

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

DISABILITY RIGHTS LOUISIANA

Plaintiff,

v.

NANCY LANDRY, in her official
capacity as Secretary of State of the
State of Louisiana; and ELIZABETH
MURRILL,
in her official capacity as Attorney
General of the State of Louisiana

Defendants.

CIVIL ACTION NO.
3:24-cv-554-JWD-SDJ

JUDGE DeGRAVELLES

MAG. JUDGE JOHNSON

**ANSWER OF ELIZABETH MURRILL IN HER OFFICIAL CAPACITY AS
ATTORNEY GENERAL OF THE STATE OF LOUISIANA**

NOW INTO COURT, comes Defendant, Elizabeth Murrill in her official capacity as the Attorney General of the State of Louisiana, who pleads the following objections and defenses to the complaint filed by Plaintiff herein:

OBJECTIONS AND AFFIRMATIVE DEFENSES

FIRST DEFENSE

This Honorable Court lacks subject matter jurisdiction for lack of a constitutional injury or material harm related to or caused by the recent Louisiana Legislation at issue here (Act. No. 302, 317, 380 and 712). Louisiana Revised Statute 18:1306(E)(2)(a) does not result in the nullification of an otherwise properly cast ballot and therefore no Louisiana voters will be impacted by this legislation.

SECOND DEFENSE

Plaintiff does not assert any potential injury or harm that may be caused to them by the challenged statute and are not entitled to assert arrest or threat of arrest as grounds to challenge a statute that may impact third parties.

THIRD DEFENSE

All or part of the Plaintiff's claim are not ripe as some or all of the challenged statutes are not in effect so that this Honorable Court lacks subject matter jurisdiction over all or some of the claims.

FOURTH DEFENSE

The Attorney General has no enforcement authority over the subject statutes beyond her general duty to enforce the laws of Louisiana such that the *Ex Parte Young* exception to sovereign immunity does not apply as to the Attorney General.

FIFTH DEFENSE

Plaintiff misinterprets the statutes they challenge and fail to state a claim upon which relief can be granted as a matter of law in that the Louisiana statutes do not invalidate a ballot cast by a disabled person.

SIXTH DEFENSE

Plaintiff fails to state a claim upon which relief can be granted as a matter of law by misinterpreting criminal sanctions contained in the challenged statutes to apply to persons delivering ballots or applications on behalf of disabled persons when, by their terms, the statutes do not so apply.

AND NOW answering the particular allegations of the Complaint, the Attorney General respectfully avers:

I.

For lack of sufficient knowledge and information to either admit or deny the self-serving and conclusory statements in Paragraphs 1-4, the Attorney General denies the allegations, claims and averments out of an abundance of caution.

II.

Paragraph 5 of the Complaint requires no response.

III.

Paragraphs 6 & 7 set forth legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

IV.

Paragraphs 8-10 are admitted, save the references to the statutes at issue as the “One Delivery Restriction” and the “One Witness Restriction” which is denied as self-serving summaries of the statutes at issue.

V.

Paragraph 11 is denied.

VI.

Paragraphs 12-14 are denied for lack of sufficient knowledge or information to either confirm or deny the allegations thereof.

VII.

Defendant is without sufficient knowledge and information to confirm or deny the allegations of Paragraphs 15 & 16.

VIII.

Paragraph 17 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, Defendant denies that Plaintiff is authorized to represent the interests of all Louisiana citizens with disabilities. Further, Defendant is without sufficient knowledge and information to confirm or deny the rest of the allegations of Paragraph 17 of the Complaint.

IX.

Defendant is without sufficient knowledge and information to confirm or deny the purpose or mission of Plaintiff and so denies the allegations of Paragraph 18 relating thereto out of an abundance of caution.

X.

Paragraphs 19 & 20 are admitted.

XI.

Paragraph 21 is denied out of an abundance of caution.

XII.

Defendant denies Paragraph 22 for lack of sufficient knowledge or information to justify a belief therein.

XIII.

Paragraph 23 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XIV.

Paragraphs 24-27 are denied for lack of sufficient knowledge and information to justify a belief therein.

XV.

Paragraph 28 is admitted.

XVI.

Paragraph 29 is denied as the statutes at issue do not disenfranchise Louisiana voters.

XVII.

Paragraph 30 is denied to the extent it may be construed to challenge the constitutionality of Louisiana laws.

XVIII.

Paragraph 31 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XIX.

Paragraph 32 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are

denied. Further, Defendant denies that the hypothetical scenario asserted in this paragraph is illustrative of the effect the statutes in question will have on Louisiana Voters.

XX.

Paragraph 33 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XXI.

Paragraph 34 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied. Further, Defendant denies that the hypothetical scenario asserted in this paragraph is illustrative of the effect the statutes in question will have on Louisiana Voters.

XXII.

Without having a definition for “chill” as it is used in Paragraph 35, Defendant denies the allegations of this paragraph out of an abundance of caution.

XXIII.

Paragraph 36 is denied.

XXIV.

Paragraph 37 is admitted.

XXV.

Paragraphs 38-41 set forth Plaintiff's legal argument as well as legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

XXVI.

Paragraph 42 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XXVII.

Paragraphs 43 & 44 are admitted.

XXVIII.

Paragraph 45 is admitted.

XXIX.

Paragraphs 46-48 set forth legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

XXX.

Paragraph 49 is admitted.

XXXI.

Paragraph 50 faithfully quotes a part of Act 210 of 2020 referenced therein. Any allegations outside the quoted text are denied.

XXXII.

Paragraph 51 provides Plaintiff's interpretation of Louisiana Act. 302, which requires no response. However, out of an abundance of caution, the allegations of paragraph 51 are denied by Defendant.

XXXIII.

Paragraph 52 is admitted.

XXXIV.

Paragraphs 53-55 set forth legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

XXXV.

Paragraphs 56-72 are denied for lack of sufficient knowledge and information to justify a belief therein.

XXXVI.

Paragraph 73 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XXXVII.

Paragraphs 74-80 are denied for lack of sufficient knowledge and information to justify a belief therein.

XXXVIII.

Paragraph 81 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph is denied.

XXXIX.

Paragraphs 82-107 are denied for lack of sufficient knowledge and information to justify a belief therein.

XL.

Paragraph 108 reincorporates Plaintiff's allegations in Paragraphs 1 through 107, to which no response is required. To the extent a response is required, Defendant reincorporates her responses to Paragraphs 1 through 107.

XLI.

Paragraphs 109 & 110 set forth legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

XLII.

Paragraph 111 is denied for lack of sufficient knowledge and information to justify a belief therein.

XLIII.

Paragraph 112 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XLIV.

Paragraph 113 contains argument best reserved for briefing since the cited decision turns on particular facts that appear to differentiate the cited decision from the present case and cannot be generalized to fit the Plaintiff's claims in this case such that Paragraph 113 is denied.

XLV.

Paragraphs 114 sets forth a legal conclusion to which no response is required. To the extent a response is deemed required, the allegations of this paragraph are denied.

XLVI.

Paragraph 115 requires no response.

XLVII.

Paragraph 116 reincorporates Plaintiff's allegations in Paragraphs 1 through 115, to which no response is required. To the extent a response is required, Defendant reincorporates her responses to Paragraphs 1 through 115.

XLVIII.

Paragraphs 117 & 118 require no response. However, out of an abundance of caution, Defendant denies the Statutes at issue violate the Voting Rights Act.

XLIX.

Paragraph 119 contains argument best reserved for briefing since the cited decision turns on particular facts that appear to differentiate the cited decision from

the present case and cannot be generalized to fit the Plaintiff's claims in this case such that Paragraph 119 is denied.

L.

Paragraphs 120 & 121 contain legal argument best reserved for briefing, but out of an abundance of caution, the allegations in these paragraphs are denied by Defendant.

LI.

Paragraphs 122 & 123 set forth legal conclusions to which no response is required. To the extent a response is deemed required, the allegations of these paragraphs are denied.

LII.

Paragraph 124 requires no response

LIII.

The remainder of Plaintiff's Complaint sets forth Plaintiff's prayer for relief to which requires no response from Defendant. However, out of an abundance of caution, Defendant denies that Plaintiff is entitled to the relief sought. All allegations that have not been specifically admitted are hereby denied.

WHEREFORE, the Attorney General Liz Murrill prays that the Plaintiff's claims and demands be dismissed at the Plaintiff's cost.

Respectfully submitted,

LIZ MURRILL
LOUISIANA ATTORNEY GENERAL

/s/ Hunter N. Farrar

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CERTIFICATE OF SERVICE

I do hereby certify that, on this 22nd day of August 2024, 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/ Hunter N. Farrar

HUNTER N. FARRAR