

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

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

Plaintiffs,

v.

NANCY LANDRY, in her official capacity as
Secretary of State of Louisiana,

Defendant.

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

PLAINTIFFS' MOTION TO SET SCHEDULE FOR REMEDIAL PROCEEDINGS

Pursuant to Local Civil Rule 7 and the Court's February 8, 2023 Order, Plaintiffs—Dr. Dorothy Nairne, Rev. Clee Earnest Lowe, Dr. Alice Washington, Steven Harris, Black Voters Matter Capacity Building Institute, and Louisiana State Conference of the NAACP—respectfully move this Court to enter the proposed scheduling order attached as Exhibit 1 as the schedule for the remedial phase of this case. Plaintiffs' proposed schedule provides the state with a reasonable period of time to pass new maps, while moving at a pace that is expeditious enough to facilitate special elections in the new state legislative districts in November 2024. Plaintiffs' memorandum in support of this motion and Plaintiffs' proposed scheduling order are attached.

Date: February 12, 2024

Respectfully submitted,

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**Practice is limited to federal court.*

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**PLAINTIFFS' MEMORANDUM IN SUPPORT OF
MOTION TO SET SCHEDULE FOR REMEDIAL PROCEEDINGS**

Pursuant to Local Civil Rule 7 and the Court's February 8, 2023 Order, Plaintiffs—Dr. Dorothy Nairne, Rev. Clee Earnest Lowe, Dr. Alice Washington, Steven Harris, Black Voters Matter Capacity Building Institute, and Louisiana State Conference of the NAACP—respectfully move this Court to enter the proposed scheduling order attached as Exhibit 1 as the schedule for the remedial phase of this case. Plaintiffs' proposed schedule provides the state with a reasonable period of time to pass new maps, while moving at a pace that is expeditious enough to facilitate special elections in the new state legislative districts in November 2024.

BACKGROUND

On February 8, 2024, the Court permanently enjoined elections under S.B. 1 and H.B. 14 for violations of Section 2 of the Voting Rights Act. ECF No. 233. The Court ordered that the state shall have “a reasonable period of time” to “address the Court's findings and implement State House and Senate election maps that that comply with § 2 of the Voting Rights Act,” and specified

that the Court would determine the “period of time” that the State would be afforded “following submittals by the parties.” *Id.* at 91.

Plaintiffs provided a copy of their proposed scheduling order to Defendants’ counsel on February 9, 2024 and requested Defendants’ comments. Plaintiffs’ counsel also offered to meet and confer with Defendants’ counsel. Counsel for the Intervenor-Defendants, the State of Louisiana, indicated in their response that they were opposed to Plaintiffs’ request for special elections and were not able to discuss the schedule moving forward at this time. Counsel for the remaining Defendants have not yet responded to Plaintiffs’ request for proposed edits to the scheduling order or the request for to meet and confer. Plaintiffs file their motion to set a schedule for the remedial proceedings now without waiting for further response from Defendants because this matter must move on to the remedial phase immediately to ensure that Plaintiffs’ rights are protected.

ARGUMENT

As part of their scheduling submission, Plaintiffs are moving for special elections to occur at the same time as the 2024 Federal Elections already scheduled in Louisiana. Plaintiffs’ motion for special elections, which will be filed tomorrow, and Plaintiffs’ proposed schedule, which is attached as Exhibit 1, reflect that time is of the essence. It is vital to Plaintiffs’ fundamental right to vote that this case move forward to the remedial stage as quickly as possible, in order to permit Plaintiffs’ rights to be vindicated this year rather than needlessly denied for another four years. As such, Plaintiffs respectfully request that the Court enter the scheduling order attached as Exhibit 1.

If this Court grants Plaintiffs’ motion for special election, then speedy implementation of legally compliant House and Senate maps must follow to provide Defendants with time to

administer an election this fall. Defendants have represented that any new map must be in place by late May to allow for elections in November 2024. *See Robinson v. Ardoin*, 86 F.4th 574, 584 (5th Cir. 2023) (“[Counsel] additionally suggested a May 30 deadline for a new map to be drawn, approved, and enacted for the 2024 elections.”). Plaintiffs’ proposed deadline for the Legislature to enact a plan properly balances the need to defer to the Legislature by providing it with the first attempt at a remedy while ensuring the dilutive effect found by this Court does not continue for years to come.

Plaintiffs’ proposed schedule provides the Legislature a reasonable period of time to pass new maps—specifically, it provides the Legislature until March 15, 2024 to adopt remedial maps. The Legislature convenes for an extraordinary session from February 19 to March 6, and the General Session runs from March 11, 2024 to June 3, 2024. La. Legislature, Session Information for the 2024 Second Extraordinary Session, *available at* <https://perma.cc/SWP6-EVG6> (last visited Feb. 12, 2024); La. Legislature, Session Information for the 2024 Regular Session, *available at* <https://perma.cc/YH2Q-WKPT> (last visited Feb. 12, 2024). With this already scheduled legislative session time, the March 15 deadline would give the Legislature nearly three full session weeks and 35 total days from this Court’s decision (issued on February 8, ECF 233) to pass alternative maps that comply with the Court’s order.

Plaintiffs’ proposed date gives the Legislature more than enough time to craft a remedy compliant with the Voting Rights Act. The Legislature can and indeed did adopt a new voting district map this very year with only five days of session time. *See* La. Legislature, SB8, *available at* <https://perma.cc/MHT4-ZH4U> (last visited Feb. 12, 2024). The First Extraordinary Session of 2024 started on Monday, January 15, 2024. *Id.* A new congressional districting map, S.B. 8, was passed by both the Senate and House on January 19, 2024. *Id.* And that map was signed into law

by the Governor on January 22, 2024. *Id.* Plaintiffs’ proposed schedule provides significantly more time than was needed earlier this year, and thus provides the Legislature with an “adequate opportunity” to pass new maps “in a timely fashion,” while preserving this Court’s ability to order a remedy that would “permit the holding of elections . . . without great difficulty” in the event that the State fails to pass new maps that comply with the Voting Rights Act and this Court’s order. *Reynolds v. Sims*, 377 U.S. 533, 586 (1964) (holding that judicial relief becomes appropriate when a legislature fails to reapportion after having had an opportunity to do so).

Plaintiffs’ proposed schedule would afford the Legislature 35 days to enact maps, compliant with this Court’s February 8, 2024 order. This schedule balances the Court’s duty to give the Legislature a full opportunity to enact legal maps while ensuring that Plaintiffs do not suffer from vote dilution any longer than necessary.

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[PROPOSED] SCHEDULING ORDER

Having sought submissions from the parties for scheduling proposals in its February 8, 2024 Order, ECF No. 233, the Court **HEREBY ORDERS** as follows:

1. The following schedule shall govern briefing on Plaintiffs' motion for special elections:
 - a. February 13, 2024: Deadline for Plaintiffs' motion for special elections
 - b. February 27, 2024: Deadline for Defendants' response
 - c. March 1, 2024: Deadline for Plaintiffs' reply
2. The hearing to establish the proper remedy in this case is set for March 27, 2024, commencing at 9:00 a.m. in Courtroom 3.
3. The following schedule shall govern pre-hearing submissions:
 - a. March 5, 2024: Deadline for Plaintiffs' submission regarding proposed remedial maps

- b. March 15, 2024: Deadline for Legislature to enact state House and Senate maps that are compliant with the Court's February 8, 2024 Order
- c. March 19, 2024: Deadline for Plaintiffs to notify Court whether they oppose the new enacted maps, if any
- d. March 19, 2024: Deadline for Defendants' submission regarding proposed remedial maps
- e. March 25, 2024: Deadline for Plaintiffs' reply regarding proposed remedial maps

Signed in Baton Rouge, Louisiana, this ____ day of _____, 2024.

Chief Judge Shelly D. Dick

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