88 represent the opinions, views and characterization of events by the Plaintiffs that are denied by the State as written in Paragraph 88.

IX. Black Officeholders in Louisiana

89.

The allegations in Paragraph 89 are denied, except the State admits that Louisiana has not had an African American serve as Governor since P.B.S. Pinchback nor an African American serve

as a United States Senator. However, African American voters have elected candidates of choice as both Governor and United States Senator. In fact, upon information and belief, the current Governor of the State was the candidate of choice for African Americans in both of his elections as Governor.

90.

The allegations in Paragraph 90 are denied, except to admit that African Americans are elected principally from predominately minority districts where candidates are more likely to be African American, African Americans have had success in districts that are predominately white, and African Americans have elected candidates of choice in predominately white districts.

91.

The allegations of Paragraph 91 are denied as characterized, and African American candidates of choice have been election to both trial and appellate courts.

92.

The allegations of Paragraph 92 are admitted.

CLAIMS FOR RELIEF

COUNT I

Violation of Section 2 of the Voting Rights Act
52 U.S.C. § 10301

93.

Paragraph 93 requires no response from the State but is denied out of an abundance of caution to the extent a response is deemed required.

94.

Paragraph 94 contains an excerpt of Section 2 of the Voting Rights Act, which requires no response but is denied out of an abundance of caution as a partial quotation of a statute or law.

95.

The allegations of Paragraph 95 are denied.

96.

The allegations of Paragraph 96 are denied.

97.

The allegations of Paragraph 97 are denied.

98.

The allegations of Paragraph 98 are denied.

99.

The allegations of Paragraph 99 are denied.

100.

The allegations of Paragraph 100 are denied.

WHEREFORE, having fully answered the Complaint, the State of Louisiana prays as follows:

- 1) That this Answer be deemed good and sufficient;
- 2) That, after all proceedings are had, there be judgment rendered in his favor, dismissing Plaintiffs' claims with prejudice and at their costs;
- 3) For all general and equitable relief that justice requires.

Dated: April 12, 2022

Respectfully Submitted,

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Louisiana Attorney General

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 12th day of April 2022, the foregoing was electronically filed with the Clerk of Court using the CM/ECF system, which gives notice of filing to all counsel of record.

/s/ Angelique Duhon Freel
Angelique Duhon Freel