Nos. 24-109, 24-110

IN THE

Supreme Court of the United States

LOUISIANA,

Appellant,

v.

PHILLIP CALLAIS, *et al.*,

Appellees.

PRESS ROBINSON, *et al.*,

Appellants,

v.

PHILLIP CALLAIS, *et al.*,

Appellees.

ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF LOUSIANA

BRIEF FOR NRCC AS AMICUS CURIAE SUPPORTING APPELLEES

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INTEREST OF AMICUS CURIAE[1]

The National Republican Congressional Committee (NRCC) is a national political party committee registered with the Federal Election Commission. The mission of the NRCC is to advocate fo and support Republican candidates for election to the United States House of Representatives. Due to its mission, NRCC has an interest in having a constitutionally compliant congressional map in place for Louisiana in time for candidate qualifying ahead of the 2026 elections. Louisiana's election calendar has changed dramatically from the one used in the 2024 elections and Louisiana will need a map in place much earlier than it has for previously election cycles ahead of the 2026 midterms.

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INTRODUCTION AND SUMMARY OF ARGUMENT

The merits of this case revolve around the alleged racially discriminatory nature of the Louisiana legislature's redistricting map following the 2020 census, and the parties have thoroughly briefed that matter. But largely left unsaid in the briefing is how the election procedures in Louisiana have changed significantly due to the passage of legislation establishing a new primary system in the state. Prior to the 2026 election cycle, Louisiana used a "jungle primary" system where the primary election was held on the November election day and, if no person received 50% +1 vote in that election, the two candidates receiving the most votes would have a run-off election.

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1. Per the disclosure requirements of Supreme Court Rule 37.6, no counsel for a party has authored this brief in whole or in part. No person aside from *amicus curiae* has made a monetary contribution to fund this brief 's preparation or summary.

That process—which could allow for remedial proceedings later in the calendar as the original "primary" election date was in November—is no more.

In 2024, the Louisiana legislature passed Act 640. This law significantly changes the election process in the state. Starting August 1, 2025, there will now be a spring primary and then a November general election for both statewide and federal offices. The new spring primary requires finality in the redistricting plan at a much earlier date than may have been required for past elections.

While the Secretary of State proffered a "last possible date" to receive a map and properly implement it in 2024, there is lack of clarity given the legislative changes regarding when the "last possible date" to implement a map for an orderly 2026 election to date. This lack of clarity favors this Court quickly resolving the matter to give state officials ample amount of time to proceed with implementation.

Given this shortened deadline, the district court's three-judge panel must begin preparing a new redistricting plan for the Louisiana congressional districts at the earliest possible date. Accordingly, an prompt remand to the district court for remedial proceedings is in the best interests of the citizens of Louisiana.

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ARGUMENT

I. The passage of Louisiana Act 640 (2024) has shifted the 2026 election calendar forward

Louisiana Act 640 (2024) became law on June 11, 2024. The effective date of the operative election provisions is August 1, 2025. Act 640 (2024), Section 5(a). The Act

effectively moved Louisiana from a November "jungle primary" to a true party primary in April. Act 640 (2024), Sections 18.402, 18.410.7, and 18.410.10.

This six and one-half month shift forward has serious implications for this case and for the 2026 election cycle in Louisiana. By law, the Louisiana spring primary in 2026 will take place on April 18, 2026. Act 640 (2024), Section 18.402B(1)(a). Candidate filing for the April primary opens on January 14, 2026 (Act 640 (2024) Section 18.467A(3)) and closes on January 16, 2026 at 4:30 pm (Act 640 (2024) Section 18.468A). The first day for early voting, by law, will take place on April 4, 2026, with the last day being April 11, 2026. La. R.S. 18:1309.

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II. The Louisiana Secretary of State has a deadline for having a map of the redrawn districts in order to implement them in forthcoming elections.

For the 2024 election, the Secretary of State made clear that the last possible date that the Secretary could receive a congressional map for implementation for the November 2024 election was May 15, 2024, if she was to comply with state and federal election laws. Hadskey Decl. ¶¶16, 20, Document 217-1; see also *Robinson v. Callais*, 144 S. Ct. 1171, 1172, 219 L. Ed. 2d 1224 (2024). In 2024, Louisiana's primary was held November 5, 2024—making the Secretary's self-stated deadline 174 days before the primary.

Pursuant to Act 640 (2024), Section 18.402B(1)(a), the 2026 Louisiana primary will take place on April 18, 2026. Using the same timeline, 174 days before that date is October 26, 2025—potentially making that date the

"last possible date" for the Secretary to receive a map for implementation.[2]

While April 18, 2026 is Primary Election Day in Louisiana, voting in the primary election really begins more than a month earlier on March 3, 2026. This is the date by which the parish Registrars of Voters are required by state and federal law to mail absentee ballots to overseas voters, including servicemen and servicewomen. La. R.S. 18:1308.2(A); 52 U.S.C. § 20302(a)(8). Prior to that deadline, ballots must be proofed, printed, and voters must be properly assigned to districts. Hadskey Decl. ¶23, Document 217-1.

Before the statutory deadline for congressional candidates to submit nominating petitions for certification (La. R.S. 18:465(B)), the Secretary must also:

- review precinct numbers that would need to change in each parish statewide for the Congressional districts. A document is created for each parish, which is then proofed and submitted to the parishes for their review;

- meet the deadline by which all parish Registrars of Voters must have plans

2. It is quite possible that the date would be even earlier here. The Louisiana Secretary of State has not set forth a definitive deadline by when the state needs a final map to ensure an orderly 2026 primary election. Given the significant changes imposed by Act 640, it is not inconceivable that the time needed to implement all of the changes of Act 640 would be even longer than what the Secretary has suggested was needed in 2024.

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proofed, completed, and approved for Congressional districts;

- complete work in ERIN for statewide plans so that Registrars of Voters may update information; and

- send an updated file to State Printing to create, print, and mail voter identification cards to voters for both canvass and districting notifications.

Hadskey Decl. ¶16, Document 217-1. There are also many practical considerations, beyond the statutory deadlines that put additional time pressure on the Secretary, such as supply chain shortages (for paper and envelopes), and the actual printing of notices and ballots (Dkt. 217-2).

In addition, a final map must be in place well in advance of the deadline to qualify by nominating petition. "[T]he candidates who choose to qualify this way will have no way of knowing which voters are in their district and from which they need to gather signatures prior to June 19." Hadskey Decl. ¶ 27, Document 217-1. Further, the local Registrars of Voters must implement a final map in order to certify signatures for the nominating petitions. Hadskey Decl. ¶ 28, Document 217-1.

While certainly there are many duties placed on the Secretary with respect to implementing the map, there are also many things that have to happen from the candidate's and NRCC's perspective before a candidate officially files with the Secretary of State's office. Running for and holding political elected office often comes with significant

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changes and challenges for an individual's personal and professional life—which requires conversations and contemplation prior to the very short filing period. Not to mention the raising of significant funds to be competitive in a race that nationally averages over $1.5 million per candidate. NRCC typically begins recruiting candidates well in advance of the candidate filing deadline to ensure that candidates are prepared and capable of competing for office. The NRCC's efforts are frustrated without knowing which potential candidates are in which districts.

By way of example, Representative Cleo Fields, the recent winner in Louisiana Congressional District 6, announced his campaign on January 23, 2024 for the November 5, 2024 election. Here, a similar timeline means one would expect candidate announcements to occur July 6, 2025 (or 287 days before the election date and possibly before a final opinion from this Court in this case).

Beyond the Secretary and candidates, voters need clarity. The next election cycle not only brings new candidates, like any election cycle, but an entirely new primary system for voters to try to navigate. Significant education on the changes in Act 640 should be the focus of state and local election officials to ensure every voter has the opportunity to vote. This work could be hindered and subordinated if those officials are having to implement a map against a seemingly impossible deadline.

For candidates and for the Secretary, and perhaps most important, for voters, it is paramount a finalized map be in place well in advance of the deadline for candidates to file or for candidates qualifying by nominating petitions to submit signatures.

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III. The map must be finalized by the end of 2025 in order for candidates to file in a timely manner.

If this case goes forward, an opinion from this Court is likely not to occur until late Spring or early Summer of 2025.[3] If the court determines that the plan for the congressional districts must be revised or adjusted as they impermissibly discriminate on the basis of race, that would leave only a few months for the revisions to be completed to meet the existing filing deadlines. The district boundaries need to be set sufficiently in advance of the closing of candidate qualifying.

The timing of elections and the process leading up to them is a key element in integrity of the election and the confidence voters have in our system. That confidence is critical to our democracy. *Purcell v. Gonzalez*, 549 U.S. 1, 7 (2006). As the Court noted in *Purcell*, "[c]ourt orders affecting elections, especially conflicting order, can themselves results in voter confusion and consequent incentive to remain away from the polls." *Id.*

The district court issued its decision on April 30, 2024, and scheduled a status conference for June 6, 2024 to discuss remedial actions to address the invalid plan of redistricting. *Callais v. Landry*, 732 F. Supp. 574, 614 (La. W.D. 2024). However, due to the stay issued by this Court, that conference to commence remedial actions has been postponed until the stay is lifted. If the stay were lifted

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3. The Appellants and Appellees have filed their primary briefs in this case and reply briefs will soon be due; however, the Court has not set this case for oral argument as of the filing of this Brief.

today, the district court could begin working on remedial actions to enable a valid plan of redistricting to be in place well in advance of the election process. However, if the stay remains until this Court issues its opinion, then the process would restart with the three-judge panel, and many months would be lost in an already compressed calendar.

IV. The only way to ensure an orderly 2026 election is to remand to the three-judge district court panel for a remedial phase.

It does not serve the public interest to enter *Purcell* territory. Following the 2020 Census, Louisiana's redistricting process has been marked by legal challenges, political interventions, court interventions, and significant delay. The risk of another shortened timeline means that the chaos in Louisiana continues. By remanding the case, this Court can put an end to the chaos and ensure orderly elections going forward.

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The timeline is detailed at length in the Brief for Appellees (p. 3-19), but bears repeating more generally here: as of the filing of this brief, two years have passed from when the legislature first enacted a map, and a year has passed since the legislature drew the second map.

The new congressional map was first enacted in February 2022, vetoed by the Governor in March 2022, with the legislature overriding that veto in the same month. Shortly thereafter, the map was challenged. In June 2022, the district court ruled the map likely violated the Voting Rights Act and the Fifth Circuit issued a temporary stay of the requirement to redraw the map.

The Fifth Circuit later lifted the stay, reinstating the order to redraw the map. It was not until January 2024 when the legislature approved a new congressional map which promptly was challenged. Three months later, the three-judge panel of the district court struck down the map as a racial gerrymander. In November 2024, this Court agreed to hear the case.

With the legislature having shortened the timeline even further by the enactment of Act 640, there is real risk of voter confusion if the remedial process is not started as soon as necesary.

NRCC urges this court to remand this matter to the three-judge panel of district court mandated under 28 USC §2284 as soon as possible for remedial action which can be finalized and put a legal and valid map in place sufficiently prior to the closing of candidate filing dates to allow for the recruitment and support of candidates in the legal plan for congressional districts in Louisiana. This will ensure that the remedial action will be completed by the deadlines imposed by Louisiana law and the Louisiana Secretary of State's duties thereunder.

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CONCLUSION

This Court should affirm the judgment of the three-judge panel of the district court and remand this case to the three-judge panel of district court as quickly as possible to implement a remedial map.

Respectfully submitted,

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