

Current Conditions of Voting Rights Discrimination

# Louisiana

A Report Prepared by

**SOUTHERN POVERTY LAW CENTER**

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**for submission by The Leadership Conference on Civil and Human Rights**

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House Committee on the Judiciary  
OVERSIGHT OF THE VOTING RIGHTS ACT: POTENTIAL LEGISLATIVE  
REFORMS

August 16, 2021



# FIGHT FOR REPRESENTATION:

Louisiana's pervasive record of racial discrimination in voting, the steadfast Louisianans who battle onward, & the urgent need to restore the Voting Rights Act

Report to the  
**House Committee on the Judiciary**  
**United States House of Representatives**

August 16, 2021



**SPLC**  
Southern Poverty  
Law Center

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**ABOUT THE SOUTHERN POVERTY LAW CENTER**

*The Southern Poverty Law Center is a catalyst for racial justice in the South and beyond, working in partnership with communities to dismantle white supremacy, strengthen intersectional movements, and advance the human rights of all people. For more information, visit [www.splcenter.org](http://www.splcenter.org).*

## **ACKNOWLEDGEMENTS**

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For the Southern Poverty Law Center: Caren E. Short, Rachel Knowles, & Liza Weisberg

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## **Executive Summary & Introduction**

The history of [B]lack citizens' attempts, in Louisiana since Reconstruction, to participate effectively in the political process and the white majority's resistance to those efforts is one characterized by both *de jure* and *de facto* discrimination. Indeed, it would take a multi-volumed treatise to properly describe the persistent, and often violent, intimidation visited by white citizens upon black efforts to participate in Louisiana's political process.<sup>1</sup>

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Louisiana's record of racial discrimination in voting is pervasive and well-documented. From Reconstruction to the present day, Louisiana officials have devised methods of denying or weakening the votes of Black residents. The tactics have changed over the years, but the impact has remained the same: Black voters are less able to participate in the political process than white voters. Louisiana voters currently face unnecessary hurdles in registering and qualifying to vote, accessing their polling place or an absentee ballot, and ensuring that their ballot is counted. Each of these burdens falls disproportionately on Black voters and other voters of color. Louisiana officials also continue to utilize common tools of racial discrimination in voting including at-large election systems, discriminatory voter purges, and voter intimidation. Eight years after the Supreme Court removed the heart of the Voting Rights Act of 1965 in *Shelby County v. Holder*, Congress has the critical task of restoring Section 5 preclearance where it is needed most.

Resistance to Black political power in Louisiana has been a constant since Black men were enfranchised under the Fifteenth Amendment. At the end of the Civil War, the state imposed Black Codes to deny any equal rights to Black residents. When Black men achieved political success during the brief period of Reconstruction, white supremacists—who were flourishing in the state—unleashed a violent campaign to prevent Black men from voting or holding office. More than a 1,000 people were killed in the white supremacist violence of 1868 alone.

Louisiana's post-Reconstruction Constitution achieved in law what white supremacist violence sought to achieve by force: removing Black Louisianans from political life. It contained specific provisions that would effectively preclude Black men

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<sup>1</sup> *St. Bernard Citizens For Better Gov't v. St. Bernard Par. Sch. Bd.*, No. CIV.A. 02-2209, 2002 WL 2022589, at \*9 (E.D. La. Aug. 26, 2002) (quoting *Citizens for a Better Gretna v. City of Gretna*, 636 F. Supp. 1113, 1116 (E.D. La. 1986), aff'd, 834 F.2d 496 (5th Cir. 1987)).

from qualifying to vote. And the “Grandfather Clause” exemption ensured that no white men were similarly disenfranchised.

Where the federal government was absent and federal courts were slow to act, Black advocates never faltered in their pursuit of equal voting rights for all. After decades of struggle through Jim Crow segregation, white supremacist violence, and state-sponsored racial subjugation, the Voting Rights Act of 1965 (“VRA”) became law. The VRA has been called the most effective civil rights legislation ever enacted. Its greatest effectiveness was found in Section 5—the preclearance provision—which required states and local jurisdictions with demonstrated records of racial discrimination in voting to submit all voting-related changes for federal approval *before* implementation to ensure there was no disproportionate impact on Black voters or another racial minority group.

While in force, Section 5 was powerful not only because it stopped racially discriminatory voting changes proposed by states and localities, but also because it deterred those jurisdictions from proposing such voting changes in the first place. Further, federal preclearance provided valuable notice of and transparency around the planned voting changes, which allowed voters to prepare accordingly and advocates to file litigation if necessary.

Even under federal supervision and a clear mandate to cease all efforts to deny or dilute the political rights of Louisianans of color, state and local officials continued to attempt laws, practices, and changes that would have exactly that effect. In fact, the Department of Justice was needed to prevent more than 150 racially discriminatory changes from being implemented in Louisiana alone.

With federal preclearance, such changes could be stopped before they had a chance to harm Black voters and other voters of color. But in 2013, a 5-4 majority of the Supreme Court decided that there had been enough progress for Black voters in the South. The Court declared unconstitutional Section 4(b) of the VRA—the coverage formula for determining which jurisdictions are subject to federal preclearance under Section 5. Notably, the Court did not invalidate Section 5 and invited Congress to revise the coverage formula to comport with “current conditions.”

This Report documents the current conditions for Louisiana voters, particularly Black Louisianans. This Report also includes declarations from dozens of Louisiana voters to illustrate the personal impact of the state’s voting laws, policies, and practices.

As one example, Deborah of Calcasieu Parish was evacuated from her parish in 2020 following Hurricanes Laura and Delta, which hit “within the span of [six] weeks in

August and September.<sup>2</sup> "There were mandatory evacuations, and I was among the multitudes of people displaced and relying on Red Cross housing support. I was more fortunate than some people who had lost all their belongings. Voting is very important to me, and I called the Board of Elections when early voting opened in October to find out what I should do. I was still evacuated in New Orleans in Orleans Parish, 3 hours' drive from my home." She was told that evacuees were supposed to vote within Orleans Parish. But at the first location she tried, there was "an enormous line" so she tried somewhere else but found "[t]he line there was also enormous." Her friend dropped her and her companions off at the line for disabled voters and went to park the car "a far distance away," but when she returned, the poll worker "refused to allow her to vote with us," so she waited for them to vote and "had to return a separate time to cast her ballot."

Once she reached the front of the line, "[t]here was some confusion as to what we needed to do and whether we could vote," and ultimately Deborah was told that Calcasieu residents were not allowed to vote in Orleans Parish, "contrary to the guidance I had received over the phone from my Calcasieu Board of Elections." "I was outraged and frustrated, but very committed to exercising my right to vote." Deborah called news channels, her congressional representative, her Board of Elections, and the Red Cross seeking assistance for evacuees like herself for whom driving the three hours back to Calcasieu would be a significant burden. "Most evacuees probably wouldn't be able to make that trip as they had so many other troubles with all their property destroyed and had no transportation." Finally, her attorney friend "personally arranged transportation for residents willing to make the trip back to their home county to vote." Deborah, on the other hand, "drove myself the three hours there and the three hours back." At the Calcasieu Convention Center where all evacuees had to vote, she observed the line "was also enormous," though she was able to use the "separate line for people with mobility issues" which took her only 20-25 minutes. As Deborah explains, "The disenfranchisement of all the evacuees, facing so many other hardships, and my own experience in exercising my right to vote, should not have been ignored by the people in power. They had the responsibility to help us exercise this right but did not take it. This experience has so deeply upset me that I am providing this declaration while in the hospital following a heart procedure."

Since the Supreme Court suspended Section 5 enforcement in *Shelby County*, Louisiana state and local officials have been largely unencumbered to make voting changes and pass laws that harm voters of color with little oversight.

In her dissent in *Shelby County*, the late Justice Ginsburg noted:

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<sup>2</sup> Decl. of Deborah (attached as Exhibit 17).

The sad irony of today's decision lies in its utter failure to grasp why the VRA has proven effective. The Court appears to believe that the VRA's success in eliminating the specific devices extant in 1965 means that preclearance is no longer needed. With that belief, and the argument derived from it, history repeats itself.

As Justice Ginsburg predicted—and as Black voters and advocates expected—history has repeated itself. Since *Shelby County*, Louisiana has closed, consolidated, or moved polling places at an alarming rate, predominantly in Black communities. The state fails to provide sufficient early voting options and places onerous restrictions on voter registration and absentee ballots. And the state's felony disenfranchisement law, which is rooted in its racist 1898 Constitution, continues to burden voters who have legally regained their right to vote. Each of these policies disproportionately burdens Black voters, who also face the effects of past and present systemic racism in other areas of life.

Jimmie, an African-American resident of Caddo Parish and lung cancer patient, needs to be connected to an oxygen tank because of his illness.<sup>3</sup> He cannot stand for long stretches of time and has not been able to vote multiple times because of long lines at his polling locations. His polling location in Shreveport will not allow voters with disabilities to go to the front of the line, so he has been forced to wait hours in line, and some days, he simply cannot manage it. To avoid long lines, Jimmie has tried arriving at the polling place before it opened, once even arriving at 4:00 a.m., but the lines were still too long. He waited in these lines with his 94-year-old mother.

Despite the obstacles, Louisiana voters continue to show up. Valarie is a resident of East Baton Rouge Parish.<sup>4</sup> She moved to Baton Rouge from New Orleans after Hurricane Katrina. She's found voting to be challenging because she moves around a lot. She poignantly explained:

There are no answers. It just feels like they're always moving people around. It feels like they're trying to keep us from voting. My ancestors—like my mom—had to go through a lot to get us to where we are today. She had it hard. She was born in Jim Crow days and really had to fight for things like the ability to vote. But if they're trying so hard to keep us from voting, it must be because our vote matters. That's what I want people to hear.

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<sup>3</sup> Decl. of Jimmie (attached as Exhibit 36).

<sup>4</sup> Decl. of Valarie (attached as Exhibit 72).

It is past time for the federal government to step in to protect Black Louisianans and Louisianans of color from the persistent effects of voting discrimination and inequity in political representation.

This Report has three parts:

Part I summarizes Louisiana's long history of racial discrimination in voting, from Reconstruction through the VRA's last reauthorization in 2006 until the Supreme Court's 2013 decision in *Shelby County*.

Louisiana's 1898 Constitution was explicitly designed to remove Black Louisianans from political life and reverse any gains achieved during Reconstruction. When concerns arose that the new voting laws—a property-ownership requirement, poll tax, and literacy test—could result in unintentional white disenfranchisement, lawmakers developed the "Grandfather Clause," which would exempt a person from the voting requirements so long as their ancestor was registered to vote before 1867. As Black Louisianans were forbidden to vote under law before 1867, the drafters achieved their racist purpose under cover of facially race-neutral text—a not-so-subtle tradition that legislators seeking to discriminate continue to employ today. Grandfather clauses and similar racist laws were struck down by courts, but Louisiana lawmakers continued to find new ways to disenfranchise Black residents. And these laws achieved their intended effect: Black voter registration and turnout plummeted after Reconstruction and struggled to rebound.

Yet Black activists and organizers never ceased in demanding that Louisiana and the nation keep its promise under the Fourteenth and Fifteenth Amendments. Black Louisianans like Homer Plessy and A.P. Tureaud challenged Jim Crow laws in court. The Baton Rouge Bus Boycott of 1953 served as a model for the Montgomery Bus Boycott two years later. And on a bridge in Selma in 1965, Black marchers and their allies were brutally beaten by police as they stood to protest the denial of equal voting rights. Only after the world watched these peaceful marchers tear-gassed and attacked by police did the federal government step in with meaningful legislation. Indeed, without the tireless efforts of Black advocates in Alabama, Mississippi, Louisiana, and across the Deep South—most whose names we may never know—the Voting Rights Act of 1965 likely never would have passed.

The VRA's impact in Louisiana was profound. Registration rates of Louisianans of color nearly doubled just three years after it was passed. In parishes where federal registrars were sent pursuant to the VRA, voter registration increased radically. Yet even under the VRA's mandate to eliminate all forms of racial discrimination in voting, Louisiana's state and local officials continued their resistance, attempting myriad voting changes that would harm Black voters. In fact, between 1965 and 1982, the U.S.

Department of Justice ("DOJ") objected to 50 attempts by Louisiana and its subdivisions to make voting changes because they would dilute Black voters' political power. Between 1982—after Congress renewed the VRA for 25 years on broad, bipartisan terms—and 2006, DOJ objected to an additional 96 proposed voting changes from Louisiana and its subdivisions, many of which were redistricting proposals that would have impacted Black voters' political representation for ten years or more in state or local government bodies.

Louisiana's record of racial discrimination in voting is documented in a report submitted to Congress prior to the VRA's reauthorization in 2006. While DOJ objected to 146 proposed voting changes between 1965 and 2006, private litigants still had to bring suit under Section 2 of the VRA to enforce its protections. Black voters sued on multiple occasions to challenge at-large voting schemes in Louisiana, whereby a majority-white jurisdiction dilutes the political power of the smaller Black population by holding elections where everyone in the jurisdiction votes for all seats on a multi-seat body. At-large voting is a longstanding tool used to dilute the voting strength of Black communities. DOJ also objected multiple times where local jurisdictions proposed reducing the number of elected seats on a multi-seat body where a Black population was growing in numbers or threatening to unseat white incumbents.

Part II describes, in detail, the current state of voting in Louisiana, including personal stories from Louisiana voters.

As in many states in the Deep South, the tactics used to deny and dilute Black residents' right to vote in Louisiana have changed over time but remain disproportionately burdensome on Black voters and other voters of color. While states no longer impose grandfather clauses, they still impose felony disenfranchisement laws, which were originally enacted to deny Black men the right to vote and continue to achieve their intended effect. Though the VRA banned literacy tests, states like Louisiana currently impose unnecessary and burdensome requirements on absentee ballot eligibility, which disproportionately exclude Black voters from a process that makes voting more accessible. And owning property is no longer required to vote, but local elected officials can annex multiple white neighborhoods to reduce the relative strength of Black residents in their jurisdiction.

Nearly one-third of Louisiana's population is Black. Yet the state has not elected a Black candidate to statewide office since Reconstruction. Black candidates are only able to find success in majority-Black jurisdictions, and Louisiana lawmakers take great pains to allow as few majority-Black jurisdictions as possible through redistricting, at-large voting schemes, reductions in elected bodies, annexations, and incorporations. Lawmakers also implement policies that appear neutral on their face—like registration requirements—but in practice unduly suppress the votes of Black Louisianans. For

example, while the state provides early voting—a popular option that makes voting more accessible—it restricts how many early voting locations can be placed in each parish, which creates excessively long lines in the state’s most populous parishes, including those with the most Black residents. The state also refuses to provide Sunday early voting, which is a well-known tool for increasing Black voter turnout.

As a harbinger of what is to come, in the latest legislative session, state lawmakers passed five bills that would have further restricted voting rights. Only fierce and persistent advocacy from dedicated organizers and the governor’s veto prevented these bills from becoming law. Without federal preclearance, the promise of equal voting rights will slip further away.

Part III collects Louisiana’s record of voting rights violations in the past 25 years that, along with its history and current conditions documented throughout this Report, make clear that Louisiana must be covered under any new preclearance formula.

The John Lewis Voting Rights Advancement Act (H.R. 4), as passed by the U.S. House of Representatives in 2019, requires statewide preclearance if, in the past 25 calendar years (on a rolling basis), (1) there have been at least fifteen “voting rights violations” in the state, or (2) there have been at least ten voting rights violations in the state, at least one of which was committed by the state itself. H.R. 4 defines “voting rights violation” to include any:

- objection by the U.S. Attorney General under Section 3(c) or Section 5 of the VRA, which prevents a voting change from being enforced;
- final judgment denying the request of a state or subdivision for a declaratory judgment under Section 3(c) or Section 5 of the VRA;
- final judgment finding a violation of Section 2 of the VRA, the Fourteenth Amendment, or Fifteenth Amendment;
- consent decree, settlement, or other agreement resulting in the alteration or abandonment of a voting practice.

In summary, over the last 25 years, Louisiana has committed at least 25 voting rights violations, comprised of:

At least 19 voting rights violations from Department of Justice objections, including at least two against the State itself:

- **State of Louisiana (1997)** – objecting to a redistricting law that would prevent altering precinct boundaries, even to comply with the VRA, which the state could not prove would not have a discriminatory effect on Black voters.
- **State of Louisiana (2008)** – objecting to a nearly identical proposal to the 1997 redistricting law, which was attempted a second time, right before constitutionally mandated redistricting.
- **Shreveport City Court (1996 (2 violations); 1996 (1 violation); 1997 (3 violations))** – objections to six proposed annexations of mostly white voters to the boundaries of Shreveport City Court that would have reduced Black voters' ability to elect candidates of choice.
- **St. Martinville (1997)** – objecting to a proposed city redistricting plan that reduced the Black population in one district and therefore lessened the opportunity of Black voters to elect a candidate of choice.
- **Washington Parish (1998)** – objecting to a plan to reduce the number of parish council seats, which would have diluted Black voting power in the parish.
- **City of Minden (2002)** – objecting to a redistricting plan that diminished Black voting strength in one of the city's council districts. DOJ found that the city failed to demonstrate the plan was not motivated by a discriminatory intent.
- **Point Coupee Parish (2002)** – objecting to a school district redistricting plan that would have unnecessarily reduced the number of majority-Black districts from two to three, thereby reducing the power of Black voters in the district.
- **DeSoto Parish (2002)** – objecting to a school redistricting plan that would have reduced the power of Black voters in the district.
- **Richland Parish (2002)** – objecting to a school redistricting plan that the parish could not demonstrate would not have a retrogressive effect on Black voters.
- **Tangipahoa Parish (2002)** – objecting to a parish redistricting plan that would have reduced the Black voting-age population in one of its districts below 50%, reducing their ability to elect a candidate of choice.
- **City of Ville Platte (2003)** – objecting to a redistricting plan that would have reduced the Black voting strength in one district enough to eliminate Black voters' ability to elect a candidate of choice.

- **City of Plaquemine (2003)** – objecting to a board of selectmen redistricting plan that reduced Black voting strength in one district below 50%, reducing the ability of Black voters to elect a candidate of choice.
- **Town of Delhi (2003)** – objecting to a redistricting plan that reduced the ability of Black voters in one district ward to elect a candidate of choice.
- **East Feliciana Parish (2011)** – objecting to a redistricting plan that lowered the number of Black voters in one of the parish's majority-Black districts, impairing Black voters' ability to elect a candidate of choice.

At least six voting rights violations through final judgments, consent decrees, or settlements finding voting rights violations or resulting in the alteration or abandonment of a voting rule or practice:

In ***U.S. v. Morgan City***, both the Department of Justice and, later, individual voters sued Morgan City arguing that its at-large system of electing city council members violated Section 2 of the VRA. The case resulted in a consent decree whereby all future elections would be elected in a single-member system. In ***St. Bernard Citizens for Better Gov't. v. St. Bernard Parish School Board***, residents sued the school board under Section 2 to prevent a redistricting plan that reduced the board's size and created two seats to be elected at-large. A court found the plan violated Section 2 because it diluted the voting strength of the parish's Black voters. In ***Young v. Ouachita Parish School Board***, plaintiffs challenged a redistricting plan that increased school board seats from seven to eight, diluting Black voting power in the parish. The parties agreed to a seven-member plan, and the court entered a consent judgment.

***Williams v. McKeithen*** involved an at-large election system for judges in the First District of Fifth Circuit Court of Appeals. A court entered a consent judgment approving a law that divided the First District into single-member districts. In ***Guillory v. Avoyelles Parish School Board***, the school board held elections in violation of an earlier consent decree and in violation of Section 2. A court ordered a new election be held. In ***U.S. v. West Monroe***, the Department of Justice challenged the city of West Monroe's use of at-large elections to elected board of aldermen. The court entered a consent judgment providing for three single-member districts and two at-large seats.

Ongoing litigation in ***Allen v. Louisiana*** could also result in additional voting rights violations. The plaintiffs argue that the current apportionment of the Louisiana Supreme Court violates Section 2 by diluting the ability of Black voters to elect candidates of choice. While Louisiana's population is a nearly one-third Black, only one of its seven Supreme Court electoral districts is majority-Black.

Louisiana's persistence in suppressing the political participation of Black residents demonstrates the urgent need for Congress to take action to protect their right to have their voice heard and their rights represented at the federal, state, and local levels. The *Shelby County* Court invited Congress to create a new formula based on "current conditions."<sup>5</sup>

Congress must craft a new preclearance formula grounded in current conditions to restore appropriate and necessary federal oversight in states that actively harm Black voters and other historically disenfranchised communities. The Southern Poverty Law Center ("SPLC") respectfully submits this Report to assist in that effort.

## **Part I: Louisiana's Long History of Racial Discrimination in Voting**

### **I. Louisiana Imposed Racial Discrimination in Voting by Law Following Reconstruction.**

In Louisiana, the promise of the Fifteenth Amendment—that the right to vote shall not be denied or abridged by any state on account of race, color, or previous condition of servitude—has yet to be fully realized. Despite tireless advocacy from civil rights activists and voters themselves, state-sanctioned white supremacist violence and discrimination has prevented full and equal political participation for Black Louisianans and other communities of color in the state.

As a condition of readmission to the Union after the end of the Civil War, Southern states were required to draft new constitutions that abolished slavery and ratified the Fourteenth Amendment. Until 1868, the state constitution limited voting rights to white men, and the state in 1865 instituted Black Codes designed to deny the economic rights, social mobility, and political power of the State's Black population.<sup>6</sup> The Constitution of 1868 was the first in the state to provide a formal bill of rights, and extended voting rights to Black men, established an integrated, free public school system, and guaranteed Black residents equal access to public accommodations.<sup>7</sup>

Following the ratification of the 1868 constitution, many newly enfranchised Black Republicans looked hopefully to the November election, when they would support Ulysses S. Grant over white supremacist Horatio Seymour. But some never got the chance to cast a ballot. White supremacists launched a brutal and concerted campaign to prevent

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<sup>5</sup> *Shelby Cty., Ala. v. Holder*, 570 U.S. 529, 557 (2013).

<sup>6</sup> Debo P. Adegbile, *Voting Rights in Louisiana 1982-2006*, RenewtheVRA.org, at 5 (Mar. 2006), <http://www.protectcivilrights.org/pdf/voting/LouisianaVRA.pdf>.

<sup>7</sup> Louisiana State Museum Online Exhibits, The Cabildo: Two Centuries of Louisiana History, Reconstruction I: A State Divided, <https://www.crt.state.la.us/louisiana-state-museum/online-exhibits/the-cabildo/reconstruction-a-state-divided/index> (last visited Aug. 6, 2021).

Black people from voting, and white supremacist vigilante groups proliferated.<sup>8</sup> More than 1,000 people—most of them Black—were killed in massacres and lynchings in 1868 alone.<sup>9</sup>

In Opelousas, the seat of St. Landry Parish, white supremacists launched a deadly riot in response to an editorial in a Republican newspaper supporting the rights of Black citizens.<sup>10</sup> White mobs began a weeks-long killing rampage, targeting Black men, women, and children. The Republican Party estimated that white rioters killed 200-300 Black people.<sup>11</sup> The white supremacist groups achieved their ultimate purpose; although Republican candidate Ulysses Grant won, and not a single Republican vote was counted in St. Landry Parish.<sup>12</sup> The parish voter registration supervisor opined: I am “fully convinced that no man on that day could have voted any other than the Democratic ticket and not been killed inside of 24 hours thereafter.”<sup>13</sup>

The Opelousas massacre offered a grim preview of the violence that would mark the coming decades. Historian Michael Pfeifer called it “an important precedent for the subsequent wave of lynchings that occurred in Louisiana from the 1890s through the early decades of the twentieth century, in which lynch mobs killed more than 400 persons, most of them African American.”<sup>14</sup> The end of slavery and extension of legal rights to Black men resulted in an immediate and increasingly violent backlash from Louisiana’s entrenched white economic and political power structure unwilling to concede any control and intent on preserving a society built on the myth of white supremacy.

In 1898, Louisiana passed a constitution intent on removing Black men from political life and reversing any political and social gains achieved in the preceding years.<sup>15</sup> The 1898 constitution created a poll tax, literacy and property-ownership requirements for voting, and a complex voter registration form meant to prevent Black men from

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<sup>8</sup> Lorraine Boissoneault, *The Deadliest Massacre in Reconstruction-Era Louisiana Happened 150 Years Ago*, SmithsonianMag.com, (Sept. 28, 2018), <https://www.smithsonianmag.com/history/story-deadliest-massacre-reconstruction-era-louisiana-180970420/>.

<sup>9</sup> J. Morgan Kousser, *Colorblind Injustice: Minority Voting Rights and the Undoing of the Second Reconstruction* 23 (Chapel Hill, The University of North Carolina Press, 1999).

<sup>10</sup> Boissoneault, *supra* note 8.

<sup>11</sup> Farrell Evans, *The 1868 Louisiana Massacre That Reversed Reconstruction-Era Gains*, History.com (Sept. 29, 2020), <https://www.history.com/news/voter-suppression-history-opelousas-massacre>.

<sup>12</sup> Boissoneault, *supra* note 8.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Luke Keele, et. al., *Suppressing Black Votes: A Historical Case Study of Voting Restrictions in Louisiana*, 115 Am. Pol. Sci. Rev. 694, 694-700 (2021).

qualifying to vote.<sup>16</sup> The 1898 Constitution also added a residency requirement which, although neutral in its language, severely restricted Black men's ability to vote as freedom of mobility was critical post-emancipation to find job opportunities.<sup>17</sup>

In response to concerns that these new laws could inadvertently prevent white men from registering to vote, Louisiana's lawmakers pioneered the "Grandfather Clause" exception, which allowed anyone to register whose grandfather was registered to vote before 1867.<sup>18</sup> Thus, many white men who were low-income or unable to read were exempt from the literacy, poll-tax, and property requirements while Black men remained disenfranchised because, under Louisiana law, Black people were not permitted to vote before 1867.<sup>19</sup>

The president of the 1898 constitutional convention made no effort to conceal the purpose of the convention:

What care I whether the test that we have put be a new one or an old one? What care I whether it be more or less ridiculous or not? Doesn't it meet the case? Doesn't it let the white man vote, and doesn't it stop the [Black man]<sup>20</sup> from voting, and isn't that what we came here for?<sup>21</sup>

As the drafters planned, Black voter registration dropped dramatically, from 130,344 before the new constitution of 1898 to 5,320 by 1900, comprising just 4% of total registered voters.<sup>22</sup> In 1904, the number of registered Black voters dropped to 1,000.<sup>23</sup>

The U.S. Supreme Court struck down the use of grandfather clauses in 1915 in *Guinn v. United States*, recognizing that even if the laws "contain[] no express words of an

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<sup>16</sup> Yale University, State Constitution of Louisiana, 1898, Suffrage and Elections, Article 197, <https://glc.yale.edu/state-constitution-louisiana-1898-suffrage-and-elections> (last visited Aug. 6, 2021).

<sup>17</sup> Christopher Leach, *The History of Voting in Louisiana*, WGNO New Orleans (July 14, 2021, 10:17 AM CDT), <https://wgno.com/news/louisiana/the-history-of-voting-in-louisiana/>.

<sup>18</sup> Adegbile, *supra* note 6, at 5.

<sup>19</sup> Equal Justice Initiative, *Louisiana Disenfranchises Black Voters & Jurors*, <https://calendar.eji.org/racial-injustice/may/12> (last visited Aug. 6, 2021).

<sup>20</sup> This Report replaces racial slurs and outdated racist terms whenever possible to not further perpetuate the harm they cause.

<sup>21</sup> Rebecca Scott, *Degrees of Freedom: Building Citizenship in the Shadows of Slavery*, Law Quad. Notes 47, No. 2 (2004), at 91 (quoting Ernest B. Kruttschnitt, President, 1898 Louisiana Constitutional Convention), <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1757&context=articles>.

<sup>22</sup> Caleb Jackson, *Black Voters Continue to Face Voter Suppression 155 Years After Juneteenth*, Campaign Legal Center (June 19, 2020), <https://campaignlegal.org/update/black-voters-continue-face-voter-suppression-155-years-after-juneteenth>.

<sup>23</sup> Equal Justice Initiative, *supra* note 19.

exclusion" based on race, the grandfather clause "itself inherently brings that result into existence."<sup>24</sup>

Relentless in their pursuit of keeping Black residents disenfranchised, Louisiana lawmakers introduced an "Understanding Clause" at the 1921 constitutional convention that required prospective voters to give a "reasonable interpretation" of a section of the state or federal constitution as part of their voter registration.<sup>25</sup> If they could not read, a section would be read to them to summarize.<sup>26</sup> This highly subjective test, which empowered registrars to both select the section and evaluate the aspiring voter's interpretation of it, ensured that illiterate white citizens could pass voting requirements, while Black citizens could be systematically excluded from the franchise by registrars who deemed their "interpretation" of whatever passage they selected to be "[un]reasonable." The Supreme Court invalidated the Understanding Clause in 1965.<sup>27</sup>

Louisiana also required voters to pay poll taxes and purged the few Black voters who managed to overcome these numerous barriers.<sup>28</sup>

The all-white primary served as yet another disenfranchising device. In Louisiana and throughout the Deep South, the Democratic Party excluded Black people from party meetings, caucuses, conventions, offices, and candidacy, and prohibited Black people from voting in Democratic primary elections.<sup>29</sup> Because nomination in the Democratic primary was tantamount to election, the all-white primary robbed Black voters of any meaningful opportunity to influence election outcomes.<sup>30</sup> The Supreme Court did not strike down all-white primaries until 1944.<sup>31</sup>

These racially discriminatory laws and practices were extremely effective for maintaining the white power structure in Louisiana. From 1910 until 1948, less than 1% of Louisiana's voting-age Black population was registered to vote.<sup>32</sup> In 1948, the percentage of Black registered voters was still only 5%, and from 1952 to 1964—even with federal intervention—the percentage rose only from 22% to 32%.<sup>33</sup>

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<sup>24</sup> *Guinn v. United States*, 238 U.S. 347, 364 (1915).

<sup>25</sup> Keele, *supra* note 15.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Major v. Treen*, 574 F. Supp. 325, 340 (E.D. La. 1983).

<sup>29</sup> Bill Quigley, *The Continuing Significance of Race: Official Legislative Racial Discrimination in Louisiana 1861 to 1974*, 47 S.U. L. Rev. 1, 33-34 (2019).

<sup>30</sup> *Id.*

<sup>31</sup> *Smith v. Allwright*, 321 U.S. 649 (1944).

<sup>32</sup> *Major*, 574 F. Supp. at 340 n.19.

<sup>33</sup> *Id.*

Overtly racist attempts like these to stop Black citizens from voting have become less commonplace because of organized advocacy, court rulings, and federal intervention. But resistance to Black political power and civic participation is alive and well in Louisiana. As explored further in this Report, modern voter suppression tactics in Louisiana may not take the form of a literacy test or a grandfather clause, but their impact is the same: to weaken the power of Black Louisianans and to preserve the white power structure. It is critical that Congress step in to protect Black voters and other voters of color in Louisiana to ensure that their political rights are not further eroded.

## **II. Black Organizing Led to the Most Successful Civil Rights Legislation Ever Passed.**

Louisiana's racist 1898 constitution, intentionally discriminatory voting laws, and racial violence achieved their intended goal: Black political participation plummeted in the early 20<sup>th</sup> century. Yet Black citizens never stopped demanding that Louisiana and the United States live up to its constitutional guarantees for equal justice under law. Risking their livelihoods, their safety, and often their lives, Black Americans fought—and still fight—for equal rights for all Americans.

One such advocate was Homer Plessy. Plessy volunteered himself to challenge Louisiana's Separate Car Act of 1890, which, like other post-Reconstruction laws in the South, was meant to prevent Black residents from gaining full citizenship rights and equal access to the same facilities as white residents—in this case, a train car.<sup>34</sup> Though Plessy could "pass" as white in many instances, he was questioned by the conductor and told to sit in the car for Black passengers.<sup>35</sup> When he refused, he was dragged from the train and arrested. The Supreme Court ultimately upheld Louisiana's racist law under the "separate but equal" doctrine in *Plessy v. Ferguson*, but Plessy's case set the stage for that doctrine to be overruled years later in *Brown v. Board of Education*.<sup>36</sup>

Just three years after the ruling in *Plessy*, Alexander Pierre ("A.P.") Tureaud was born into a Louisiana that maintained the "separate but equal" doctrine of legalized racial segregation, enforced through Jim Crow laws and the terror of white intimidation and violence.<sup>37</sup> Tureaud was a 1925 graduate of the Howard University School of Law, where

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<sup>34</sup> Glenn Rifken, *Overlooked No More: Homer Plessy, Who Sat on a Train and Stood Up for Civil Rights*, N.Y. Times (Jan. 31, 2020), <https://www.nytimes.com/2020/01/31/obituaries/homer-plessy-overlooked-black-history-month.html>.

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

<sup>37</sup> Library of Congress, A.P. Tureaud collection, The Civil Rights History Project: Survey of Collections and Repositories, [https://www.loc.gov/folklife/civilrights/survey/view\\_collection.php?coll\\_id=784](https://www.loc.gov/folklife/civilrights/survey/view_collection.php?coll_id=784) (last visited Aug. 6, 2021).

he was a student of Charles Hamilton Huston and an associate of Thurgood Marshall.<sup>38</sup> Because Louisiana's law schools only admitted white students, he was one of only a few practicing Black attorneys in Louisiana until the 1950s.<sup>39</sup> Working as a local attorney for the NAACP Legal Defense & Educational Fund, Inc., Tureaud sought to defeat the system of segregation by challenging the notion that "separate" could ever be "equal."<sup>40</sup> Specifically, he sued to compel the state to enforce *Plessy* by creating truly equal schools for Black students, an expense the state was predictably unwilling to assume.<sup>41</sup> In *Joseph P. McKelvin v. Orleans Parish School Board*, Tureaud obtained equal pay for Louisiana's Black teachers and admission of qualified students, regardless of race, to Louisiana undergraduate, graduate, and professional schools.<sup>42</sup> Tureaud's legal victories also desegregated Orleans Parish School District and Louisiana State University.<sup>43</sup>

Another New Orleans advocate was Antoine Trudeau, who was denied voter registration in New Orleans because the registrar said he did not interpret the constitution correctly under Louisiana's Understanding Clause.<sup>44</sup> Trudeau, who later became a lawyer and worked to end segregation in Louisiana schools, sued to overturn the racist law with the help of the NAACP in 1931. Although his case was unsuccessful, it was the beginning of a longer fight for equal rights in Louisiana, with the Supreme Court ultimately overturning understanding clauses in 1965.<sup>45</sup>

In June of 1953, local Black leaders in Baton Rouge formed the United Defense League ("UDL") to protest bus segregation in the city.<sup>46</sup> The UDL called on Black residents—who made up 80 percent of the city's bus riders—to boycott buses and drive or walk to work.<sup>47</sup> One day after the boycott was announced, boycotters turned their backs on buses arriving at bus stops.<sup>48</sup> Thousands of supporters gathered to join the efforts and hundreds volunteered their vehicles to drive boycotters to and from work.<sup>49</sup> The boycott ended a few days later with a compromise and provided a model that was

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<sup>38</sup> Nikki Brown, *A.P. Tureaud*, 64 Parishes (Feb. 26, 2021), <https://64parishes.org/entry/a-p-tureaud>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Library of Congress, *supra* note 37.

<sup>43</sup> Brown, *supra* note 38.

<sup>44</sup> Leach, *supra* note 17.

<sup>45</sup> *Id.*

<sup>46</sup> Samuel Momodu, *Baton Rouge Bus Boycott* (1953), BlackPast, Feb. 4, 2018, <https://www.blackpast.org/african-american-history/events-african-american-history/baton-rouge-bus-boycott-1953/>.

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

used later by Dr. Martin Luther King, Jr. and the Montgomery Improvement Association during the Montgomery Bus Boycott.<sup>50</sup>

The fight for equal voting rights was at the center of the Civil Rights Movement. Any time the federal government or a federal court intervened to stop a racially discriminatory voting practice, Southern state and local governments determined to preserve white supremacy through the segregation and subjugation of Black citizens bounced back, developing a new practice that achieved the same results.<sup>51</sup> Until the passage of the VRA, the federal government was no match for the Southern governments determined to prevent Black citizens from voting. But Black Southerners, once again, refused to concede the fight for equal citizenship. Black activists and allies led the call for equal voting rights in the South.

In February 1965, a couple hundred people marched through Marion, Alabama, to protest the arrest of a civil rights worker.<sup>52</sup> Among these marchers was Jimmie Lee Jackson, who had become involved in the civil rights movement when he saw his 80-year-old grandfather rudely turned away while attempting to register to vote in 1962.<sup>53</sup> Before the marchers walked one block, they were confronted by state troopers, who then began beating the protestors as they fled. Panicked, Jackson, who was also marching with his mother and grandfather, ran to a nearby café for safety. Jackson's grandfather was beaten by the time he reached the café, and when a trooper struck Jackson's mother, Jackson lunged for him. The trooper attacked Jackson and another shot Jackson in the stomach. He died eight days later at the hospital in nearby Selma.<sup>54</sup> At one of two funeral services for Jackson, Dr. Martin Luther King, Jr. told a crowd of 2,000 mourners: "Jimmie Lee Jackson's death says to us that we must work passionately and unrelentingly to make the American dream a reality. His death must prove that unmerited suffering does not go unredeemed."

Jackson's death inspired the first Selma to Montgomery voting rights march a few weeks later, on March 7, 1965.<sup>55</sup> Led by local activists, the Student Nonviolent Coordinating Committee (SNCC), the Southern Christian Leadership Conference (SCLC), and others, 600 marchers planned to journey from the Edmund Pettis Bridge in Selma to the state capitol in Montgomery to protest Jackson's murder and the denial of voting

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<sup>50</sup> *Id.*

<sup>51</sup> *Voting Rights Act of 1965: An Introduction*, Va. Commonwealth Univ. Libraries Soc. Welfare Hist. Project, <https://socialwelfare.library.vcu.edu/federal/voting-rights-act-of-1965/>.

<sup>52</sup> *Jackson, Jimmie Lee*, Martin Luther King Jr. Rsch. & Educ. Inst., Stanford Univ., <https://kinginstitute.stanford.edu/encyclopedia/jackson-jimmie-lee>.

<sup>53</sup> *Jimmie Lee Jackson*, S. Poverty Law Ctr., <https://www.splcenter.org/jimmie-lee-jackson>.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

rights.<sup>56</sup> On the bridge that day, troopers in gas masks and county police on horseback confronted the marchers. When the marchers knelt down in response, troopers charged ahead, firing tear gas and swinging billy clubs.<sup>57</sup> Marchers—including a young future Congressman John R. Lewis—were beaten and bloodied as the nation watched on their television screens.<sup>58</sup> The day now known as “Bloody Sunday” was a turning point in the fight to end racial discrimination in voting. President Lyndon B. Johnson sent voting rights legislation to Congress on March 17, 1965.<sup>59</sup>

Two weeks later, after national outrage and under the protection of a federal court order, Dr. Martin Luther King, Jr. led around 3,200 marchers from Selma, over the Edmund Pettis Bridge, and onto Montgomery.<sup>60</sup> When they reached the steps of the state capitol on March 25, the crowd numbered 25,000. On August 6, President Johnson signed the Voting Rights of 1965 into law.<sup>61</sup>

### **III. The VRA Blocked Discriminatory Voting Laws in Louisiana.**

The Voting Rights Act of 1965 was passed to enforce the guarantees of the Fourteenth and Fifteenth Amendments and put an end to racial discrimination in voting. The law explicitly prohibited poll taxes, literacy tests, and other tests or devices used to discriminate against Black voters and other voters of color. Section 2 of the VRA established a nationwide, permanent ban on states adopting any voting qualifications or prerequisites to voting, or any standards, practices, or procedures which result in the denial or abridgement of the right to vote on account of race or color.<sup>62</sup>

Section 5 of the VRA required states and localities with a history of racial discrimination in voting to submit any voting- or election-related changes for federal approval before implementation.<sup>63</sup> This “preclearance” process required the state or subdivision to preclear the change with the Department of Justice or a federal district court in D.C., thus blocking the change until the jurisdiction proved it would not disproportionately disenfranchise voters of color.<sup>64</sup> Section 4 provided the formula for

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<sup>56</sup> *March 1965, Bloody Sunday*, Digital SNCC Gateway, <https://snccdigital.org/events/bloody-sunday/> (last visited Aug. 6, 2021).

<sup>57</sup> *Id.*

<sup>58</sup> *Jimmie Lee Jackson*, *supra* note 53.

<sup>59</sup> *Selma to Montgomery March*, Martin Luther King Jr. Rsch. & Educ. Inst., Stanford Univ., <https://kinginstitute.stanford.edu/encyclopedia/selma-montgomery-march>.

<sup>60</sup> Nat'l Park Serv., Alabama: *The Selma-to-Montgomery March*, <https://www.nps.gov/places/alabama-the-selmatomontgomery-march.htm> (last visited Aug. 6, 2021).

<sup>61</sup> *Selma to Montgomery March*, *supra* note 59.

<sup>62</sup> 52 U.S.C. § 10301.

<sup>63</sup> Voting Rights Act of 1965 § 5.

<sup>64</sup> *Id.*

determining which states and subdivisions were subject to Section 5 preclearance based on their record of voting discrimination.<sup>65</sup> The VRA also allowed the U.S. Attorney General to send federal observers and examiners to certain jurisdictions to supervise the registration of voters and to help ensure compliance with federal laws.<sup>66</sup>

Louisiana's history of racial discrimination in voting qualified the state for coverage under preclearance from its inception until the Supreme Court rendered it inactive in 2013. Just three years after the VRA was enacted and preclearance was put in place in Louisiana, voter registration among Louisianans of color nearly doubled—from 31.6% to 58.9% between 1964 and 1968.<sup>67</sup> And in the years to follow, Louisiana's parishes experienced significant growth in the number of registered Black voters.<sup>68</sup> Notably, nine parishes were singled out as requiring the presence of federal registrars, and each of these parishes—and many of those surrounding them—saw dramatic increases in the number of Black registered voters.<sup>69</sup> Caddo Parish, for example, added nearly 30,000 Black voters to the rolls from 1964 to 1985. And by 1985, Ouachita Parish had added more than 14,000 Black registered voters to its original count of 1,746 in 1964.<sup>70</sup>

Despite the effectiveness and power of the VRA, Louisiana and its local jurisdictions persisted in attempts to disenfranchise and suppress Black voters. In 1968, Louisiana launched a new strategy: implementing at-large voting schemes to drown out any political power of Black communities. Had the VRA and federal preclearance not been in place, Black voting power in Louisiana would have been merely illusory. But DOJ was reviewing each proposed change. Between 1965 and 1982, DOJ objected to 50 attempts by Louisiana and its subdivisions to implement voting changes because they would have diluted Black voting strength.<sup>71</sup> In addition to proposed changes to at-large election systems, proposals included redistricting plans that would have diluted Black voting strength and secured white political power for a decade or more.<sup>72</sup> Without a robust preclearance requirement and persistent enforcement by the federal government, Louisiana and its subdivisions would have succeeded in their determined campaign to deprive Black residents of political power. As explored later in this Report, it is clear how

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<sup>65</sup> Voting Rights Act of 1965 § 4.

<sup>66</sup> Voting Rights Act of 1965 §§ 6-9.

<sup>67</sup> U.S. Comm'n on Civ. Rts., Political Participation: a study of the political participation by negroes in the electoral and political process in 10 Southern States since passage of the Voting Rights Act of 1965, at 223 (May 1968), <https://www2.law.umaryland.edu/marshall/usccr/documents/cr12p753.pdf>.

<sup>68</sup> Frederick D. Wright, *The Voting Rights Act and Louisiana: Twenty Years of Enforcement*, Publius, Vol. 16, No. 4, 101 (Autumn 1986).

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> Adegbile, *supra* note 6, at Appendix A.

<sup>72</sup> U.S. Dep't of Just., Civ. Rts. Div., Voting Determination Letters for Louisiana, <https://www.justice.gov/crt/voting-determination-letters-louisiana>.

successes gained with Section 5 in place will be turned back without its protections as state and local officials intent on preserving their own political power face little federal oversight.

#### **IV. Louisiana Continued to Discriminate Against Black Voters After the 1982 Reauthorization of the VRA.**

In 1982, Congress reauthorized the VRA with broad, bipartisan support. In doing so, Congress overruled *City of Mobile v. Bolden*, a Supreme Court decision in which the Court broke with prior precedent to hold that Section 2 of the VRA only prohibits voting rules proposed with discriminatory intent, such that a showing of "disproportionate effects" alone is not enough to succeed on a Section 2 claim.<sup>73</sup> The 1982 Amendments clarified that courts may find a Section 2 violation by assessing the discriminatory effects of a voting rule and considering its results in the context of the totality of the circumstances, thus reinforcing the VRA's broad protections.<sup>74</sup> In subsequent litigation that laid the new foundation for a Section 2 claim, the Supreme Court held that "[t]he essence of a Section 2 claim is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities" of voters of color to elect their preferred representatives.<sup>75</sup>

Despite renewed commitment to the VRA in Congress, Louisiana resisted its mandate. The State and its subdivisions continued to evolve their approach to voting discrimination from explicit denial based on race to subtler methods of diluting the strength and power of Black voters. Both Section 2 and Section 5 were critical in deterring and defeating State and local election practices that discriminated against Black Louisianans and other historically disenfranchised communities. A report documenting racial discrimination in voting in Louisiana (and submitted into the Congressional Record in support of the VRA's 2006 reauthorization) noted that from 1982 to 2006, DOJ objected 96 times to discriminatory voting changes proposed by Louisiana state and local officials.<sup>76</sup> The breadth of these attempts highlights the determination of their proponents to prevent Black voters from gaining any meaningful political power at any level of Louisiana government.

Specifically, between the 1982 and 2006 reauthorizations, DOJ objected to 33 parish school board redistricting and expansion plans proposed by 23 parishes and

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<sup>73</sup> *City of Mobile v. Bolden*, 446 U.S. 55, 66 (1980) (plurality opinion).

<sup>74</sup> S. Rep. No. 97-417, at 3-4 (1981); see 52 U.S.C. § 10301(a)-(b).

<sup>75</sup> *Thornburg v. Gingles*, 478 U.S. 30, 47 (1986). The Court recently confirmed that Section 2 guarantees an election process that is "equally open" to minority voters. *Brnovich v. Democratic Nat'l Comm.*, 141 S. Ct. 2321, 2338, slip op. at 15 (July 1, 2021).

<sup>76</sup> Adegbile, *supra* note 6, at 19.

one city; 31 parish police jury<sup>77</sup> redistricting and reduction plans proposed by 20 parishes; seven parish council redistricting and reduction plans proposed by six parishes; 11 city and town council redistricting plans proposed by 10 cities and towns; two board of alderman redistricting plans proposed by two cities; and six annexations proposed by the city of Shreveport alone.<sup>78</sup> DOJ also objected 17 times to the state itself attempting to diminish the power of the vote for voters of color in congressional, state legislative, state board of education, and state court elections.<sup>79</sup>

Louisiana and its jurisdictions—more than *half* of the State’s 64 parishes and 13 cities—attempted multiple tactics to dilute the power of Black voters, often seeking to preclear a change that had *already been blocked* by the DOJ.<sup>80</sup> The tenacity with which these changes were pursued underscores the present danger of racial discrimination in voting in the State absent effective federal oversight. These tactics are described in detail below.

#### **A. Louisiana and Its Subdivisions Diluted Black Political Power Through Redistricting & Annexations.**

Redistricting played a central role in attempts at suppressing and diluting Black political power after the VRA was passed. Between 1982 and 2006, every proposed Louisiana State House of Representatives redistricting plan received an objection from the DOJ.<sup>81</sup> In fact, most of Louisiana’s 96 objections under Section 5 during this period involved redistricting.<sup>82</sup> Discriminatory redistricting is often achieved through “packing” or “cracking”—the former referring to concentrating Black voters or members of a racial minority group into a smaller number of districts (thereby giving them fewer representatives), and the latter referring to dispersing voters of color into several majority-white districts to dilute their voting power.<sup>83</sup> In other words, “packing” means that voters of color are concentrated into as few districts as possible so as to minimize the number

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<sup>77</sup> Louisiana is the only state in the nation that uses the “police jury” form of government in 38 of its 64 parishes. Police Jury Ass’n of Louisiana, Parish Government Structure – The Forms of Parish Government, <https://www.lpgov.org/page/ParishGovStructure> (last visited Aug. 7, 2021). The other 26 parishes operate under a form of home rule charter, which includes council-president, commission, consolidated government, and city-parish. *Id.* The police jury form of government is like the county commission form of government in other states. *Id.* A police jury may have between five and 15 members or the number the jury was authorized to have before 1974, if larger. *Id.* A parish with a population of less than 10,000 may have as few as three members. *Id.*

<sup>78</sup> Adegbile, *supra* note 6, at 20.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*

<sup>81</sup> *Id.*

<sup>82</sup> Adegbile, *supra* note 6, at 22.

<sup>83</sup> *Id.*

of representatives chosen by voters of color.<sup>84</sup> On the other hand, “cracking” means that districts are drawn in such a way as to ensure that voters of color do not form a majority in any district.<sup>85</sup> By design, no candidate preferred by Black voters or other racial minority groups can be elected even though a fairly drawn districting plan would have resulted in at least one district with the racial minority group constituting the majority.

The 1991 Bossier Parish School Board’s redistricting plan is a clear example of “cracking.” After the release of the 1990 census, the local chapter of the NAACP proposed a plan that would have created two compact majority-Black districts out of twelve in a parish with a 20 percent Black population.<sup>86</sup> The Board rejected the NAACP’s proposal in favor of their own, which contained no majority-Black districts. The Board’s proposal divided or “cracked” the Black communities in the parish such that for school board elections, the parish had no majority-Black districts at all. DOJ rejected the Board’s plan when it was sent for preclearance. The Attorney General noted that the plan’s lack of majority-Black districts was problematic because “black residents are sufficiently numerous and geographically compact so as to constitute a majority in two single-member districts.” DOJ further noted that the Board was “not free to adopt a plan that unnecessarily limits the opportunity for minority voters to elect their candidates of choice.”<sup>87</sup>

East Carroll Parish routinely attempted to “pack” its Black voters between 1991 and 1993.<sup>88</sup> In 1991, the parish developed a redistricting plan for its police jury and board of education districts. Black residents made up some 65 percent of the parish’s total population and constituted 60 percent of registered voters.<sup>89</sup> The plan would have packed all the parish’s Black residents and voters into four out of its nine school board districts. The districts were drawn such that they had abnormally high percentages of Black residents. Three of the four proposed districts had a Black population of 95 percent or more, thus “packing” Black residents into too few districts. A properly drawn districting plan would have included a greater number of majority-Black districts, providing Black voters the opportunity to elect more representatives of their choice. Elected officials representing the Black community actively opposed the plan before its submission to the federal government for preclearance.<sup>90</sup> The plan was ultimately blocked by DOJ, but East

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<sup>84</sup> See Steven Wagner, *Evidence and Implications of Gerrymandering in Louisiana*, Univ. of Notre Dame, Keough Sch. of Glob. Affs., <http://sites.nd.edu/sisi-meng/files/2019/05/Wagner-Final-Poster.pdf>.

<sup>85</sup> *Id.*

<sup>86</sup> *Reno v. Bossier Par. Sch. Bd.*, 528 U.S. 320, 323 (2000).

<sup>87</sup> *Id.* at 324.

<sup>88</sup> Adegbile, *supra* note 6, at 28.

<sup>89</sup> Letter from John R. Dunne, Assistant Att’y Gen., Civ. Rts. Div., U.S. Dep’t of Just., to Kenneth R. Selle, Pres., Tri-S Assocs., Inc. (Dec. 20, 1991).

<sup>90</sup> *Id.*

Carrol Parrish proposed it again in 1992 and 1993 with only minor modifications, thereby demonstrating local officials' persistence in attempting to suppress Black political power and representation.<sup>91</sup>

Aside from the traditional tactics of racial discrimination in redistricting through "cracking" or "packing," officials in Louisiana often use annexations as a tool for diluting Black political power. For example, cities sometimes refuse to annex Black communities that want to be incorporated into a city because of concerns about reducing white political power. Officials also use annexation to incorporate predominantly white areas into a city or jurisdiction that has recently seen inroads made by Black candidates or an increase in Black population. This increases the chances of candidates preferred by white voters at winning seats on the locality's elected body and thereby curtails Black political power.<sup>92</sup>

Examples of discriminatory annexations in Louisiana are plentiful. For example, in 1990, the city of Monroe in Ouachita Parish attempted to annex three white suburban wards to its city court jurisdiction. DOJ objected to the annexation, noting that where a jurisdiction seeks to expand its electorate in a way that significantly reduces Black voting strength, Section 5 preclearance would only be granted if some other measure was taken to balance out this reduction. As noted in DOJ's objection letter, no such measures were taken.<sup>93</sup> At least one of the wards in question (Ward 4) had been eligible for annexation since 1970, but the city showed no interest in annexation until after the first-ever Black candidate ran for Monroe City Court in 1984.<sup>94</sup>

Between 1967 and 1992, the city of Shreveport undertook a concerted effort to dilute Black political power through annexations. Specifically, the city conducted more than 300 annexations that added certain areas to the boundaries of its City Court. These annexations had originally been submitted for Section 5 preclearance with respect to their impact on city council elections and the city charter, but *not* with regard to their impact on City Court elections. As such, the annexations had to be re-submitted for Section 5 preclearance specific to their impact on the court.<sup>95</sup> Following resubmission, DOJ objected to these annexations, noting that they had the effect of reducing the percentage of Black

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<sup>91</sup> Adegbile, *supra* note 6, at 28; *see also* Letter from John R. Dunne, Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to James David Caldwell, Dist. Att'y, State of La. (Jan. 4, 1993); *see* Letter from John R. Dunne, Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to James David Caldwell, Dist. Att'y, State of La. (Jan. 4, 1993).

<sup>92</sup> Adegbile, *supra* note 6, at 23.

<sup>93</sup> Letter from John R. Dunne, Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to Cynthia Young Rougeou, Assistant Att'y Gen., State of La. (Oct. 23, 1990).

<sup>94</sup> *Id.*

<sup>95</sup> *United States v. Louisiana*, 952 F. Supp. 1151, 1154-55 (W.D. La. 1997).

voters in the City Court's electoral district from 56 to 45 percent, thereby diluting Black voting strength.<sup>96</sup>

## **B. Louisiana Jurisdictions Implemented At-Large Voting to Diminish the Power of Black Voters.**

As noted above, at-large election systems are often designed to eliminate the political strength of Black voters. Under at-large voting, all voters living in a jurisdiction cast their ballots for each candidate in that jurisdiction, even for multimember bodies. At-large elections are often racially discriminatory because the preferences of Black voters are diluted within majority-white districts. An at-large voting system could dilute Black voter strength in the following example: a parish school board has five members, where the parish has a Black voting-age population of 25% and a white voting-age population of 75%. Usually, the Black voters in the district vote together for the same candidate and the white voters vote together for the same candidate. All the voters in the parish vote for each of the five school board elections. For each of the five elections, the white voters (75% of the voting-age population) successfully defeat the Black voters (25% of the voting-age population), resulting in no opportunity for Black voters in the Parish to elect their candidate of choice. Black voters are submerged by white voters and their political power in the parish is effectively eliminated. In contrast, in a single-member election system, Black voters have individual districts where they constitute a majority of voters, providing the opportunity to elect a candidate of choice and securing representation on the government body.

Since 1982, jurisdictions in Louisiana have repeatedly attempted to maintain or expand at-large voting for all manner of elected positions. In 1986, a federal district court held that the city of Gretna's at-large election scheme for selecting its Board of Aldermen violated Section 2 because it prevented Black voters from meaningfully participating in the political process.<sup>97</sup> The district court noted that the city of Gretna was created as an "unusually large election district"<sup>98</sup> where, like many at-large systems, there was no district residency requirement for candidates, which "effectively destroy[ed] the political voice of Gretna's minority population."<sup>99</sup> Gretna's at-large system also used a majority-vote rule that required winning candidates to win more than a simple plurality, which made it exceptionally difficult for candidates preferred by Black voters to win.<sup>100</sup> Exacerbating all of this was the existence of severe and persistent racially polarized voting, meaning that

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<sup>96</sup> *Id.*; see also *Id.* at 1166.

<sup>97</sup> *Citizens for a Better Gretna v. City of Gretna*, 834 F.2d 496 (5th Cir. 1987).

<sup>98</sup> *Citizens for a Better Gretna v. City of Gretna*, 636 F. Supp. 1113, 1124 (E.D. La. 1986), *aff'd*, 834 F.2d 496 (5th Cir. 1987).

<sup>99</sup> *Id.* at 1134.

<sup>100</sup> *Id.* at 1124.

white and Black voters had clearly different candidate preferences and white voters usually voted together to defeat the Black-preferred candidate.<sup>101</sup> This meant that in an at-large system like Gretna, Black voting strength would almost certainly be overwhelmed by white voters.

A second notable example—*Westwego Citizens for Better Government v. Westwego*—also involved aldermanic elections. There, a group of Black citizens challenged Westwego’s at-large elections in 1991, claiming that the process diluted Black voting strength.<sup>102</sup> Westwego’s five-person Board of Aldermen was elected through an at-large scheme, with no requirement that any of the candidates run for any particular seat.<sup>103</sup> The city also had a majority-vote requirement, with the city’s electorate engaging in racially polarized voting.<sup>104</sup> The district court that first heard the case concluded that the at-large system was acceptable based on “administrative efficiency” concerns.<sup>105</sup> The Fifth Circuit, however, disagreed, finding clear evidence of historical discrimination against Black residents, racially polarized voting, and a lack of successful Black candidates for elected office. This finding supported the conclusion that the city’s at-large system denied Black residents an equal opportunity to participate in the political process.<sup>106</sup> The Fifth Circuit gave the city 120 days to develop a remedy that must then be precleared under Section 5.<sup>107</sup> Jurisdictions across Louisiana attempted to use at-large voting systems to dilute Black voting power in myriad elected positions; indeed, Louisiana jurisdictions attempted to add at-large or multi-member judicial seats in 1989, twice in 1990, in 1991, in 1992, and in 1994.<sup>108</sup>

Another discriminatory facet of at-large voting is the use of “anti-single-shot devices.” “Single-shot” (or “bullet”) voting is a tactic whereby voters in an at-large, multi-member district decline to exercise their multiple votes and instead vote for only one candidate.<sup>109</sup> For example, in an election for five city council members, a voter would decide not to use his or her five votes and would instead just vote for one candidate. This tactic is useful in allowing Black voters and other voters of color to maximize the chance that their desired candidate will win without forcing their votes to be dispersed to other candidates. But anti-single-shot devices or laws simply ban this type of voting and force Black voters to cast additional votes for candidates they may not favor, thereby increasing

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<sup>101</sup> *Id.*

<sup>102</sup> *Westwego Citizens for Better Gov’t v. City of Westwego*, 946 F.2d 1109 (5th Cir. 1991).

<sup>103</sup> *Id.* at 1113.

<sup>104</sup> *Id.* at 1113-14.

<sup>105</sup> *Id.* at 1123.

<sup>106</sup> *Id.*

<sup>107</sup> *Id.* at 1124.

<sup>108</sup> Adegbile, *supra* note 6, at 25.

<sup>109</sup> *Westwego Citizens for Better Gov’t*, 946 F.2d at 1113 n.3.

the vote totals of those non-preferred candidates (and the chances that those candidates, rather than the candidates generally preferred by Black voters, will win election).

Louisiana attempted at least twice during this period to enact some kind of anti-single-shot law. In 1988, the state attempted to adopt such a device for circuit court elections. This attempt was ultimately stopped by a Section 5 objection.<sup>110</sup> In 1990, the state again attempted to adopt an anti-single-shot device for judicial elections, and again DOJ intervened.<sup>111</sup> These repeated attempts demonstrate the persistence of Louisiana officials in seeking and pursuing ways to maximize white political power at the expense of Black and Brown voters.

### **C. Louisiana Officials Modified Elected Bodies to Suppress Black Political Power.**

Another tactic Louisiana used in the years between the 1982 and 2006 VRA reauthorizations was changing the size of elected bodies either by (a) eliminating seats held by candidates preferred by Black voters or (b) adding seats held by elected officials preferred by white voters—to reduce the relative power of Black voters’ candidates of choice.

In 1992, just one year after Franklin Parish added a second majority-Black district to its police jury,<sup>112</sup> it attempted to reduce the size of the jury from 11 members to five—a move that would eliminate the new majority-Black district, thus reducing Black residents’ representation in the parish.<sup>113</sup> While there was general agreement that a reduction in the jury size was necessary due to economic difficulties in the parish, the parish declined to adopt an alternative seven-member plan which would have reduced costs while retaining the two majority-Black districts.<sup>114</sup> The Black community in the parish strenuously opposed the new five-member plan, and DOJ eventually objected to this plan under Section 5, preventing it from taking effect.<sup>115</sup>

Similarly, in 1992, the Concordia Parish Police Jury announced that it would reduce its size from nine seats to seven. The previous nine-seat jury plan had two members elected from one majority-Black district, and another single member elected from a

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<sup>110</sup> Adegbile, *supra* note 6, at 25.

<sup>111</sup> *Id.*

<sup>112</sup> *Id.* at 24.

<sup>113</sup> Letter from James P. Turner, Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to Kay Cupp, Sec'y, Franklin Par. Police Jury (Aug. 10, 1992).

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

second majority-Black district.<sup>116</sup> The parish's proposed plan after the 1990 census reduced the number of seats to seven and only provided for one majority-Black district, despite the Black population in the parish increasing. DOJ objected to the plan, rejecting the parish's claim that the reduction was a cost-saving measure as pretextual upon finding that the Jury had ignored an alternative plan that would have simultaneously saved costs and "more fairly recognized black voting strength."<sup>117</sup>

In 1993, the Washington Parish School Board—in a parish with a Black population of 32.3%—sought to add a second majority-Black district to its school district plan, but also sought to increase the number of board seats from eight to nine. Alternate plans were submitted demonstrating that two majority-Black districts could be drawn with eight districts. DOJ rejected the proposed increase to nine seats because it would have diluted the impact of the additional majority-Black district, finding that the ultimate proposal the School Board chose was intended to ensure no incumbent would be placed in the new majority-Black district.<sup>118</sup>

In 2006, with the above examples of continued racial discrimination in voting—and volumes more from Louisiana and other states and localities entered into the Congressional Record<sup>119</sup>—Congress reauthorized the VRA for an additional 25 years with broad, bipartisan support. Louisiana and other states with clear records of voting discrimination continued to be covered under Section 5. But while lawmakers in Washington, D.C., focused on protecting historically disenfranchised voters, lawmakers and officials in Louisiana contemplated new ways to evade federal intervention to protect the white power structure and depress Black political representation.

## V. ***Shelby County v. Holder* Removed Critical Preclearance Protections in Louisiana.**

Louisiana was far from alone in its resistance to the full and equal political participation of Black citizens. During the 20th Century, many states, particularly in the Deep South, followed the same blueprint that shifted away from express exclusion of or discrimination against voters of color and embraced purportedly less obvious devices that reduced or eliminated their voting power.<sup>120</sup> And staunch resistance to any federal

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<sup>116</sup> Letter from James P. Turner, Acting Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to Robbie Shirley, Secretary-Treasurer, Concordia Par. Police Jury (Aug. 28, 1992).

<sup>117</sup> *Id.*

<sup>118</sup> Letter from James P. Turner, Assistant Att'y Gen., Civ. Rts. Div., U.S. Dep't of Just., to G. Wayne Kuhn, Washington Par. Sch. Bd. (June 21, 1993).

<sup>119</sup> See generally Adegbile, *supra* note 6.

<sup>120</sup> See generally American Civil Liberties Union, The Case for Restoring & Updating the Voting Rights Act (Nov. 18, 2019), <https://www.aclu.org/report/aclu-report-voting-rights-act>.

intervention in state and local elections was a hallmark of the years after the VRA was passed.<sup>121</sup>

In 2010, Shelby County, Alabama, sued the United States Attorney General requesting a declaratory judgment that Sections 4(b) and 5 of the VRA were facially unconstitutional and seeking a permanent injunction against their enforcement. The district court and Court of Appeals both rejected Shelby County's claim, finding that Congress had properly reauthorized the VRA in 2006. Unfortunately for millions of Black and brown voters in Louisiana and other covered jurisdictions, the Supreme Court disagreed.

In *Shelby County*, the Supreme Court invalidated the VRA's preclearance formula in Section 4(b). While the Court ostensibly left Section 5's preclearance system in place, no jurisdiction would be subject to its enforcement until Congress revised the coverage formula. Chief Justice John Roberts, writing for the Court's majority, recognized that "[t]he Voting Rights Act of 1965 employed extraordinary measures to address an extraordinary problem."<sup>122</sup> The Court confirmed that the VRA, as originally enacted, was constitutional and appropriate to address the rampant racial discrimination evident in 1965.<sup>123</sup> Nonetheless, the Court reasoned that "the [VRA] imposes current burdens and must be justified by current needs."<sup>124</sup> Despite a voluminous record of racial discrimination in voting in states like Louisiana before Congress at the time of the 2006 reauthorization, and in spite of the blatant effectiveness of the VRA to thwart discriminatory voting restrictions they otherwise would have implemented, the Court held that Congress had failed to consider current conditions in reauthorizing a formula in 2006 that still looked to data from the 1960s and 1970s.<sup>125</sup> Still, the Court preserved Section 5, and indicated preclearance can resume once "Congress . . . draft[s] another formula based on current conditions."<sup>126</sup>

As documented in this Report, not only did Congress have sufficient evidence of voting discrimination in Louisiana in 2006, but since that time—particularly since the removal of federal preclearance protections in 2013 after *Shelby County*—racial discrimination has persisted. Indeed, as described in this Report, the efforts of the white political establishment in Louisiana to preserve power and dilute Black voting strength have not dissipated. Only through sustained and robust federal protection can Congress

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<sup>121</sup> *Id.*

<sup>122</sup> *Shelby Cnty.*, 570 U.S. at 534.

<sup>123</sup> *Id.* at 545-46.

<sup>124</sup> *Id.* at 536 (quoting *Nw. Austin Mun. Util. Distr. No. One v. Holder*, 557 U.S. 193, 203 (2009)).

<sup>125</sup> *Id.* at 547-53.

<sup>126</sup> *Id.* at 557.

ensure the promise of the Fourteenth and Fifteenth Amendments and the Voting Rights Act of 1965. Eight years after *Shelby County*, Section 5 must be restored.

## **Part II: Current Voting Conditions in Louisiana**

### **I. Voting Discrimination in Louisiana Prevents Its Substantial Black Population from Electing Candidates of Choice.**

Louisiana has one of the highest percentages of Black population in the country at 32.8%.<sup>127</sup> But no Black candidate has been elected to statewide office in Louisiana since Reconstruction.<sup>128</sup> Black Louisianans were represented in numerous statewide offices during Reconstruction, including Governor and Lieutenant Governor. But those political successes were short-lived. Once Louisiana's white power structure regained control of state and local government in the state, racial discrimination and suppression was the rule and has been ever since. And despite the State's significant Black population, only one of Louisiana's six congressional districts is majority-Black, and Louisiana has only ever sent a Black person to Congress from this District.<sup>129</sup> In fact, the election of William Jefferson in 1990 was the first time Louisiana sent a Black representative to Congress in 113 years.<sup>130</sup> Based on current population data, the state's congressional districting plan dilutes Black political power in Congress by packing many Black residents into one congressional district and separating remaining Black residents into the other five districts. Using 2019 population estimates, Louisiana's 2nd Congressional District is currently comprised of more than 61% Black residents.<sup>131</sup> Louisiana's 1st, 3rd, 4th, 5th, and 6th Congressional Districts have approximately 13%, 24%, 34%, 36%, and 24% Black population, respectively.<sup>132</sup>

Despite encompassing nearly a third of the state's population, Black citizens are underrepresented among Louisiana's elected officials, compared to white citizens. Out of 489 elected officials in Louisiana, only 117 (23.9%) are Black—nearly ten percentage points

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<sup>127</sup> U.S. Census Bureau, QuickFacts: Louisiana, <https://www.census.gov/quickfacts/LA>.

<sup>128</sup> Adegbile, *supra* note 6, at 40.

<sup>129</sup> The Second Congressional District is 61.1% Black and 27.6% white. See *Congressional District 2, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-2-la#demographics>; see also *Congressional District 1, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-1-la>; *Congressional District 3, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-3-la>; *Congressional District 4, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-4-la>; *Congressional District 5, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-5-la>; *Congressional District 6, LA*, Data USA, <https://datausa.io/profile/geo/congressional-district-6-la>.

<sup>130</sup> Adegbile, *supra* note 6, at 9.

<sup>131</sup> U.S. Census Bureau, My Congressional District: Louisiana, District 2, <https://www.census.gov/mycd/?st=22&cd=02> (last visited Aug. 7, 2021).

<sup>132</sup> *Id.*

lower than their percentage of the population.<sup>133</sup> Black candidates have found success, but only in majority-Black districts and parishes.<sup>134</sup> Louisiana has only 29 Black state representatives (approximately 28% of the house's 105 seats) and only nine Black state senators (23% of the senate's 39 total seats), *all* of whom were elected from majority-Black districts.<sup>135</sup> Some of these successes were the direct result of litigation under Section 2 of the VRA. In *Clark v. Edwards* and *Chisom v. Roemer*, Black voters challenged the method of elections for Louisiana's trial and supreme court judges, arguing that the at-large and multimember schemes operate to dilute the ability of Black voters around the state to elect candidates of choice.<sup>136</sup> After years of litigation, the challenges resulted in more equitable single-member election schemes in several of the state's trial courts and a seat on the supreme court to be elected from a majority-Black district.<sup>137</sup> In 1994, Bernette Johnson was elected as the first Black justice to serve on the Louisiana supreme court. Subsequently, and because of the *Chisom* and *Clark* litigation, the number of Black jurists in Louisiana increased.<sup>138</sup>

As explored in detail below, since the VRA's reauthorization in 2006, state and local voting laws and practices in Louisiana operate to make political participation more difficult or even impossible for Black voters. These practices—many of which have been enacted or exacerbated post-*Shelby County*—interact with past and present structural and systemic racism in all areas of social and political life to deny Black Louisianans equal representation in political bodies, and equal access to registering to vote, casting a ballot, and having that ballot counted. Though Black voters and advocates continue to push back against racially discriminatory and harmful practices, the federal government must step in to ensure that the fundamental right to vote is not further eroded in Louisiana.

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<sup>133</sup> See Elected Officials [as of the 2020 Election], La. Sec'y of State, <https://voterportal.sos.la.gov/ELECTEDOFFICIALS> (detailing the currently elected official and their race or ethnicity for all statewide elected positions).

<sup>134</sup> Adegbile, *supra* note 6, at 9.

<sup>135</sup> Louisiana Legislative Black Caucus, Louisiana House of Representatives, <https://house.louisiana.gov/H%20Reps/H%20Reps%20Caucus%20LLBC>.

<sup>136</sup> Adegbile, *supra* note 6, at 9.

<sup>137</sup> Johnathan C. Augustine & Hon. Ulysses Gene Thibodeaux, *Forty Years Later: Chronicling the Voting Rights Act of 1965 and Its Impact on Louisiana's Judiciary*, 66 LA. L. Rev. 453 (Winter 2006).

<sup>138</sup> *Id.*

## **II. Since 2013, Louisiana Has Further Restricted Who Can Access the Ballot, Disproportionately Impacting Black Voters.**

### **A. Louisiana's Racially Discriminatory Felony Disenfranchisement Law Continues to Disproportionately Harm Black Louisianans.**

Louisiana's felony disenfranchisement law is rooted in its overtly racist constitution of 1898.<sup>139</sup> White supremacists weaponized felony disenfranchisement laws in the post-Reconstruction era to disenfranchise Black men. The Louisiana Constitution of 1973 expressly denies the right to vote to those "under an order of imprisonment for conviction of a felony."<sup>140</sup> Until recently, an "order for imprisonment" included those on parole and probation. As intended at the time it was written, felony disenfranchisement laws disproportionately excluded Black Louisianans from the franchise. For almost twenty years, Louisiana had the highest incarceration rate in the nation, leading to mass disenfranchisement.<sup>141</sup>

A 2019 estimate concluded that while the Black population of Louisiana is 32%, roughly 80% of people who are ineligible to vote because of probation and parole are Black.<sup>142</sup> According to 2020 estimates from the Sentencing Project, Louisiana's felony disenfranchisement law currently prevents 2.2% of the overall voting-age population from voting, but double that—4.4%—of the Black voting-age population. During the most recent presidential election, approximately 83,000 Louisianans were subject to the felony bar.<sup>143</sup>

Despite the obstacles and coordinated resistance to change, advocacy organizations and impacted Louisianans undertook a years-long campaign to restore voting rights to thousands of people with felony convictions in the state. Leading the charge was Voice of the Experienced ("VOTE"), a grassroots organization led by formerly incarcerated people, families, and allies "dedicated to restoring the full human and civil rights of those most impacted by the criminal justice system, including the right for

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<sup>139</sup> La. Const. art. 198, § 4 (1898).

<sup>140</sup> La. Const. art. I, §10(A), which reads, in full: "Every citizen of the state, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while a person is interdicted and judicially declared mentally incompetent or is under an order of imprisonment for conviction of a felony."

<sup>141</sup> See Rosemary Westwood, *The battle for voting rights in the age of mass incarceration*, Vox (Nov. 15, 2019 12:30pm EST), <https://www.vox.com/the-highlight/2019/11/8/20953476/louisiana-election-voting-rights-ex-prisoners-felons-florida>.

<sup>142</sup> See Barriers to Voting in Louisiana, Louisiana Advisory Committee for the U.S. Comm'n on Civil Rights (June 2018), <https://www.usccr.gov/pubs/2018/08-20-LA-Voting-Barriers.pdf> at 17-18.

<sup>143</sup> U.S. Elections Project, *National and State Turnout Rates*, <http://www.electproject.org/home/voter-turnout/voter-turnout-data> (last visited Aug. 13, 2021).

[formerly incarcerated persons] ("FIPs") to vote."<sup>144</sup> In 2018, after a legal battle and sustained organizing efforts, Louisiana enacted Act 636, which restored voting rights to some 36,000 people with previous felony convictions.<sup>145</sup> The law restores voting rights to those with felony convictions who have been out of prison for five years, including those serving probation and parole.<sup>146</sup> Before Act 636, Louisiana residents on parole or serving probation were ineligible to vote until they had completed the entirety of their sentence, leaving some disenfranchised for life.<sup>147</sup>

While Act 636 is a step in a positive direction for Louisiana voting rights, the effort was possible only through years of advocacy and millions of dollars in resources from multiple organizations. Further, the state has failed to properly notify and provide resources for those impacted by the change in the law; instead, the same organizations who advocated for Act 636 now have to ensure that its promise is fulfilled.

Consuela is a formerly incarcerated person (FIP) and an organizer with VOTE in Lafayette.<sup>148</sup> She started volunteering with the organization a few months after she was released from prison, and later joined as a full-time employee. In her experience, Consuela, says "the biggest hurdle to getting voters registered is education. Many FIPs have been eligible to vote for years but do not know that they have the right to vote." Specifically, the law did not automatically restore voting rights at the five-year point; it placed the burden on the prospective voter to obtain a form from their probation or parole officers that they must then deliver to local registrars of voters.<sup>149</sup> The data required on the form are already in the possession of the Secretary of State and Department of Public Safety and Corrections; requiring an in-person appearance at the registrar and the parole and probation office to obtain and submit the same data is an undue and unnecessary burden on voters who are disproportionately Black and Latinx in Louisiana.<sup>150</sup>

Jennifer, an organizer with VOTE in Baton Rouge, says of Act 636's restoration process, "the burden is on each formerly incarcerated person to prove that he or she has

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<sup>144</sup> Westwood, *supra* note 141; Decl. of Norris (attached as Exhibit 60).

<sup>145</sup> *Id.*

<sup>146</sup> La. Stat. Ann. § 18:102(A)(1)(b).

<sup>147</sup> See Westwood, *supra* note 141.

<sup>148</sup> Decl. of Consuela (attached as Exhibit 14); *see also* Decl. of Tammy (attached as Exhibit 70).

<sup>149</sup> See Elizabeth Crisp, *Thousands of felons in Louisiana will regain voting rights when this law takes effect March 1*, The Advocate (Feb. 15, 2019),

[https://www.theadvocate.com/baton\\_rouge/news/politics/article\\_8a73810c-3153-11e9-81bd-97a9537e8c8b.html](https://www.theadvocate.com/baton_rouge/news/politics/article_8a73810c-3153-11e9-81bd-97a9537e8c8b.html).

<sup>150</sup> Civil Rights Group Demands Action by State of Louisiana to Remedy Violations of Federal Voting Rights Law, Cision PR Newswire (Oct. 23, 2020 14:09 ET), <https://www.prnewswire.com/news-releases/civil-rights-group-demands-action-by-state-of-louisiana-to-remedy-violations-of-federal-voting-rights-law-301158988.html>.

met the Act 636 Requirements and is eligible to have his or her voting rights restored." Many of the formerly incarcerated people that she has worked with struggled to provide this documentation to the registrars because they did not know they needed a certification letter from their probation and parole officer, they did not feel safe or comfortable asking their probation officer for the letter, or they could not take time off work or find transportation so they could go to the probation office. Organizers like Jennifer have taken on the task of helping formerly incarcerated people navigate these systems. They are also doing much of the work to inform people with convictions that they may be eligible to vote since the passage of Act 636. As Kelly, a VOTE Policy Coordinator in Lafayette, puts it: "It seems to me that the biggest obstacle to getting FIPs registered is communications" and they "also need help once they are registered figuring out how to vote."<sup>151</sup> Jennifer said that the Secretary of State "is not doing much to inform the public about Act 636, and he has publicly stated that he is leaving that to non-profits like VOTE."<sup>152</sup>

Checo, VOTE's Policy Director, also speaks to the difficulties of ensuring newly eligible formerly incarcerated persons become aware of their right to vote.<sup>153</sup> Checo is a formerly incarcerated person who was released from prison in 2003. He worked hard to help get Act 636 passed, and when it became effective in March 2019, Checo was finally able to register to vote. He says: "Educating formerly incarcerated people in Louisiana about their right to register to vote under Act 636 will be a long, slow process, but VOTE and other nonprofit organizations are working hard to get the word out, and to help formerly incarcerated people work their way through the steps that Act 636 requires to allow them to register to vote."

Ivy, another organizer with VOTE in Baton Rouge and formerly incarcerated person, has been deprived of the right to vote her entire life.<sup>154</sup> As a returning citizen, she struggled to find a good job, "but my prayers for a full-time job with meaning and purpose were answered when [VOTE] hired me as a community organizer" in 2019. "For my entire life I have understood that voting is important. My parents talked about the importance of voting, and when I was a child they would take me with them when they went to vote. Despite this, I have never voted. I went to prison when I was seventeen years old and served twenty-six years, two weeks, and five days. While Ivy still has a couple of years to go before she becomes eligible to vote, she works to help other FIPs register and vote. Like her colleagues, she details the obstacles FIPs face in registering to vote once they become eligible under Act 636.

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<sup>151</sup> Decl. of Kelly (attached as Exhibit 43).

<sup>152</sup> Decl. of Jennifer (attached as Exhibit 33).

<sup>153</sup> Decl. of Checo (attached as Exhibit 12).

<sup>154</sup> Decl. of Ivy (attached as Exhibit 27).

When Donald, another FIP and organizer with VOTE in New Orleans, was released from prison in 2013, “it was not possible for a formerly incarcerated person like me to register to vote.”<sup>155</sup> Once he learned that Act 636 had passed, he “was excited” that he would “finally be able to restore [his] registration and to vote” as there were important upcoming elections in 2019 and 2020 he wanted to participate in. “I wanted to make my voice heard by voting in these elections, as well as other future elections.” Donald details the difficulties he encountered trying to navigate the registration system, and since joining VOTE, he has “learned that many other formerly incarcerated people have encountered even more difficulty registering to vote.” His experiences as a FIP and VOTE organizer have led him to “conclude that the obstacles that are placed in the way of formerly incarcerated people who seek to restore their voting rights are just another form of voter suppression.”

Many other Louisianans with past convictions agree. For instance, even though Mack, a resident of New Orleans with a prior conviction, was deeply committed to regaining his right to vote, it took months for the state to process and clear his registration.<sup>156</sup> After his registration was finally finished, Mack observed that “[t]his should not have been so difficult. I know that a lot of folks like me won’t have the time or chance to jump through all these hoops and finish their registration.”<sup>157</sup>

Daniel, a resident of Orleans Parish, has a prior conviction.<sup>158</sup> After he completed his sentence, Daniel endeavored to regain his right to vote, because he believes “it is extremely important to vote.... Everyone has got to take a stand.... People are angry, but they need to take that energy and go vote.” However, Daniel had a difficult time registering to vote. As Daniel describes, if you are incarcerated, you have to get paperwork from the Louisiana Department of Public Safety and Corrections before you can register. The paperwork verifies that you completed your sentence and any supervision such as parole or probation. The paperwork is supposed to be sent automatically after the sentence is completed, but Daniel’s was not. If you do not receive the documents automatically, you have to seek them from your parole officer, which can take a long time. For example, your parole officer may have moved away, is likely very overworked, and may no longer supervise you and as a result has no obligation to respond to you right away. Even though he worked at a reentry nonprofit located near the courthouse and occasionally saw his parole officer, Daniel had trouble getting his paperwork from the officer. Only when one of the judges in the courthouse spoke to the parole officer did Daniel receive his paperwork, six months later. He was finally able to register and vote in

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<sup>155</sup> Decl. of Donald (attached as Exhibit 19).

<sup>156</sup> *Id.*

<sup>157</sup> *Id.*

<sup>158</sup> Decl. of Daniel (attached as Exhibit 15).

the 2018 election. Despite the obstacles he faced, Daniel still considers his experience to have been easier compared to that of many formerly incarcerated people: "I had an easier time than many who have been incarcerated, but it still took [six] months for me to obtain the paperwork I needed to register to vote."

Ricky, a resident of Orleans Parish, voted for the first time in 2000 when he was 18 and can still remember how excited he was when he first received his voter registration card in the mail.<sup>159</sup> Unfortunately, when Ricky was 20 years old, he was incarcerated for seven years. Once released, Ricky worked diligently to pay his required restitution; nevertheless, during that time, despite having successfully transitioned back into his life, Ricky was unable to vote until the restitution was paid in full. For 13 years post-incarceration, Ricky was denied the right to vote. By 2020, Ricky had finally finished paying his restitution and was eager to vote in the presidential election. Because he had registered to vote when he was 18, his probation officer told him he did not have to re-register and that his name was back on the voter rolls. But when Ricky went to the registrar to check in, he was questioned as to why he had not voted since 2000 and after hearing his answer, the registrar told him he was not able to vote until ten years after the date he paid full restitution. At this point, the registrar stopped listening to Ricky; instead, she told him that she was in charge and she was not going to let him vote. Ricky was only allowed to register after his probation officer sent the registrar a copy of the certified letter she had previously sent to the registrar informing them Ricky had completed his restitution and should have his voting rights restored. Ricky was placed back on the voter rolls and was able to vote for the first time since he was 18 years old. Ricky explained,

The prison system punishes its inmates by keeping them locked up and away from society. But they are also supposed to rehabilitate their inmates while they are incarcerated, get them ready to return to society and be good citizens. But it seemed to me that even after I'd served my time, I kept being punished. I was working hard at my job, paying my taxes, doing all I could to make things right after I'd made a bad mistake when I was younger. It would have meant a great deal to me to have gotten my right to vote back after I'd served my time, but for 13 years, I was denied that right.

In the 2021 legislative session, again after sustained advocacy by VOTE and others including the Power Coalition for Equity and Justice, a law was enacted that aims to streamline the process for restoring voting rights to those with past convictions who have been out of prison for five years.<sup>160</sup> Act 127 removes the burden on the prospective voter

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<sup>159</sup> Decl. of Ricky (attached as Exhibit 66).

<sup>160</sup> KTAL/KMSS Staff, *Gov. Edwards signs new bills into law, including Juneteenth as state holiday* (June 11, 2021 7:21 PM CDT), <https://www.klfy.com/louisiana/gov-edwards-signs-new-bills-into-law-including-juneteenth-as-state-holiday/>.

to prove eligibility. According to VOTE Founder and Executive Director Norris Henderson, "Act 127 ensures that individuals sentenced only to probation will not lose their voting rights due to a felony conviction, thereby preventing government offices from expending unnecessary resources to suspend voting rights, and then having to work to restore them, for individuals sentenced to probation."<sup>161</sup> Henderson says he is encouraged that, "In a time when many states are passing ever more restrictive voting laws, Louisiana continues to pass bipartisan legislation that expands the right to vote." Time will tell whether the state will devote the necessary resources to ensuring that eligible voters with felony convictions are not disenfranchised. Until then, advocacy organizations will continue to step in where the state and federal government have failed to protect them.

**B. Louisiana's Restrictive Voter Registration & Documentation Laws and Failure to Comply with Federal Registration Laws Disproportionately Harm Voters of Color.**

**1. The State's Overly Restrictive Voter Registration Laws and Noncompliance with Federal Law Are One of the Greatest Barriers to Accessing the Ballot.**

Louisiana's restrictive registration laws have been referred to in testimony as "one of the biggest barriers to voting."<sup>162</sup> Strict deadlines and a failure to implement commonsense reforms ensure that many Louisiana voters, and in particular Black voters and other voters of color, are prevented from voting.

Louisiana closes mail-in and in-person registration 30 days prior to an election—the most restrictive registration deadline permitted under federal law.<sup>163</sup> The deadline to register online falls 20 days prior to an election.<sup>164</sup> Only nine other states require 30-day advance registration, and 20 states now permit same-day registration.<sup>165</sup> Younger voters, as well as Black voters and other voters of color, historically disproportionately benefit from extended voter registration deadlines.<sup>166</sup> Yet, Louisiana has failed to implement

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<sup>161</sup> Decl. of Norris (attached as Exhibit 60).

<sup>162</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 17.

<sup>163</sup> La. Stat. Ann. § 18:135(A)(1); 52 U.S.C. § 20507(a)(1)(A)-(D).

<sup>164</sup> La. Stat. Ann. § 18:135(A)(3).

<sup>165</sup> Voter Registration Deadlines, Nat'l Conf. of State Legislatures (Oct. 2, 2020), <https://www.ncsl.org/research/elections-and-campaigns/voter-registration-deadlines.aspx#table%201>;

Same Day Voter Registration, Nat'l Conf. of State Legislatures (May 7, 2021), <https://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx>.

<sup>166</sup> Angela Caputo, Geoff Hing, & Johnny Kauffman, *Done in by a deadline: A Georgia law prevented 87,000 people from voting last year. And it could have a big impact in 2020*, APMreports (Oct. 28, 2019), <https://www.apmreports.org/story/2019/10/28/georgia-voting-deadlines-2020-election>.

either same-day or automatic voter registration, both of which increase voter registration and turnout in the states that offer these crucial opportunities.<sup>167</sup>

Louisiana has also repeatedly violated its duties under the National Voter Registration Act of 1993 ("NVRA"). Also known as the Motor Voter Act, "the NVRA requires states to make voter registration opportunities for federal elections available through the mail and when people apply for or receive driver licenses, public assistance, disability services, and other government services."<sup>168</sup> In passing the NVRA, "Congress found that if it did not require states to offer voter registration at public assistance and disability services agencies, it would exclude a large segment of American citizens from having convenient opportunities to participate in our democracy."<sup>169</sup>

In 2011, the Department of Justice sued Louisiana for violating the NVRA. DOJ alleged that Louisiana failed to comply with Section 7, which requires any state office that provides public assistance or serves persons with disabilities to offer and provide voter registration services.<sup>170</sup> Specifically, the Complaint alleged that Louisiana failed to offer voter registration forms, assistance and services to the state's eligible citizens who apply, recertify or provide a change address for public assistance or disability services, or benefits.<sup>171</sup> Voter registration figures from the U.S. Election Assistance Commission documented the failures, reporting that the public assistance voter registration figures hit a ten-year low by both percentage and number of applicants during the 2009-2010 reporting period.<sup>172</sup> Voter registration applications from disability services offices reflected a similar drop from .6% to .2% over the ten-year period.<sup>173</sup>

Louisiana settled the case in 2017 by agreeing to come into compliance with Section 7.<sup>174</sup> The settlement requires Louisiana's public assistance and disability benefit offices to provide voter registration application materials with all in-person assistance and

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<sup>167</sup> Project Vote, Same Day Registration 1 (Feb. 2015), <http://www.projectvote.org/wp-content/uploads/2015/06/SameDayFactSheet-PV-Feb2015.pdf>; Pam Fessler, Report: Voter Rolls Are Growing Owing To Automatic Voter Registration (Apr. 11, 2019 12:00 PM ET), <https://www.npr.org/2019/04/11/711779753/report-voter-rolls-are-growing-due-to-automatic-voter-registration>.

<sup>168</sup> U.S. Dep't of Just., Statutes Enforced by the Voting Section, <https://www.justice.gov/crt/statutes-enforced-voting-section#nvra>.

<sup>169</sup> *Id.*

<sup>170</sup> U.S. Dep't of Just., *Justice Department Files Lawsuit Against Louisiana Alleging Violations of the National Voter Registration Act* (July 12, 2011), <https://www.justice.gov/opa/pr/justice-department-files-lawsuit-against-louisiana-alleging-violations-national-voter>.

<sup>171</sup> *Id.*

<sup>172</sup> Complaint ¶ 15, *United States v. Louisiana*, No. 11-cv-00470 (M.D. La. July 12, 2011), ECF No. 1.

<sup>173</sup> *Id.* at ¶ 18.

<sup>174</sup> Joint Motion for Voluntary Dismissal and Vacatur, *United States v. Louisiana*, No. 11-cv-00470, 2017 WL 4118968 (M.D. La. Aug. 21, 2017), ECF No. 253.

benefits applications. The parties disagreed as to whether Section 7 also requires application materials to be provided when an applicant submits an assistance or benefits application remotely (by mail, telephone, or electronic means), and agreed that the State would not be required to provide the materials during remote transactions. Given the obstacles to in-person transactions faced by individuals with disabilities, this portion of the settlement adversely affects Louisiana voters with disabilities by eliminating an opportunity to register to vote.

The Louisiana State Conference of the NAACP and an individual client of the state's public assistance agencies also sued state officials in 2011 in a case called *Scott v. Schedler*, advancing similar allegations under Section 7 of the NVRA.<sup>175</sup> Plaintiffs in the case argued that Louisiana's Department of Children and Family Services ("DCFS") and Department of Health and Hospitals ("DHH") failed to provide required voter registration services to each individual who completed a public assistance application.<sup>176</sup> Specifically, DCFS and DHH failed to provide voter registration applications, assist applicants in completing the applications, and accept and transmit completed voter registration application forms.<sup>177</sup> Following years of litigation, the case yielded a judgment that Secretary of State Tom Schedler violated the requirements of Section 7 of the NVRA and a permanent injunction ordering Schedler to adopt and enforce binding rules governing NVRA compliance by the DCFS and DHH.<sup>178</sup> Because Black voters constitute a significant portion of the population applying for public benefits in Louisiana, Louisiana's NVRA violations prevented "thousands and thousands" of Black voters from accessing information about registering and applying to register.<sup>179</sup>

Louisiana voters have suffered as a result of the state's failure to adequately fulfill its obligations under the NVRA. Jason is a new resident of Livingston Parish who moved to Louisiana from Rhode Island.<sup>180</sup> At the end of September 2020, Jason went to the Office of Motor Vehicles ("OMV") to get his new driver's license. When the clerk asked him if he also wanted to register to vote, he said yes. However, as the November 2020 election approached, Jason never received any information about his polling location. When he tried to look it up online, the system said it could not find his registration. Finding this concerning given the fact that he registered to vote at the Office of Motor Vehicles, Jason

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<sup>175</sup> Marsha Shuler, *5th Circuit rules in motor voter lawsuit*, The Advocate (Dec. 2, 2014 8:54 AM), [https://www.theadvocate.com/baton\\_rouge/news/politics/elections/article\\_e880d5f6-fb00-5aea-9828-2fc25354959f.html](https://www.theadvocate.com/baton_rouge/news/politics/elections/article_e880d5f6-fb00-5aea-9828-2fc25354959f.html).

<sup>176</sup> Complaint ¶ 6, *Scott v. Schedler*, No. 11-cv-00926 (E.D. La. Apr. 19, 2011), ECF No. 1.

<sup>177</sup> *Id.* ¶¶ 7-9.

<sup>178</sup> Amended Permanent Injunction, *Scott v. Schedler*, No. 11-cv-00926, 2013 WL 5739070 (E.D. La. Aug. 11, 2016), ECF No. 566.

<sup>179</sup> La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 18.

<sup>180</sup> Decl. of Jason (attached as Exhibit 32).

called the Secretary of State's Office. They informed him he was not registered to vote and would be unable to vote since the registration deadline had expired.

Jason explains of his confusing, discouraging experience: "Besides not getting to vote, this experience was troubling to me because I had thought that when a government office said they would do something, you could trust that it would be done. But it didn't work out that way. The OMV told me that my voter registration would be done with my driver's license, but it was not. If I had known that my voter registration was not going to get done through the OMV, then I would have done something to get registered another way. By the time I found out, though, it was too late."

Kathy of St. Tammany Parish lives in a retirement community.<sup>181</sup> Kathy originally registered to vote automatically through the Office of Motor Vehicles. To this day, however, every time she goes to the polls, she is told she is not registered to vote. Within the last five years, on three separate occasions, she has gone to vote, been told she was not registered, and left without casting a ballot. Finally, Kathy gave up and stopped voting for several elections. Fortunately, she later found her registration online and was able to save a screenshot of it on her phone. The next time she tried to vote, she was once again told she was not registered, but after showing the poll worker the evidence of her registration, she was finally able to vote. Kathy explains: "That scenario has repeated itself every time but one that I've gone to vote since then (at least 3, as many as 4 or 5 times), and in that one case, a poll worker knew me as the person with the screen shot and permitted me to vote right away." It makes Kathy "very uncomfortable" to have to show the screen shot every time because it says what party she is registered with.

Another confusing and disenfranchising aspect of Louisiana's registration system is that to vote in a party's primary election, Louisiana law requires voters to register with that party. If a voter is unable to register with that party in time or becomes erroneously registered under the wrong party affiliation, they are unable to vote.

Barksdale, a resident of Orleans Parish, was prevented from voting in the 2016 primaries.<sup>182</sup> Prior to the primaries, Barksdale tried to change his party affiliation. However, the Office of Motor Vehicles had assigned Barksdale a driver's license containing an incorrect audit number, which, despite his best efforts, prevented him from changing his party affiliation in time for the election. On the day of the primaries, Barksdale hoped he could vote by a provisional ballot, but was told he was not able to do so. Despite Barksdale's reasonable and diligent efforts to switch party affiliations to vote in the primaries, he was denied his right to cast a ballot due to the parish's error.

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<sup>181</sup> Decl. of Kathy (attached as Exhibit 42).

<sup>182</sup> Decl. of Barksdale (attached as Exhibit 5).

In October 2020, Elena was similarly denied the right to vote in a primary election because she did not select a party on her voter registration card.<sup>183</sup> "This made me feel frustrated and confused because I was never instructed about this." Rapides Parish voter Michael was also told he could not vote in the 2020 primary of his choice because he was not registered under that party affiliation.<sup>184</sup> He was given a form to change his registration, which he submitted it in person instead of by mail because "I did not trust them to change this status."

Joyce tried to vote in the July 2020 presidential primary. However, when she arrived at her polling place to vote, she was informed that she was registered under the wrong party affiliation. She did not know how her registration had changed because she had registered over 15 years earlier and had never changed her affiliation. Because she was unable to vote in her preferred party's primary, she said, "I just ended up leaving and not getting to vote." Joyce says she overheard a young woman experience the same problem, and she too "left and didn't vote." For years Joyce had voted in the primary of her choice, and now wonders whether her vote counted in any of those elections.

Voter registration issues plague Louisiana voters in myriad other ways, which are compounded by other aspects of the voting system and exemplified through voters' stories in other sections throughout this Report. For example, Bossier City resident Beverly says she has "voted in most of the elections that took place over the last 17 years" since she registered to vote at 18.<sup>185</sup> During one election between approximately 2016 and 2018, she does not remember exactly when, she went to her polling place as she had done previously. "However, this time one of the election commissioners<sup>186</sup> told me I was not on the list of registered voters. This was very surprising to me as I had been registered to vote and had voted at the same polling place before. As I was not on the list, the election commissioner refused to allow me to vote." Beverly says, "I was never told why that happened, and I was disappointed that I was not able to vote."

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<sup>183</sup> Decl. of Elena (attached as Exhibit 20).

<sup>184</sup> Decl. of Michael (attached as Exhibit 56).

<sup>185</sup> Decl. of Beverly (attached as Exhibit 6).

<sup>186</sup> Poll workers in Louisiana are called Election Commissioners; specifically, Poll Commissioners, Early Voting Commissioners, and Absentee Commissioners. Louisiana Sec'y of State, Become an election Worker, <https://www.sos.la.gov/ElectionsAndVoting/GetInvolved/BecomeAnElectionWorker/Pages/default.aspx> (last visited Aug. 12, 2021).

## **2. Louisiana's Photo Identification Law and Its Inadequate Training of and Oversight Over Election Officials Enforcing Documentation Requirements Impede Voters of Color.**

As of July 2021, Louisiana is one of only 18 states that require photo identification (photo ID) to vote (and one of those laws is under preliminary injunction by a federal judge).<sup>187</sup> The photo ID must be a "generally recognized picture ID that contains [the voter's] name and signature."<sup>188</sup> Louisiana offers a free Louisiana Special ID at the Office of Motor Vehicles to voters who show their voter information card.<sup>189</sup>

Photo IDs can be time consuming, costly and otherwise burdensome to obtain, and photo ID laws impose unnecessary administrative obligations on elections officials that impact the system.<sup>190</sup> It is well documented that photo ID laws disproportionately harm Black voters.<sup>191</sup> Despite proponents' claims they are needed to prevent voter impersonation and improve public confidence in election integrity<sup>192</sup>, they do not serve any justifiable state interest.

Louisiana's photo ID law has a provision that allows a voter who does not possess the required ID to vote a regular ballot if they fill out, or receive assistance filling out, an affidavit attesting to their identity.<sup>193</sup> The DOJ precleared Louisiana's photo ID law with its affidavit provision.<sup>194</sup> But according to recent testimony, "[e]lection officials and poll workers often believe they have discretion to deny the vote to people without an identification, contrary to state law."<sup>195</sup> Lack of adequate training and oversight results in voters being turned away unnecessarily at the polls.<sup>196</sup>

During the 2016 presidential election, Veronica of St. Tammany Parish was nearly turned away because of failure to train election officials on proper forms of photo ID.<sup>197</sup>

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<sup>187</sup> See <https://www.ncsl.org/research/elections-and-campaigns/voter-Id.aspx>.

<sup>188</sup> <https://www.sos.la.gov/ElectionsAndVoting/Vote/VoteOnElectionDay/Pages/default.aspx>.

<sup>189</sup> *Id.*

<sup>190</sup> See <https://www.ncsl.org/research/elections-and-campaigns/voter-Id.aspx>.

<sup>191</sup> See, e.g., *Issues Related to State Voter Identification Laws*, U.S. Gov't. Accounting Office, <https://www.gao.gov/assets/gao-14-634.pdf>; *Voting in America: The Potential for Voter ID Laws, Proof-of-Citizenship Laws, and Lack of Multi-Lingual Support to Interfere With Free and Fair Access to the Ballot Before the House Administration Subcommittee on Elections*, 117th Cong. 4-5 (May 24, 2021) (testimony of Nazita Lajevardi), <https://docs.house.gov/meetings/HA/HA08/20210524/112670/HHRG-117-HA08-Wstate-LajevardiN-20210524.pdf>.

<sup>192</sup> *Id.*

<sup>193</sup> La. R.S. § 18:562 (A)(2).

<sup>194</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 20.

<sup>195</sup> *See id.*

<sup>196</sup> *See id.*

<sup>197</sup> Decl. of Veronica (attached as Exhibit 74).

When Veronica arrived at the polls and showed her ID, the poll worker told her she could not vote because she had a Texas ID. Veronica had recently moved home and had not gotten a new license, but she knew her Texas ID was a valid photo ID for voting. The poll worker insisted she could not vote and refused to look up her voter registration record. Because Veronica is a lawyer and advocate, she knew the voting rules, so she asked to see the polling place supervisor who looked Veronica up and confirmed that she was a registered voter. Veronica was ultimately able to cast her ballot, but she left wondering what would happen to voters who did not know the election laws or who were not comfortable standing up for themselves in the face of an unhelpful, intimidating, election official.

Moreover, until 2016, Louisiana had additional documentation requirements in place that disproportionately discriminated on the basis of race and national origin. Louisiana's Act 155 was passed in 1874 and required documentary proof of U.S. citizenship for voter registrants born outside of the United States to prove they had been naturalized.<sup>198</sup> The law—the last of its kind in the nation—discriminated against naturalized citizens by subjecting them to heightened voter registration requirements that were not applied to other registrants. As Tu Houag, a Vietnamese-American attorney in Louisiana, expressed regarding the law: "It felt like we were targeted."<sup>199</sup> Houag moved to the U.S. from Vietnam with his parents when he was five. When he became a citizen at the age of 19, he was able to register to vote and navigate the system.<sup>200</sup> He noted, however, that around 2012 "[t]he proof of citizenship requirement became more strictly enforced and applicants were required to make an extra trip, several weeks after filing the registration form, rather than submitting both together."<sup>201</sup>

Only after advocacy organizations stepped in did the law change. In 2016, the SPLC and Fair Elections Center filed suit, claiming that Louisiana was violating the Fourteenth Amendment by unlawfully "discriminating on the basis of national origin against naturalized citizens registering to vote by arbitrarily subjecting them to heightened voter registration requirements." Language barriers, unfamiliarity with the registration process, transportation issues, and family obligations compounded the voter-suppressive effects of these registration requirements.<sup>202</sup> Less than a month after the filing, Louisiana

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<sup>198</sup> U.S. Comm. on Civil Rights, Access to Voting Across America: Collected Reports of the State Advisory Committees to the U.S. Commission on Civil Rights (Oct. 2018) at 1063.

<sup>199</sup> Maura Ewing, *Foreign-born citizens in Louisiana have had to take extra steps to register to vote – until now*, Global Politics (Jun. 5, 2016), <https://www.pri.org/stories/2016-06-06/foreign-born-citizens-louisiana-have-had-take-extra-steps-register-vote-until-now>.

<sup>200</sup> *Id.*

<sup>201</sup> *Id.*

<sup>202</sup> Complaint at 3-4, *Vayla New Orleans v. Tom Schedler* (M.D. La. May 4, 2016) (No. 3:16-cv-00305-BAJ-RLB).

Governor John Bel Edwards signed legislation repealing the law. Yet although the law was repealed, “many officials do not realize the law has changed and Registrars still turn away citizens on the basis of this outdated law.”<sup>203</sup>

Louisiana’s photo ID requirement disenfranchises eligible voters. Lavern, a resident of Claiborne Parish, was incorrectly turned away at her polling location several years ago because a poll worker had apparently asked for two forms of ID even though Lavern showed her driver’s license. The poll worker informed Lavern’s that while her driver’s license showed her maiden name while her social security card showed her married name.<sup>204</sup> Lavern was led to believe that Louisiana mandates that a voter’s name must match on two forms of ID, and she was unable to cast her ballot.

Similarly, Gay, a resident of Orleans Parish, was unable to vote in the 2020 primary presidential election because of a name change due to marriage.<sup>205</sup> Before the primary, Gay undertook the name change process for various of her government records and documents. When she went to vote, she hadn’t received her new voter registration card yet, but had brought several pieces of identification to vote, including her new driver’s license, new social security card, and birth certificate. She also explained to the poll worker that her name had changed due to marriage. The poll worker told her that she could not vote because she did not have a photo ID with a name that matched the voter registration for her in the records. The poll worker told her that she could have used her old driver’s license, but she had to turn that into the DMV when she got her new license, so that was not an option. The poll worker did not offer her a provisional ballot and told her there was no other way she could vote.

### **III. Without Federal Preclearance, Louisiana Officials Unnecessarily Limit Access to the Ballot Box, Specifically Harming Black Voters.**

#### **A. Post-Shelby County Louisiana Systematically Closed or Moved Polling Places in Majority-Black Communities.**

Following the *Shelby County* decision, Louisiana closed 126 polling places between 2012 and 2019.<sup>206</sup> Under Section 5, covered jurisdictions were required to preclear any planned polling place closures. For a polling place change to receive DOJ approval, the jurisdiction had to submit census data and other evidence to prove that the proposed

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<sup>203</sup> See La. Advisory Comm. For the U.S. Comm’n on Civ. Rts., *supra* note 142, at 33.

<sup>204</sup> Decl. of Lavern (attached as Exhibit 47).

<sup>205</sup> Decl. of Gay (attached as Exhibit 25).

<sup>206</sup> The Leadership Conference Education Fund, Democracy Diverted at 8 (Sep. 2019), <http://civilrightsdocs.info/pdf/reports/Democracy-Diverted.pdf> at 20.

change would not have a discriminatory effect on voters of color. Then, if the change was approved, election officials had to notify voters of the change well ahead of time.

Section 5 required polling place closures to be precleared because closing or consolidating a local polling place can cause significant and overlapping harms to voters. As polling places are eliminated, voters must travel further and wait longer to cast their ballots. Changing, consolidating, and eliminating polling locations can lower voter turnout due to additional costs imposed on voters, including those related to transportation.<sup>207</sup> Closures take voting outside of people's communities, disrupting long held voting habits. Further, when polling place changes are poorly communicated, it creates significant confusion on Election Day. Without the preclearance requirement and the mandatory notice it required, "[t]o identify potentially discriminatory polling place relocations or closures and precinct changes, voters now must rely on reports from the news media, social media, and/or local advocates." As a result, "[i]n most cases, closures go unnoticed, unreported, and unchallenged."<sup>208</sup>

After the protections of Section 5 were lifted post-*Shelby County*, previously covered jurisdictions across the country began closing and consolidating polling places at an alarming rate. A national analysis by the Leadership Conference Education Fund of 757 of the approximately 860 counties or county-equivalents once covered by Section 5 revealed 1,688 polling place closures between 2012 and 2018.<sup>209</sup> The rate of polling place closures in previously covered jurisdictions far outstrips that of those who were never under preclearance. A 2018 study found that since 2013, jurisdictions formerly covered by Section 5 closed, on average, 20 percent more polling stations per capita than non-covered jurisdictions.

Like other states that lost Section 5 coverage, Louisiana has been swiftly closing and consolidating polling places since 2012. According to The Leadership Conference Education Fund's 2016 study, 61 percent of Louisiana parishes closed polling places between 2012 and 2016, for a total of at least 103 closures.<sup>210</sup> The Leadership Conference Education Fund later reported that by 2019, two-thirds of Louisiana parishes had closed polling places, adding 23 additional closures over three years for a total of 126.

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<sup>207</sup> *Polling Place Consolidation: Negative Impacts on Turnout and Equity*, Voting Rights Lab (July 2020), <https://votingrightslab.org/wp-content/uploads/2021/01/Polling-Place-Consolidation-Negative-Impacts-on-Turnout-and-Equity.pdf>.

<sup>208</sup> See Democracy Diverted, *supra* note 206, at 8.

<sup>209</sup> *See id.*

<sup>210</sup> Leadership Conference Education Fund, *The Great Poll Closure*, Nov. 2016, <http://civilrightsdocs.info/pdf/reports/2016/poll-closure-report-web.pdf>.

As of 2016, Louisiana's Jefferson Parish had the ninth-highest closure of polling places (by total number) of all 381 previously covered jurisdictions examined in the study.<sup>211</sup> Jefferson, which is 26 percent Black and 14 percent Latino, first shuttered 23 voting locations in 2015 for lack of compliance with the ADA. Instead of making low-cost modifications or relocating those polling places in subsequent elections, the parish shuttered two more in advance of the 2018 election—a deeply troubling trend in a parish with an established record of hostility toward voting rights.<sup>212</sup>

A Jefferson Parish voter, Vanessa, has had personal experience trying to navigate the poll closures in the parish. Vanessa changed her voter registration when she moved to Jefferson from Orleans Parish in 2018 and was able to vote at her designated location through the 2020 Runoff. However, when she arrived at her polling location to cast her ballot during the 2021 municipal elections in her area, she discovered that it was not open for voting. She never received any notification that her polling place had changed. Wanting to vote, she drove around the area looking for a polling location, but she never saw anyone voting or any signs about voting. She also "asked new residents where to vote and they did not know either." She became so frustrated with the situation that she decided not to even call the registration office. Vanessa says, "Since I became a registered voter, I have always voted in every election, and I voted early. I was upset and disappointed that I wasn't able to vote in the municipal election. In light of the new laws, and as a person of color, I fear that I will not be able to vote in upcoming elections."<sup>213</sup>

Michelle has also struggled to vote because of polling place changes in Jefferson Parish. In the last 14 years, her polling location has changed multiple times. In June 2021, Jefferson Parish held a special election, and Michelle and her husband wanted to vote. However, when they arrived at their voting location, it was closed. Upon returning home, they both looked up their voting location on the state's website and confirmed they had gone to the right place. Michelle and her husband returned to make sure the location was closed, and it was. They then tried to go to their usual early voting location, but that too was closed. Neither Michelle nor her husband received any notification that their polling location had changed for this election, and the state website still listed the polling place that was closed as their correct voting location.<sup>214</sup>

Though Jefferson Parish is the worst offender in the state by number of closures, many other parishes have closed large numbers of polling places. Winn Parish, which is 31 percent African American, has closed 24 percent of all polling places in the parish since

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<sup>211</sup> *Id.*; Nobles, Wilborn, *Jefferson Parish has 23 fewer places to vote this year; here's why*, The Times-Picayune (Nov. 8, 2016), [https://www.nola.com/news/politics/article\\_5d6c1bfc-8040-5418-9160-d023852cabba.html](https://www.nola.com/news/politics/article_5d6c1bfc-8040-5418-9160-d023852cabba.html).

<sup>212</sup> See Democracy Diverted, *supra* note 206, at 20.

<sup>213</sup> Decl. of Vanessa (attached as Exhibit 73).

<sup>214</sup> Decl. of Michelle (attached as Exhibit 57).

2012, the highest percentage in the state. Lafayette follows with 17 percent, Jefferson with 15 percent, and Bienville and Morehouse with 14 percent each.<sup>215</sup>

In 2019, St. Landry Parish passed a local ordinance that would allow the parish government to reduce the number of precincts by around 57 percent.<sup>216</sup> There are currently 92 precincts open for voting on Election Day. However, the ordinance, which became effective on July 1, 2021, could diminish that number to 53 precincts.<sup>217</sup> Parish council and school board members will review districting proposals for 2022 and 2023 elections this summer.<sup>218</sup>

Voters in East Baton Rouge Parish, which is split about evenly between Black and white voters, have lost 10 polling places since 2012, creating long lines at the remaining polling locations. In the 2020 General Election, East Baton Rouge Parish voter Walter arrived 30 minutes before the polls opened and still had to wait for 2.5 hours to vote in a line that stretched around the block.<sup>219</sup> Initially, many East Baton Rouge closures were said to be a temporary response to flooding in 2016. But years later, these polling places have yet to reopen. Those closures follow a troubling trend that began in Orleans Parish, which has yet to restore many of the polling places that were closed in 2005 in the aftermath of Hurricane Katrina.<sup>220</sup>

In July 2021, Iberia Parish moved to consolidate its 64 existing voting precincts down to just 37, a move that will affect the polling location of more than 20,000 voters.<sup>221</sup> Many are being moved to a different location and at least six polling locations are being permanently closed. This massive reorganization is likely to cause confusion on Election Day in October 2021 when Iberia holds a special election. The parish registrar of voters, Kristina Blanchard, told the New Iberia City Council that this reorganization was part of the parish's reapportionment process. Blanchard also noted that parish election officials will once again redraw voting precinct lines when the full 2020 Census data becomes available. This means voters who have a new polling location for the October 2021

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<sup>215</sup> See Democracy Diverted, *supra* note 206, at 34.

<sup>216</sup> Ardoin, Bobby, *Council members call special meeting to discuss voting precinct merger*, Daily World (May 6, 2021), <https://www.dailysun.com/story/news/local/2021/05/06/st-landry-parish-council-addresses-voting-precinct-reduction-worries/4972138001/>.

<sup>217</sup> *Id.*

<sup>218</sup> *Id.*

<sup>219</sup> Decl. of Walter (attached as Exhibit 75).

<sup>220</sup> See Democracy Diverted, *supra* note 206, at 20.

<sup>221</sup> KATC News, *Number of voting locations in parish reduced, several closed* (Jul 26, 2021), <https://www.katc.com/news/iberia-parish/number-of-voting-locations-in-parish-reduced-several-closed>.

election may have yet another new polling location in 2022. Iberia Parish is more than 30 percent Black.<sup>222</sup>

Louisiana has closed or consolidated so many precincts since 2012 that it may be in violation of its own state laws. In Louisiana, the parish Boards of Election Supervisors create election precincts and select polling locations, which are then submitted to the Secretary of State's office for approval.<sup>223</sup> In 2017, the Commissioner of Elections for Louisiana, a position within the Secretary of State's office, acknowledged that Louisiana law requires that every precinct have a polling place.<sup>224</sup> Yet as of 2017, there were 3,904 precincts and only 2,068 polling locations—meaning nearly half of all precincts lack any polling location as a result of these closures and mergers.<sup>225</sup>

The post-*Shelby County* wave of polling place closures makes voting harder and more time consuming for everyone, but the burden is particularly heavy on Black and working-class voters. Closing polling places has a cascading effect: if one polling site is eliminated, it leads to longer wait times at neighboring polling places because each remaining site must serve more people. The longer the line, the more difficult it is for hourly wage earners, low-income people, caregivers, single parents, voters with disabilities, elderly voters, and others, to vote. They are less likely to have flexible work hours, easy access to childcare, and other forms of support that would allow them to wait in an hours-long line to vote. Additionally, polling place closures can lead to increased transportation hurdles, possible denial of language assistance and other forms of in-person help, and mass confusion about where eligible voters can cast ballots.<sup>226</sup> Because of these ripple effects, polling place closures are a “common and particularly pernicious way to disenfranchise voters of color.”<sup>227</sup> The increased wait times, confusion, and transportation issues are significant burdens that make it much harder—and sometimes impossible—for certain individuals to cast a ballot.<sup>228</sup>

That the effects of polling place closures are particularly harmful to Louisiana’s Black and working-class voters is compounded by the fact that closures are more likely to occur in Louisiana’s black communities and neighborhoods. A 2018 report by the Louisiana Advisory Committee on Civil Rights noted that “there are fewer polling locations

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<sup>222</sup> See <https://www.census.gov/quickfacts/fact/table/iberiaparishlouisiana/PST045219>.

<sup>223</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 10.

<sup>224</sup> *Id.*

<sup>225</sup> *Id.*

<sup>226</sup> See Democracy Diverted, *supra* note 206, at 8; Lauren Lehmann, *Louisiana Voters Face Suppression Tactics in 2020 Election*, Tulane Hullabaloo (Nov. 3, 2020), <https://tulanehullabaloo.com/54887/news/louisiana-voters-face-suppression-tactics-in-2020-election/>.

<sup>227</sup> See Democracy Diverted, *supra* note 206, at 8.

<sup>228</sup> *Id.*

per voter in a geographical area if that area has more black residents" and "[t]his in turn implies that [B]lack residents face longer travel distances to reach a polling station."<sup>229</sup> One study found that socioeconomic attributes of a geographical area, such as racial composition and income, correlate with the number of polling locations, and the racial makeup of a precinct is predictive of the number of polling locations in that area.<sup>230</sup> This phenomenon seems to have accelerated since the loss of preclearance. A Binghamton University analysis of Louisiana's post-*Shelby* polling place closures and consolidations found that between 2012 and 2016 the state consolidated more than 300 polling locations, and that this reduction "had a racially discriminatory effect."<sup>231</sup>

The experience of Margaret, a resident of East Baton Rouge Parish, illustrates the impact long travel times can have on working-class voters.<sup>232</sup> Voting is incredibly important to Margaret, and she had voted in every election she can remember since Jesse Jackson's first presidential run. Then, sometime between 2014 and 2016, she began to have trouble voting due to her work schedule. She was working as a cashier in a small truck stop many miles away from her house and polling location. She was the only person working her shift from 6 a.m. to 6 p.m. and was working the entire time the poll location was open. She could not leave to vote as it would have taken her over two hours to drive, stand in line, and return from voting, assuming all went smoothly. Because she could not get off work, Margaret has not been able to vote in two separate elections. In Margaret's words:

The poorer you are, the harder it is to vote. If you have no transportation, no car, how can you vote far away? I have a car but not everyone does. Both urban and rural folks have trouble. If you have a job in a small company, you

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<sup>229</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 12.

<sup>230</sup> *See id.*

<sup>231</sup> Donahue, Shawn, *The Re-Precincting of Louisiana after Shelby Count: Was Race a Factor?*, Binghamton University, prepared for the 2018 Southern Political Science Association Annual Meeting (2018), [http://www.shawndonahue13.com/uploads/9/7/4/6/97469540/louisiana\\_paper\\_for\\_southern-donahue.pdf](http://www.shawndonahue13.com/uploads/9/7/4/6/97469540/louisiana_paper_for_southern-donahue.pdf).

<sup>232</sup> Decl. of Margaret (attached as Exhibit 50); *see also* Decl. of Frederick (attached as Exhibit 24) (describing that while Frederick, an St. Martin Parish resident, has "never experienced any difficulties voting," and feels the state does a pretty good job, he is concerned about where his new polling place will be, as he has "not received any information about" it yet. Furthermore, he believes "we need to make it easier for people to vote." He is especially concerned for working-class voters who may not be able to miss work to vote or "may never receive the information they need." His parents were from the Philippines, and voting is very important to him. He is very grateful. He say, "I try to share the knowledge I have about voting with others so they, too, can exercise their right to vote. . . . This can happen by making it easier, not harder, to vote.").

can't get time off. People are struggling with minimum wage jobs, like me when I was younger, and they can't afford to take the time off.<sup>233</sup>

Eordonna, a resident of East Baton Rouge Parish, has lived in Louisiana her entire life and has been voting since she was 18.<sup>234</sup> Her voting location used to be a mere two blocks from her home, but six years ago, in 2015, her voting precinct was moved 2.6 miles away. According to Eordonna, it would take over an hour for anyone who had to take the bus to reach the precinct, leaving voters without access to a car to struggle to get to their new location.

Michael, a resident of Caddo Parish, has lived in Louisiana for five years and has always found voting in the state to be frustrating.<sup>235</sup> In 2020, Michael voted on Election Day and had to travel two miles to his polling location. As Michael notes, that distance is too far to walk easily and "many of the people in [his] neighborhood do not have transportation, so [he has] no idea how they traveled to the polls on election day." While voting, Michael also observed that only two of the voting booths were working and by the time he was done voting, the building had filled and the line to vote wrapped around the block. He says, "I expect it took a very long time for those people to vote."

Voters' experiences also demonstrate the impacts of longer and longer lines at polling places. Alaina, a resident of the City of Bethany in Caddo Parish, believes "it is important for every American to vote." She says, "In part, I vote to honor both of my grandfathers' service in the Armed Forces. By voting, citizens can preserve and restore American values." She voted with her family in the presidential election on November 3, 2020. Their polling location relocated that year, so they did not vote at their usual polling location. At their new location, they had to wait two hours to vote. Once they were finally able to cast their ballots, the election commissioners continuously admonished them in voting booth, telling them they only had three minutes to cast their vote.<sup>236</sup>

Charisse, a voter in Vermillion Parish, has also struggled to cast her ballot because of long lines at her polling place and her work schedule. In 2018, Charisse had to return to her polling place three times on Election Day due to long lines. Charisse tried to vote before work but once she saw how long the line was, she decided to go to work and return during her lunch break instead. But on her second attempt, the line was still so long, she estimated there were 300 people in line. So she went back to work. Ultimately, she had to leave work early and try again; this time, she brought something to eat while she waited. While she waited in line, Charisse noticed that there were eight voting booths

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<sup>233</sup> *Id.*

<sup>234</sup> Decl. of Eordonna (attached as Exhibit 22).

<sup>235</sup> Decl. of Michael (attached as Exhibit 54).

<sup>236</sup> Decl. of Alaina (attached as Exhibit 2).

that were not being used. When she asked a poll worker what was going on, she "was told to get back in line and that the other empty line was for another precinct." (The polling location had lines set up by precinct because the one polling place was being used for multiple precincts; while there were lines for certain precincts that were empty, Charisse and other voters from other precincts were made to wait in long lines.) Charisse explains, "I was very upset about the situation and being told to just get back in line. I stood in line for about 5 hours to be able to finally vote; I voted and left around 9 p.m. In 2019, "to avoid the long lines [she] remembered from the 2018 election," Clarisse elected to vote early even though her parish's early voting location was a 45-minute drive away at the courthouse in Abbeville.<sup>237</sup>

In addition to transportation burdens and long lines, the reduction, consolidation, and/or relocation of polling places make it confusing and sometimes impossible for Louisiana voters to figure out where they should be voting, for example when these polling place changes are not well advertised or when others in their household are assigned to a different polling location.

Jesse, a resident of Saint Bernard Parish, used to vote at a large polling place well-marked with signage, and it was easy for him to vote. However, in 2016, roughly six months before the election, he happened to read an article in the local newspaper about a newly constructed elementary school, and the article happened to mention that his previous polling location had moved to this new school. He received no other notice about the change. However, when it came time to vote, the polling place "was extremely difficult to locate as the school is over 300 yards from the road, there was no signage to direct you to the parking area, which was in the rear of the school, and the front parking lot was so empty it did not appear that anything was happening at that location.". After actively and carefully driving around the area searching for the polling place, he finally found it. Many of his neighbors approached during the early voting period to ask him where to vote because they had gone to the same location but left without voting because it did not seem like it was a polling place. He further said, "Many of my older neighbors told me they found it difficult to return a second time to vote once I confirmed the location of the polling place. Some of my neighbors from the lower income area shared with me that they were unable to return a second time to vote due to transportation issues."<sup>238</sup>

Kathy of St. Tammany Parish was assigned a new polling place for the November 2020 election, "but received no notice of it." Kathy explains: "Had I not had problems with my voter registration and been checking my status regularly, I would not have known about the change. Instead of voting around the corner, I had to go across town, where I

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<sup>237</sup> Decl. of Charisse (attached as Exhibit 10).

<sup>238</sup> Decl. of Jesse (attached as Exhibit 35).

waited at least an hour on line. I am disabled and that long of a wait was incredibly painful.”<sup>239</sup>

Walter is a resident of Opelousas in St. Landry Parish in Louisiana.<sup>240</sup> He and his wife had voted at the same location, two blocks away from his house, for four years. During the 2018 election, Walter and his wife went to the same voting location but found that he was not in the list of voters. He had not received any notification that his polling place had changed. The poll worker suggested going to another polling place seven miles away in another district in case he had “accidentally” registered at that location. Because he had a car, he was able to drive to the new polling place and cast his vote. However, because this location was in a different district than where he was registered to vote, state law prohibited Walter from voting for the local candidates in his district.

Valarie, a resident of East Baton Rouge Parish, moved there from New Orleans after Hurricane Katrina. She has had to move around a lot, including five or six times after her husband’s death, and while she made it a priority to continue voting, “it wasn’t easy.” She describes her experience almost being unable to vote in the General Election in 2012: “I worked all day on Election Day, then after work went to what I thought was my polling place to cast my vote. But when I got there, the poll workers told me my name wasn’t on their list. I thought I was still in the same zip code, but they told me I wasn’t registered there. At that point, I had to leave the polling place, and call to find out where they had moved me to. It was an old house somewhere in Baton Rouge, and, not being from Baton Rouge, it took me a while to run around and find the new location. I was finally able to find the new place and vote, right before polls closed.” Now, Valarie lives with her boyfriend, but says “voting has still been strange for us,” as they “didn’t understand why two people living in the same house would be sent to two different [polling locations].” Despite the obstacles, voting is important to Valarie: “That time of my life after I lost my husband was really a struggle, but my main thing was getting my vote cast each election no matter what.”

Sofia lives in East Baton Rouge.<sup>241</sup> About three years ago, due to changes in her polling place, Sofia had to go to three separate locations to vote. She woke up “at daybreak to beat the lines” but when she arrived at her polling location, she found out it had been changed without her knowledge. She was sent to the library, but after she waited in line, that location also turned out to not be correct. Finally, a poll worker looked up her voting location and sent her to a third location, where she could finally vote. Sofia said, “I was determined to vote. Some people gave up.” In the 2020 election, Sofia had to

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<sup>239</sup> Decl. of Kathy (attached as Exhibit 42).

<sup>240</sup> Decl. of Walter (attached as Exhibit 76).

<sup>241</sup> Decl. of Sofia (attached as Exhibit 69).

wait in line for about two hours; she knows some places had longer lines, so felt that “[two] hours for the presidential election was ok.” Sofia’s becoming accustomed to and even grateful for waiting in a two-hour line to vote is emblematic—and unacceptable. In 2014, the Presidential Commission on Election Administration published a report and recommendations on improving the American voting experience, where it “concluded that, as a general rule, no voter should have to wait more than half an hour in order to have an opportunity to vote.”<sup>242</sup>

The voting location for Michael, a resident of Lafayette Parish, serves multiple districts and each district has its own voting line.<sup>243</sup> However, there are no instructions as to which line voters should stand in for which precinct. Voters often inadvertently stand in the wrong line and do not find out until they get to the front, at which point they must start over. To make matters worse, Michael’s voting location routinely opens around 45 to 60 minutes late, which only became more delayed during the COVID-19 pandemic. Because of his precinct’s late opening, Mr. Andrus had to wait in line for an hour before being able to cast his ballot.

Queen is a resident of St. Bernard Parish and has voted in all the local elections in her area, as well general elections.<sup>244</sup> When trying to vote early in 2020, she was told she was not on the list for that location, despite the fact she had voted at this location for the past eight years. She was forced to go to the City Council Office to confirm her registration. After spending over an hour trying to confirm she was able to vote, she finally returned to her voting location and cast her ballot. To make matters worse, the voting machine only allowed her to vote for three of the six positions on the ballot. Despite reporting this to the poll worker, and being told others had faced the same issue, she was not allowed to correct her ballot or use a different machine and thus was not able to vote for all the races on the ballot. As Queen explained, “I am a committed voter, but I had to work hard to cast my vote in this election. I had to devote an extra hour out of my day to drive to the City Council Office, stand in line, register with a party, and drive back to my polling place. The extra time it took forced me to delay important care for my clients. I provide care to clients with life-threatening illnesses. This was an inconvenience for me but an unnecessary and potentially dangerous hardship for my clients. Voting should be easy and accessible. But for me, it was not the case in this election.”

For Peggy, a resident of Calcasieu County who lives in a small rural town with mixed demographics, “Voting is important to me because I am the one to stand up for me and

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<sup>242</sup> Presidential Comm’n of Elec. Admin., The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration 14 (Jan. 2014),

<http://web.mit.edu/supportthevoter/www/files/2014/01/Amer-Voting-Exper-final-draft-01-09-14-508.pdf>.

<sup>243</sup> Decl. of Michael (attached as Exhibit 55).

<sup>244</sup> Decl. of Queen (attached as Exhibit 63).

my family. Even though my vote may not make a difference...it is my right to vote, and I do and will continue to." Peggy "observed in the past that our voting locations in town were segregated, but they aren't anymore." While Peggy feels that most Black voters in her town have a small walk or drive to their polling location, she is concerned by recent polling place changes in her community. "For many years, my voting location was across the street. I couldn't live any closer!" But then around four years ago, Peggy was notified in the mail that her polling location had changed. Not only is this change inconvenient, but it has left me kind of angry.... The polling location across the street is still being used, but I can't vote there anymore." Before Peggy reached the eligible age to vote by mail, Peggy would plan to vote early if she knew she would be out of town for Election Day, though she "had to drive about 15 miles away" and "there [was] always a line." Peggy considers herself "an active and informed voter" who enthusiastically supports early and absentee voting. She observes, "I think if you mail a ballot to everyone then people would vote more."

## B. Louisiana's Early Voting Restrictions Suppress Black Voter Turnout.

Louisiana law provides for early voting periods prior to each election.<sup>245</sup> The governor recently passed legislation extending the early voting period—which is between seven to 14 days—by three days for presidential elections.<sup>246</sup> As described in a report prepared by the Louisiana Advisory Committee for the United States Commission on Civil Rights, early voting periods are a critical factor in protecting the right to vote.<sup>247</sup> Early voting makes voting more accessible and convenient for voters, particularly those who cannot take time off from work, childcare, caregiving, and other obligations on Election Day to vote. Early voting also eases burdens on the election infrastructure and reduces lines on Election Day. Providing early voting options can also help voters resolve any issues that come up with eligibility to vote; if a concern arises during early voting, the voter has time to remedy the issue before Election Day.<sup>248</sup>

Like voters around the country, Louisianans consistently use early voting. In the 2008, 2012, and 2016 general elections, early votes constituted 15%, 18%, and 26% of the votes cast, respectively. In the 2020 general election, in the midst of a global pandemic

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<sup>245</sup> La. Stat. Ann. § 18:1309.

<sup>246</sup> WWLTV, *Louisiana extends early voting for presidential elections*, June 16, 2021, <https://www.wwltv.com/article/news/politics/louisiana-extends-early-voting-for-presidential-elections/289-1480dfe1-7768-424e-8b73-ba2f99dedcc8>.

<sup>247</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 13.

<sup>248</sup> See *id.*

and two hurricanes ravaging southern Louisiana, voters shattered previous early voting records, casting nearly one million votes early, almost doubling the numbers from 2016.<sup>249</sup>

Unfortunately, since *Shelby County*, Louisiana has failed to provide adequate early voting opportunities, particularly to Black voters. And the state refuses to provide early voting on Sundays, a well-known occasion for Black voters and advocacy groups to vote early. Failure in early voting access represents one of many reasons that Louisiana is failing to provide equal voting opportunities to Black Louisianans.

## **1. Louisiana Fails to Provide Sufficient Early Voting Locations in Majority-Black Parishes.**

There are currently 95 early voting locations to cover nearly 4,000 voting precincts in 64 parishes in Louisiana, and many of these locations are temporary or not consistently available or accessible.<sup>250</sup> Under state law, the registrar may designate one additional branch, or two if the parish is sufficiently large, geographically.<sup>251</sup> H.R. 581, introduced in April 2021 and subsequently enacted, expanded early voting opportunities by allowing registrars to offer additional branch offices for early voting, but determinations will be subject to registrar discretion, location availability, and budget constraints, and will require approval by the Secretary of State.<sup>252</sup>

The most early voting sites any parish currently contains is five, and this is woefully inadequate. Jefferson Parish's five early voting sites must serve 432,493 residents.<sup>253</sup> Orleans Parish only has four early voting locations despite having a population of 390,144.<sup>254</sup> In Caddo Parish, the fourth most populated parish in the state, there is only one early voting location despite having a population of 260,000 residents.<sup>255</sup> As a result, Caddo Parish's lone early voting site must serve more Black voters than are served in all

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<sup>249</sup> William Taylor Potter, *Louisiana shatters early voting record with nearly 1 million ballots cast*, Daily Advertiser, Oct. 28, 2020, <https://www.theadvertiser.com/story/news/2020/10/28/louisiana-early-voting-records-shattered/6039047002/>. By the end of early voting, Louisiana voters had cast 986,428 early votes. Louisiana Sec'y of State, Statewide Early Voting Statistical Report: 11/03/2020, <https://www.sos.la.gov/ElectionsAndVoting/Pages/EarlyVotingStatisticsStatewide.aspx>.

<sup>250</sup> Geaux Vote, Early Voting Locations, <https://voterportal.sos.la.gov/earlyvoting> (last visited Aug. 7, 2021).

<sup>251</sup> La. Stat. Ann. § 18:1309.

<sup>252</sup> State Voting Rights Tracker, Voting Rights Lab, <https://tracker.votingsrightslab.org/states/Louisiana/bill/LA2021H581>.

<sup>253</sup> See *Early Voting Locations*, LA Sec'y of State, <https://voterportal.sos.la.gov/earlyvoting>; QuickFacts: Jefferson Parish, Louisiana, U.S. Census Bureau, <https://www.census.gov/quickfacts/jeffersonparishlouisiana>.

<sup>254</sup> See *Early Voting Locations*, LA Sec'y of State, <https://voterportal.sos.la.gov/earlyvoting>; QuickFacts: Orleans Parish, Louisiana, U.S. Census Bureau, <https://www.census.gov/quickfacts/orleansparishlouisiana>.

<sup>255</sup> See *Early Voting Locations*, LA Sec'y of State, <https://voterportal.sos.la.gov/earlyvoting>; QuickFacts: Orleans Parish, Louisiana, U.S. Census Bureau, <https://www.census.gov/quickfacts/caddoparishlouisiana>.

of Orleans and Jefferson Parish combined, even though their overall populations are nearly twice as large<sup>256</sup>

Louisiana voters are painfully familiar with the burdens of too few early voting sites. As mentioned above, Caddo Parish is a particularly challenging location. Jacqueline, a resident of Caddo Parish, has lived at the same address in Shreveport for nearly 30 years.<sup>257</sup> For the 2020 general election, she decided to vote early. On the first Monday of the early voting period, she went to the only early voting polling place in her parish. Voting began at 8 a.m. but she arrived an hour early hoping to avoid long lines so she could get to work on time. By the time she arrived, there was already a long line, and it was growing longer by the minute. Jacqueline knew she would not be able to get to work on time. The line eventually became so long it wrapped around the building, which was about four blocks long, and looped all the way back almost far enough to meet back at the beginning of the line. She says, "The worst part of waiting was that it was so cold. I was wearing a coat, gloves, and a scarf, which I wrapped around my head and neck. I still felt extremely cold." And the long wait time forced Jacqueline to ask someone to hold her place in line twice so she could use the restroom. People around her were complaining about the cold and the long wait. It was a very frustrating experience. Jacqueline's turn finally came at 10:30 a.m., almost three and a half hours after she had arrived. Once inside, the voting process went smoothly, but her hands were so cold and shaking from standing outside that she could barely sign her name. "I was afraid that my shaky signature would look so unlike my previous signatures that someone might suspect it was fraudulent," she explains. No one in any official capacity apologized for the long wait. She learned that Caddo Parish had initially intended to have two voting locations, but the plan fell through due to a disagreement about the second location.<sup>258</sup> Jacqueline sums up her experience: "No one should have to wait more than three hours to vote."

Marilyn, a resident of Caddo Parish,<sup>259</sup> voted at the Caddo Registrar of Voters during early in-person voting for the 2020 general election. She prefers to vote at the registrar's office because she wants to make sure that her vote will count. She, and many of her neighbors, have come to believe that their votes will only be counted if they vote at the registrar's office because those votes are not coming from a region of color. They have lost trust in the local parish precincts. In the 2020 election, Marilyn has seen the lines out the door, down the block, and around the corner. She went to vote at around 2 p.m.

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<sup>256</sup> Valencia Richardson & Candice Battiste, *Louisiana has a voting access problem; expanding the number of voting days could help*, Louisiana Illuminator, May 24, 2021 <https://lailluminator.com/2021/05/24/louisiana-has-a-voting-access-problem-expanding-the-number-of-voting-days-could-help-valencia-richardson-candice-battiste/>.

<sup>257</sup> Decl. of Jacqueline (attached as Exhibit 29).

<sup>258</sup> *Id.*

<sup>259</sup> Decl. of Marilyn (attached as Exhibit 51).

and had to wait outside for about 30 minutes, plus an additional 15-minute wait once she got inside. When she left, the line was much longer.

Even though Orleans, Jefferson, and East Baton Rouge Parish each have more than one early voting site, this is insufficient to meet the demand for early voting:

In the 2020 election, Daniel, an Orleans Parish resident, went to vote at the Smoothie King Center in New Orleans during the early voting period after work and had to wait two hours in line.<sup>260</sup> Many people around him could not wait that long and had to leave before voting.

Lillian, a New Orleans resident, waited four hours in line to vote on the first day of early voting in the 2020 general election.<sup>261</sup> She said that “[s]ome people were providing snacks and water” and everyone was “anxious to cast their ballot.”

Naomi voted in Orleans Parish for the 2020 election.<sup>262</sup> She opted to vote early, but when she arrived the line was up to two hours long—two hours in a very sunny area with no water in sight. Because Naomi had to pick up her daughter from daycare, she could not wait in a line that long and had to leave. Fortunately, unlike many voters, Naomi was able to return a few days later, though it still took her around an hour and a half to vote. While in line, Naomi saw at least five people leave because the wait was too long. Naomi recognizes that not all voters are able to spend so much time trying to vote: “If I didn’t have the privileges I do, I don’t know that I would have been able to go back and vote, to wait in line.”

Anne, a voter in Jefferson Parish, says she has voted in every election since she first registered to vote over 40 years ago at the age of 18. “Voting is important to me. I just want it to be fair. I don’t want special treatment; I just want it to be fair and equal for everybody.” As a nurse who works 12-hour shifts, Anne says she always votes early. During the 2020 General Election, Anne voted on October 16, 2020, the first day of early voting.<sup>263</sup> She arrived half an hour before the early voting location opened, and the lines already wrapped around the building. Anne observed that the lines wrapped four to five times around the building; they had even put up chains to separate the lines. She ultimately waited seven and a half hours in line to cast her vote. Even though this was during the COVID-19 pandemic, there was no social distancing—everyone was standing within one to two feet of each other. Anne felt that the early voting location could not accommodate this number of voters while following social distancing guidelines. She said, If we had been

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<sup>260</sup> Decl. of Daniel (attached as Exhibit 15).

<sup>261</sup> Decl. of Lillian (attached as Exhibit 48).

<sup>262</sup> Decl. of Naomi (attached as Exhibit 58).

<sup>263</sup> Decl. of Anne (attached as Exhibit 4).

appropriately distanced, we would have been all the way in another parish!" When she entered the polling place, she saw that there were only eight voting machines. Anne, a determined voter for whom voting is incredibly important, was willing and able to wait seven and a half hours in line to cast her vote, but she believes it is a deterrent for many others.

Kaleena, a Jefferson Parish resident, was eager to vote in the 2020 presidential election.<sup>264</sup> In an effort to avoid long lines, Kaleena decided to vote early in person. Yet she still had to wait in line for eight and a half hours. This was the first time in her seven years of using this early voting location that she had to wait more than half an hour. While waiting, Kaleena observed several voters leave the line because of the wait. One woman told Kaleena that she had been waiting for five hours but had to go back to work and was unable to vote.

Juan, a resident of Jefferson Parish, has voted in every election since he became a U.S. citizen in 2008. Due to his work schedule, Juan is unable to take time off work and must vote early. But when voting early he cannot go to his normal polling location a short distance from his house, but instead must drive to the Jefferson Parish Government Building.<sup>265</sup>

Charles, a disabled veteran who resides in East Baton Rouge Parish, had to drive six miles to vote early in the 2020 general election because the early voting location next to his house had been closed.<sup>266</sup> Instead of walking to the polls in no time at all like he used to do, Charles now had to rely on his daughter to drive him as his vision is impaired to the point of being unable to drive himself, which can be inconvenient due to her work schedule. Charles says, "I am going to vote, no matter what. No one or nothing is going to stop me. There are some people in government who are trying to suppress voting. This is America. I fought for this country and did two tours in Vietnam. My wife and I vote in every election; we never miss."

Voters from other areas of the state experience similar challenges due to the lack of early voting sites. DeAna, a resident of St. Tammany Parish, voted on the first day of early voting in the 2020 General Election.<sup>267</sup> She arrived in the morning and there was already a line wrapped around the building that spilled into the parking lot. She waited in line for two hours to cast her vote.

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<sup>264</sup> Decl. of Kaleena (attached as Exhibit 40).

<sup>265</sup> Decl. of Juan (attached as Exhibit 38).

<sup>266</sup> Decl. of Charles (attached as Exhibit 11).

<sup>267</sup> Decl. of DeAna (attached as Exhibit 16).

Latoya is a resident of Bossier Parish.<sup>268</sup> In the 2020 general election, she was able to take time off from work to vote early on a weekday, where she waited in line for about an hour. Around that time, the weather was very cold in Louisiana, so she recruited her teenage son to accompany her to bring breakfast sandwiches to people waiting in line to vote on two different Saturdays. The lines those days wrapped around the building outside, and people had to wait between two and three hours to vote. Latoya saw some people leave because they could not keep waiting. There was not much room inside the building, so voters mostly had to wait outside. She heard a lot of people complaining about the wait being so long and saw people drive by, see the line, and drive on without stopping to vote. In the 2016 General Election, Latoya went downtown to vote and parked in a spot that she thought was legal for voters. She waited for 45 minutes to vote and when she came out of the polls, an officer was giving her a ticket. He told her that there were only three free parking spots at the courthouse and one is a handicapped spot. Latoya felt that polling locations should have parking spots so people can vote without having to pay for parking.<sup>269</sup>

Latoya is passionate about voting—both its potential impact and the flaws in the system that impede it. In her words: “Why not invest in the America we want? In Louisiana we need more jobs and economic growth, but we need to vote the right people in. Voting should be a seamless process. I am passionate about this and want to contribute to correcting the flaws I see so that we can all vote.”<sup>270</sup>

Jamil has lived and voted in three states.<sup>271</sup> Before he left in 2017, he lived in Shreveport in Caddo Parish. Whenever he has voted, which he says is usually during the early voting period, he says he has consistently waited over an hour in line. He observes: “The process in less affluent areas where I have lived tends to be slower and the wait times longer.”

Louisiana’s few early voting locations also present accessibility concerns for Louisiana voters with physical disabilities. For example, in 2019, the League of Women Voters of Louisiana testified that the one available early voting location in Lafayette Parish required voters without visible disabilities or disability identification to stand in long lines in a stairwell to reach the registrar’s office on the third floor to vote, and the lobby of the building was often crowded with voters who used wheelchairs or canes.<sup>272</sup> Further, the

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<sup>268</sup> Decl. of Latoya (attached as Exhibit 46).

<sup>269</sup> *Id.*

<sup>270</sup> *Id.*

<sup>271</sup> Decl. of Jamil (attached as Exhibit 31).

<sup>272</sup> See La. Advisory Comm. For the U.S. Comm'n on Civ. Rts., *supra* note 142, at 16.

location failed to provide sufficient parking for voters with disabilities to access the building.<sup>273</sup>

Deborah of Calcasieu Parish requires the use of a cane when she walks.<sup>274</sup> However, her normal polling location is not handicap accessible and she must climb the stairs without ever being offered assistance whenever she goes to vote. To avoid long lines, Deborah usually votes during the quieter hours, but she still always must wait 30 minutes in line before being able to vote and she has never witnessed any accommodations for people with accessibility issues.

Martha, a resident of Orleans Parish, voted early in the 2020 presidential election.<sup>275</sup> She is an elderly voter and suffered a stroke recently, so standing is now difficult for long periods of time. When she arrived at her polling location, she was dismayed to discover long lines winding all throughout the voting location. She waited two and a half hours to vote. She was also shocked to see no special provisions for elderly voters like herself. Martha had brought a fold-up chair to the voting location in the event of a long wait but was not allowed to sit on it. She and other voters were also not allowed to accept drinking water being offered to voters by young people. Martha was so uncomfortable that she ended up physically leaning on her brother, who was voting with her. She was shocked by this lack of basic humane considerations such as allowing her to sit or to drink water, and said she witnessed more than a few voters give up and leave the facility.

Walter is a resident of East Baton Rouge Parish who is legally blind.<sup>276</sup> Because voting is important to him, he has endured a variety of challenges while trying to vote, primarily with voting machines that are not designed for people with limited vision. In his experience, "when they design facilities for disabled people," they seem to do so "for people who are either completely blind or completely sighted," and he feels that "people like me with partial sight get left out." About ten years ago, the machines at his usual polling place changed from the "old-style machines where you would flip the paddles to indicate your vote" to machines "that have LED-lit push buttons" with the ballots "printed on a plastic sheet fitted on the front of the machine." For Walter, some of the text on the ballot was readable, but some of it was not. He explains, "It was a struggle to read the information and cast my vote, but I thought I had no choice. I just dealt with it, as I have for so many other situations without accommodations for my disability."

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<sup>273</sup> See *id.*

<sup>274</sup> Decl. of Deborah (attached as Exhibit 17).

<sup>275</sup> Decl. of Martha (attached as Exhibit 52).

<sup>276</sup> Decl. of Walter (attached as Exhibit 75).

For many years, Walter “didn’t even know there was a handicapped facility for voting available.” It was not until 2016 that Walter learned that there was an early voting site with an area for voters with disabilities, so he decided to vote there. When he arrived, there were chairs to sit, the voting machine had a screen mounted at eye level for a person standing, and the print was easy to read with contrast between the text and background. He had no issues with these machines in the primary and general elections in 2016. Then, prior to the 2018 midterm elections, that location got new voting machines with the screens mounted at “a much lower height,” which Walter guesses were intended “for someone in a wheelchair.” Walter had to bend over uncomfortably to get a close read of the text, and “[m]aking matters worse, the screen text had poor contrast between the text and background.” Those same machines were used for the 2020 primary as well, but this time, Walter’s wife accompanied him to vote so she could read aloud the information for him so he “wouldn’t have to struggle so much.” When they asked the poll worker for permission for his wife to assist him in voting, Walter says, “the worker was confused about what to do and whether this okay.” Fortunately, they let her assist him, so he could vote. For the 2020 General Election, Walter “gave up on the voting area for people with disabilities, because I felt I could struggle with a regular machine just as easily as with one of the machines for disabled [people].” Instead, this time, Walter was met with a two-and-a-half-hour line.

Voting—especially early voting—should not be an all-day endurance challenge. Casting a ballot should not be a reward for the heartiest, healthiest, or most informed among us or those with the ability to take time off from life’s many obligations. Early voting, when operating as intended, should make voting more accessible for Louisianans. Yet the state’s current system disproportionately burdens its Black voters.

## **2. Louisiana’s 2016 Ban on Sunday Voting Was an Attack on Black Voter Turnout.**

Since *Shelby County*, Black voter participation in early voting has declined. Apart from the November 2010 election, the percentage of Black voters casting early ballots from 2008 to 2014 consistently ranged from 32% to 35%.<sup>277</sup> After 2014, however, the percentage of Black voters voting early dropped below 27% and has yet to reach its earlier levels.<sup>278</sup> Even during the COVID-19 pandemic when early ballot usage in Louisiana shattered prior records in the state, Black voters made up only 29% of those voting

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<sup>277</sup> See Statewide Early Voting Statistical Reports from 2008 – 2020, La. Sec’y of State, <https://www.sos.la.gov/ElectionsAndVoting/Pages/EarlyVotingStatisticsStatewide.aspx> (comparing early voter election data from 2008 to 2020).

<sup>278</sup> *Id.*

early.<sup>279</sup> Indeed, at no point since 2014 has the number of Black voters casting early ballots crossed the 30% threshold.<sup>280</sup>

One factor contributing to the inaccessibility of early voting for Black voters is the lack of Sunday early voting in Louisiana.<sup>281</sup> In 2016, Louisiana amended state law to specifically exclude Sundays and holidays from early voting.<sup>282</sup> By excluding Sundays, Louisiana precludes “Souls to the Polls,” a get-out-the-vote initiative driven by Black churches and advocacy organizations. These initiatives have increased Black voter turnout in other states and have a direct link to the Black church’s integral role in the fight for freedom, civil rights, and voting rights for Black Americans.<sup>283</sup> Churches also represent central community gathering locations, which are critical for transporting residents who may not drive—especially where their polling locations are several miles away from their homes. Souls to the Polls efforts will provide transportation to polling locations.<sup>284</sup> In neighboring Georgia, for instance, Souls to the Polls initiatives helped significantly to increase Sunday voting in the 2020 presidential election.<sup>285</sup>

Louisiana lawmakers’ decision to prohibit early voting on Sunday is a veiled attack on Black voter turnout. Or, perhaps, the attack is not so veiled. When North Carolina Republicans eliminated Sunday early voting in 2013 in an omnibus voter suppression law, the provision was struck down by the U.S. Court of Appeals for the Fourth Circuit for targeting Black voters with “surgical precision.”<sup>286</sup> Given its history, Louisiana should be required to prove that any voting changes—such as one prohibiting Sunday early voting—will not disproportionately harm Black voters.

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<sup>279</sup> Louisiana Sec’y of State, Statewide Early Voting Statistical Report: 11/03/2020, [https://electionstatistics.sos.la.gov/Data/Early\\_Voting\\_Statistics/Statewide/2020\\_1103\\_StatewideStats.pdf](https://electionstatistics.sos.la.gov/Data/Early_Voting_Statistics/Statewide/2020_1103_StatewideStats.pdf).

<sup>280</sup> See *Statewide Early Voting Statistical Reports from 2008 – 2020*, La. Sec’y of State, <https://www.sos.la.gov/ElectionsAndVoting/Pages/EarlyVotingStatisticsStatewide.aspx> (comparing early voter election data from 2008 to 2020).

<sup>281</sup> See La. Stat. Ann. § 18:1309(A)(2) (2020) (originally enacted as Act 1976, No. 697, § 1, eff. Jan. 1, 1978); Act No. 229, 2007 Leg., Reg. Sess. (La. 2007) (creating the week-long early voting period).

<sup>282</sup> *Id.*; Act No. 83, 2016 Leg., Reg. Sess. (La. 2016) (excluding Sundays from the early voting period).

<sup>283</sup> James Doubek & Steve Inskeep, *Black Church Leaders In Georgia On The Importance Of ‘Souls To The Polls’*, NPR, Mar. 22, 2021, <https://www.npr.org/2021/03/22/977929338/black-church-leaders-in-georgia-on-the-importance-of-souls-to-the-polls>.

<sup>284</sup> *Id.*

<sup>285</sup> See Eugene Scott, *New Georgia Legislation Would Curb ‘Souls to the Polls’*, Washington Post (Feb. 24, 2021), <https://www.washingtonpost.com/politics/2021/02/24/new-georgia-legislation-would-curb-souls-polls/> (noting that Black voters make up 30% of Georgia’s electorate but nearly 37% of Sunday voters in 2020).

<sup>286</sup> *N. Carolina State Conf. of NAACP v. McCrory*, 831 F.3d 204, 214 (4th Cir. 2016).

### **C. Louisiana's Restrictive Absentee Voting Rules Unnecessarily Curtail Voting Opportunities for Black Voters and Other Voters of Color.**

Louisiana sharply and unnecessarily restricts absentee voting. All states are required by federal law to send absentee ballots to military and overseas voters for federal elections.<sup>287</sup> Louisiana is one of only 16 states that requires a voter to have one of a handful of state-prescribed acceptable "excuses" to vote by mail, making it an option for only a few categories of voters.<sup>288</sup> Louisiana also requires voters to have a witness sign their absentee ballot for it to be counted, an unnecessary burden that few other states require. These laws impede and disenfranchise voters.

Even when voters do qualify for an absentee ballot, the State often fails to process applications and deliver ballots in a timely manner. Jeremy, a resident of Orleans Parish, is currently out of state attending college.<sup>289</sup> In the special congressional election in the spring of 2021, he requested an absentee ballot online knowing that he would be away at school on Election Day. But by the time he received the absentee ballot, the election had already taken place and it was too late to submit his ballot.

Unfortunately, Jeremy is not the only college student to be disenfranchised because of a late-arriving absentee ballot. It's a common issue for young voters. Elise, who is a resident of Orleans Parish, attended college in California from 2015 to 2019. She requested an absentee ballot from Orleans Parish for every presidential, gubernatorial, and senatorial election while she was in school. However, in multiple elections, Elise's ballot arrived too close to the election for her to complete and return it in time. In one instance, her ballot arrived in California after the election had already happened. The slow processing of her applications resulted in Elise, an active voter, being unable to vote in multiple elections. "I was both frustrated and disappointed by my inability to vote."<sup>290</sup>

The State also has law that requires first-time voters who register to vote by mail to vote in person unless they are eligible to vote absentee because they have a qualifying disability or other narrow excuse.<sup>291</sup> This further restricts absentee ballot access to college students who may be voting for the first time. Christiana, a military cadet and resident of East Baton Rouge, says that given the "severe disenfranchisement" Native and African Americans have faced not only in Louisiana, but throughout the United States, voting is

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<sup>287</sup> See States with No-Excuse Absentee Voting, Nat'l Conference of State Legislatures, <https://www.ncsl.org/research/elections-and-campaigns/vopp-table-1-states-with-no-excuse-absentee-voting.aspx>.

<sup>288</sup> *Id.*

<sup>289</sup> Decl. of Jeremy (attached as Exhibit 34).

<sup>290</sup> Decl. of Elise (attached as Exhibit 21).

<sup>291</sup> La. Stat. Ann. § 18:115.

"a priority and strict tradition in [her] family."<sup>292</sup> She also knows that "representation in our state government does not reflect" Louisiana's significant Black population. Her first time voting was in the 2019 Louisiana Gubernatorial election. Christiana is a student at Howard University in Washington, D.C., and as such, she needed to vote absentee. She applied for an absentee ballot, but instead of receiving one, she received a notice that she was not eligible to vote out of state because she was a first-time voter. Because voting is such an important priority for Christiana's family, her mother flew her home for \$800-900 to vote on Election Day. Because her family had to spend so much money to enable Christiana to vote since the state denied her an absentee ballot, Christiana was unable to also go home to spend the Thanksgiving holiday that year with her family.

Other seemingly small errors in absentee ballot administration can also disenfranchise voters. Kristin, a 47-year-old voter from St. John the Baptist Parish, has been voting in Louisiana since she was 18 years old.<sup>293</sup> Kristin's husband is an electrician who often travels for work for months at a time. During the October and November 2020 elections, Kristin, her husband, and her son needed to vote absentee because they were in South Carolina for her husband's job. She and her family applied to vote absentee for both elections, filled out their ballots, and returned them by mail in the preaddressed envelopes provided. Then, in January 2021, an employee from their hotel called to tell them their absentee ballots were returned to the hotel. When Kristin found out her vote had not been counted, she said she felt like she had been "slapped in the face." Kristin's husband retrieved the ballots on a subsequent work trip and discovered that the parish's pre-filled address stickers were incorrectly placed on the envelope. The delivery address was where the return address should be and vice versa. Kristin called her District Councilman to report the issue and learned that she and her family were not the only people impacted—"the Board of Registration was aware that there was a bad batch of absentee ballots, but had not done anything about it." Kristin felt "disgusted and frustrated" when she learned the Board of Registration "had known about this issue and done nothing to fix it." She said, "When I found out that our votes had not been counted in the 2020 Election, I felt like I had been slapped in the face....I felt that I was doing my part, but they were not doing theirs."

Until the 2020 election season, Louisiana "had no process in place for absentee voters to be notified of and cure any deficiencies in their ballot before it could be rejected—a serious concern when many voters cast an absentee ballot for the first time." Only after the SPLC and co-counsel Fair Elections Center sued the state for failure to protect voters during the COVID-19 pandemic did the state adopt "a notice and cure

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<sup>292</sup> Decl. of Christiana (attached as Exhibit 13).

<sup>293</sup> Decl. of Kristin (attached as Exhibit 44).

process for absentee ballots that will extend beyond the pandemic, providing voters a chance to address errors and ensure their vote is counted.”<sup>294</sup>

Lois is a resident of Ascension Parish and has never had a good experience voting absentee in Louisiana because of poor absentee ballot administration by local officials.<sup>295</sup> In 2016, Lois decided to vote absentee because she could not stand in a long line to vote with her arthritis. However, the instructions on the absentee ballot were not clear and Lois did not include a witness signature on her ballot, as she thought that was only required for those who could not sign themselves. Her ballot was rejected for missing a witness signature. She called her local Board of Elections to ask them to send another ballot, but they said they could not because she had “already voted” despite her absentee ballot being rejected, and told her she “could vote again next time.” They did not give her any opportunity to cure the missing witness issue, and Lois was unable to vote. Then in 2020, Lois again decided to vote by absentee, this time in Baton Rouge Parish. She made sure to have a witness signature on the ballot and mail it in plenty of time. However, when she called the Board of Elections, they told her that her ballot had not been received. Lois called back later to double check the status of her ballot but again was told her ballot had not been received. This experience was very upsetting, and to this day Lois does not know if her ballot ever arrived or was counted. She does not have a computer, and says that even if she did, she “would not know how to find [] out the information.”

Lois is not the only Louisiana voter to be disenfranchised because of Louisiana’s unclear instructions for witnessing your absentee ballot. In 2018, Deborah of Calcasieu Parish learned she was eligible to vote absentee because of a disability and attempted to do so. Due to the confusing instructions on the absentee ballots, Deborah did not realize she had to have a witness signature even if she could sign her name herself, the same issue that Lois had. The Board of Election called her when they received her ballot to tell her it was incomplete. Despite needing to vote absentee because of her disability, Deborah still had to go in person to the courthouse to correct her ballot, which took a significant amount of time because the clerk gave her a mailing address, not the street address, and it took a while for her to “figure out where I could park that was close enough to walk.”<sup>296</sup>

Singleton, a disabled voter in St. John the Baptist Parish who first applied to vote absentee in 2019, similarly did not have their vote counted in a subsequent election

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<sup>294</sup> Southern Poverty Law Ctr., *Overcoming the Unprecedented: Southern Voters’ Battle Against Voter Suppression, Intimidation, and a Virus* (Mar. 16, 2021),

[https://www.splcenter.org/sites/default/files/splc\\_vr\\_report\\_overcoming\\_the\\_unprecedented\\_mar\\_2021.pdf](https://www.splcenter.org/sites/default/files/splc_vr_report_overcoming_the_unprecedented_mar_2021.pdf).

<sup>295</sup> Decl. of Lois (attached as Exhibit 49).

<sup>296</sup> Decl. of Deborah (attached as Exhibit 17).

because they misunderstood that the signature required on the ballot was that of a witness, not simply their own.<sup>297</sup> And Irene, a resident of East Baton Rouge Parish who is 80 years old and voted absentee for the first time in the 2020 Presidential election due to a disability, did not understand that she needed a witness to sign her ballot.<sup>298</sup> If she had, she would have asked her son to sign it for her. Even though she was given an opportunity to cure and submit a new ballot, she says, "At the time that just became an additional burden added to the pain from the arthritis that I was experiencing. Because of my age and my disability, I focus on doing the things I have to do."

Nick, a resident of Tangipahoa Parish, recounted his son's difficulties voting absentee in the November 2020 election also due to administrative errors at their local elections office.<sup>299</sup> Nick's son needed to vote absentee because he was out of state for school. Although Nick's son had voted before, when they applied for him to vote absentee, the voter registration office said he had to vote in person because he was a new voter. When Nick pushed back, noting that his son had voted in the parish before, the registration office said they may have made a record keeping error. To correct the mistake, Nick's son had to mail a copy of his student ID to the voter registration office. He was then able to get his absentee ballot. Though he filled out his ballot and mailed it back to the parish with plenty of time for it to arrive, as the days before the election drew closer, the registration office still had not received the ballot. On the deadline to return absentee ballots, they called the office and his ballot still had not arrived. Fortunately, Nick's son happened to be in Louisiana at the time and was able to return home to vote in person. Nick says of the experience, "We take this extremely seriously. Voting was his right. We were persistent and will remain persistent. This is his future and he understands this. I told him, 'Be active, participate, or you suffer the consequences.'"

Angela, who is a resident of Rapides Parish, was disenfranchised in 2020 because of a late-arriving absentee ballot. Angela frequently votes absentee because she often travels out of state for months at a time.<sup>300</sup> As an experienced absentee voter, she decided to request her absentee ballot well in advance of Election Day in 2020 because she was in Michigan. Unfortunately, her ballot never arrived. She happened to be back in Rapides Parish during the one-week early voting period, so she contacted the Rapides Parish Registrar of Voters to see if she could vote early. An employee told her that she was not eligible to vote early since she had requested an absentee ballot, so Angela did not vote while she was home. When she returned to Michigan, her absentee ballot still had not arrived. Angela again called the registrar and spoke to another employee who said the

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<sup>297</sup> Decl. of Singleton (attached as Exhibit 68).

<sup>298</sup> Decl. of Irene (attached as Exhibit 26).

<sup>299</sup> Decl. of Nick (attached as Exhibit 59).

<sup>300</sup> Decl. of Angela (attached as Exhibit 3).

parish had no record that she had submitted a request for an absentee ballot. This employee took Angela's temporary Michigan address and told Angela that she would send her absentee ballot within two to three days. She advised Angela, who was planning another brief trip home, to return her ballot by hand. She even offered to meet Angela at the courthouse to receive her absentee ballot personally, so Angela would not need to mail it. Unfortunately, Angela did not receive her absentee ballot before she traveled back home to Rapides Parish. Finally, on November 1st, one day before the deadline for ballots to be received by the registrar, she received her ballot at her address in Michigan. She knew there was no way that her mailed ballot would arrive in time but mailed it anyway. On November 22nd, Angela returned home where she checked to see if her ballot had been counted, and it had never been received. Because of this experience, Angela felt robbed of her right to vote and was so upset by what happened that she is not sure that she will ever try to vote again. She felt that she did everything right, even contacting her election officials multiple times, but she was still not able to successfully vote.

The bureaucratic burdens placed on voters trying to vote absentee via the general application for absentee voting are immense and small mistakes can lead to disenfranchisement. Unfortunately, the State of Louisiana has an even more burdensome process for voters who need to vote absentee because they are permanently disabled.<sup>301</sup> These voters must apply via a separate application and are forced to supply additional documentation to "prove" their disability before they can enroll in the absentee voting program for those with permanent disabilities. Fulfilling these administrative requirements can be immensely difficult for voters who have disabilities that make it difficult for them to walk or leave their homes.

Bradley, a resident of Ascension Parish, has been voting in Louisiana since 2014.<sup>302</sup> "Voting is important to me," he says, "because my vote is my voice as an American. I am most concerned with local elections because decisions of my local officials affect me every day of my life." Due to a neurological condition, Bradley walks with a cane with great difficulty. In 2016, his condition deteriorated and walking at all caused him severe pain. Bradley requested an absentee ballot for the 2016 election because of his condition, but his parish election officials argued with him, telling him he could still get to the polls for early voting. They told him he could not vote absentee unless a doctor certified in a letter that he could not go to the polls. At this point, Bradley's condition had worsened and just going to work and back took all his energy. He did not have the time or strength to make an appointment to see a doctor. He gave up on voting absentee and took half a day off work to vote early. He had to make a long, painful walk from the parking lot to the polls to cast his ballot. By the 2017 municipal elections, Bradley's condition had deteriorated,

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<sup>301</sup> <https://www.sos.la.gov/ElectionsAndVoting/Vote/VoteByMail/Pages/default.aspx>.

<sup>302</sup> Decl. of Bradley (attached as Exhibit 7).

and he was bedridden and living with his parents. He again applied for an absentee ballot. He had to submit a copy of his Social Security Disability determination to justify his application. Ultimately, Bradley was able to enroll in the automatic absentee voting program for voters with permanent disabilities. He successfully voted by mail for the next few years, but in 2020 he never received his ballot. He called his registrar's office to ask for his ballot, and an election official told Bradley they thought he no longer needed an absentee ballot. Bradley had taken no steps to unenroll from the program and had never been informed that he needed to reapply for his absentee ballot.

Frank, a 72-year-old resident of Jefferson Parish, has Myasthenia Gravis (MG), a neuromuscular autoimmune condition that destroys the communication between one's nerves and muscles, causing muscle fatigue very easily.<sup>303</sup> This disease has impacted his ability to breathe, to swallow, and to speak. Once his disease became noticeably worse over the past five years, he decided to inquire about absentee voting. He tried to inquire by phone, but because of his difficulty speaking, this was very difficult. He then emailed the election office in his parish but had to email twice before receiving confirmation that they received his request. After this, it took numerous attempts to receive the necessary paperwork. Finally, Frank was able to register to vote by mail. Frank has since received mail saying voting changes were coming that would impact his ability to vote by mail and that he would have to reapply. Thinking nothing of it at the time, he threw the letter away. However, given his health issues, he is concerned it would be very difficult for him to vote in person and hopes he will be able to vote by mail without reapplying. Frank believes that, "[t]o be a republic 'of the people and for the people', making voting accessible to all eligible voters i[s] paramount....Freedom to vote without hindrance or coercion is important for a democracy to function properly." He says: "My great-grandfather, grandfather and father were all career soldiers as were many of my uncles...and my nephew and cousins....They fought for us to have this right to vote."

Louisiana's restrictive absentee ballot rules are made even more burdensome by the State's policy of restricting absentee ballot drop boxes available to voters. In 2020, the Council of the City of New Orleans and its members, who wanted to provide drop boxes to parish residents, sued the Louisiana Secretary of State and the Orleans Parish Registrar of Voters, challenging the Secretary's policy of restricting the in-person return of absentee ballots to the Parish Registrar's office, thus effectively prohibiting the use of drop boxes.<sup>304</sup> The Secretary maintains that Louisiana's election code does not permit registrars to collect ballots via drop boxes.<sup>305</sup> The plaintiffs are seeking a judicial declaration that the

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<sup>303</sup> Decl. of Frank (attached as Exhibit 23).

<sup>304</sup> Verified Petition for Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, & Declaratory Judgment., *Council of the City of New Orleans v. Ardoin*, No. 2020-08772 (La. Civ. Dist. Ct. Oct. 14, 2020).

<sup>305</sup> *Id.*

secretary's interpretation of the relevant statute is arbitrary and capricious and that the statute does not, in fact, require that absentee ballots be returned only to a parish registrar's office.<sup>306</sup> The case remains pending.<sup>307</sup>

Louisiana's strict absentee ballot requirements are problematic at the best of times, but they created particular burdens for voters during the COVID-19 pandemic when many voters needed to vote from home to protect their health. While many states relaxed or eliminated their excuse requirements during the pandemic, Louisiana was one of five states that refused to fully expand absentee voting access for voters who were concerned about contracting or transmitting COVID-19 at the polls.<sup>308</sup> For the 2020 general election, Louisiana failed to expand absentee voting access until compelled to do so by a federal judge, who ordered Louisiana to allow voters to vote absentee if they tested positive for COVID-19 or if they were at higher risk because of preexisting health conditions.<sup>309</sup> Despite the ongoing pandemic, voters were still required to get a witness to sign their absentee ballot envelope, which forced voters without an eligible witness in their household to risk exposure to the coronavirus to have their ballot witnessed.<sup>310</sup> Louisiana's draconian refusal to allow every registered voter to vote absentee during a global pandemic, when leaving home to vote in person could be a life-or-death choice for voters, was cruel and extreme.

Aaron is a resident of Orleans Parish, and he and his wife have comorbidities, which made COVID-19 a very real concern for their household.<sup>311</sup> As such, they opted to vote by absentee ballot in the 2020 presidential election. They applied for Louisiana's automatic absentee ballot program for voters with disabilities in August of 2020 and while they received their absentee ballots within two weeks of the election and were able to vote successfully, it took them a significant amount of time and research to even find out whether they qualified for automatic absentee ballots due to their disabilities. Aaron said, "The program should be better advertised. It should be very clear to all voters that it is possible to always vote using an absentee ballot if you have a disability." Upon successful completion of the application process, Aaron and his wife should receive absentee ballots for all future elections without having to request them. However, in the special

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<sup>306</sup> *Id.*

<sup>307</sup> Judgment, *Council of the City of New Orleans v. Ardoin*, No. 2020-08772 (La. Civ. Dist. Ct. Nov. 10, 2020).

<sup>308</sup> See Quinn Scanlan, *Here's How States Have Changed the Rules Around Voting Amid the Coronavirus Pandemic*, ABC News (Sept. 22, 2020), <https://abcnews.go.com/Politics/states-changed-rules-voting-amid-coronavirus-pandemic/story?id=72309089>.

<sup>309</sup> See Jamie Smith Hopkins, *Louisiana Expands Who Can Vote By Mail This Year, But Other Barriers Remain*, The Center for Public Integrity (Oct. 16, 2020), <https://publicintegrity.org/politics/elections/us-poling-places/louisiana-expands-voting-by-mail-other-barriers-remain/>; see also *Harding v. Edwards*, 487 F. Supp. 3rd 498 (M.D. La. 2020).

<sup>310</sup> *Id.*

<sup>311</sup> Decl. of Aaron (attached as Exhibit 1).

congressional election this past spring, Aaron never received his absentee ballot. Despite their serious concerns about the COVID-19 pandemic, Aaron and his wife decided to vote in person for the special election. He said he never called his local election office to ask why his ballot did not arrive because, “I didn’t get much help from the local election officials when I was originally looking into voting using an absentee ballot, and I anticipated that I wouldn’t get much help for this issue either.” Had his absentee ballot been sent as it was supposed to, they would never have had to put their health at risk.

Because of the threat of COVID-19, in 2020 Oakland, an Orleans Parish voter, decided to forego the long lines he usually had to suffer through and instead vote absentee.<sup>312</sup> However, right before turning in his absentee ballot, he realized it was missing the witness signature that Louisiana rules mandate. He had to go to the Post Office to ask a stranger to be his witness. He found this witness requirement to be “an unnecessary step” because he is “a registered voter who has voted for years and years.” The witness requirement required him to interact with someone outside his household during the pandemic, undermining the reason he chose to vote absentee in the first place.

#### **IV. Louisiana Jurisdictions Continue to Dilute Black Political Power Through Altering District Boundaries & Methods of Elections.**

##### **A. At-Large Elections Are a Powerful Tool of Racial Discrimination.**

While photo ID laws and other similar discriminatory voting rules and practices attract substantial media attention, localized changes to election methods like at-large elections can significantly dilute the political power of voters of color in comparatively subtle ways. As described in Part I of this Report, at-large elections dilute the relative power of Black voters in a jurisdiction where they make up a significant portion of the population, but not the majority, by allowing all voters in the jurisdiction to vote for each candidate on a multi-member body as opposed to dividing the multi-member body into individual districts.<sup>313</sup> By comparison, district-based voting allows for single-member districts created by a demographic mapping expert and includes at least one district in which Black voters or another racial minority are the majority of the voting-age population in that district.<sup>314</sup> Thus, district-based elections provide an opportunity for voters of color

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<sup>312</sup> Decl. of Oakland (attached as Exhibit 61).

<sup>313</sup> At-large Voting Frequently Asked Questions, NAACP Legal Defense and Educational Fund, <https://www.naacpldf.org/wp-content/uploads/At-Large-Voting-Frequently-Asked-Questions-2.pdf>.

<sup>314</sup> *Id.*

who reside in concentrated districts within the larger area to elect candidates of their choice.<sup>315</sup>

Despite the gains of Section 2 litigation and Section 5 objections, Louisiana maintains discriminatory at-large election systems in many jurisdictions around the state, including in Terrebonne Parish. In 2014, the Terrebonne Parish Branch of the NAACP and Black registered voters filed suit challenging the parish's at-large method for electing judges to Louisiana's 32nd Judicial District Court ("32nd JDC") under Section 2 of the VRA and the Fourteenth and Fifteenth Amendments.<sup>316</sup>

Although Black residents comprised 20 percent of Terrebonne Parish's population, were geographically concentrated within the Parish, and consistently voted together in attempts to elect candidates of their choice to the 32nd JDC, no Black candidate had ever won a contested election under the at-large system.<sup>317</sup> In fact, no Black candidate had ever been elected to any other parish-wide, at-large elected position in Terrebonne.<sup>318</sup> Additionally, a sitting judge on the court had been suspended for wearing blackface, an orange prison jumpsuit, handcuffs, and an afro wig to a Halloween party in a racist parody of an incarcerated Black person.<sup>319</sup> Under the discriminatory at-large electoral method, that judge went on to win re-election.<sup>320</sup>

In 2017, the district court ruled in favor of plaintiffs, finding that the at-large voting system deprived Black voters of the equal opportunity to elect candidates of their choice in violation of Section 2 and that the system had been maintained for that purpose in violation of Section 2 and the Fourteenth and Fifteenth Amendments.<sup>321</sup>

In a disappointing and misguided decision, the Fifth Circuit reversed the district court decision in 2020. According to the Fifth Circuit, the district court erred in holding that the plaintiffs' "evidence of vote dilution could overcome the state's substantial interest in linking judicial positions to the judges' parish-wide jurisdiction." In other words, because judges on the 32nd JDC hear cases from every part of the Parish, the state has a strong interest in allowing voters from every part of the Parish to elect those judges. Otherwise, this argument goes judges might show favoritism to those litigants with the

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<sup>315</sup> Vann R. Newkirk II, Voting Rights on Trial on the Bayou, *The Atlantic* (Apr. 18, 2017), <https://www.theatlantic.com/politics/archive/2017/04/voting-rights-at-large-voting-louisiana/524691/>.

<sup>316</sup> *Terrebonne Par. Branch NAACP v. Jindal*, 274 F. Supp. 3d 395 (M.D. La. 2017), *rev'd sub nom. Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020).

<sup>317</sup> *Id.* at 416, 449.

<sup>318</sup> *Id.* at 416.

<sup>319</sup> *Id.*

<sup>320</sup> *Id.*

<sup>321</sup> *Id.*

power to re-elect them.<sup>322</sup> But in reality, the at-large election system already had that very effect; it made judges accountable only to the white voters whose votes controlled the elections. In response to the reversal, the Terrebonne Parish NAACP President Jerome Boykin stated, "We live in a parish where a sitting judge for the state court at issue was elected into office in 2008 after appearing in blackface, despite the opposition of Black voters. We live in a parish where the only Black officials who won a contested election are those from subdistricts, the type of voting system that we sought through our case. The status quo electoral system for the state court has failed us election after election."<sup>323</sup>

Indeed, as noted in Part I of this Report, many of Louisiana's trial courts moved from at-large elections to single-member after Section 2 litigation; these courts operate without the concerns raised by Fifth Circuit in the *Terrebonne Parish* case. The Terrebonne Parish case is part of a larger movement to increase the diversity of judges.<sup>324</sup> Judges, particularly at the local level, have an incredible impact on residents' lives. Lack of racial fairness in the court system devastates communities of color. A current example persists in the 22nd Judicial District Court ("22nd JDC"), which comprises St. Tammany and Washington Parishes.<sup>325</sup> The 22nd JDC, according to 2019 estimates, is approximately 80% white and 15% Black.<sup>326</sup> The court has 12 judges, all of whom are elected at-large by all voters in the two parishes. All 12 of the current judges in the 22nd JDC are white, despite a 15% Black population.<sup>327</sup>

At-large elections are a tried-and-true tool for eliminating the political power of Black communities, and with the decision in *Terrebonne*, Black voters may have lost a powerful tool in challenging racial discrimination. The need for federal intervention is urgent to protect not only Black voters, but all Black residents and residents of color in Louisiana from the myriad effects of inequity in political representation.

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<sup>322</sup> *Fusilier v. Landry*, 963 F.3d 447, 462 (5th Cir. 2020).

<sup>323</sup> *Court of Appeals reverses ruling on Terrebonne Parish Judge Elections; Local officials comment on Decision*, The Times of Houma/Thibodaux (June 30, 2020), <https://www.houmatimes.com/news/court-of-appeals-reverses-ruling-on-terrebonne-parish-judge-elections-local-officials-comment-on-decision/>.

<sup>324</sup> Billy Corriher, *Court rejects judicial election district for Louisiana parish's Black citizens*, Facing South, Aug. 12, 2020, <https://www.facingsouth.org/2020/08/court-rejects-judicial-election-district-louisiana-parish-black-citizens>.

<sup>325</sup> 22nd Judicial District Court, <https://22ndjdc.org/>.

<sup>326</sup> U.S. Census Bureau, Quick Facts: Washington Parish, Louisiana; St. Tammany Parish, Louisiana, [https://www.census.gov/quickfacts/fact/table/washingtonparishlouisiana,sttammanyparishlouisiana/INC11\\_0219](https://www.census.gov/quickfacts/fact/table/washingtonparishlouisiana,sttammanyparishlouisiana/INC11_0219) (last visited Aug. 9, 2021).

<sup>327</sup> 22nd Judicial District Court, <https://22ndjdc.org/>.

## **B. Louisiana Law Helps White Communities Extract Themselves from Black Communities.**

After *Shelby County*, under Louisiana state law, changes to jurisdiction boundaries—that is, redefining the boundaries that delineate different political units and those who get to vote in elections within those units—can happen without oversight or notice from the federal government.<sup>328</sup> As a result, jurisdiction boundaries can be changed to further exacerbate political power disparities between white voters and voters of color. Further, when wealthier, white neighborhoods seek to flee jurisdictions where they live with Black residents, resources are lost, and existing economic disparities between Black and white communities worsen. Louisiana law provides that when jurisdiction boundaries are redrawn and the proposed redistricting makes it to the ballot, only those who will be in the newly created district can vote; residents in the existing district are prohibited from voting on the proposal.<sup>329</sup> This practice forces Black voters to bear the effects of discrimination without any ability to participate effectively in the political process that effectuated it. But because the costs of the special election are to be borne by the parish in which the area proposed for incorporation is located, Black voters would still have to pay for the incorporating area's election. *Id.* § 33:3 (B).

The Black residents of East Baton Rouge Parish are all too familiar with their white neighbors seeking to exclude themselves from the parish. In 2012, the residents of the southeastern corner of East Baton Rouge Parish—an area known as St. George that is wealthier and whiter than the rest of the parish—sought to create its own school district.<sup>330</sup> St. George parents attempted to create a new school district (the Southeast Community School District) because they claimed that schools in East Baton Rouge Parish were among the lowest performing in the State. They wanted their tax dollars to fund their own schools, not the rest of the parish's schools. But they failed to rally a two-thirds majority in the district, so the Louisiana Legislature denied their attempts.

Undeterred, in August 2013, the organizers pivoted and set out to create their own city: the city of St. George. Many Baton Rouge residents argued that the St. George campaign was an attempt to further segregate the public schools in Baton Rouge and to

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<sup>328</sup> La. Stat. Ann. § 33:3 (A) (Only "qualified electors residing within the area proposed for incorporation shall be entitled to vote."); Nancy Abudu, *Following the Blueprint: How a New Generation of Segregationists is Advancing Racial Gerrymandering*, ABA Human Rights Magazine, Vol. 45, No. 1: Voting Rights, Feb. 9, 2020, [https://www.americanbar.org/groups/crsj/publications/human\\_rights\\_magazine\\_home/voting-rights/following-the-blueprint--how-a-new-generation-of-segregationists/](https://www.americanbar.org/groups/crsj/publications/human_rights_magazine_home/voting-rights/following-the-blueprint--how-a-new-generation-of-segregationists/).

<sup>329</sup> *Id.*

<sup>330</sup> Adam Harris, *The New Secession*, The Atlantic, May 20, 2019, <https://www.theatlantic.com/education/archive/2019/05/resegregation-baton-rouge-public-schools/589381/>.

deepen the already prevalent inequalities between Black and white students in the city. The East Baton Rouge Parish was roughly 46.5% Black, but the proposed new city St. George was more than 70% white and less than 15% Black. The creation of a new school district and city would shift resources to the more affluent, predominately white schools, thus leaving Black students with fewer resources and opportunities. The St. George organizers sought signatures from constituents in the newly proposed city, only coming up 71 signatures short of succeeding.

The St. George organizers finally succeeded when they got the incorporation of St. George Parish on the ballot in an October 2019 local election. Due to state law, residents of East Baton Rouge Parish were unable to vote on the ballot initiative; only voters in the area that would become St. George could vote on the issue. The proponents of St. George controlled the map of the proposed new city—and, accordingly, the electorate who would vote for incorporation—and thus made a choice to slightly change the boundaries of St. George from its 2013 map. The 2019 map carved out several apartment complexes where Black and low-income families lived. On October 12, 2019, the proposition to incorporate St. George passed.<sup>331</sup> This represented a success for the larger “cityhood” movement in the South, whereby white suburbs are incorporating into their own distinct governing entities, which results in maintaining *de facto* racial segregation in schools and retaining tax dollars within their comparatively wealthy (and disproportionately white) communities.

There is ongoing litigation to challenge the incorporation.<sup>332</sup> Had Section 5 preclearance been in force during this time, no incorporation could be approved without federal approval, which would require proof that the change would not harm Black voters. Perhaps the greatest impact of preclearance was its ability to prevent or block discriminatory changes on the local level, where people think about the concerns of their daily life, like whether their kids will have a good education. It is vital that Black voters and other voters of color are protected from discriminatory voting changes on the local level.

## **V. Louisiana’s Voters Are Erroneously Marked “Inactive” or Purged by the State’s List Maintenance Process.**

In addition to requiring states to make registration opportunities, information, assistance, and services available to voters, the NVRA established requirements that guide states in maintaining accurate voter rolls. The NVRA provides that states must undertake a routine, uniform, and nondiscriminatory process for removing voters who are no longer

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<sup>331</sup> *Id.*; Mykal Vincent and Kevin Foster, *City of St. George Incorporates*, WAFB9, Oct. 12, 2019, <https://www.wafb.com/2019/10/13/city-st-george-incorporates/>.

<sup>332</sup> *The Advocate*, Terry L. Jones and Blake Paterson, St George incorporation, in limbo after mayor, others sue to stop creation of new city, (Nov. 4, 2019).

eligible to vote for reason of the voter's death or a change in residence.<sup>333</sup> Each state's process must comply with the Voting Rights Act and cannot have a disparate impact on voters based on race. Further, no systematic removal of voters can take place during the 90 days before any federal election.<sup>334</sup> Both the NVRA and the Help America Vote Act of 2002 ("HAVA") provide that states cannot remove a voter from the rolls exclusively for failure to vote.<sup>335</sup>

Proper list maintenance can increase administrative efficiency and prevent poll workers from sifting through lengthy rolls that include voters who have moved, died, or otherwise become ineligible to vote. But election experts have found that, due to inaccurate data and political polarization, "list maintenance" has become a partisan exercise that leads to discriminatory purges of eligible voters from registration rolls.<sup>336</sup>

Under current Louisiana law, no later than June 30, parish registrars conduct an annual canvas of the voters in their parish, comparing the voter rolls to a list of voters who may have moved using change of address data from the U.S. Postal Service.<sup>337</sup> If the registrar believes a voter has moved, they send a forwardable postcard to the voter and place the voter on the "inactive" list. If the voter fails to respond to the card, update their information, or vote in the next two federal general elections, they will be removed—or "purged"—from the registration list. If a voter votes in any election during that time or updates their information, they should be moved back to "active" status.<sup>338</sup>

This system has its flaws, and when mistakes are made in maintaining voter lists, the harm disproportionately affects Black and Latinx communities, as well as young voters.<sup>339</sup> Black voters and other voters of color are more likely to have one of the most common last names, which could be flagged by the state's matching process. And low-income voters, who are disproportionately voters of color in Louisiana, are more likely to

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<sup>333</sup> 52 U.S.C. § 20507; *The National Voter Registration Act of 1993 (NVRA)*, U.S. Dep't of Just., <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last visited Aug. 2, 2021).

<sup>334</sup> *The National Voter Registration Act of 1993 (NVRA)*, U.S. Dep't of Just., <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra> (last visited Aug. 2, 2021).

<sup>335</sup> See *Husted v. Randolph Institute*, 584 U.S. \_\_\_, 138 S. Ct. 1833, 1842 (2018) (explaining that "the Failure-To-Vote Clause, both as originally enacted in the NVRA and as amended by HAVA, simply forbids the use of nonvoting as the sole criterion for removing a registrant[.]") (emphasis in original).

<sup>336</sup> Redman, *List maintenance or voter purges: How the practice of maintaining voter lists became so polarized*, Louisiana Illuminator (October 9, 2020), <https://lailluminator.com/2020/10/08/list-maintenance-or-voter-purges-how-the-practice-of-maintaining-voter-lists-became-so-polarized/>.

<sup>337</sup> La. Stat. Ann. § 18:192

<sup>338</sup> La. Stat. Stat. § 18:193

<sup>339</sup> Wendy Weiser, Daniel Weiner, and Dominique Erney, Congress Must Pass the 'For the People Act,' BRENNAN CENTER FOR JUSTICE (April 1, 2021), [https://www.brennancenter.org/sites/default/files/2021-04/2021\\_03\\_CaseForHR1\\_update\\_V6.pdf](https://www.brennancenter.org/sites/default/files/2021-04/2021_03_CaseForHR1_update_V6.pdf).

move and therefore not have confirmation postcards delivered successfully. Further, conservative activist groups like the Public Interest Legal Foundation, the American Constitutional Rights Union, and Judicial Watch actively target majority-Black jurisdictions to force voter purges in the name of preventing voter fraud, despite no evidence of fraud existing.<sup>340</sup>

Purged voters are more likely to live in jurisdictions like Louisiana that were previously covered by preclearance requirements of the VRA. According to a 2018 study, purge rates were higher in previously covered jurisdictions, with a median purge rate of 9.5 percent as opposed to 7.5 percent in non-covered jurisdictions—meaning two million more voters were purged in previously covered jurisdictions than in the rest of the country.<sup>341</sup> And these are voters that are already contending with the impacts of past and current racial discrimination in voting.

Voting rights activists have criticized Louisiana's voter purges for years. The state's voter purge post-Katrina resulted in a federal lawsuit against the State in 2007.<sup>342</sup> In 2017, Louisiana purged 55,000 voters from an inactive voter list of more than 100,000.<sup>343</sup> As described later in Part III of this Report, state legislators in 2021 attempted to add further processes to Louisiana's list maintenance laws that would have disenfranchised more Louisiana voters. While the laws were vetoed by the governor, lawmakers are likely to propose the legislation again.

The number of voters with stories of being purged from the rolls or being made inactive despite voting recently, not moving, or never receiving a postcard notification demonstrate how error-prone and potentially disenfranchising Louisiana's list maintenance process is. Many voters in Louisiana have been directly impacted by these practices:

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<sup>340</sup> Redman, *List maintenance or voter purges: How the practice of maintaining voter lists became so polarized*, Louisiana Illuminator (October 9, 2020), <https://lailluminator.com/2020/10/08/list-maintenance-or-voter-purges-how-the-practice-of-maintaining-voter-lists-became-so-polarized/>; League of Women Voters. See also, e.g., *Public Interest Legal Foundation Drops Meritless Voter Purge Lawsuit Against Detroit* (June 30, 2020), <https://www.lwv.org/newsroom/press-releases/public-interest-legal-foundation-drops-meritless-voter-purge-lawsuit>.

<sup>341</sup> Jonathan Brater, Kevin Morris, Myrna Perez, Christopher Deluzio, *A Growing Threat to the Right to Vote*. Brennan Center for Justice (Jul. 20, 2018), [https://www.brennancenter.org/sites/default/files/2019-08/Report\\_Purges\\_Growing\\_Threat.pdf](https://www.brennancenter.org/sites/default/files/2019-08/Report_Purges_Growing_Threat.pdf); Holmes, Meghan, *Voting rights advocates criticize La. purges*, The Louisiana Weekly (Aug. 20, 2018), available at <http://www.louisianaweekly.com/voting-rights-advocates-criticize-la-purges/>.

<sup>342</sup> Holmes, Meghan, *Voting rights advocates criticize La. purges*, The Louisiana Weekly (Aug. 20, 2018), available at <http://www.louisianaweekly.com/voting-rights-advocates-criticize-la-purges/>.

<sup>343</sup> *Id.*

Juliet has lived in Lincoln Parish for 20 years with her husband.<sup>344</sup> "As an African American," she says, "I am aware that my people fought hard to secure the right to vote for future generations of Americans, so I do not take this right lightly." She and her husband try to vote in every election. They have voted at the same polling place for at least 20 years, such that the poll workers know them by name. Around 2018, she experienced an issue with voter list maintenance. She showed up to vote at her regular polling place where her husband had voted earlier that day. When she arrived, the poll worker (who knew her and knew she had voted at this polling place before) told her that her name was not on the list of eligible voters and turned her away. The poll worker told Juliet to drive across town to vote and did not provide her with a provisional ballot. Juliet was able to vote at the second polling location but did not understand why she was turned away at her usual polling place. The next day Juliet went to the registrar of voters for Lincoln Parish where an employee told her they had made a "typo." She corrected Juliet's information and sent her a new voter registration card with her correct polling place, even though her old voter registration card already listed the right polling place. Juliet said of this experience: "This incident upset and angered me. I do not understand how poll workers who knew that I was their neighbor could refuse to allow me to vote at my polling place. I realized that if I had not had access to a car, or if the new polling place had been further away, I would not have been able to vote, and I wondered how many voters had similar experiences and were unable to vote as a result."

James is a resident of East Baton Rouge.<sup>345</sup> He has voted in nearly every election since moving to Louisiana in 1997 and has lived at the same address for 24 years. In May 2021, James was traveling out of state when his wife called and told him that he received a Letter of Irregularity from the East Baton Rouge registrar of voters. The registrar was cancelling his voter registration because they believed he was deceased. The letter said he would need to appear in-person at the clerk's office within 21 days or his registration would be cancelled. Because his travel plans kept him away from home for the entire 21-day period, James was unable to appear in-person to confirm that he was not dead. He assumes his voter registration has been cancelled and that he will need to re-register when he returns to Louisiana. James is a retired postal worker and knows that letters often do not make it to their intended destination. He was incredibly concerned that his voter registration record was being cancelled in error and that he only received one letter informing him of the cancellation. James said about this experience, "while it is ridiculous that the State can just declare you dead and nullify your right to vote, it is even more ridiculous that they make such a feeble effort to let you know that it has happened. And if it happened to me, someone who is a regular voter and has had the same address for

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<sup>344</sup> Decl. of Juliet (attached as Exhibit 39).

<sup>345</sup> Decl. of James (attached as Exhibit 30).

past 24 years, I assume there are many other people that are losing their right to vote without knowing it."

Sabrina, an Ouachita Parish resident, has been voting for around 20 years. She says she always votes in the gubernatorial election, which is important to her.<sup>346</sup> Around 2018, Sabrina received a postcard in the mail. "It was very small, and I nearly missed it. It said something like, if you still live here, you need to fill this in and mail it back. I don't know why I was sent this card." Sabrina says she had lived at the same address for around five years, had not forwarded her mail to another address, and had not missed voting in any recent gubernatorial election. "I felt it was an attempt to purge me from the voter rolls. It made me angry. I filled out the postcard and sent it back pretty quick."

Michael, a resident of Ascension Parish, works long hours in the trucking industry.<sup>347</sup> He says that he had never voted in Louisiana since he moved there in 2012. But he felt "very motivated to vote in 2020," so he decided to register to vote in 2019. However, Michael says he "did not end up voting that year and was removed from the Louisiana voting system," which he only found out "by checking the state registration website." Michael re-registered to vote in the 2020 election, as planned. Although he "registered to vote in plenty of time for the election," he did not receive his registration card in the mail "until 30-45 days after" he registered, which was after the election. As a result, Michael "was not able to vote."

## **VI. Voter Intimidation Is a Real and Current Threat to Voters of Color in Louisiana.**

For more than a century, racist white southerners have used violence, intimidation, and harassment at the polls to try to prevent Black people from voting. From Reconstruction to Jim Crow and through to the present day, violence and intimidation are among the most widely used and successful tactics for keeping Black citizens from registering and voting in the South. Voter intimidation, often state-sponsored, was so common during the Civil Rights movement that drafters of the VRA included a provision addressing intimidation at the polls, giving voters the right to cast their ballot free from harassment or coercion and stating that no person—election official or private citizen—may "intimidate, threaten, or coerce...any person for voting attempting to vote."<sup>348</sup>

Enforcement of the VRA and other laws that protect voters at the polls has dramatically reduced instances of outright violence on Election Day, but voter intimidation remains an issue across the nation and in the South. Hostile white voters and government

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<sup>346</sup> Decl. of Sabrina (attached as Exhibit 67).

<sup>347</sup> Decl. of Michael (attached as Exhibit 53).

<sup>348</sup> Voting Rights Act of 1965 § 11(b).

officials continue to make local polling places and early voting locations threatening spaces for many Black voters.

Britney, a Black voter in DeSoto Parish, experienced harassment at the polls firsthand.<sup>349</sup> She typically votes with her mother on the weekends because her mother is not comfortable going to the polls by herself, and Britney works as an attorney during the week. On the last day of early voting in October 2015, Brittany and her mother went to the DeSoto Parish early voting location around noon and got in the line outside the polling place. While waiting in line, an older gentleman standing near them, who was also Black, told them it was his first time voting. The gentleman told Britney he was not sure what to do when he got to the voting machine.<sup>350</sup> He was holding a folded piece of paper that she assumed had his preferred candidates' names. She assured him voting was easy, and they continued chatting about his son. Britney encouraged the gentleman to bring his son with him the next time he voted. As they were talking, a white man in a gray suit approached them and stated loudly, "you can't talk about that." He said he was an investigator with the state investigating voter fraud and displayed a badge on his waist that Britney did not recognize. Britney was surprised and annoyed and told the man he had no right to interfere with their conversation. The older gentleman told the man that he had no right to interrupt them, then turned to Britney, crumpled up his paper, and said "I don't have to deal with this." Britney placed her hand on the gentleman's shoulder, urged him to stay in line, and told him not to let this man stop him from voting. The older gentleman listened, and the "investigator" stepped back but continued to stare at them. Once the voting machines were free, Britney, her mother, and the older gentleman cast their votes and exited the buildings. As they left, the "investigator" was still staring at them. Both Britney and her mother found this experience very disturbing. Britney said of the experience, "it was extremely intimidating for us to have a white man warn us not to chat about the importance of voting, tell us that he was investigating voter fraud, and then stare at us as we exercised our right to vote. It made me realize that anyone can be targeted by people who want to keep people of color from voting—including a practicing lawyer like myself or a first-time voter like the older gentleman I was talking to. In my community, there are a number of people, like my mother, who are afraid to go to their polling place alone, and who are concerned that there may be people at the polling place who will try to keep them from voting."

Kathy, a resident of St. Tammany Parish, also experienced intimidation during the November 2020 election. "While waiting in that line, I was forced to endure the presence of a man walking up and down the line asking people whether they were Republican, to which everyone who responded said "of course, I live in Louisiana....Other people in my

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<sup>349</sup> Decl. of Britney (attached as Exhibit 9).

<sup>350</sup> See Decl. of Reller (attached as Exhibit 65).

retirement community mentioned feeling intimidated because of the conversations this fellow had with people in the line.”<sup>351</sup>

Unfortunately, it is often poll workers or other government officials who create a hostile or intimidating environment for voters trying to register or cast their ballots. Rebecca, who lives in Calcasieu Parish, cannot drive due to a disability but registered to vote in and got a non-driver photo ID in 2015 at her local DMV. Rebecca said she is Hispanic and when she arrived at the DMV all the employees were white. She said the employees were “unfriendly and did not look me in the eye.” She felt like their unspoken message was: “you’re not wanted here.” She felt “very uncomfortable” but took a number and sat down to wait. After a 45-minute wait, the employees passed her number. When she inquired about her place in line, she was told she’d just have to wait. The employee was not helping anyone else but made Rebecca wait another 15 minutes before assisting her with her photo ID and voter registration.<sup>352</sup>“All told, I waited over an hour to get my photo ID.”

Breka, from Caddo Parish, is an African-American woman who observed voter intimidation during the first day of early voting in the 2020 general election.<sup>353</sup> While waiting in line, she noticed poll workers were directing white voters to the voting machines—which Louisiana implemented for all voters in 2019—but were handing out paper ballots to Black voters, especially younger Black voters. After voting, Breka reached out to elected officials and posted on social media, sharing what she observed regarding inconsistencies with voting options. Breka helped to organize an advocacy event in her community through the advocacy organization she founded. She continues to advocate for voting rights, despite significant opposition and challenges from elected officials and others. Breka notes:

What has happened to me over the past 9-10 months doesn’t seem real but as an African American woman I know that I must keep fighting for justice and for the rights of my community as that is the only way we can prevail. We must continue to push back against the intimidation and constant attempts at stripping us of our constitutional rights, especially the right to vote, because if we don’t act then voters will be discouraged from voting.

During the 2016 presidential election, Veronica of St. Tammany Parish had a bad experience with a poll worker at her local polling place.<sup>354</sup> Veronica “was excited to have

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<sup>351</sup> Decl. of Kathy (attached as Exhibit 42).

<sup>352</sup> Decl. of Rebecca (attached as Exhibit 64).

<sup>353</sup> Decl. of Breka (attached as Exhibit 8). Breka requested that her identity not be redacted in her declaration.

<sup>354</sup> Decl. of Veronica (attached as Exhibit 74).

[her] then eight-year-old son with [her] so he could see the process of voting." But when Veronica arrived at the polls and showed her ID, the poll worker told her she could not vote because she had a Texas ID. Veronica knew this was incorrect. The poll worker insisted she could not vote and refused to look up her voter registration record to see if she was a registered voter. In Veronica's words, "their tone and attitude intimidated me." But she felt fortunate that she is "a lawyer and seasoned advocate." "I knew the rules and I knew I had the right to vote because I was registered." Vanessa thus asked to see the supervisor, who talked through her situation, looked Veronica up, and confirmed that she was a registered voter. Veronica says that although she was able to vote, "the experience left a strong impression" and "still does five years later." "I know I prevailed because I know the law and feel very comfortable speaking up for myself. But I wonder about those who can't do that as easily? Would they have just walked away?" During each of the 2020 elections in which, Kathy, a resident of Orleans Parish, voted, a poll worker "shouted out to the room at large 'it's a three-minute time limit.'"<sup>355</sup> "Hearing there was a time limit to voting while I was voting made me feel rushed." Unfortunately, Kathy's experience is common. Louisiana's three-minute time limit to vote, which was extended to six minutes in the 2021 legislative session, unfairly rushed voters through the process once they had finally made it to the voting booth to carefully cast their ballots. As Kathy observed, "I am [] concerned that voters being told they must complete their voting in three minutes might result in voters missing something or pushing the wrong button. When I vote down the ballot and vote on propositions I want to take my time to consider the candidates and to read the text of any proposition."

Moreover, the three-minute rule had long been enforced aggressively, inconsistently, or discriminatorily. About 5 years ago, Lakischia of Jefferson Parish was screamed at by a poll worker for taking too long to vote.<sup>356</sup> As a Black voter in a predominantly white neighborhood, Lakischia already felt uncomfortable at her polling location. She was the only Black voter there. When she went to the booth to vote, the poll worker told her she only had five minutes and needed to "hurry up." After three minutes, Lakischia was told she only had a minute left to finish voting. It was a very long ballot, so as a diligent voter Lakischia was taking time to read through it. The poll worker continued to loudly repeat himself and tell Lakischia she had to come out; however, this older, white gentleman did not seem to be telling anyone else they had to stop voting. This poll worker soon became irate yelling, "You have to come out now." Once Lakischia had finished voting, she came out of the voting booth and the poll worker got in her face yelling at her. No one else in the room did or said anything. The poll worker eventually threatened to call the police on Lakischia. Scared and uncomfortable, Lakischia took out her phone

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<sup>355</sup> Decl. of Kathy (attached as Exhibit 41).

<sup>356</sup> Decl. of Lakischia (attached as Exhibit 45).

and recorded the incident and reported it online to an organization for voting problems. Lakischia has continued to see this same poll worker at every election since.

While the three-minute rule has been used to intimidate Black voters, but voters with disabilities also face harassment from poll workers because of this time limit. Troyanna, a resident of Orleans Parish, has attention deficit hyperactivity disorder (ADHD) and a great deal of anxiety.<sup>357</sup> When she voted in the 2020 primary, the poll workers kept knocking on the side of her voting booth, telling her that she only had three minutes to vote and that her time was up. She explained to the poll worker that it takes her longer to read because of her health condition, but the poll worker kept interrupting her and continued knocking on the voting booth. When she came out, she apologized to the poll worker and again said she needed more time to read. The poll worker just pointed to the signs that said voters only have three minutes to cast their vote.

White supremacist organizations and militia groups are also an increasingly real threat to Black voters on Election Day. There are more than 1,600 extremist groups<sup>358</sup> operating in the United States today, and, during the 2020 election, many of them felt entitled to “deputize themselves” as enforcers of election law with plans to show up at the polls to “fight voter fraud.”<sup>359</sup> These racist militia groups, including the Oath Keepers and Three Percenters, were open about their plans to be present at the polls to intimidate voters.<sup>360</sup> In the months leading up to Election Day, President Trump supported and emboldened these groups in tweets and public statements, most notably at the first presidential debate when he asked the Proud Boys to “stand back and stand by.”<sup>361</sup> These attempts to intimidate Black voters and discourage them from voting on Election Day are reminiscent of the work of terrorist organizations like the Ku Klux Klan in the 1950s and 1960s.

In the 2020 general election, residents of Baker, Louisiana, which is over 80% Black, were forced to deal with the consequences of months of dangerous rhetoric encouraging vigilantism when an armed supporter of then-President Donald Trump showed up at the

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<sup>357</sup> Decl. of Troyanna (attached as Exhibit 71).

<sup>358</sup> Southern Poverty Law Ctr., Fighting Hate, <https://www.splcenter.org/fighting-hate> (last visited Feb. 18, 2021).

<sup>359</sup> Harriet Alexander, *Armed Pro-Trump Vigilantes Plan to Show Up At Election Day Polling Sites Amid Fears of Voter Intimidation*, The Independent (Oct. 12, 2020), <https://www.independent.co.uk/news/world/americas/us-election-2020/armed-militia-oath-keepers-vigilantes-polling-stations-2020-elections-b996413.html>.

<sup>360</sup> Southern Poverty Law Ctr., Antigovernment Movement, <https://www.splcenter.org/fighting-hate/extremist-files/ideology/antigovernment> (last visited Feb. 18, 2021).

<sup>361</sup> <https://apnews.com/article/election-2020-joe-biden-race-and-ethnicity-donald-trump-chris-wallace-0b32339da25fbc9e8b7c7c7066a1db0f>.

polls.<sup>362</sup> A man carrying an assault rifle and a "Trump 2020" flag showed up at the Baker City Hall polling location and loitered outside. The police were called but insisted there was nothing that they could do as long as the man stayed outside the 600-foot electioneering boundary because Louisiana is an open-carry state.<sup>363</sup> The man eventually left, only to return a few hours later. The police were called again, and an officer stayed on the scene in an effort to reassure anyone who felt intimidated by the man's presence.

But for many Black voters, the police are not a reassuring presence. Police departments themselves have a long history of intimidating and threatening Black voters at the polls.<sup>364</sup> Jacinta, a resident of Jefferson Parish, experienced intimidation by police when she voted early in the November General Election.<sup>365</sup> When she arrived at her early voting location, there was a line outside the building, and she waited about 40 to 45 minutes before reaching the automatic doors of the building. She knew from her experience that once inside she would have to walk along a long hallway and go to a specific table for her address. At that table, she would check in and show her ID. At the doors, there was a male police officer standing and repeatedly saying, "have your IDs out," or "have your IDs in your hand." Jacinta got her ID out before she entered the building and put it in her right back pocket, so she did not drop it. When she reached the automatic doors, the police officer told her to have her ID out, so she pulled it out, quickly flashed it at him, and told him she felt more comfortable keeping it in her pocket. Then, all of a sudden, the police officer stepped in front of her and allowed the automatic doors to close, so no one could go into the building. He said, "I'm not letting you in until I see the ID." Jacinta did not think that she had done anything wrong by putting her ID back into her pocket. She had watched people ahead of her enter the polling place without speaking to the police officer and without the officer touching or reading their IDs. She was worried she would be denied the ability to vote. She said something like, "I don't have to show it to you" or "you don't need to see it," then finally presented her ID to the police officer again. He began to read it and took a really long time. She feared he was memorizing her address and could come to her house later. While the officer was reading her ID, she said "Sir, step away. I am going around you. I didn't break any law. And if you want to arrest me, go ahead and arrest me." She grabbed her ID out of his hand, put it in her pocket, and went into the building. After she finished voting, Jacinta went to speak to the police supervisor and explained what happened. The supervisor told Jacinta that the officer is not supposed to deny voters entry or approach voters. Jacinta felt it was

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<sup>362</sup> <https://www.census.gov/quickfacts/bakercitylouisiana>.

<sup>363</sup> [https://www.theadvocate.com/baton\\_rouge/news/politics/elections/article\\_60a0e384-1e0e-11eb-8a0f-97c75132ef02.html](https://www.theadvocate.com/baton_rouge/news/politics/elections/article_60a0e384-1e0e-11eb-8a0f-97c75132ef02.html).

<sup>364</sup> <https://www.wsj.com/articles/police-struggle-to-protect-voters-and-avoid-intimidation-at-polls-11603720800>.

<sup>365</sup> Decl. of Jacinta (attached as Exhibit 28).

discouraging to people in line to see voters being approached by a police officer reading information from their ID. She later saw the police officer's picture on the news in a story about excessive force by a Jefferson Parish police officer.

## **VII. 2021 Louisiana Legislation Would Make Casting a Ballot More Difficult for Louisiana Voters.**

Despite Louisiana lacking many popular, common-sense voting reforms such as automatic voter registration, no-excuse absentee voting, and same-day registration, among others, Louisiana legislators spent much of the 2021 legislative session passing unnecessary and harmful bills that would make it more difficult for Louisianans to vote. The Louisiana voting rights advocacy community, led by VOTE and the Power Coalition for Equity and Justice<sup>366</sup>, coalesced around three pro-voter policy changes that they advocated for in the legislature in 2021: expanding early voting, ending the three-minute time limit in the voting booth, and easing the administrative burdens on Louisianans with convictions when they restore their voting rights.

After significant lobbying efforts at the state house, and hours of outreach and mobilization to impacted Louisiana voters, these three reforms were passed. The three-minute time limit in the voting booth, which has harmed voters for years including many voters whose stories are shared in this Report, was extended to six minutes with the passage of H.B. 285.<sup>367</sup> The early voting period was extended from seven to 11 days during presidential elections with the passage of H.B. 286.<sup>368</sup> And the legislature streamlined the voter registration process for people placed on probation but not incarcerated with the passage of H.B. 378.<sup>369</sup> These wins are the result of countless hours of work and organizing by Black activists, voters, and Louisianans with past convictions, and they will make voting simpler and more accessible to Louisianans for years to come.

Still, these wins represent marginal improvements on a system that is fundamentally discriminatory. The three-minute rule was not eliminated, it was simply extended to six minutes. The early voting period was expanded, but only for presidential elections, not statewide, municipal, or local elections, and there was no inclusion of Sundays, which, as explored earlier in this Report, would boost Black voter turnout. H.B. 378 cleaned up two issues in a 2018 law passed by the legislature, Act 636. Because so

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<sup>366</sup> Voice of the Experienced, <https://www.vote-nola.org/>; Power Coalition is a "coalition of community-based organizations who work together to educate and empower voters across Louisiana" with an aim to unify voters' "collective voices into a stronger, more cohesive force that can successfully advocate for an agenda of shared values and issues." Power Coalition for Equity & Justice, <https://powercoalition.org/about/>.

<sup>367</sup> <https://www.legis.la.gov/legis/BillInfo.aspx?s=21RS&b=HB285&sbi=y>.

<sup>368</sup> <https://www.legis.la.gov/legis/BillInfo.aspx?s=21RS&b=HB286&sbi=y>.

<sup>369</sup> <https://www.legis.la.gov/legis/BillInfo.aspx?s=21RS&b=HB378&sbi=y>.

many state leaders in Louisiana are hostile to pro-voter policies, activists and advocates are forced to work incredibly hard, and spend valuable time and resources, to achieve even modest progress. It is thanks to the incredible work of Louisiana's advocacy community—and the Black activists who lead it—that the state took these small steps forward this year.

While leaders in the advocacy community were working hard to make voting simpler and more accessible for Louisiana voters, leaders in the state legislature proposed and passed multiple unnecessary and burdensome laws that would make registering and casting a ballot more difficult. Unsurprisingly, many of these legislative proposals would disproportionately reduce voter participation among Black people and people of color in Louisiana.

These bills include:

- **H.B. 138:** would have added an additional and unnecessary annual canvass of the voter rolls to the state's existing voter registration list maintenance procedures, leading to more voters being flagged as having moved incorrectly, placed on the inactive list, and purged from the rolls.<sup>370</sup>
- **S.B. 220:** would give broad investigative authority to a "legislative auditor" who would be empowered to audit election results and would report to the House and Senate Committees on Government Affairs.<sup>371</sup> This bill is part of a larger movement among Republican state legislatures, which is linked to the "Stop the Steal" conspiracy theory, that seeks to take control of the voting process away from election officials and give it to state legislators.
- **H.B. 704:** would allow political parties to appoint partisan poll watchers to early voting locations and allow parties to appoint partisan "super watchers" who have poll watching privileges at every precinct in their parish.<sup>372</sup> Advocates were concerned that this bill would allow partisan poll watchers to visit polling places outside their communities to challenge voters' eligibility, make unsubstantiated fraud allegations, or otherwise intimidate voters, particularly voters of color.
- **S.B. 63:** would ban absentee ballot drop boxes and require any hand delivered absentee ballot be returned directly to an election official.<sup>373</sup> Louisiana does not currently offer drop boxes to absentee voters. Nevertheless, absentee ballot drop boxes are a safe, convenient way for voters to return their absentee ballots. Banning them does nothing but make it more difficult for absentee voters to ensure their ballots are counted.

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<sup>370</sup> <http://www.legis.la.gov/legis/BillInfo.aspx?s=21rs&b=HB138&sbi=y>.

<sup>371</sup> <https://www.legis.la.gov/legis/BillInfo.aspx?s=21RS&b=SB220&sbi=y>.

<sup>372</sup> <https://legiscan.com/LA/bill/HB704/2021>.

<sup>373</sup> <https://legiscan.com/LA/bill/SB63/2021>.

- **S.B. 224:** would require absentee voters to include a state-ID number and the last four digits of their Social Security number on their absentee applications and completed ballots.<sup>374</sup> This additional identification requirement is an unnecessary burden on absentee voters and would disproportionately harm low-income and Black voters who are less likely to have driver's licenses and other forms of identification.

Thankfully, all the above bills were vetoed by Democratic Governor John Bel Edwards.<sup>375</sup> In response to the governor's vetoes of these and other bills, Republican leaders in the Louisiana Legislature called the first veto override session in the history of the state.<sup>376</sup> They attempted to override the vetoes on several of these anti-voter bills. Fortunately, leaders in the legislature did not have the votes that they needed, and the session ended early when it became clear that they would not be able to override any of the governor's vetoes.<sup>377</sup>

Governor Edwards and his vetoes stopped the wave of anti-voter bills in Louisiana's 2021 legislative session. But Governor Edwards won reelection in 2019 with only 51.3% of the vote, a margin of only 40,341 votes.<sup>378</sup> Had just a few thousand voters not casted their ballots in 2019, this legislative session would have been significantly more harmful to Louisiana's voters, especially Black voters. Without the protections of federal preclearance, Louisiana voters are vulnerable to the worst impulses of state legislators and of politicians who care more about making it easier for themselves to win elections than making it easier for voters to participate in their democracy. Louisiana voters need the protections of Section 5 to ensure that their voting rights will be protected in future legislative sessions when they may not have a governor who is as supportive of voting rights.

## **VIII. Current and Historical Racism in All Areas of Life Interact with Electoral Practices to Disenfranchise Voters of Color in Louisiana.**

Laws and practices that restrict or suppress political participation do not exist in a vacuum. State and local officials bring them into jurisdictions affected by past and current impacts of systemic and structural racism in all facets of life. Social, economic, and health

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<sup>374</sup> <http://legis.la.gov/Legis/BillInfo.aspx?i=240622>.

<sup>375</sup> Gov. John Bell Edwards Issues Vetoes, Completes Bill Signings for 2021 Regular Legislative Session, (July 2, 2021), <https://gov.louisiana.gov/index.cfm/newsroom/detail/3258>.

<sup>376</sup> Julie O'Donoghue, *Louisiana's historic veto override session: Winners and losers*, LA Illuminator, (July 22, 2021), <https://lailluminator.com/2021/07/22/louisianas-historic-veto-override-session-winners-and-losers/>.

<sup>377</sup> *Id.*

<sup>378</sup> 2019 Louisiana Governor Election Results, N.Y. Times (Nov. 19, 2019), <https://www.nytimes.com/interactive/2019/11/16/us/elections/results-louisiana-governor-general-election.html>.

inequities on racial lines have large effects on electoral outcomes.<sup>379</sup> Black Louisianians and other Louisianans of color are less able to participate in the democratic process than their white counterparts because of current and historical exclusion from and discrimination in public services that allow meaningful access to voting. Racial discrimination in education and educational opportunities causes educational inequity, which is associated with lower rates of voting.<sup>380</sup> Likewise, unequal access to and discrimination in access to quality health care and health insurance results in poorer health outcomes for Black and Latinx Americans, and research has shown that “people with worse health tend to be less likely to vote.”<sup>381</sup> Income inequality has also been found to diminish social capital in communities of color.<sup>382</sup> And police brutality targeting Black residents can undermine trust and confidence in government itself. Each of these realities is, unfortunately, well-established in Louisiana for residents of color.

### **1. Racism in education manifests in segregated schools, disparate treatment, and disparate outcomes.**

It is well-established that education is a major driver of political participation, with evidence suggesting that the positive relationship between the two is “one of the most reliable results in empirical social science.”<sup>383</sup> But for decades, Louisiana public schools have struggled to provide equal educational opportunities for all students, impacting their ability to engage in the political sphere. As noted by the district court that found racial discrimination in the way Terrebonne Parish elects its trial court judges, “[d]e facto racial segregation remains in education in Louisiana. About 74% of all black elementary and secondary students attend majority-minority schools. Only thirteen states have higher percentages of black students in these majority-minority schools.”<sup>384</sup> Data bear out the impact of continuing racism in Louisiana schools: Black Louisiana residents are 10% less likely to graduate high school than white residents, and at least 12% less likely to hold a bachelor’s degree.<sup>385</sup>

One clear example of racism in Louisiana schools can be found in Jefferson Parish, which sits adjacent to Orleans Parish. In recent years, the SPLC filed several complaints sparking federal investigation into discriminatory policies in Louisiana’s public school

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<sup>379</sup> C.L. Brown et al, *Voting, health and interventions in healthcare settings: a scoping review*, Pub. Health Rev. 16, 41 (2020), <https://doi.org/10.1186/s40985-020-00133-6>.

<sup>380</sup> *Id.*

<sup>381</sup> *Id.*

<sup>382</sup> *Id.*

<sup>383</sup> Ronald La Due Lake and Robert Huckfeldt, *Social Capital, Social Networks, and Political Participation*, 19 Pol. Psychol. 567 (1998).

<sup>384</sup> *Terrebonne Parish Branch NAACP v. Jindal*, 274 F. Supp. 3d 395, 442-43 (M.D. La. 2017) ), rev’d sub nom. *Fusilier v. Landry*, 963 F.3d 447 (5th Cir. 2020).

<sup>385</sup> *Id.*

system. The Jefferson Parish Public School System ("JPPSS") district, which spans both banks of the Mississippi River, contains eighty schools and serves roughly 50,000 students, making it Louisiana's largest and most diverse district.<sup>386</sup> Until 2011, the JPPSS operated under federal court supervision due to failure to comply with a 1964 desegregation order.<sup>387</sup> Since its release from supervision, the Jefferson Parish School Board ("JPSB") has continued to execute discriminatory policies that disproportionately target students of color.

During the 2010-2011 school year, the JPSB was found to have denied qualified Black students admission to the school district's top magnet schools, as a result of inconsistent and subjective admissions policies.<sup>388</sup> An advocacy group sought an investigation after Black students were routinely denied entrance. After an investigation, a report found that the JPPSS "lacked any formal, written guidelines for assessing magnet school applicants during the 2008-09 and 2009-10 school years, causing different administrators and different schools to apply different interpretations of the rules."<sup>389</sup> The report also exposed that application reviewers failed to assess all 11,000 applications over the three-year period from 2007-2010, instead stopping at roughly 2,500 applications.<sup>390</sup> Advocacy groups reported that, as a result, more than 100 Black students were denied entrance despite meeting or exceeding admissions requirements, which are based on grades, state standardized test scores, and an admissions test.<sup>391</sup>

On January 11, 2012, the SPLC filed an administrative complaint under Title VI of the Civil Rights Act of 1964 with the U.S. Department of Education's Office of Civil Rights on behalf of Black students who were disproportionately subjected to arrests and seizures in Jefferson Parish's public schools.<sup>392</sup> Although Black students represented approximately 46% of JPPSS's student population in 2012, they comprised approximately 76% of school-

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<sup>386</sup> Our District & Schools, Jefferson Parish Schools, <https://www.jpschools.org/Page/3148>.

<sup>387</sup> See *Dandridge v. Jefferson Par. Sch. Bd.*, 332 F. Supp. 590 (E.D. La. 1971), *aff'd*, 456 F.2d 552 (5th Cir. 1972); Mark Waller, Jefferson Parish schools are sufficiently integrated and free from federal oversight, judge rules, Times-Picayune (Aug. 3, 2011),

<http://www.nola.com/education/index.ssf/2011/08/after looming long and large o.html>.

<sup>388</sup> Mark Waller, *Jefferson Parish magnet school admissions process disorganized, dysfunctional, report says*, The Times-Picayune (Jan. 19, 2011),

[http://www.nola.com/news/index.ssf/2011/01/report\\_describes\\_jefferson\\_par.html](http://www.nola.com/news/index.ssf/2011/01/report_describes_jefferson_par.html).

<sup>389</sup> *Id.*

<sup>390</sup> *Id.*

<sup>391</sup> The Times-Picayune Editorial Board, *Review of admission irregularities at Jefferson Parish schools is warranted: An editorial*, The Times-Picayune (Oct. 19, 2010),

[https://www.nola.com/opinions/article\\_098069ac-0c6d-5f01-ab5b-51c03546a8ce.html](https://www.nola.com/opinions/article_098069ac-0c6d-5f01-ab5b-51c03546a8ce.html).

<sup>392</sup> Administrative Complaint at 18-19, Q.B. v. Jefferson Parish Pub. Sch. Sys., No. 06121151 (U.S. Dep't of Educ. Jan. 11, 2012).

based arrests.<sup>393</sup> Later, during the 2013-2014 school year, although making up only 41.5% of the student population in Jefferson Parish, Black students comprised 80% of all school-based arrests and referrals to law enforcement.<sup>394</sup> These arrests were often for minor violations, such as using a cellphone at school or “being in the hall with a teacher’s permission but without a hall pass.”<sup>395</sup> These incidents frequently resulted in physical injury to the students, including one student whose arm was broken as sheriff’s officers detained the student.<sup>396</sup> Students were also subjected to racially offensive language and inappropriate comments while detained.<sup>397</sup>

Any interaction with the criminal legal system—especially for a child—has life-changing adverse effects, even if charges are dismissed or refused by the courts. Students may be suspended or expelled as a result of an arrest, even when the criminal charge is not well-founded.<sup>398</sup> Both suspensions and arrests are intrinsically linked to school dropout and diminished academic performance.<sup>399</sup> Students fall behind in their studies as a result of missed instructional time and suffer social alienation and stigmatization from their peers.<sup>400</sup> Moreover, youth involved in the juvenile justice system have an increased chance of incarceration as adults.<sup>401</sup> Disruptions in education and incarceration are also tied to lower academic achievement which often leads to less political participation and citizen inclusion.<sup>402</sup>

JPPSS also created a hostile learning environment for Latinx students. On August 22, 2012, the SPLC filed an administrative complaint against the school district with the U.S. Department of Education and the U.S. Department of Justice outlining how the JPPSS failed to provide adequate translation and interpretation services for Spanish-speaking parents with limited English proficiency and created an environment hostile to Latinx

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<sup>393</sup> *Id.* at 1.

<sup>394</sup> Supplemental Administrative Complaint at 2, *Q.B. v. Jefferson Parish Pub. Sch. Sys.*, No. 06121151 (U.S. Dep’t of Educ. May 7, 2015).

<sup>395</sup> *Id.* at 3.

<sup>396</sup> *Id.*

<sup>397</sup> *Id.*

<sup>398</sup> Justice Policy Institute, *Education Under Arrest: The Case Against Police in Schools* (Nov. 2011) at 17.

<sup>399</sup> *Id.*

<sup>400</sup> *Id.* at 17-20.

<sup>401</sup> *Id.* at 18.

<sup>402</sup> See, e.g. *Equity and Quality in Education: Supporting Disadvantaged Students and Schools*, OECD, 25 (2012) <https://www.oecd.org/education/school/50293148.pdf> (improved educational attainment positively associated with political interest); Lucius Couloute, *Getting Back on Course: Educational attainment among formerly incarcerated people*, PRISONPOLICY.ORG (Oct. 2018) <https://www.prisonpolicy.org/reports/education.html> (finding lower levels of educational attainment among incarcerated and formerly incarcerated individuals).

students.<sup>403</sup> In its complaint, the SPLC highlighted that the school system provided notices, such as notices of long-term suspensions and special education materials, in English to English-speaking parents but failed to provide this information in Spanish to Spanish-speaking parents.<sup>404</sup> The Spanish-speaking parents were also unable to communicate effectively with school staff because of a lack of interpretation services.<sup>405</sup> The complaint also describes how the JPPSS's staff used racial slurs and routinely interrogated Latinx students about their citizenship status.<sup>406</sup> As noted above, such disruptions and discrimination in school demonstrably lead to lower academic achievement which, in turn, demonstrably reduces political participation.

## **2. Structural racism in employment in Louisiana contributes to disparities in access to the ballot.**

Socioeconomic disparities along racial lines are blatant. Research has found a direct relationship between disparities in income and political participation, which create a negative feedback loop that further ensconces inequality.<sup>407</sup> Before the COVID-19 pandemic, Black workers were overrepresented amongst the unemployed and underemployed population in Louisiana, facing barriers to employment including lack of transportation; lack of access to childcare or educational or vocational training; or prior criminal convictions.<sup>408</sup> Indeed, the pre-COVID unemployment rate for Black workers was 10.5%, almost double the rate of white workers (5.5%) across all education levels.<sup>409</sup> Black men had the highest unemployment rate of any group, with almost 14% unable to find work.<sup>410</sup> Young Black men had the highest rate of being "disconnected"—meaning, neither in work nor in school—at 28%, which is more than double the rate for young white men.<sup>411</sup> Moreover, amongst the working population, the median wage gap between white and Black workers in Louisiana has increased by 40% since 1979. In 2016, the median hourly wage for Black workers was 66% of the median wage of white workers.<sup>412</sup>

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<sup>403</sup> Administrative Complaint at 1-2, *M.V., et. al. vs. Jefferson Parish Pub. Sch. Sys.*, No. 06131496 (U.S. Dep't of Educ. Aug. 22, 2012).

<sup>404</sup> *Id.* at 2.

<sup>405</sup> *Id.*

<sup>406</sup> *Id.*

<sup>407</sup> Tony Blakely et al., Socioeconomic Inequality in Voting Participation and Self-Rated Health, 1 Amer. J. Pub. Health 99 (Jan. 2001).

<sup>408</sup> James A. Crowder Jr., et al., *Employment Equity: Louisiana's Path to Inclusive Prosperity*, Power Coalition for Equity & Justice at 3 (Dec. 2018).

<sup>409</sup> *Id.* at 4.

<sup>410</sup> *Id.* at 2.

<sup>411</sup> *Id.* at 3.

<sup>412</sup> *Id.*

The COVID-19 pandemic has revealed gaping structural flaws in the infrastructure of the country, exacerbated existing racial inequalities, and devastated communities across the nation. Black communities and other communities of color—where structural racism and economic inequality converge—have been particularly hard hit. Black and Latinx people are more likely to work in frontline industries such as childcare and retail where infections are most prevalent.<sup>413</sup> They were also more likely to have been laid off.<sup>414</sup> In Louisiana, Black workers make up 30% of the state's workforce but accounted for 60% of unemployed workers in October 2020, most of whom were Black women ages 25-34 years old.<sup>415</sup> Black workers in New Orleans in particular were nearly three times as likely as white residents to be unemployed during the COVID-19 pandemic.<sup>416</sup>

### **3. Racial discrimination in access to health care contributes to disparities in voter turnout in Louisiana.**

As noted above, those with worse health outcomes are less able or likely to vote, and unequal access to and discrimination in health care and health insurance results in poorer health outcomes for Black and Latinx Americans. In Louisiana, over one quarter (28%) of Black residents report being in fair or poor general health compared to 19% of those who identify as white and 14% of those who identify as Hispanic.<sup>417</sup> According to the Louisiana Department of Health and Hospitals, “[f]rom 2000 to 2005, Black or African-American Louisiana residents had the highest death rate from all causes, approximately 1-2 times higher than white residents.”<sup>418</sup> Black Louisianans (74%) are more likely to be overweight or obese than white (67%) and Hispanic (66%) residents.<sup>419</sup> Thirty-seven percent of Latinx Louisianans and 31% of Black Louisianans report not having a primary care physician, in contrast to 22% of white Louisianans.<sup>420</sup> Similarly, during that same time period the infant mortality rate—a key indicator of overall health status—was 13.9% for

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<sup>413</sup> Neva Butkus, *Race, Unemployment and COVID-19 in Louisiana*, Louisiana Budget Project, Louisiana Budget Project (June 17, 2020), <https://www.labudget.org/2020/06/race-unemployment-and-covid-19-in-louisiana/>.

<sup>414</sup> *Id.*

<sup>415</sup> Kristen Mosbrucker, *Louisiana unemployment demographics show younger Black women most likely to remain out of work*, The Advocate (Dec. 20, 2020), [https://wwwtheadvocate.com/baton\\_rouge/news/business/article\\_8c13ab72-38d6-11eb-8784-07e7f5abb505.html](https://wwwtheadvocate.com/baton_rouge/news/business/article_8c13ab72-38d6-11eb-8784-07e7f5abb505.html).

<sup>416</sup> *Unemployment Insurance Data Dashboard*, <https://tcf.org/content/data/unemployment-insurance-data-dashboard/?session=1>.

<sup>417</sup> *The Louisiana Health Care Landscape*, Kaiser Family Foundation (Jun. 8, 2016), at 4 <https://www.kff.org/health-reform/fact-sheet/the-louisiana-health-care-landscape/>.

<sup>418</sup> *Id.*

<sup>419</sup> *Id.*

<sup>420</sup> *Id.*

Black residents, compared to 7.6% for white residents. Black Louisianans were 2.7 times more likely than white residents of Louisiana to be uninsured.

And while representing only 32% of the state population, Black Louisianans accounted for 70% of COVID-19 deaths.<sup>421</sup> By contrast, white Louisianans account for 62% of the population but only 28% of COVID-19 deaths.<sup>422</sup>

#### **4. Black Louisianans must participate in a political system that is disproportionately brutalizing and killing them.**

Louisiana is no exception to the endemic police violence facing Black people across the United States. In 2016, Alton Sterling, a 37-year-old Black man was shot dead at close range by two white Baton Rouge Police Department officers.<sup>423</sup> The officers were never charged criminally. While the case drew national attention, it was certainly not an isolated incident.<sup>424</sup>

Voting rights advocates are often able to mobilize voters around the issue of police brutality and racial violence; organizers use the realities they are presented to effect change.<sup>425</sup> But research suggests that acts of police violence may traumatize civilians or undermine their faith in government, leading them to disengage from social and civic institutions, including voter participation.<sup>426</sup> Consistent with this, robust evidence suggests that contact with the criminal justice system can have drastic demobilizing effects.<sup>427</sup> Between 1983 and 2015, Louisiana's incarcerated population (jail and prison) has increased 152%.<sup>428</sup> Black Louisianans are disproportionately incarcerated in the state.

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<sup>421</sup> Louisiana Population 2020 (Demographics, Maps, Graphs), World Popul. Rev., <https://worldpopulationreview.com/states/louisiana-population/>.

<sup>422</sup> Coronavirus (COVID-19), La. State Dept. of Health, <http://ldh.la.gov/Coronavirus/>.

<sup>423</sup> PBS News Hour, *New videos show clearest account of Alton Sterling's killing*, Mar. 31, 2018, <https://www.pbs.org/newshour/nation/new-videos-show-clearest-account-of-alton-sterlings-killing>.

<sup>424</sup> Melissa Chan, *What to Know About Alton Sterling's Police Shooting Death in Baton Rouge*, Time (Jul. 6, 2016), <https://time.com/4395459/alton-sterling-baton-rouge-police-shooting/>.

<sup>425</sup> See Desmond Ang and Jonathan Tebes (Harvard Scholar), Civic Responses to Police Violence, Feb. 26, 2021.

<sup>426</sup> See M. Desmond A.V. Papachristos, and D. S. Kirk (2016), Police Violence and Citizen Crime Reporting in the Black Community, *American Sociological Review* 81 (5), 857-876; Insler, M. A., B. McMurrey, and A. F. McQuoid (2019), From Broken Windows to Broken Bonds: Militarized police and social fragmentation, *Journal of Economic Behavior & Organization* 163, 43-62; Ang, D. (2021), The Effects of Police Violence on Inner-City Students, *The Quarterly Journal of Economics* 136 (1), 115-168.

<sup>427</sup> See V. M. Weaver, and A.E. Lerman (2010), Political consequences of the Carceral State, *American Political Science Review*, 817-833; A. E. Lerman, and V. M. Weaver (2014), Arresting citizenship: The Democratic Consequences of American Crime Control, University of Chicago Press.

<sup>428</sup> <https://www.vera.org/downloads/pdffdownloads/state-incarceration-trends-louisiana.pdf>.

Although Black residents account for less than 33% of the overall population of Louisiana, they comprise 52% of the jail population and 67% of the prison population.<sup>429</sup>

In 2019, two white Louisiana State Police troopers brutalized and murdered Ronald Greene, 49, after a high-speed car chase outside Monroe, Louisiana.<sup>430</sup> The troopers were captured on body camera stunning, punching, and dragging Mr. Greene by the legs along the ground.<sup>431</sup> The State Police initially covered up the incident, rebuffing demands to release the body camera footage or any other details.<sup>432</sup> The agency initially told Greene's family that he died on impact after crashing into a tree during the chase.<sup>433</sup> They later released a one-page statement falsely asserting that Greene resisted and died on his way to the hospital when, in fact, Mr. Greene became unresponsive while in police custody.<sup>434</sup> State Police also initially argued that the troopers were justified in their use of force and waited 474 days before opening an internal investigation into the incident.<sup>435</sup>

In 2020, Trayford Pellerin, 31, was fatally shot by Louisiana police as he was trying to enter a convenience store while having a mental health crisis.<sup>436</sup> Tommie Dale McGlothen Jr., 44, was also killed when police used excessive force to subdue him while he was having a psychotic episode.<sup>437</sup>

The excessive number of police killings of Black Louisianians prompted state legislators to begin a study of police practices in August 2020.<sup>438</sup> According to the ACLU of Louisiana, since 2013, the state has seen 160 people killed by police.<sup>439</sup> Black citizens represent 53% of those killed despite comprising 32% of the state's population.<sup>440</sup>

Police in Louisiana also have non-lethal, yet violent and degrading encounters with Black people. In 2020, four white Louisiana state troopers physically attacked motorist

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<sup>429</sup> *Id.*

<sup>430</sup> Jim Mustian, *I'm scared: AP obtains video of deadly arrest of Black man*, Assoc. Press (May 19, 2021), <https://apnews.com/article/ronald-greene-death-louisiana-eca021d8a54ec73598dd72b269826f7a>.

<sup>431</sup> *Id.*

<sup>432</sup> *Id.*

<sup>433</sup> *Id.*

<sup>434</sup> *Id.*

<sup>435</sup> *Id.*

<sup>436</sup> *Police shoot, kill Black man outside store in Louisiana*, ABC News (Aug. 23, 2020), <https://abcnews.go.com/US/wireStory/officials-police-shoot-kill-man-store-louisiana-72542219>.

<sup>437</sup> Michael Levenson, *Four Louisiana Officers Charged in Death of Black Man With Mental Illness*, N.Y. Times (Sept. 18, 2020), <https://www.nytimes.com/2020/09/18/us/shreveport-police-officers-charged-death.html>.

<sup>438</sup> Will Sentell, *'Stark disparities' in police shootings in Louisiana under review in state legislature*, The Advocate (Sep. 1, 2020), [https://www.theadvocate.com/baton\\_rouge/news/politics/article\\_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html](https://www.theadvocate.com/baton_rouge/news/politics/article_f0180bdc-ec5e-11ea-97ea-f7a2348c5cf8.html).

<sup>439</sup> *Id.*

<sup>440</sup> *Id.*

Antonio Harris during a routine traffic stop.<sup>441</sup> While Harris “immediately surrendered,” the troopers struck Harris with their knees, struck him in his face, shoved him to the ground, and pulled his hair.<sup>442</sup> The troopers later boasted about the incident during a 14-text message exchange in which they said, “Bet he don’t even cross into LA anymore.”<sup>443</sup>

## **IX. Louisiana’s Many Methods of Suppressing the Black Vote Are Effective in Yielding Lower Black Voter Turnout.**

Even after the gains in registration and turnout from enforcement of Section 5 and the formidable efforts of advocacy groups in the state, post-*Shelby County*, turnout for Black voters lags behind white voters. But given Louisiana officials’ commitment to suppressing Black political participation through a web of voter suppression laws and practices, lower turnout rates for Black voters come as no surprise.

### **1. Voter turnout in Louisiana trends lower in majority-Black parishes as compared to majority-white parishes.**

Data from 2008 through 2020 show a consistent disparity in turnout rates when comparing parishes with the highest Black populations and parishes with the highest white populations. While majority-Black parishes tended to have voter turnout rates within a few percentage points of the statewide voter turnout rate, majority-white parishes record voter turnout rates that are consistently higher than the state average, often by as much as 10%.

Voter Turnout Statewide & in Parishes with Highest Black and White Populations  
(General Elections)<sup>444</sup>

<b>Parish</b>	<b>2020 Turnout</b>	<b>2018 Turnout</b>	<b>2016 Turnout</b>	<b>2014 Turnout</b>	<b>2012 Turnout</b>	<b>2010 Turnout</b>	<b>2008 Turnout</b>
Statewide <sup>445</sup>	64.3%	45.1%	60.6%	44.9%	60.8%	40.0%	61.8%
East Carroll (majority-Black)	61.4%	49.6%	56.3%	56.7%	62.2%	52.5%	64.8%
	(-2.9)*	(+4.5)	(-4.3)	(+11.8)	(+1.4)	(+12.5)	(+3.0)

<sup>441</sup> Jim Mustian, ‘Gonna be sore’: La. Troopers boasted of beating Black man, Assoc. Press (Mar. 12, 2021), <https://apnews.com/article/arrests-us-news-louisiana-195897206619624d0e4fc150c50cab30>.

<sup>442</sup> *Id.*

<sup>443</sup> *Id.*

<sup>444</sup> Voter Portal, La. Sec'y of State, <https://voterportal.sos.la.gov/Graphical>.

<sup>445</sup> National and State Turnout Rates, U.S. Elections Project, <http://www.electproject.org/home/voter-turnout/voter-turnout-data>.

<u>Parish</u>	<u>2020 Turnout</u>	<u>2018 Turnout</u>	<u>2016 Turnout</u>	<u>2014 Turnout</u>	<u>2012 Turnout</u>	<u>2010 Turnout</u>	<u>2008 Turnout</u>
Madison (majority-Black)	62.1% (-2.2)	45.3% (+0.2)	62.1% (+1.5)	48.1% (+3.2)	65.2% (+4.4)	33.4% (-6.6)	56.6% (-5.2)
Orleans (majority-Black)	65.7% (+1.4)	51.1% (+6.0)	64.0% (+3.4)	46.6% (+1.7)	63.4% (+2.6)	36.2% (-3.8)	52.7% (-9.1)
Cameron (majority-white)	75.4% (+11.1)	46.9% (+1.8)	71.8% (+11.2)	50.8% (+5.9)	65.2% (+4.4)	36.9% (-3.1)	57.8% (-4.0)
Livingston (majority-white)	75.0% (+10.7)	51.4% (+6.3)	69.8% (+9.2)	51.2% (+6.3)	68.2% (+7.4)	46.3% (+6.3)	70.1% (+8.3)
St. Tammany (majority-white)	75.5% (+11.2)	54.9% (+9.8)	72.4% (+11.8)	54.0% (+9.1)	70.5% (+9.7)	48.7% (+8.7)	70.0% (+8.2)

\*Colored parentheticals in indicate deviation from the statewide average turnout rate

## 2. White voter turnout is consistently higher than Black voter turnout within parishes.

Turnout gaps between Black and white voters were consistently high in all six parishes examined here.<sup>446</sup> White voter turnout often outstripped Black voter turnout by 20 percentage points or more. Voter turnout among Black voters was higher than among white voters within the same parish in only two instances (and then, only slightly) in general elections since 2008. Those two instances are highlighted in gray below.

### Differences Between Black Voter Turnout and White Voter Turnout in Parishes with Highest Black & White Populations (General Elections)<sup>447</sup>

<u>Parish</u>	<u>2020 Turnout</u>	<u>2018 Turnout</u>	<u>2016 Turnout</u>	<u>2014 Turnout</u>	<u>2012 Turnout</u>	<u>2010 Turnout</u>	<u>2008 Turnout</u>

<sup>446</sup> In Louisiana, East Carroll, Madison, and Orleans Parishes have the highest Black populations. Cameron, Livingston, and St. Tammany Parishes have the highest white populations.

<sup>447</sup> Voter Portal, La. Sec'y of State, <https://voterportal.sos.la.gov/Graphical>.

East Carroll (majority-Black)	76.7% / 55.3% *  (-21.4)	61.4% / 44.9%  (-16.5)	71.8% / 50.0%  (-21.8)	63.0% / 54.5%  (-8.5)	72.2% / 58.1%  (-14.1)	56.7% / 50.5%  (-6.2)	74.68% / 60.58%  (-14.1)
Madison (majority-Black)	73.6% / 56.3%  (-17.3)	57.5% / 38.9%  (-18.6)	73.5% / 55.8%  (-17.7)	56.8% / 43.6%  (-13.2)	72.1% / 61.4%  (-10.7)	48.7% / 24.2%  (-24.5)	72.03% / 60.07%  (-11.96)
Orleans (majority-Black)	71.3% / 62.6%  (-8.7)	57.3% / 48.1%  (-9.2)	68.3% / 62.4%  (-21.9)	50.3% / 46.0%  (-4.3)	63.7% / 64.9%  (+1.2)	42.7% / 33.9%  (-8.8)	58.07% / 50.98%  (-7.09)
Cameron (majority-white)	76.2% / 54.2%  (-22.0)	47.6% / 26.4%  (-21.2)	72.4% / 57.4%  (-15.0)	51.5% / 33.8%  (-17.7)	66.0% / 48.3%  (-17.7)	37.7% / 20.0%  (-17.7)	58.36% / 49.03%  (-9.33)
Livingston (majority-white)	75.8% / 69.5%  (-6.3)	52.0% / 48.4%  (-3.6)	70.4% / 65.6%  (-4.8)	51.9% / 47.2%  (-4.7)	68.5% / 70.5%  (+2.0)	46.8% / 42.2%  (-4.6)	70.46% / 69.85%  (-0.61)
St. Tammany (majority-white)	76.9% / 68.5%  (-8.4)	56.1% / 50.9%  (-5.2)	73.9% / 64.4%  (-9.5)	55.6% / 46.7%  (-8.6)	71.3% / 69.0%  (-2.3)	50.3% / 40.8%  (-9.5)	70.83% / 67.72%  (-3.11)

\*Cells illustrate white turnout over Black turnout (white % / Black %), with the turnout gap in colored parenthetical below.

### 3. Voter turnout is lower in Louisiana's majority-Black congressional district as compared to its majority-white congressional districts.

The impact of voter suppression laws is also evident in voter turnout rates by congressional district from 2008 through 2020. The Second Congressional District, the only majority-Black district in the state, has had the lowest voter turnout rate out of all congressional districts in every general election since 2008.

Voter Turnout by Congressional District (General Elections)<sup>448</sup>

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<sup>448</sup> *Id.*

<u>Congressional District</u>	<u>2020 Turnout</u>	<u>2018 Turnout</u>	<u>2016 Turnout</u>	<u>2014 Turnout</u>	<u>2012 Turnout</u>	<u>2010 Turnout</u>	<u>2008 Turnout</u>
1 <sup>st</sup> (majority white)	72.2%	53.2%	70.1%	52.1%	67.5%	47.2%	68.83%
2 <sup>nd</sup> (majority Black)	65.8%	48.6%	64.2%	47.6%	65.4%	36.6%	54.36%
3 <sup>rd</sup> (majority white)	69.3%	49.8%	67.7%	51.1%	67.4%	44.8%	67.84%
4 <sup>th</sup> (majority white)	68.7%	49.1%	66.6%	51.0%	67.8%	43.8%	67.77%
5 <sup>th</sup> (majority white)	68.9%	49.0%	66.8%	52.6%	68.0%	41.8%	68.77%
6 <sup>th</sup> (majority white)	74.6%	54.7%	71.3%	54.9%	71.6%	49.3%	72.49%
7 <sup>th</sup> (majority white) (eliminated in 2013 due to post-Katrina population loss)						44.6%	68.63%

**4. White voter turnout is consistently higher than Black voter turnout within congressional districts.**

The racial disparities in voter turnout between Louisiana's majority-white districts and its majority-Black district are replicated within each of those districts. Black voter turnout was higher than white voter turnout within one of Louisiana's congressional districts in only four instances (highlighted in gray below) in general elections from 2008 through 2020. In those few instances where Black turnout outstripped white turnout, it did so very slightly, whereas in the many instances where white turnout outstripped Black turnout, it typically did so resoundingly. Overall, turnout among white voters frequently exceeded turnout among Black voters by 10 or more percentage points.

Differences Between Black Voter Turnout and White Voter Turnout Within Congressional Districts (General Elections)<sup>449</sup>

<u>Congressional District</u>	<u>2020 Turnout</u>	<u>2018 Turnout</u>	<u>2016 Turnout</u>	<u>2014 Turnout</u>	<u>2012 Turnout</u>	<u>2010 Turnout</u>	<u>2008 Turnout</u>
1 <sup>st</sup> (majority-white)	75.6% / 63.4% * (-12.2)	55.5% / 45.5% (-10.0)	72.3% / 60.7% (-11.6)	54.7% / 43.3% (-11.4)	68.9% / 65.5% (-3.4)	50.1% / 36.1% (-14.0)	70.42% / 64.3% (-6.1)
2 <sup>nd</sup> ( <b>majority Black</b> )	71.2% / 64.0% (-7.2)	52.3% / 47.9% (-4.4)	67.9% / 63.5% (-4.4)	50.7% / 47.7% (-3.0)	64.6% / 67.3% (+2.7)	40.7% / 35.8% (-4.9)	57.8% / 53.78% (-4.02)
3 <sup>rd</sup> (majority-white)	73.0% / 60.6% (-12.4)	52.4% / 44.6% (-7.8)	70.9% / 60.5% (-10.4)	54.1% / 44.7% (-9.4)	68.5% / 66.4% (-2.1)	46.6% / 43.1% (-3.5)	67.47% / 71.65% (+4.18)
4 <sup>th</sup> (majority-white)	73.5% / 61.4% (-12.1)	51.8% / 45.7% (-6.1)	70.7% / 60.4% (-10.3)	54.3% / 46.8% (-7.5)	69.4% / 66.7% (-2.7)	46.6% / 40.1% (-6.5)	69.24% / 66.59% (-2.65)
5 <sup>th</sup> (majority-white)	74.2% / 59.7% (-14.5)	52.2% / 44.1% (-8.1)	71.6% / 58.7% (-12.9)	56.1% / 47.1% (-9.0)	70.2% / 65.0% (-5.2)	45.7% / 35.2% (-10.5)	71.12% / 65.23% (-5.89)
6 <sup>th</sup> (majority-white)	77.0% / 69.7% (-7.3)	56.2% / 53.0% (-3.2)	73.2% / 67.6% (-5.6)	56.6% / 52.6% (-4.0)	72.0% / 73.0% (+1.0)	53.0% / 43.5% (-9.5)	73.82% / 71.47% (-2.35)
7 <sup>th</sup> (majority-white) (eliminated in 2013 due to post-Katrina population loss)						47.4% / 38.3% (-9.1)	69.08% / 69.16% (-.08)

<sup>449</sup> *Id.*

\*Cells illustrate white turnout over Black turnout (white % / Black %), with the turnout gap in colored parenthetical below.

The evidence bears out a foreseeable reality: racially discriminatory barriers to voting suppress Black voter turnout. With few exceptions, turnout among white voters dramatically exceeds turnout among Black voters. In other words, voter suppression and discrimination is effective at suppressing Black voters and Black communities.

### **Part III: Voting Rights Violations in Louisiana**

Louisiana has undermined Black voters' rights to exercise the franchise for as long as it has formally recognized that right. Modern voters have not been spared. In the past 25 years, state and local authorities have sought to suppress and dilute Black voting power with relentless zeal. Federal courts, the United States Department of Justice, and private litigants have been forced to step in to protect Louisiana's voters of color against these abuses.

When the Supreme Court in *Shelby County* invalidated the VRA's preclearance coverage formula, the majority curiously held that *because* preclearance was effective, it was no longer necessary.<sup>450</sup> As the late-Justice Ginsburg lamented in dissent, "[t]hrowing out preclearance when it has worked and is continuing to work to stop discriminatory changes is like throwing away your umbrella in a rainstorm because you are not getting wet."<sup>451</sup>

Louisiana has engaged in at least 25 qualifying voting rights violations in the past 25 years, well beyond the threshold required by the revised coverage formula found in the John Lewis Voting Rights Advancement Act (H.R. 4). Since 1996—the start of the look-back period under H.R. 4—the DOJ has interposed objections to at least 19 proposed voting-rule changes in Louisiana. During the same period, Louisiana and its subdivisions have been subject to six final judgments, consent decrees, or settlements finding voting rights violations or causing the state or subdivision to alter or abandon a voting rule or practice. This record leaves no doubt: Louisiana must and will be covered under any preclearance formula Congress adopts.

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<sup>450</sup> *Shelby Cnty.*, 570 U.S. at 551.

<sup>451</sup> *Id.* at 590 (Ginsburg, J., dissenting).

## **A. Louisiana Would Again be Subject to Preclearance Under the Coverage Formula Set Out in H.R. 4.**

H.R. 4 creates a new coverage formula for determining which states and subdivisions will be subject to federal preclearance under Section 5.<sup>452</sup> The coverage formula recognizes that voters are at heightened risk of disenfranchisement in jurisdictions with recent voting rights violations. Consistent with the Supreme Court's direction in *Shelby County* that the Section 4 coverage formula must address "current conditions," H.R. 4 considers each jurisdiction's track record over a 25-year rolling "look back" period. Preclearance applies statewide if a state, together with its subdivisions, has committed:

- 15 or more "voting rights violations" during the past 25 calendar years; or
- 10 or more "voting rights violations" during the past 25 calendar years, at least one of which was committed by the state itself.

The legislation defines a "voting rights violation" to include any:

- final judgment finding a violation of the Fourteenth or Fifteenth Amendments;
- final judgment finding a violation of the VRA;
- final judgment denying a declaratory judgment seeking preclearance;
- objection by the Attorney General under Section 3(c) or Section 5 which thereby prevents a voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting from being enforced;
- consent decree, settlement, or other agreement resulting in the alteration or abandonment of a voting practice.

This report uses the above preclearance formula as a basis for the analysis that follows, recognizing that Congress may ultimately choose a different formula. The voting rights violations highlighted herein demonstrate that Louisiana unquestionably meets H.R. 4's coverage thresholds.<sup>453</sup>

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<sup>452</sup> H.R. 4, Voting Rights Advancement Act of 2019, § 3 (passed the House of Representatives Dec. 6, 2019); S. 4263, John Lewis Voting Rights Advancement Act, § 4 (introduced in the Senate July 22, 2020).

<sup>453</sup> The SPLC evaluates Louisiana history against the provisions of H.R. 4 as currently drafted. The formula may change as the legislation moves forward toward passage, but Louisiana's extensive history of voting discrimination is likely to yield coverage for the State under any reasonable coverage formula.

**B. The Department of Justice Has Objected to at Least 19 Proposed Voting-Rule Changes in Louisiana Under Section 5 of the VRA.**

The objections interposed in Louisiana are more than sufficient on their own to subject the state to preclearance under H.R. 4.

**1. The DOJ has interposed at least two qualifying objections against the State of Louisiana.<sup>454</sup>**

**a. State of Louisiana (1997).**

On January 13, 1998, the DOJ interposed an objection to Act No. 1420 (1997), which sought to freeze election precinct boundaries until December 31, 2003.<sup>455</sup> The proposed freeze would apply “during the critical period when state and local officials are engaged in redistricting” and would prevent local officials from altering precinct boundaries even where necessary to satisfy the requirements of the VRA.<sup>456</sup> As a result, the objection letter noted, the freeze could “well leave minority voters worse off in terms of their electoral opportunity under post-2000 redistricting plans.”<sup>457</sup> The DOJ concluded that Louisiana had failed to meet its burden under Section 5 to demonstrate that Act No. 1420 was not discriminatory in purpose or effect.

**b. State of Louisiana (2008).**

Eleven years later, the DOJ rejected a nearly identical proposal that would have extended a prohibition on changing election precinct boundaries from December 31, 2010, to December 31, 2013.<sup>458</sup> The DOJ emphasized that, once again, the proposed statute “neither include[d] opportunities for precinct changes during the time when redistricting is expected to occur, nor [did] it authorize local officials to change precinct

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<sup>454</sup> Depending on the definition of “voting rights violation,” a third statewide objection could also count toward Louisiana’s total. In 1996, DOJ objected to Louisiana’s proposed redistricting plan because it created only one majority-Black congressional district. Letter from Deval L. Patrick, Assistant AG, Civ. Rts. Div., U.S. DOJ to E. Kay Kirkpatrick, Dir., Civ. Div., Dep’t of Just., Louisiana (“Objection Letter 96-2589 (State of Louisiana)”), (Aug. 12, 1996), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2310.pdf>. Although the objection was not withdrawn, its reasoning was rejected by a subsequent Supreme Court decision. See *Reno v. Bossier Par. Schl Bd.*, 520 U.S. 471 (1997).

<sup>455</sup> Letter from Bill Lann Lee, Acting Assistant AG, Civ. Rts. Div., U.S. DOJ to Angie Rogers LaPlace, Assistant AG (“Objection Letter 97-2264 (State of Louisiana)”) (Jan. 13, 1998), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2360.pdf>.

<sup>456</sup> *Id.*

<sup>457</sup> *Id.*

<sup>458</sup> Letter from Loretta King, Acting Assistant AG, U.S. DOJ to William P. Bryan III, Assistant AG and Erin C. Day, Assistant AG. (“Objection Letter 2008-3512 (State of Louisiana)”) (Aug. 10, 2009), [https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I\\_090810.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/I_090810.pdf).

boundaries if necessary to satisfy the requirements of federal law.”<sup>459</sup> The objection letter described Louisiana’s repeated failures to furnish information sufficient to demonstrate that the proposal was not motivated by a discriminatory purpose and would not have discriminatory effects.<sup>460</sup> The DOJ concluded, just as it had roughly a decade prior, that Louisiana could not sustain its Section 5 burden.

**2. The DOJ has interposed at least 17 qualifying objections against local jurisdictions.**

**a. Shreveport City Court (1996 (2 violations); 1996 (1 violation); 1997 (3 violations)).**

Between 1996 and 1997, the DOJ objected to six proposed annexations that would have expanded the boundaries of the Shreveport City Court to include primarily white voters in planned residential developments.<sup>461</sup> The DOJ concluded in each case that the annexations would result in a significant reduction in Black voters’ opportunity to elect candidates of their choice to the court.<sup>462</sup> The annexations might have warranted preclearance, the DOJ found, had the city altered its at-large election system to afford Black voters representation reasonably equivalent to their political strength in the enlarged community.<sup>463</sup> But the city declined to make any such changes, even after incurring repeated objections.<sup>464</sup> The city failed to meet its Section 5 burden with respect to all six proposed annexations.<sup>465</sup>

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<sup>459</sup> *Id.*

<sup>460</sup> *Id.*

<sup>461</sup> Letter from Isabelle Katz Pinzler, Acting Assistant AG, Civ. Rts. Div., U.S. DOJ to Jerald N. Jones, City Att’y (“Objection Letter 97-1091 (June 9, 1997 Shreveport)”) (June 9, 1997), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2340.pdf> (three annexations); Letter from Isabelle Katz Pinzler, Acting Assistant AG, Civ. Rts. Div., U.S. DOJ. to Jerald N. Jones, City Att’y (“Objection Letter 96-4344 (April 11, 1997 Shreveport)” (Apr. 11, 1997), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2330.pdf> (one annexation); Letter from Deval L. Patrick, Assistant AG, Civ. Rts. Div., U.S. DOJ to Jerald N. Jones, City Att’y (“Objection Letter 96-3506 (October 24, 1996 Shreveport)”) (Oct. 24, 1996), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2320.pdf> (two annexations).

<sup>462</sup> Letter from Isabelle Katz Pinzler, Acting Assistant AG, Civ. Rts. Div., U.S. DOJ to Jerald N. Jones, City Att’y (“Objection Letter 97-1091 (June 9, 1997 Shreveport)”) (June 9, 1997), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2340.pdf>.

<sup>463</sup> *Id.*

<sup>464</sup> *Id.*

<sup>465</sup> *Id.*

**b. St. Martinville (1997).**

In 1997, the city of St. Martinville sought approval for a city council redistricting plan based on a recent recount of its population.<sup>466</sup> The DOJ found that the methodology used in conducting the recount “raise[d] serious questions regarding the reliability of [its] results.”<sup>467</sup> Notably, if a household failed to respond to the city’s survey, the city attributed only one occupant to the household.<sup>468</sup> As a result, the city undercounted individuals who worked outside the home during daytime hours when the survey was conducted.<sup>469</sup> The proposed redistricting plan, the DOJ determined, reduced the Black population in one of the city council districts by 13 percentage points and “lessen[ed] significantly the opportunity of black voters to elect candidates of choice.”<sup>470</sup> The DOJ concluded that St. Martinville could not meet its Section 5 burden of demonstrating the plan was not discriminatory in purpose or effect.<sup>471</sup>

**c. Washington Parish (1998).**

The following year, the DOJ objected to a plan that would have reduced the number of parish council members in Washington Parish from fourteen to seven and decreased the number of majority-Black precincts from four to three.<sup>472</sup> The parish’s existing election system had resulted from litigation brought to remedy the historical dilution of the Black vote in Washington Parish.<sup>473</sup> The proposed replacement system, the DOJ found, would result in retrogression that was “easily avoidable.”<sup>474</sup> The DOJ could not conclude that the parish’s “burden of showing the absence of retrogression ha[d] been sustained.”<sup>475</sup>

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<sup>466</sup> Letter from Isabelle Katz Pinzler, Acting Assistant AG, Civ. Rts. Div., U.S. DOJ to George W. McHugh (“Objection Letter 97-0879 (St. Martinville (St. Martin Parish))”) (Oct. 6, 1997), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2350.pdf>.

<sup>467</sup> *Id.*

<sup>468</sup> *Id.*

<sup>469</sup> *Id.*

<sup>470</sup> *Id.*

<sup>471</sup> *Id.*

<sup>472</sup> Letter from Bill Lann Lee, Acting Assistant AG., Civ. Rts. Div., U.S. DOJ to Hollis A. Stafford, III, Chairperson, Wash. Par. Council (“Objection Letter 98-1475 (Washington Parish)”) (Apr. 27, 1999), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2370.pdf>.

<sup>473</sup> *Id.* (citing *Bailey v. Washington Parish Police Jury*, No. 70-2861 (E.D. La. 1972); *Dawson v. Washington Parish Police Jury*, No. 82-3575 (E.D. La. 1983)).

<sup>474</sup> *Id.*

<sup>475</sup> *Id.*

**d. City of Minden (2002).**

The DOJ rejected a redistricting plan for the Minden city council that would have had a similarly retrogressive effect.<sup>476</sup> Under the city's existing plan, Black voters were able to elect their candidates of choice in three of the council's five districts.<sup>477</sup> The proposed redistricting plan diminished Black voting strength in one of those districts, such that "the [B]lack candidate of choice would lose, or, at best, win by an extremely narrow margin."<sup>478</sup> This retrogression was avoidable, the DOJ found.<sup>479</sup> The DOJ concluded that the city failed to meet its burden to demonstrate that the proposal was not motivated by a discriminatory intent to retrogress.<sup>480</sup>

**e. Pointe Coupee Parish (2002).**

In 2002, the DOJ objected to a redistricting plan for the Pointe Coupee Parish School District that would have reduced the number of majority-Black districts in which Black voters could elect candidates of choice from two to three.<sup>481</sup> According to the DOJ's objection letter, "the resulting retrogressive effect was neither inevitable nor required by any constitutional or legal imperative."<sup>482</sup> The school district could not sustain its burden to demonstrate that the redistricting plan would not result in a discriminatory effect under Section 5.

**f. DeSoto Parish (2002).**

That same year, the DOJ rejected a redistricting plan for the DeSoto Parish School District that would have similarly prevented Black voters from electing their candidates of choice in one of five majority-Black districts.<sup>483</sup> The retrogressive effect was "easily

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<sup>476</sup> Letter from Ralph F. Boyd, Jr., Assistant AG, U.S. DOJ to Honorable Bill Robertson, Mayer and H. Gray Stothart, II, Coordinating & Dev. Corp ("Objection Letter 2002-1011 (Minden (Webster Parish))"), (Jul. 2, 2002), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2380.pdf>.

<sup>477</sup> *Id.*

<sup>478</sup> *Id.*

<sup>479</sup> *Id.*

<sup>480</sup> *Id.*

<sup>481</sup> Letter from Ralph F. Boyd, Assistant AG, U.S. DOJ to Gregory B. Grimes Superintendent, Pointe Coupee Par. Sch. Dist. & Ronald E Weber, Pres., Campaign. ("Objection Letter 2002-2717 (Pointe Coupee Parish School District (Pointe Coupee Parish))") (Oct. 4, 2002), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2390.pdf>.

<sup>482</sup> *Id.*

<sup>483</sup> Letter from Andrew E. Lelling, Acting Assistant AG, U.S. DOJ to Walter C. Lee, Superintendent, Par. Sch. Bd. and B.D. Mitchell, Pres., Par. Police Jury ("Objection Letter 2002-2926 (DeSoto Parish School District (DeSoto Parish))" (Dec. 31, 2002), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2400.pdf>.

avoidable,” and the DOJ concluded that the school district could not sustain its burden to show that redistricting plan was not motivated by an intent to retrogress.<sup>484</sup>

#### **g. Richland Parish (2002).**

In 2003, the DOJ interposed an objection to a redistricting plan for the Richland Parish School District that would have reduced the Black share of the total population in one of three majority-Black districts by 15.5 percentage points.<sup>485</sup> Because the school district repeatedly failed to provide the DOJ with necessary data and information, the DOJ was “unable to conclude that this change [was] not, in fact, retrogressive, and will continue to allow [B]lack voters the ability to elect candidates of choice.”<sup>486</sup> The school board, therefore, failed to carry its burden under Section 5 to show that the redistricting plan would not have a retrogressive effect on Black voting strength.<sup>487</sup>

#### **h. Tangipahoa Parish (2002).**

Tangipahoa Parish sought to implement a redistricting plan that would have reduced the Black population of one of its two majority-Black districts from 62.4 to 54.1 percent, with a corresponding drop in the Black voting-age population percentage from 58.3 to 49.9.<sup>488</sup> The parish argued that the proposed plan was not retrogressive because the district’s Black voting strength remained unchanged.<sup>489</sup> The DOJ disagreed and concluded that Tangipahoa Parish could not sustain its burden under Section 5.<sup>490</sup>

#### **i. City of Ville Platte (2003).**

In 2002, the city of Ville Platte responded to steady increases in its Black population by attempting to adopt a dramatically and avoidably retrogressive redistricting plan.<sup>491</sup>

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<sup>484</sup> *Id.*

<sup>485</sup> Letter from Ralph F. Boyd, Jr., Assistant AG, U.S. DOJ to John R. Sartin, Superintendent, Par. Sch. Bd. & David A Creed, Exec. Dir., North Delta Re'l Plan. & Dev. Dist. (“Objection Letter 2002-3400 (Richland Parish School District)”) (May 13, 2003), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2410.pdf>.

<sup>486</sup> *Id.*

<sup>487</sup> *Id.*

<sup>488</sup> Letter from R. Alexander Acosta, Assistant AG, U.S. DOJ to Carlos Notariano, Chairperson, Par. Council & Ronald E Weber, Pres., Campaign & Opinion Rsch. Analysts (“Objection Letter 2002-3135 (Tangipahoa Parish)”), (Oct. 6, 2003), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2420.pdf>.

<sup>489</sup> *Id.*

<sup>490</sup> *Id.*

<sup>491</sup> See Letter from R. Alexander Acosta, Assistant AG, U.S. DOJ to Hon. Phillip A. Lemoine, Mayor & Glenn A. Koepp, Chief Exec. Officer, Redistricting, L.L.C. (“Objection Letter 2003-4549 (Ville Platte (Evangeline Parish))” (June 4, 2004), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2440.pdf>.

The city targeted District F.<sup>492</sup> District F's Black population had increased from 28.7 percent in 1997 (when the city's existing plan was adopted) to 55.1 percent in 2000.<sup>493</sup> The city's proposed redistricting plan would have reduced District F's Black population by 17 percentage points.<sup>494</sup> The DOJ found that "the precipitous drop in black voting strength in District F was not driven by any constitutional or statistical necessity. The district required, at the most, only minimal adjustments. However, the city undertook wholesale changes, swapping white neighborhoods for black neighborhoods, and moving black population from District F into District B, a district which was already 78.8 percent black."<sup>495</sup> The DOJ concluded that the city could not sustain its Section 5 burden.<sup>496</sup>

**j. City of Plaquemine (2003).**

The City of Plaquemine proposed a redistricting plan in 2003 that reduced the Black voting-age population in one of its Board of Selectmen districts from 51.1 percent to 48.5 percent, just below the majority threshold.<sup>497</sup> At the time, the city had three majority-Black districts in which Black people were able to elect candidates of choice; the proposed plan retained only two.<sup>498</sup> The DOJ determined that the city could remedy this impermissible retrogression either by restoring the third majority-Black districts or creating a new, viable majority-Black district elsewhere.<sup>499</sup>

**k. Town of Delhi (2003).**

In 2005, the DOJ objected to a redistricting plan submitted by the Town of Delhi in Richland Parish that reduced the Black voting-age population of one of the town's four majority-Black wards.<sup>500</sup> The proposed plan barely altered the racial composition of the other three majority-Black wards.<sup>501</sup> But in Ward B, where the Black majority was thinner and thus closer to a tipping point, the proposed plan caused the Black voting-age population to drop by 10.5 percent.<sup>502</sup> The DOJ concluded that the town failed to show

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<sup>492</sup> *Id.*

<sup>493</sup> *Id.*

<sup>494</sup> *Id.*

<sup>495</sup> *Id.*

<sup>496</sup> *Id.*

<sup>497</sup> Letter from R. Alexander Acosta, Assistant AG, U.S. DOJ to Nancy P. Jensen, Cap. Region Plan. Comm'n ("Objection Letter 2003-1711 (Plaquemine (Iberville Parish))" (Dec. 12, 2003), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2430.pdf>.

<sup>498</sup> *Id.*

<sup>499</sup> *Id.*

<sup>500</sup> Letter from R. Alexander Acosta, Assistant AG, U.S. DOJ to David A. Creed, Exec. Dir., North. Delta Reg'l Plan. & Dev. Dist. ("Objection Letter 2003-3795 (Delhi (Richland Parish))" (Apr. 25, 2005), <https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/LA-2450.pdf>.

<sup>501</sup> *Id.*

<sup>502</sup> *Id.*

that it had not adopted the plan “with an intent to retrogress the ability of Black voters to elect” their candidates of choice.<sup>503</sup>

### **I. East Feliciana Parish (2011).**

East Feliciana Parish proposed a redistricting plan in 2011 that impaired Black voters’ ability to elect their candidates of choice in one of the parish’s four majority-Black districts.<sup>504</sup> The proposed plan significantly lowered the percentage of Black people in the district’s total population, the district’s voting-age population, and the district’s contingent of registered voters.<sup>505</sup> The DOJ found that the parish’s justifications were pretextual, and concluded that the parish had failed to establish that the redistricting plan was adopted without a discriminatory purpose.<sup>506</sup>

## **C. Louisiana and Its Subdivisions Have Committed at Least Six Voting Rights Violations Through Final Judgments, Consent Decrees, or Settlements Finding Voting Rights Violations or Resulting in the Alteration or Abandonment of a Voting Rule or Practice.**

### **1. U.S. v. Morgan City (2000).**

In 2000, the United States sued Morgan City, alleging that the at-large system for electing members to the city council violated Section 2 of the VRA.<sup>507</sup> After five private plaintiffs filed a similar action,<sup>508</sup> the cases were consolidated and the parties settled.<sup>509</sup> The court entered a consent judgment, finding “a reasonable factual and legal basis to conclude that under the at-large system for election of City Council in Morgan City, minority voters have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.”<sup>510</sup> As a condition of the settlement, the parties agreed that all future elections for the city council would proceed according to a single-member election system.<sup>511</sup>

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<sup>503</sup> *Id.*

<sup>504</sup> Letter from Thomas E. Perez, Assistant AG., U.S. DOJ to Nancy P. Jensen, Garnet Innovations (“Objection Letter 2011-2055 (East Feliciana Parish)”) (Oct. 3, 2011), [https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/l\\_111003\\_0.pdf](https://www.justice.gov/sites/default/files/crt/legacy/2014/05/30/l_111003_0.pdf).

<sup>505</sup> *Id.*

<sup>506</sup> *Id.*

<sup>507</sup> Complaint, *United States v. City of Morgan City*, No. 00-cv-1541 (W.D. La. June 27, 2000), ECF No. 1.

<sup>508</sup> Complaint, *Keeler v. City of Morgan City*, No. 00-cv-1588 (W.D. La. July 3, 2000), ECF No. 1.

<sup>509</sup> Consent Judgement, *United States v. City of Morgan City*, No. CV 00-1541, 2000 WL 36743509,(W.D. La. Aug. 17, 2000) decree modified sub nom. *United States v. City of Morgan City*, No. CV 00-1541, 2000 WL 36743510 (W.D. La. Sept. 5, 2000).

<sup>510</sup> *Id.* at \*3.

<sup>511</sup> *Id.*

## **2. St. Bernard Citizens for Better Gov't v. St. Bernard Parish School Board (2002).**

In 2002, an association of residents sued the St. Bernard Parish School Board to prevent it from adopting a redistricting plan that reduced the Board's size and created two at-large seats.<sup>512</sup> The residents argued that the redistricting plan violated Section 2 of the VRA.<sup>513</sup>

The redistricting plan arose from Act No. 173.<sup>514</sup> The law required St. Bernard Parish, upon the collection of a sufficient number of petitions, to hold a referendum to transform the parish school board from a body composed of eleven members elected from single-member districts to one composed of seven members, five elected from single-member districts and two elected at-large.<sup>515</sup> Parish voters approved the "5-2" plan.<sup>516</sup>

Under the eleven-member single-district plan, it was possible to create a majority-Black district.<sup>517</sup> In fact, before the referendum, the school board had tentatively approved a plan that would have done just that.<sup>518</sup> But the 5-2 plan made a majority-Black district impossible.<sup>519</sup> The court found that the 5-2 plan diluted the voting strength of the parish's Black voters and invalidated it under Section 2 of the VRA.<sup>520</sup>

## **3. Young v. Ouachita Parish School Board (2002).**

In 2002, the Ouachita Parish School Board adopted a redistricting plan that increased the number of school board seats from seven to eight. The plan maintained just one majority-Black district.<sup>521</sup> Plaintiffs brought suit, alleging that the plan diluted Black voting strength and caused a retrogression in Black voters' ability to elect their candidates of choice.<sup>522</sup> In advance of trial, the school board resolved to adopt a compromise seven-

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<sup>512</sup> *St. Bernard Citizens For Better Gov't v. St. Bernard Par. Sch. Bd.*, No. CIV.A. 02-2209, 2002 WL 2022589, at \*1 (E.D. La. Aug. 26, 2002).

<sup>513</sup> *Id.*

<sup>514</sup> *Id.*

<sup>515</sup> *Id.*

<sup>516</sup> *Id.*

<sup>517</sup> *Id.* at \*4.

<sup>518</sup> *Id.*

<sup>519</sup> *Id.*

<sup>520</sup> *Id.* at \*10.

<sup>521</sup> *Young v. Ouachita Parish School Board*, No. 3:02-cv-1644 (W.D. La. Aug. 2, 2002).

<sup>522</sup> *Id.*

member plan.<sup>523</sup> The court found that the compromise plan complied with Section 2 of the VRA and entered a consent judgment approving it.<sup>524</sup>

#### **4. Williams v. McKeithen (2007).**

In 2007, Black residents of Jefferson Parish filed suit against the State of Louisiana, alleging that the method for electing judges on an at-large basis to the First District of the Fifth Circuit Court of Appeals diluted Black voting strength.<sup>525</sup> On July 6, 2007, the Louisiana Governor signed Act 261,<sup>526</sup> dividing the First District into two single-member "election sections."<sup>527</sup> The court entered a consent judgement, confirming that Act 261 provided a framework for resolving the litigation.<sup>528</sup> The court ordered that the action be dismissed, subject to preclearance and implementation of Act 261.<sup>529</sup>

#### **5. Guillory v. Avoyelles Parish School Board (2011).**

In 2011, the Avoyelles Parish School Board held an election that had the effect of disenfranchising Black voters. Parish residents brought suit under Section 2 of the VRA.<sup>530</sup>

The terms of a 2006 consent decree required that at least three members of the nine-member Avoyelles Parish School Board be elected from majority-Black districts.<sup>531</sup> A candidate named Lizzie Ned ran for and won re-election to the Board in 2010 to represent District 6, one of the three majority-Black districts.<sup>532</sup> Days before the election—and after the close of the 30-day pre-election candidate qualification period—the registrar of voters realized that Ned had been improperly informed of her residence, and that Ned resided not in District 6 but in District 4.<sup>533</sup> The Parish held the School Board election despite the error.<sup>534</sup> Thereafter, and in accordance with state law, Ned's seat was declared vacant.<sup>535</sup> Ned's removal left the Board out of compliance with the 2006 consent decree.<sup>536</sup>

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<sup>523</sup> *Id.*

<sup>524</sup> Consent Judgment, *Young v. Ouachita Parish School Board*, No. 3:02-cv-1644 (W.D. La. Oct. 29, 2002).

<sup>525</sup> Consent Judgment, *Williams v. McKeithen*, No. 05-1180, 2007 WL 9676892 (E.D. La. Oct. 31, 2007).

<sup>526</sup> 2007 La. Sess. Law Serv. Act 261 (S.B. 162) (WEST) (2007).

<sup>527</sup> Consent Judgment, *Williams v. McKeithen*, No. 05-1180, 2007 WL 9676892 at \*1 (E.D. La. Oct. 31, 2007).

<sup>528</sup> *Id.*

<sup>529</sup> *Id.*

<sup>530</sup> *Guillory v. Avoyelles Par. Sch. Bd.*, No. 1:10-CV-1724, 2011 WL 499196, at \*1 (W.D. La. Feb. 7, 2011).

<sup>531</sup> *Id.*

<sup>532</sup> *Id.* at \*4.

<sup>533</sup> *Id.*

<sup>534</sup> *Id.*

<sup>535</sup> *Id.*

<sup>536</sup> *Id.* at \*4-5.

A federal district court ordered the School Board to conduct a special election to allow the voters of District 6 to elect a representative of their choosing and to bring the school board into compliance with the VRA and the 2006 consent decree.<sup>537</sup>

## **6. U.S. v. West Monroe (2021).**

In 2021, the United States filed suit against the City of West Monroe under Section 2 of the VRA, challenging the at-large method of electing representatives to the West Monroe Board of Aldermen.<sup>538</sup> Although Black residents comprised nearly 30% of the voting-age population in West Monroe, no Black candidate had ever been elected to the Board.<sup>539</sup> The court entered a consent judgment adopting a “mixed” election method that provided for three single-member districts and two at-large seats.<sup>540</sup>

### **D. At least One Ongoing Lawsuit Could Lead to Additional Findings of Voting Rights Violations.**

#### **1. Allen v. Louisiana (2021).**

In 2019, two individual voters and the Louisiana State Conference of the NAACP filed a complaint in the Middle District of Louisiana, alleging that the apportionment of the Louisiana Supreme Court violates Section 2 of VRA.<sup>541</sup> Although Black voters comprise approximately 30% of the voting-age population of Louisiana, they make up a majority of only one of the seven Louisiana Supreme Court electoral districts (or about 14% of the districts).<sup>542</sup> The plaintiffs seek a second majority-Black district.<sup>543</sup>

The State of Louisiana filed a motion to dismiss the plaintiffs’ claims, arguing that a 1992 consent decree deprived the district court of jurisdiction.<sup>544</sup> An interlocutory appeal to resolve the jurisdictional question is currently pending in the Fifth Circuit.<sup>545</sup>

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<sup>537</sup> *Id.* at \*10.

<sup>538</sup> Complaint, *United States v. City of West Monroe*, Civ. Action No. 3:21-cv-0988 (W.D. La. April 14, 2021), ECF No. 1.

<sup>539</sup> *Id.*

<sup>540</sup> Consent Judgment & Decree, *United States v. City of West Monroe*, Civil Action No. 3:21-cv-0988, at 4 (W.D. La. Apr. 15, 2021). ECF No. 5.

<sup>541</sup> Opening Brief of Defendants-Appellants, *Allen v. State of Louisiana*, Case No. 20-30734, at 6 (5th Cir. Jan. 13, 2021).

<sup>542</sup> *Id.*

<sup>543</sup> *Id.*

<sup>544</sup> *Id.* at 7.

<sup>545</sup> *Id.*

## X. Conclusion

Louisiana's history of racial discrimination in voting is long, consistent, and unmistakable—and replete with white supremacist violence. The State and its localities have repeatedly engaged in efforts targeted—in practice or intent—at denying or diluting Black voters' voices and political power. Where numerous racially discriminatory practices have been struck down or halted by DOJ objections pre-*Shelby County*, Louisiana officials have time and again attempted to reintroduce the same unlawful restrictions or devised new methods to deny Black voters and other voters of color effective, meaningful participation in the political process.

Voting in Louisiana today—and over the past 25 years—is a burdensome, time-consuming process. It is particularly so for Black Louisianans and other Louisianans of color, who are already facing the impact of past and present systemic racism in all areas of civil and political life. In the words of Caddo Parish voter Marilyn: "Voting is important to me. I want to do my part. My mother fought for civil rights and to integrate the libraries in Louisiana. Together we protested to take down the Confederate statues in Louisiana. My mother and so many others fought hard for the right to vote."<sup>546</sup>

Given Louisiana's unrelenting history of abuses against Black residents seeking to assert their political autonomy and gain political representation across the government and in all areas of life, and the State's continued record of racial discrimination in voting, Louisiana must be subject to federal preclearance to protect its citizens of color and their right to political participation, and carry out the as-yet unfulfilled promises of the Fourteenth and Fifteenth Amendments to the U.S. Constitution. H.R. 4 is long overdue.

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<sup>546</sup> Decl. of Marilyn (attached as Exhibit 51).

## Exhibit List

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### A

- Ex. 1. Aaron [Orleans Parish] Decl.....  
Ex. 2. Alaina [Caddo Parish] Decl.....  
Ex. 3. Angela [Rapides Parish ] Decl.....  
Ex. 4. Anne [Jefferson Parish] Decl. ....

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### B

- Ex. 5. Barksdale [Orleans Parish] Decl.....  
Ex. 6. Beverly [Bossier Parish] Decl.....  
Ex. 7. Bradley [Ascension Parish] Decl.....  
Ex. 8. Breka [Caddo Parrish] Decl. ....  
Ex. 9. Britney [DeSoto Parish] Decl. ....

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### C

- Ex. 10. Charisse [Lafayette Parish] Decl.....  
Ex. 11. Charles [East Baton Rouge Parish] Decl.....  
Ex. 12. Checo [East Baton Rouge Parish] Decl.....  
Ex. 13. Christiana [East Baton Rouge Parish] Decl. ....  
Ex. 14. Consuela [Lafayette Parish] Decl. ....

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### D

- Ex. 15. Daniel [Orleans Parish] Decl. ....  
Ex. 16. DeAna [St. Tammany Parish] Decl.....  
Ex. 17. Deborah [Calcasieu Parish] Decl.....  
Ex. 18. Delores [Caddo Parish] Decl.....  
Ex. 19. Donald [Orleans Parish] Decl. ....

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### E

- Ex. 20. Elena [Ouachita Parish] Decl.....  
Ex. 21. Elise [Orleans Parish] Decl. ....  
Ex. 22. Eordonna [East Baton Rouge Parish] Decl.....

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### F

- Ex. 23. Frank [Jefferson Parish] Decl. ....  
Ex. 24. Frederick [St. Martin Parish] Decl. ....

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### G

- Ex. 25. Gay [Orleans Parish] Decl. ....

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### I

- Ex. 26. Irene [East Baton Rouge Parish] Decl. ....  
Ex. 27. Ivy [East Baton Rouge Parish] Decl. ....

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### J

- Ex. 28. Jacinta [Jefferson Parish] Decl. ....  
Ex. 29. Jacqueline [Caddo Parish] Decl. ....  
Ex. 30. James [East Baton Rouge Parish] Decl. ....  
Ex. 31. Jamil [Orange County Cal] Decl. ....  
Ex. 32. Jason [Livingston Parish] Decl. ....  
Ex. 33. Jennifer [East Baton Rouge Parish] Decl. ....  
Ex. 34. Jeremy [Orleans Parish] Decl. ....  
Ex. 35. Jesse [Saint Bernard Parish] Decl. ....  
Ex. 36. Jimmie [Caddo Parish] Decl. ....  
Ex. 37. Joyce [East Baton Rouge Parish] Decl. ....  
Ex. 38. Juan [Jefferson Parish] Decl. ....  
Ex. 39. Juliet [Lincoln Parish] Decl. ....

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### K

- Ex. 40. Kaleena [Jefferson Parish] Decl. ....  
Ex. 41. Kathy [Orleans Parish] Decl. ....  
Ex. 42. Kathy [St. Tammany Parish] Decl. ....  
Ex. 43. Kelly [Lafayette Parish] Decl. ....  
Ex. 44. Kristin [St. John the Baptist Parish] Decl. ....

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### L

- Ex. 45. Lakischia [Jefferson Parish] Decl. ....  
Ex. 46. Latoya [Caddo Parish] Decl. ....  
Ex. 47. Lavern [Claibourne Parish] Decl. ....  
Ex. 48. Lillian [Orleans Parish] Decl. ....  
Ex. 49. Lois [Ascension Parish] Decl. ....

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### M

- Ex. 50. Margaret [East Baton Rouge Parish] Decl. ....  
Ex. 51. Marilyn [Caddo Parish] Decl. ....  
Ex. 52. Martha [Orleans Parish] Decl. ....  
Ex. 53. Michael [Ascension Parish] Decl. ....  
Ex. 54. Michael [Caddo Parish] Decl. ....  
Ex. 55. Michael [Lafayette Parish] Decl. ....  
Ex. 56. Michael [Rapides Parish] Decl. ....  
Ex. 57. Michelle [Jefferson Parish] Decl. ....

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**N**

- Ex. 58. Naomi [Orleans Parish] Decl.....  
Ex. 59. Nick [Tangipahoa Parish] Decl.....  
Ex. 60. Norris [Orleans Parish] Decl.....
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**O**

- Ex. 61. Oakland [St. Tammany Parish] Decl.....
- 

**P**

- Ex. 62. Peggy [Calcasieu Parish] Decl.....
- 

**Q**

- Ex. 63. Queen [Bernard Parish] Decl.....
- 

**R**

- Ex. 64. Rebecca [Calcasieu Parish] Decl.....  
Ex. 65. Reller [Caddo Parish] Decl.....  
Ex. 66. Ricky [Orleans Parish] Decl.....

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**S**

- Ex. 67. Sabrina [Ouachita Parish] Decl.....  
Ex. 68. Singleton [St. John the Baptist Parish] Decl.....  
Ex. 69. Sofia [East Baton Rouge Parish] Decl.....
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**T**

- Ex. 70. Tammy [East Baton Rouge Parish] Decl.....  
Ex. 71. Troyonna [Orleans Parish] Decl.....
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**V**

- Ex. 72. Valarie [East Baton Rouge Parish] Decl.....  
Ex. 73. Vanessa [Orleans Parish] Decl.....  
Ex. 74. Veronica [St. Tammany Parish] Decl.....
- 

**W**

- Ex. 75. Walter [East Baton Rouge Parish] Decl.....  
Ex. 76. Walter [St. Landry Parish] Decl.....

# Exhibit 1

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Aaron [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana, and my residence address is [REDACTED] New Orleans, Louisiana [REDACTED].
3. My wife and I were able to vote in the 2020 presidential election using absentee ballots. It was the first time we had ever used them. Both my wife and I have disabilities. My wife has Psoriatic Arthritis. To vote in person can be difficult for her because she becomes fatigued very quickly. I have a heart condition, so I am limited in how much I can help her. This makes it really tough for us to get out and vote. At the time of the presidential election, we were also very concerned about exposure to Covid-19. After doing quite a bit of research on-line, I realized that we could vote using absentee ballots.
4. We applied for the Automatic Absentee Ballot Program on August 22, 2020. We qualified for that because of our disabilities. As part of that application process we had to provide copies of our driver's licenses and our social security disability benefit statements. Successful completion of this process should have enabled us to receive absentee ballots for all future elections without having to request them again. We received our absentee ballots for

the presidential election within two weeks of the election and both my wife and I were able to vote successfully.

5. In spring, 2021, there was a special congressional election after our congressman, Representative Richmond, accepted a position in President Biden's administration. My wife received her absentee ballot for this election, as expected, but I did not.
6. Prior to the Covid-19 pandemic, even though we have disabilities, we were willing to make the sacrifice and vote in person. Covid-19, however, was still a concern during the special election, and we had not yet received our Covid-19 vaccinations. My wife and I have comorbidities so we did not want to go out in public.
7. I waited until the last minute, hoping that my absentee ballot would arrive, but it never did. When I didn't receive my absentee ballot, even though we had concerns, my wife and I went to the polls to vote. My wife could have voted using her absentee ballot right after she received it, but she decided to wait until my ballot came. Since my ballot never arrived, she had to vote with me, in-person. We decided to vote at the very end of the day, hoping to avoid any large crowds or long lines.
8. I never tried to call to find out where my absentee ballot was. I didn't get much help from the local election officials when I was originally looking

into voting using an absentee ballot, and I anticipated that I wouldn't get much help for this issue either. It took a considerable amount of time and research on the internet to find out that we qualified for automatic absentee ballots due to our disabilities. The program should be better advertised. It should be very clear to all voters that it is possible to always vote using an absentee ballot if you have a disability. Once registered in the program, ballots should always arrive on time and we should be able to vote without any problems. We should receive our absentee ballots in the mail for every election.

9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Aaron [REDACTED]

6/30/2021

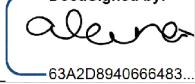
Date

# Exhibit 2

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Alaina [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of the City of Bethany in Caddo Parish in Louisiana.
3. On November 3, 2020, I went with my parents and brother to vote in the General Election. We waited almost two hours to vote at the [REDACTED]  
  
[REDACTED],  
which is not my usual polling place. Previously, I have voted at [REDACTED]  
  
[REDACTED].
4. Although I do not know for certain, I think that my polling place was relocated to [REDACTED] due to the Covid-19 pandemic to allow for social distancing.
5. While my parents were voting, the election commissioners continually admonished them that they had only three minutes to complete casting their ballots.
6. I do not know if my parents took longer than three minutes to vote, but in my view the election commissioners' constant warnings about the three-minute limit were very unprofessional and rude.

7. Election integrity is important to me, but I also believe that every citizen has a right to cast their vote and should not be restricted to doing so in a three-minute time period.
8. After casting his ballot, as my father exited the polling place, he forewarned those waiting in the exceptionally long line about the election commissioners' trying to limit voters to no more than three minutes to cast their ballots. Further, he advised those waiting not to be rushed while voting.
9. I think it is important for every American to vote. In part, I vote to honor both of my grandfathers' service in the Armed Forces. By voting, citizens can preserve and restore American values.
10. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
11. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
12. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
63A2D8940666483...  
ALAINA 

7/19/2021

Date

# Exhibit 3

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Angela █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Rapides Parish in Louisiana.
3. I own a business in Rapides Parish, but I am frequently out of state for periods of three to nine months at a time. Because of my absences from the state, I began requesting absentee ballots for elections in approximately 2003, and I have been voting by absentee ballot since then. I had no problems voting by absentee ballot until the November 3, 2020, General Election (“General Election”).
4. Well before the General Election, I went online and requested that an absentee ballot be sent to me at an address in Michigan, which was where I was temporarily residing at the time.
5. Unlike in prior elections, I did not receive my absentee ballot in a timely fashion. As it turned out, I realized that I would be in Rapides Parish for several days during the one-week early voting period that occurs 14 days to 7 days before each election. Since I had not received my absentee ballot, I contacted the Rapides Parish Registrar of Voters at the phone number posted

on the Rapides Parish Registrar of Voters website at

<https://www.rppj.com/registrar-voters> (318-473-6770).

6. I told the woman who answered the phone that I had applied for, but had not yet received, an absentee ballot for the General Election, and I asked her whether I could early vote since I would be in town during the one-week early voting period. Unfortunately, I do not remember the name of the woman I spoke to, but I believe she was African American, and she sounded like she was an older woman. The woman told me that she checked her records and that I could not early vote since the records showed that I had requested an absentee ballot. She told me that all I could do was wait to receive the absentee ballot, fill it in, and return it to the Registrar of Voters so that it arrived before 4:30 PM on the day before the November 3, 2020, General Election.
7. Because of this conversation, I did not attempt to early vote while I was in Rapides Parish. Instead, I continued to wait to receive my absentee ballot by mail. I grew increasingly anxious as the General Election drew closer and closer, and I still had not received my absentee ballot.
8. Because I was going to be in Rapides Parish again for a two-day visit prior to the General Election, I called the Registrar of Voters to inquire about the status of my absentee ballot. I talked to a different woman this time, and I

believe her name was [REDACTED]. [REDACTED] once again checked the records of the Registrar of Voters, but she told me that the Parish had no record that I had ever submitted a request for an absentee ballot for the General Election. She asked me to give her my temporary Michigan address, which I did. [REDACTED] then told me that I would receive my absentee ballot by mail within two to three days. She encouraged me to call her when I arrived in Rapides Parish. She promised that if I called her before I came to the Registrar of Voters with my absentee ballot, she would meet me on the corner by the courthouse and take my absentee ballot so I would not have to worry about whether the mail slowdown would cause my ballot not to arrive in time to be counted.

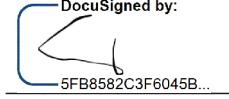
9. Unfortunately, however, I did not receive my absentee ballot before I traveled to Rapides Parish, so I was unable to make arrangements with [REDACTED] to hand her my absentee ballot.
10. I did not receive my absentee ballot until November 1, 2020, one day before the deadline by which absentee ballots had to arrive at the Registrar of Voters to be counted. I knew that there was no way that my mailed ballot would arrive in time, so I checked to see if I could take my absentee ballot to a local Michigan precinct. However, I discovered there was no way to arrange a transfer of my absentee ballot from Michigan to Louisiana, so I

went to the post office to mail my absentee ballot to the Rapides Parish Registrar of Voters.

11. I did not return to Rapides Parish again until about November 22, 2020. The day after I returned, I went to the office of the Registrar of Voters to determine whether my absentee ballot had arrived in time to be counted. I spoke to three women in the office about my attempts to vote in person and my telephone conversations with people at the office. The women checked their records and told me that my absentee ballot had never been received at the office of the Registrar of Voters.
12. They also told me that no one in their office would have given me the information that I claimed I had received. First, they told me that no African American woman worked at the office of the Registrar of Voters, and that no one would have told me that I could not vote in person because this information was incorrect. They explained to me that I could have easily early voted in person. All I needed to do was tell the Election Commissioner at the polling place that I had not received my ballot, and the Election Commissioner would have cancelled the absentee ballot and allowed me to vote. Second, they told me that no one at their office would have told me that they would meet me outside of the office to accept delivery of my absentee ballot because this was not allowed. I asked the women if they

were calling me a liar, and I showed them the call list on my smartphone, which indicated I had placed calls to their office number, 318-473-6770. Their only response was that no one from their office would have told me what I know I heard because the information was incorrect.

- 13.** I vote regularly in most state and federal elections because voting is both my right and my responsibility. When I was unable to vote in the 2020 General Election, I felt that I had been robbed of this right. I am so upset by what happened that I am not sure that I will ever try to vote again.
- 14.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 15.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 16.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
5FB8582C3F6045B...  
Angela [REDACTED]

7/14/2021

Date

# Exhibit 4

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Anne [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish in Louisiana.
3. I am a registered voter and I have voted in every election since I first registered to vote at age 18, more than 40 years ago. Voting is important to me. I just want it to be fair: “I don’t want special treatment; I just want it to be fair and equal for everybody.”
4. I always vote early because I am a nurse and I work 12-hour shifts. I prefer to vote in person; I am afraid to vote absentee, because my ballot may not get delivered in time.
5. On October 16, on the very first day of early voting in 2020, I arrived one-half hour before my polling place opened at [REDACTED]  
[REDACTED], Louisiana. The lines were already wrapped around the building, as seen in Exhibits A-C, photos from the New Orleans *Times-Picayune* newspaper.
6. On this occasion, during the COVID-19 pandemic, there was no social distancing in evidence at the polling place, and the other people in line were only 12-24 inches away from me and from each other. There was one small

sign about eight by eleven inches stating that people should maintain a safe distance, but there was not enough room to do that. If we had been appropriately distanced, we would have been all the way in another parish!

7. During the seven and one-half hours that I waited in line to enter the polling place, I observed that the lines were wrapped four to five times around the building, and they had chains to keep the lines separated. Fortunately, I had brought some water and snacks.
8. When I finally entered the polling place, there was a long hallway leading to the poll workers. There were only eight voting machines, and eight voters at a time were allowed into the room.
9. I was able to cast my ballot because of my own determination and willingness to wait seven and one-half hours, but I believe it is a deterrent to voting for voters to stand in line so long.
10. In 2012, I went to my usual polling place for the Presidential election, and, while in line, I was bothered by persons going from voter to voter down the line, saying, "Who are you going to vote for?" These persons were too close to the front door of the polling place, and I felt very uncomfortable with their questions.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

- 12.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 13.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
38E9ED36936A43B...  
Anne [REDACTED]

7/13/2021

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Date

## Exhibit A

Photograph of voters separated by chains under a tent, awaiting entry to vote  
at [REDACTED], Louisiana,  
October 2020 (*New Orleans Times-Picayune*)

8:07 31%



Discover   Snapshot   Search   Collections   More

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## Exhibit B

Photograph of voters in line wrapped around [REDACTED]  
[REDACTED], Louisiana, October 2020 (New Orleans *Times-Picayune*)



|||

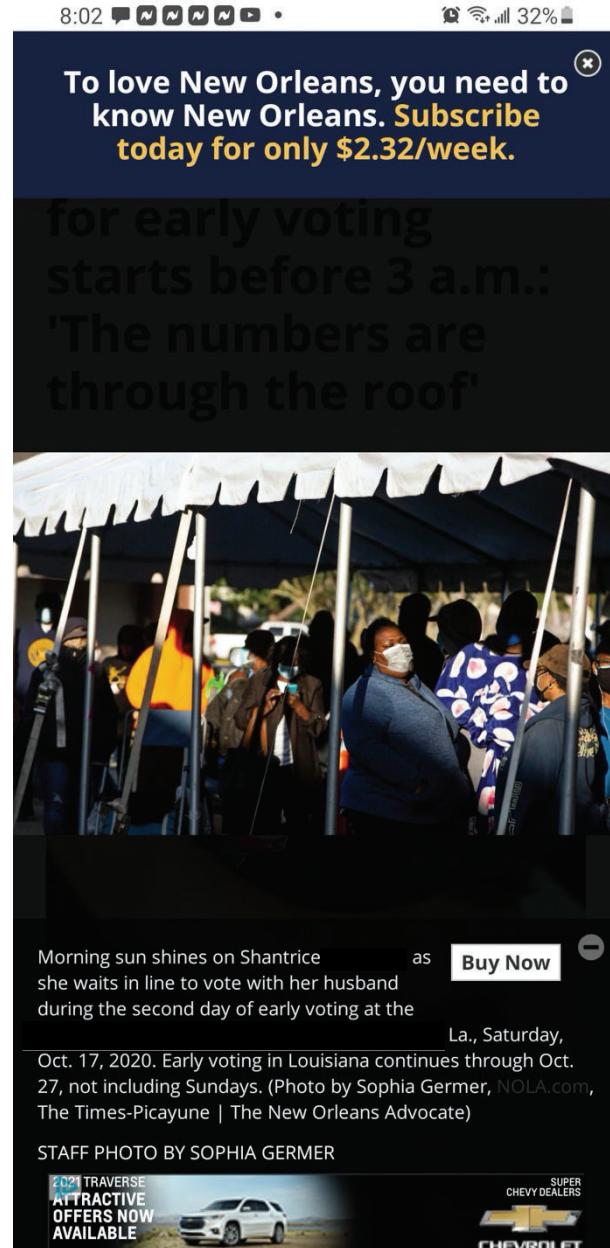
□

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## Exhibit C

Lines for voting were already forming before opening time at [REDACTED]

[REDACTED] (New Orleans *Times-Picayune*)



STAFF PHOTO BY SOPHIA GERMER



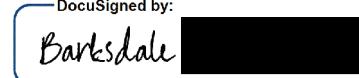
# Exhibit 5

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Barksdale [REDACTED] I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in the state of Louisiana.
3. I make a point of voting in every election. Over the years, I have voted in person. In a recent primary - I believe it was the Presidential primary of 2016 - I was unable to vote because the poll workers would not give me a provisional ballot when I asked for one. It was necessary for me to ask for a provisional ballot because I had attempted to change my party affiliation from "No Party" to "Democrat" in order to vote in the primary, my first primary since voting at that location. In Louisiana, one must be registered with one of the parties running candidates in the primary. However, because of the Office of Motor Vehicle's assignment of a driver's license with an incorrect audit number and because you must input the driver's license audit number to change party affiliation, I had been unable to change my affiliation prior to the deadline. Accordingly, my name did not appear on the voter roll at the polling place. I believe that I had made a reasonable and legitimate effort to switch my party affiliation (Democrat) and should therefore have been allowed to vote that day (at least provisionally).

Nonetheless, I was told I was unable to cast even a provisional ballot. I was able to get my license reissued with the correct audit number and changed my party affiliation before the next election.

4. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
5. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
6. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
466A388F28E94AC...  
Barksdale 

7/13/2021

DATE

# Exhibit 6

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

- 1.** My name is Beverly [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
- 2.** I am a resident of Bossier City, Louisiana.
- 3.** Voting is important to me —it's how we voice our opinion. I first registered to vote and started voting when I was 18. Since then, I have voted in most of the elections that took place over the last 17 years (I am now 35 years old).
- 4.** During one election held sometime between approximately 2016 and 2018 (I can't recall the exact date), I went to my polling place to vote as I had done in prior elections. However, this time one of the election commissioners told me I was not on the list of registered voters. This was very surprising to me as I had been registered to vote and had voted at the same polling place before. As I was not on the list, the election commissioner refused to allow me to vote. They said I could re-apply to register to vote but that it was too late to register for that particular election. I was never told why that happened, and I was disappointed that I was not able to vote.

- 5.** I did re-register in ample time before the next election. Since then, I have made it a practice to check before each election to make sure I am still on the list of registered voters. So far, I have not had the same problem again.
- 6.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 7.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 8.** I declare under penalty of perjury that the foregoing is true and correct.

[REDACTED]

Beverly [REDACTED]

7/23/2021

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Date

# Exhibit 7

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

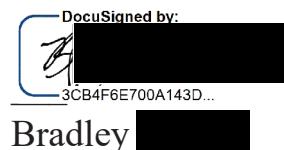
1. My name is Bradley ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Ascension Parish in Louisiana.
3. Voting is important to me because my vote is my voice as an American. I am most concerned with local elections because decisions of my local officials affect me every day of my life.
4. I moved from Florida to Louisiana in 2014. I registered to vote without any problem when I got my Louisiana driver's license.
5. When I moved from Florida I was already walking with a cane, and with great pain and difficulty, due to a neurological condition that was not yet diagnosed. I was still employed full time, and my employer was flexible about my taking time to vote and take care of other important appointments.
6. By 2016, my condition had deteriorated to the point where walking took extra time and caused me severe pain. I asked for an absentee ballot and explained my condition. But the voting registration officials argued with me that I could still get to the polls for early voting in person, so they would not provide an absentee ballot. They said I would have had to get my doctor to certify in a letter that I could not get to the polls at all, to get an absentee

ballot. At that point, most weeks getting to work and back home took just about all the time and energy I could muster, and it was extremely burdensome to do anything more, such as go to another doctor's appointment to get a letter. Moreover, I would have had to pay for a visit to the doctor to get the letter. I was still trying so hard not to be declared totally disabled. I probably could have qualified by then, but I was trying not to go that route.

7. I finally gave up and went to the polling place at [REDACTED] [REDACTED], Gonzales, LA [REDACTED], on the Friday before Election Day 2016. I took half a day off from work to do it. Although there was no long line, the polling place was in the gymnasium of the school. There was a long walk from the parking area to the polls, and I was walking slowly with my cane. It was burdensome and painful, but I did vote.
8. By the end of November 2016, my condition had deteriorated to the point that I could no longer get out of bed. Since then, I live with my parents and leave the house only to go to medical appointments.
9. For the 2017 municipal elections I started the process to get an absentee ballot, and it took a great deal of effort. I sent in a copy of my Social Security Disability Determination to justify my application. Since I was living with my parents by then, I had witnesses for my ballot. I also voted an

absentee ballot for the 2018 mid-term election. In 2019, I believe there was only one item on the ballot, a local sewer project question, and I believe I skipped that election.

10. For the 2020 election, I did not receive my ballot, which was supposed to be sent to me in the mail. Finally, about a week before the election, I called the Ascension Parish Clerk of Court's office to tell them I had not received it, and I was told they did not think I needed an absentee ballot anymore. Nobody had told me I had to re-apply or ask for the ballot, either previously or before this election. They did send it to me right away after I called, and I was able to vote. But I wish they had told me I had to ask for it even after I had established my permanent disability.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.



Bradley [Redacted]

7/1/2021

Date

# Exhibit 8

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Quanittia Shambrika Dennis, also known as Breka Peoples. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Caddo Parish in Louisiana and I currently [REDACTED]  
[REDACTED], Shreveport, Louisiana [REDACTED]
3. I recently moved to this address, but for the 2020 General Election I was registered to vote in DeSoto Parish and my address at that time was [REDACTED]  
[REDACTED], Louisiana, [REDACTED], where my mother also lives.
4. I am an African American and community activist and I am the founder of The People's Promise <https://thepeoplespromise.com>, which is a community outreach program that aids citizens in various ways to address equality including voting rights. In the 2020 general election, my own voting experience was without incident. My experience in supporting others to vote, however, ended up in my being charged on two counts of prohibited acts during early voting, turning myself in, and posting \$1,000 bond. I am currently waiting for my trial date, which is scheduled for September 16, 2021.

5. On October 17, 2020 the first Saturday of early voting I arrived at 11:00 am at the DeSoto Parish Registrar of Voters Office at 104 Crosby Street in Mansfield, which was one of two DeSoto Parish early voting locations.
6. While waiting in line I noticed that poll workers at the front of the line were directing Caucasian voters to the voting machines but for African American voters, particularly young voters, they handed them paper ballots. I found this odd because in 2019 Louisiana implemented new touchscreen voting machines available to all Louisiana voters.
7. When I saw a young black voter who had just voted, I asked her if she was able to use a voting machine. She replied that she was handed a paper ballot which she filled out and handed back to the poll worker.
8. I waited in line for just 10 minutes and when I reached the front of the line, I was given the choice to vote using a machine or filling out a paper ballot. I voted and had no problems.
9. When I got home, I immediately posted on Facebook what I had observed at my polling place. I also called [REDACTED] Parish Police Jurors [REDACTED] and [REDACTED] as well as [REDACTED] Councilwoman [REDACTED] to inform them that poll workers were inconsistent in how they offered voters the option to vote by machine or paper ballot. The Police Jurors moved

quickly to find out what was going on and to alert the African American community and politicians.

**10.** Later in the day on October 17<sup>th</sup> Councilwomen [REDACTED] contacted me to help her organize a “March to the Polls” of both African American and Caucasian men for later that day. Because of my work with The People’s Promise I have access to a large constituency of voters that I was able to contact.

**11.** We were able to rally 100 men who convened a little after 3:15 pm at various locations including the Northwest Voters League Campaign Headquarters on Johnson Street, the DeSoto Parish Library parking lot across the street from the DeSoto Parish Registrar of Voters Office polling place and the Clista A. Calhoun Center behind the DeSoto Parish Registrar of Voters Office polling place. They marched together with me and members from NAACP and Northwest Voters League to the DeSoto Parish Registrar of Voters Office polling place arriving a little before 3:30.

**12.** The men were in business suits, fully masked and not one of them was wearing or displaying shirts, hats, buttons or signs that stated the name of any political party. Pastor [REDACTED]. took a 12:43 minute cell phone video of voters marching to the DeSoto Parish Registrar of Voters Office polling place, which he then posted on Facebook. The video went viral and KSLA picked it

up and included it in an on-line news story about me. Attached as Exhibit A is a link to KSLA's website page that shows the 12:43 minute cell phone video of voters marching to the DeSoto Parish Registrar of Voters Office polling place (the last video on the webpage).

**13.** As we were approaching the polling place, [REDACTED] Parish Registrar of Voters [REDACTED] came out of the building and confronted me and said that I can't be within 600 feet of a polling place while actively campaigning. She called me by my name even though I do not know this woman and said that I cannot organize anything here. She made threatening remarks and then started screaming at me to get off the premises or she was going to have me put in jail. She accused me of trying to influence voters.

**14.** I told her that she was taunting me and that I was going to call [REDACTED] [REDACTED] She then said that she was going to call the Secretary of State and proceeded to do so with her cell phone. Even though at this point I had left the premises she continued to follow me across the street threatening me while getting in my personal space. She also called the Louisiana State Police. A screenshot from KSLA News video of [REDACTED] Parish Registrar of Voters [REDACTED] on her cell phone is attached as Exhibit B.

**15.** Some voters who had marched to the polls to vote that day stayed and were able to vote but others ended up leaving before voting because they felt threatened by what they saw happening to me.

**16.** On Monday October 19th Louisiana State Police responded to [REDACTED] [REDACTED] call and showed up at the Registrar of Voters Office to talk to her to get details of her complaint against me. A photo of [REDACTED] with the Louisiana State Police is attached as Exhibit C.

**17.** The following week Saturday, October 24, 2020, I organized 100 Caucasian and African American women to vote. We had on site an investigative reporter and cameras. All of these women were able to vote.

**18.** While I was at the polling place with these women, I saw a voter park his truck that had a huge and very visible Trump flag and Confederate flag on the back right by the side of the building. He went inside to vote, came out, got in his truck and drove, parading around the building where voters were in line. A deputy sheriff on site asked him to leave but he continued parading around the building in his truck. Two photos of the voter's truck with a Trump flag and a Confederate flag are attached as Exhibit D.

**19.** On Wednesday October 28th, late in the day the Louisiana State Police called my mom to warn her that District Attorney Charles Adams and State Attorney General Jeff Landry intend to arrest me on 2 charges of electioneering and

that I should turn myself in and pay the \$1,000 bond. The Louisiana State Police informed my mom that they had subpoenaed my Facebook Page and my cell phone as follow up to [REDACTED] accusations that I had threatened her by saying that I was going to kill her. The Louisiana State Police also told my mom that they could not find any evidence to support [REDACTED] accusation.

- 20.** When I found out about the call to my mom, I immediately called [REDACTED] [REDACTED] to inform him of the situation. I also called my attorney [REDACTED] who advised me to wait until the following morning to turn myself in because if I had turned myself in that day, I would have had to spend the night in jail. The following day Thursday, October 29<sup>th</sup> I showed up at the DeSoto Detention Center and paid the \$1,000 bond.
- 21.** Since posting my \$1,000 bond my family and I have been followed all around town including into restaurants by the deputy sheriffs, who took photos of me and my family and posted them as well as other intimidating remarks on Facebook on what I think is a made-up page with the name [REDACTED]. One posting reads “Breka how-that court date sounding now.” A photo of what I think is the made-up Facebook page for [REDACTED] with the Posting “Breka how-that court date sounding now” is attached as Exhibit E.

**22.** In late May of 2021, I received notification in the mail at my former address of my arraignment date which was set for June 2, 2021. The date of this notification was May 20, 2021 which was seven months after I had posted bail, a delay which I believe is a violation of my due process. A copy of the May 20, 2021 Notification of Arraignment is attached as Exhibit F.

**23.** On June 2, 2021 a deputy sheriff knocked on my mom's door and presented her with a second notification of my arraignment date which was now set for July 8, 2021, my birthday. On July 8, 2021 I went to court and was given a trial date of September 16, 2021. A copy of the June 2, 2021 Notification of Arraignment is attached as Exhibit G.

**24.** What I find disturbing are the inconsistencies in enforcing the laws against active campaigning. I have been accused of electioneering for using a bullhorn and wearing a mask with the name Gary Evans, the district attorney who was running for re-election. As described below, these are false accusations. Yet the voter circling the polling location in his truck with a Trump flag and a Confederate flag was not apprehended.

**25.** When I arrived for the "March to the Poll," I parked my car on the far side of the DeSoto Parish Library parking lot along Burden Alley. I got out of my car with my mask with the name Gary Evans in my pocket and proceeded to use

my bullhorn stating that these black and white men have come out to vote in unity. I was nowhere near the polling place.

**26.** I marched with the voters wearing no mask. When [REDACTED] Parish Registrar of

Voters [REDACTED] came out of the building to confront me, I saw that she was not wearing a mask. When she got in my personal space, it was then that I put on my mask with the name Gary Evans but I wore it inside out.

Screenshots from KSLA News video of me, the first showing I am not wearing a mask and the second showing I am wearing the Gary Evans mask inside out, and one photo of me taken after the “March to the Polls” wearing the mask with the name Gary Evans, are attached as Exhibit H.

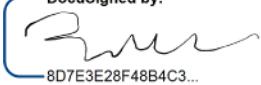
**27.** What has happened to me over the past 9-10 months doesn’t seem real but as an African American woman I know that I must keep fighting for justice and for the rights of my community as that is the only way we can prevail. We must continue to push back against the intimidation and constant attempts at stripping us of our constitutional rights, especially the right to vote, because if we don’t act then voters will be discouraged from voting.

**28.** I hope that what I have endured and what I must face going forward with these false charges against me will motivate others to mobilize and keep pushing for justice starting with voting because when we all vote we win.

**29.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

**30.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**31.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
8D7E3E28F48B4C3...

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Quanittia Shambrika Dennis, also known as Breka Peoples

8/11/2021

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Date

## **Exhibit A**

KSLA's website page showing the cell phone video of voters marching to the  
DeSoto Parish Registrar of Voters Office polling place

<https://www.ksla.com/2020/10/29/activist-arrested-electioneering-bails-k-bond/>

### Exhibit B

Screenshot from KSLA News video of [REDACTED] Parish Registrar of Voters  
[REDACTED] her cell phone



**Exhibit C**

Photo of [REDACTED] with the Louisiana State Police



## Exhibit D

Two photos of voter's truck with a Trump flag and a Confederate flag



### Exhibit E

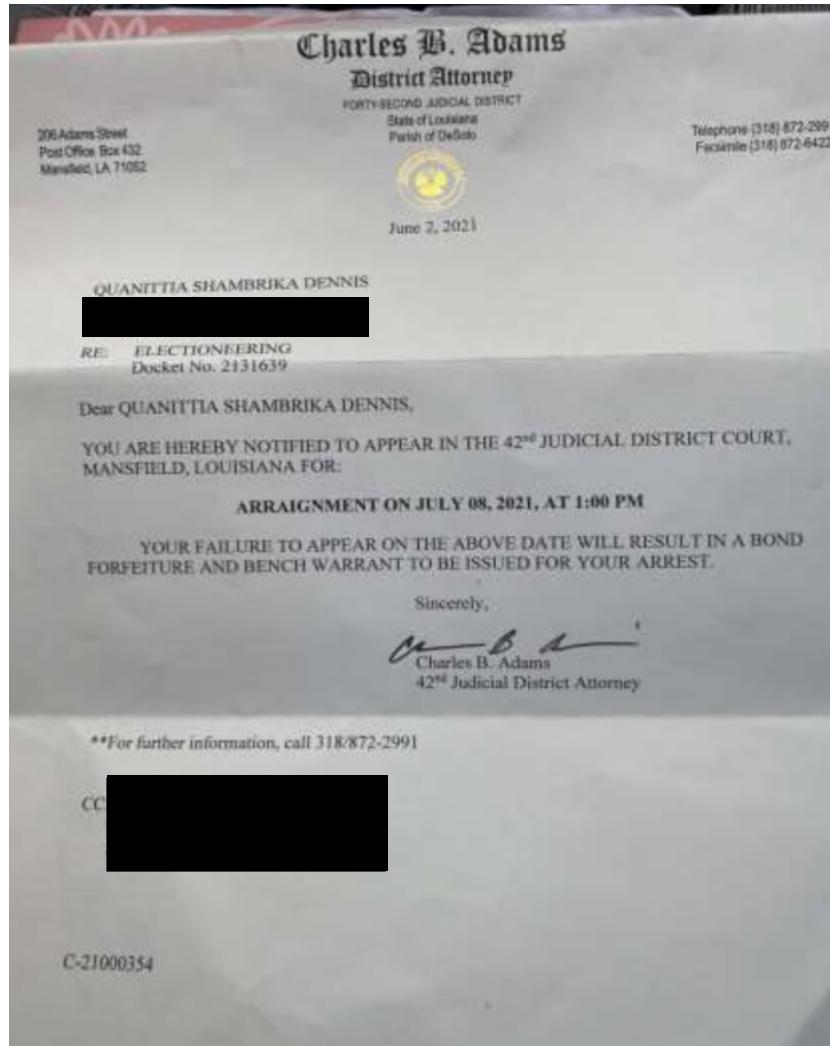
A photo of the made-up Facebook page for [REDACTED] with the Posting  
“Breka how-that court date sounding now”



**Exhibit F**  
**Copy of the May 20, 2021 Notification of Arraignment**



**Exhibit G**  
**Copy of the June 2, 2021 Notification of Arraignment**



### Exhibit H

Two screenshots from KSLA News video of me, the first I am not wearing a mask and the second I am wearing the Gary Evans mask inside out



### Exhibit H

One photo of me taken after the “March to the Polls” wearing the mask with the name Gary Evans



# Exhibit 9

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Britney [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of DeSoto Parish in Louisiana.
3. I am an active, registered voter. As an African American living in the deep south, I know that many people were injured and died to secure the right for African Americans to vote, and I take my responsibility to vote seriously.
4. I drive my mother to early vote in every election because my mother does not feel comfortable going to the polls by herself. We generally early vote on a weekend day because I am an attorney and am often unable to take time off during the work week.
5. During the last day of early voting in October 2015, at about noon, my mother and I headed to the polling place located at the [REDACTED]  
[REDACTED], Louisiana. I parked my car, and we walked across the parking lot to stand in the line of people outside the polling place who were waiting to vote.
6. As we approached the building, an older African American gentleman arrived there at the same time. The three of us stood on the sidewalk waiting

for others inside to finish voting. At that moment, there were no available voting machines.

7. As we stood waiting, the older gentleman remarked to me that it was his first time voting. He was about sixty years old, with friendly eyes and a nervous smile. I congratulated him.
8. The gentleman responded that he did not know what to do when he got to the voting machine. He was holding a piece of paper, folded lengthwise, with what I assumed were his chosen candidates' names. I assured him that voting was an easy process. We continued chatting, and he mentioned that he had a young son at home. I told him to be sure to let his son know that he had voted.
9. It was then that a man in a gray suit approached and stood in front of my mother, the gentleman I was talking to, and me. The man in the gray suit stated loudly, "You can't talk about that." He eased his suit jacket back to show a badge displayed on his waist and then said, "I'm an investigator with the state." I did not recognize the badge, and the man did not identify the agency he worked for.
10. Surprised and annoyed, I told the man that he had no right to interfere with our conversation about the general principle, and importance, of voting. The

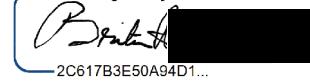
man then said that he investigated voter fraud. I continued to challenge his authority to interfere with a lawful conversation between two citizens.

11. At this point, the older gentleman spoke up as well, telling the man who identified himself as an investigator that he had no right to interrupt our conversation. The older gentleman then turned to me, crumpled up the paper he was holding, and said, "I don't have to deal with this."
12. I placed my hand on the older gentleman's shoulder and urged him to stay in line and not to let this man who identified himself as an investigator stop him from voting. The older gentleman listened to me and decided to remain in line and to vote. The man who identified himself as an investigator stepped away from us, but he continued to stare at us.
13. Once some of the voting machines were free, my mother, the older gentleman and I entered the polling place, cast our votes, and exited the building. As we said our good-byes, the man who identified himself as an investigator was still staring at us.
14. My mother and I both found this experience extremely disturbing. It made me angry that a white man challenged three African American voters. It also made me realize that the hand of history holds tight. It was extremely intimidating for us to have a white man warn us not to chat about the importance of voting, tell us that he was investigating voter fraud, and then

stare at us as we exercised our right to vote. It made me realize that anyone can be targeted by people who want to keep people of color from voting—including a practicing lawyer like myself or a first-time voter like the older gentleman I was talking to. In my community, there are a number of people, like my mother, who are afraid to go to their polling place alone, and who are concerned that there may be people at the polling place who will try to keep them from voting.

15. This experience in 2015 was the only time that I personally experienced an obstacle to voting. However, I work in a building in [REDACTED], which is adjacent to [REDACTED], and during early voting for the November 2020 general election, I observed lines at this polling place that were extremely long.
16. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
17. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**18.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
2C617B3E50A94D1...  
\_\_\_\_\_  
Britney [REDACTED]

7/2/2021

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Date

# Exhibit 10

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Charisse [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Youngsville, Louisiana, Lafayette Parish.
3. Voting is very important to me. Sometimes I vote early and sometimes I vote on election day.
4. In 2014, I lived and voted in Abbeville, Louisiana, Vermillion Parish, a poor rural small town. There I voted in a little 50'x50' building owned by the [REDACTED]. There was no air conditioning and it was hot and gross, but at least there was not a long line and my wait time was only 30 minutes.
5. In 2018, I was living in Maurice, Louisiana, Vermillon Parish, another poor rural small town, and I went to vote in the Statewide elections for the Governor's re-election on election day at [REDACTED]. I had to go back three times! I went before work and saw that the line was really long, so I went to work and came back on my lunch hour. The line was still long. I could not believe that there were so many people. Maybe 300 waiting in line to vote. I went back to work and then I left work early to try to vote again; this time I brought something to eat for waiting in line to try to vote again.

6. It was around 4:30 p.m. when I noticed that there were voting tables for two precincts but there was no one in the other line, and there were 8 poll voting booths that were not being used. I didn't understand what was going on so I went and asked one of the poll workers about it. I was baffled about why people were forced to stand in line when there were booths not being used. I was told to get back in line and that the other empty line was for another precinct. I was very upset about the situation and being told just to get back in line. I stood in line for about 5 hours to be able to finally vote; I voted and left around 9 p.m.

7. I voted early in the run-off election for Governor in November 2019.

I drove 45 minutes to the [REDACTED] in Abbeville to avoid the long lines I remembered from the 2018 election. There were no lines.

8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**10.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
3EC1F24CAF714AE...

Charisse [REDACTED]

7/12/2021

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Date

# Exhibit 11

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Charles [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in the state of Louisiana.
3. I prefer to vote early, and in the November 2020 election, my daughter had to drive 6 miles to the polling place because the one that was close to me (next door) had been closed. On Election Day itself, they opened the nearby polling place.
4. There were only three polling places for early voting in Baton Rouge. I was dependent on my daughter to drive me there, which is not always convenient for her due to her work schedule. I am a disabled veteran, blind in one eye and practically unable to see out of the other. My granddaughter is allowed to assist me with voting. I am going to vote, no matter what. No one or nothing is going to stop me. There are some people in government who are trying to suppress voting. “This is America. I fought for this country and did two tours in Vietnam”. My wife and I vote in every election; we never miss.
5. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

6. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
7. I declare under penalty of perjury that the foregoing is true and correct.

 DocuSigned by [REDACTED]  
[REDACTED] 432...  
Charles [REDACTED]

7/11/2021

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Date

# Exhibit 12

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Checo ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I am a formerly incarcerated person. I was released from prison in 2003.
4. In my capacity as Policy Director of Voters Organized to Educate, I worked with VOTE to pass Act 636, which allows people who have been out of prison for five years but remain on probation to register to vote.
5. When Act 636 became effective on March 1, 2019, I was able to register to vote by providing the East Baton Rouge registrar with a certification letter from my Probation & Parole office that confirmed I met the requirements to register to vote that are imposed by Act 636.
6. Act 636 does not require the Department of Corrections, the Probation & Parole offices, or the Louisiana Secretary of State to notify formerly incarcerated people when they meet the requirements of Act 636 and can once again register to vote. As a result, VOTE has been working hard to get out the word that people who have been out of prison for five years, but remain on probation or parole, now can register to vote. In Baton Rouge, the Probation & Parole office allowed VOTE to put up notices in its offices and

to enter its offices to provide personal assistance to formerly incarcerated offices. NOLA has also advertised on radio and elsewhere.

7. Despite our offices, many formerly incarcerated people still do not know, or do not believe, that they have the right to register to vote. I believe this is because these individuals have been told for decades that they cannot register to vote as long as they are in prison, on probation, or on parole. In addition, there is all kinds of misinformation about Act 636 on social media and elsewhere.
8. Educating formerly incarcerated people in Louisiana about their right to register to vote under Act 636 will be a long, slow process, but VOTE and other nonprofit organizations are working hard to get the word out, and to help formerly incarcerated people work their way through the steps that Act 636 requires to allow them to register to vote.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**11.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
D9DCC3DCD8754C8..

Checo [REDACTED]

8/10/2021

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Date

# Exhibit 13

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Christiana [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. In the United States, both Native and African Americans have been subjected to severe disenfranchisement, which has made voting a priority and strict tradition in my family.
4. My first time to vote was in the state election in 2019. I am a student at Howard University in Washington, DC so I needed to vote absentee.
5. I am a military cadet, but I was not eligible for the military absentee ballot since I am not on active duty.
6. I applied for an absentee ballot. Instead of receiving one, I received a notice (which I wish I had kept to prove this) that I was not eligible to vote out of the state lines since I was a first-time voter.
7. I was denied an absentee ballot on short notice, so my mother insisted on flying me home to vote in the Louisiana gubernatorial election in November 2019. She had to pay about \$800-900 for the ticket. That year I came home for one day in early November, and, in order to be frugal, I didn't go home to be with my family at Thanksgiving.

- 8.** I live in District 2, the only district in Louisiana, of which I am aware, that has a Black representative. Although nearly a third of Louisianans are Black, representation in our state government does not reflect this.
- 9.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 10.** I understand that in giving this Declaration, that I am not represented by a lawyer. Nor has any lawyer asked me to be their client or to serve in any way as anything other than a witness in this litigation.
- 11.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
4A9CE77614D2499...  
Christiana [REDACTED]

8/4/2021

\_\_\_\_\_  
DATE

# Exhibit 14

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Consuela ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Lafayette, Lafayette Parish in Louisiana.
3. I am employed by Voice of the Experienced (“VOTE”) as a chapter organizer in Lafayette. Among other things I reach out to formerly incarcerated persons (“FIPs”) to teach them about their right to vote and to help them to register to vote.
4. I am a formerly incarcerated person, and served 22 years in prison. Voting and the rights of people who have been touched by the criminal system are important to me. I started volunteering with VOTE in 2017, a few months after I got out of prison. I was hired as a full-time employee at VOTE in 2019.
5. Under Louisiana’s Bill 636 and the recent cleanup Bill 378, FIPs have the right to vote after they have been out of prison for five years, or when they get off parole if that is a shorter amount of time. I will be eligible to register to vote in December and I can’t wait to do it.
6. For me the biggest hurdle to getting voters registered is education. Many FIPs have been eligible to vote for years but do not know that they have the

right to vote. In Lafayette, we often set up and meet FIPs when they are being released, or at the probation office when they are meeting their officers, so we are not meeting people with transportation problems that could get in the way of their getting the certificates that they are eligible. FIPs, in my experience, often have transportation issues. It also seems like the parole officers in Lafayette are beginning to let FIPs know when they qualify.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Consuela [REDACTED]  
6891B576F573422...  
\_\_\_\_\_  
Consuela [REDACTED]  
8/10/2021  
\_\_\_\_\_

Date

# Exhibit 15

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Daniel [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana. My residence address is [REDACTED]  
[REDACTED], New Orleans, Louisiana [REDACTED].
3. The hardest part of voting for me was registering. If you have been incarcerated you have to get paperwork from the Louisiana Department of Public Safety and Corrections before you can register to vote. The paperwork verifies that you completed your sentence and any supervision like parole or probation. After I was incarcerated, this paperwork was supposed to be sent to me automatically, but it wasn't. This presents a problem because it is difficult to get these documents when you have to get it from the parole officer.
4. It can take a long time to get the necessary paperwork from your former parole officer. If the parole officer no longer supervises you, they don't have a reason to respond right away when you request the paperwork. Or the parole officer may have moved away. People in the Justice system also are just overworked.

5. I was fortunate because I was a caseworker at a nonprofit called First 72+, which provides reentry support for those formerly incarcerated. My office was located at the courthouse, and sometimes I saw my parole officer in the building. This gave me the opportunity to follow up with him about getting my paperwork.
6. I knew two judges at the courthouse who worked with our organization. My parole officer knew that the judges knew me, and he knew that they would find out if he didn't follow through on giving me my paperwork. However, I still didn't get it until one of the judges spoke to the parole officer's supervisor.
7. I had an easier time than many who have been incarcerated, but it still took 6 months for me to obtain the paperwork I needed to register to vote.
8. Once I had my paperwork, I was able to register to vote. I voted in the 2018 election.
9. In the 2020 election, I went to vote at the [REDACTED] in New Orleans during the early voting period. I went after work and had to wait 2 hours in line. Many people could not wait that long and had to leave before voting.
10. I believe it is extremely important to vote. You see what happened in the past 4 years. Some people want to bring about an unfair way of life, and you

have to vote them out. Everyone has got to take a stand. People are angry, but they need to take that energy and go vote. You have to line up with those you believe in.

**11.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

**12.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness in this litigation.

**13.** I declare under penalty of perjury that the foregoing is true and correct.



DANIEL [REDACTED]

7/9/2021

\_\_\_\_\_  
DATE

# Exhibit 16

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is DeAna [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of St. Tammany Parish in Louisiana.
3. I voted in the 2020 National Election on the first day of early voting. It was a day off from work for me; October 16, 2020. When I arrived at about 10 a.m. there already a two hour wait to get to the voting booths. The line wrapped around the building, and spilled into the parking lot. Although the weather was relatively comfortable, I imagine nearly everyone would get fatigued after standing on their feet for two hours, wearing a mask.
4. The commute from home to my job is over 45 minutes. Had I come from work and been made to stand in line for that long at another time, I don't think I would have had the endurance to wait. I would likely not have voted that day and would have had to come back at another time.
5. I have voted at the same location in past elections and have no recollection of the time I spent in lines waiting to cast my vote taking over 15 minutes.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
DeAna [REDACTED]  
A4CEBCBCE99453...

DeAna [REDACTED]

7/6/2021

---

Date

# Exhibit 17

## **DECLARATION UNDER PENALTY OF PERJURY**

### **PURSUANT TO 28 U.S.C. § 1746**

1. My name is Deborah [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Calcasieu Parish in Louisiana. My residence is [REDACTED] [REDACTED], Lake Charles, LA [REDACTED].
3. I registered to vote when I moved to Louisiana about seven years ago and registered for my driver's license. Receiving my voter registration went smoothly. My voting experiences since then have not been so smooth.
4. I am partially handicapped and require a cane for walking. I was not aware that I could vote absentee. My polling station at [REDACTED] [REDACTED], is not handicapped accessible. I needed to climb stairs to vote. I was never offered any assistance. I do not believe that people using wheelchairs would be able to vote in person at my precinct at all. I would go to vote midday to avoid the longer lines. Even at those quieter times, I needed to wait 20-30 minutes each time to vote. There was no accommodation to allow those with accessibility issues a streamlined voting experience.
5. For the 2018 elections, my neighbor mentioned that she votes absentee, and I qualified to do so as well. The process to request and receive an absentee

ballot went smoothly. I called to request an absentee ballot and it came timely.

6. However, I misunderstood the instructions for completing my ballot. I thought I only needed a witness' signature if I, myself, could not sign my name. The Board of Election called me when they received my ballot and told me it was incomplete. I was required to come down to the Old Courthouse to secure a signature for my ballot. The address the clerk provided over the phone must have been a mailing address because it was not the street location for the building entrance. It took me some time to figure out where I could park that was close enough to walk.
7. The 2020 Election was the most difficult voting experience of all. Calcasieu Parish was hit with two major hurricanes – Laura and Delta – within the span of 6 weeks in August and September. There were mandatory evacuations, and I was among the multitudes of people displaced and relying on Red Cross housing support. I was more fortunate than some people who had lost all their belongings.
8. Voting is very important to me, and I called the Board of Elections when early voting opened in October to find out what I should do. I was still evacuated in New Orleans in Orleans Parish, 3 hours' drive from my home. The Board of Elections official told me that evacuees were to vote in Orleans

Parish. I drove with a girlfriend, her cousin and her 98-year-old uncle. The first voting location we tried was a school with an enormous line. We decided to try voting at [REDACTED] instead. The line there was also enormous. My friend dropped off her cousin, her uncle and me at the handicapped line and went to the parking area that was a far distance away. When my friend arrived from parking the car, the polling attendant refused to allow her to vote with us. Since she did not want to leave us waiting for her, she instead waited for us to finish voting and she had to return a separate time to cast her ballot.

9. We reached the front of the line at [REDACTED] only to be directed to another table with a couple of people in line. There was some confusion as to what we needed to do and whether we could vote. In the end, I was told that Calcasieu residents would not be allowed to cast ballots in Orleans Parish, contrary to the guidance I had received over the phone from my Calcasieu Board of Elections.

10. I was outraged and frustrated, but very committed to exercising my right to vote. I called Fox News and another TV news affiliate to report my experiences, no one called back. I reached my Representative, Congressman Clay Higgins. His aide told me to call my Board of Elections, which I had already done. He offered no additional help. I asked the Red Cross if

transportation would be provided to enable the Calcasieu residents to drive the 3 hours back to our home county to vote. There was no such assistance. Most evacuees probably wouldn't be able to make that trip as they had so many other troubles with all their property destroyed and had no transportation. The best I was able to do was to call an attorney friend of mine in Calcasieu. He personally arranged transportation for residents willing to make the trip back to their home county to vote.

11. I drove myself the three hours there and the three hours back. Everyone who was able to get back to our hurricane devastated county had to vote at the Calcasieu Convention Center. The line there was also enormous. There was a separate line for people with mobility issues. That expedited line took me 20-25 minutes to vote.
12. The disenfranchisement of all the evacuees, facing so many other hardships, and my own experience in exercising my right to vote, should not have been ignored by the people in power. They had the responsibility to help us exercise this right but did not take it.
13. This experience has so deeply upset me that I am providing this declaration while in the hospital following a heart procedure.

**14.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**15.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
[Redacted]  
7E8  
DEBORAH [Redacted]  
7/13/2021

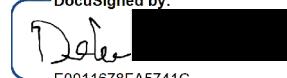
DATE

# Exhibit 18

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Delores █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Caddo Parish in Louisiana.
3. I always vote as voting is very important to me.
4. In November 2016, during the presidential election, I went to vote at my usual downtown polling place, █████, where I had voted for many years.
5. When I was in the voting booth, before finally selecting “yes” to submit my ballot, I reviewed all of the candidates I had selected, as well as my personal details, and saw that I was listed as a Republican. This was wrong, as I have always been registered as a Democrat.
6. At that point, I stopped what I was doing and called for help, as I did not want to be listed with the wrong party registration.
7. The polling place supervisor said she would fix the problem, and had me sit and wait. I had to wait for an hour.
8. I was then told by the supervisor that the problem was fixed. I was not shown that this was the case, or asked to do anything else. I do not know if my ballot was completed and submitted at that point.

9. I am very concerned about having my voter registration changed without my notification or permission.
10. I have checked and my registration is now correct, listing me as a Democrat.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Delores [REDACTED]

7/2/2021

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Date

# Exhibit 19

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Donald ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans County in Louisiana.
3. I am a formerly incarcerated person and I was released from prison on parole in 2013.
4. While I was incarcerated, I was a tutor and self-help, pre-release instructor, working with other prisoners to help them establish self-help goals, earn GEDs, complete job preparation and public speaking courses, and invigorate their self-esteem.
5. I am currently working as a ██████████. In that role, I work with many formerly incarcerated people to help them find housing and jobs and to help them register to vote.
6. I am on parole. Because I pay a supervision fee of \$67 per month, meet other requirements and because of COVID-19 restrictions, I no longer have to report to the Probation and Parole office each month, and a parole officer no longer visits my residence once each month. Instead, I either report to my parole officer, or my parole officer visits my residence, once every six months. Each of these visits lasts less than five minutes, and I am required

to pay a supervision fee of \$67 per month to the state of Louisiana for these visits.

7. When I was released from prison in 2013, it was not possible for a formerly incarcerated person like me to register to vote until their probation or parole (“community supervision”) period ended. In 2018, however, I learned that the state of Louisiana had passed Act No. 636 (“Voting Law”), which allows formerly incarcerated people on community supervision (probation or parole) to register to vote, so long as they have not been in prison for the last five years, and that this new law would take effect in March 2019.
8. I was excited that I would finally be able to restore my registration and to vote, especially because there was an important gubernatorial election in Louisiana in November 2019 and there was a presidential election in 2020. I wanted to make my voice heard by voting in these elections, as well as other future elections. I researched the Voting Law and learned that I would have to obtain a Voting Rights Certification (“Certificate”) from my parole officer to be able to register to vote.
9. After the Voting Law became effective in March 2019, I asked my parole officer to provide me with the Certificate at one of our monthly meetings at the Probation and Parole Office. I had taken a picture of the Certificate and I showed it to him on my phone. My parole officer said he did not know

anything about the Certificate, but that he would look into the matter and get back to me.

- 10.** My parole officer did not get back to me about the Certificate before our next monthly meeting at the Probation and Parole Office. I asked him again about the Certificate at that meeting. He said that he still had no information about the Certificate, but that he would discuss the matter with his supervisor.
- 11.** When I had not heard from my parole officer about the Certificate before the next monthly meeting at the Probation and Parole Office and my parole officer still did not have the Certificate, I asked to see his supervisor. My parole officer checked to see if his supervisor was available and told me that the supervisor would meet with me. I went to the supervisor's office, and he printed the Certificate, signed it, and returned it to me. I have attached my Certificate as Exhibit A.
- 12.** I was then able to go to the Orleans Parish Registrar of Voters, present the Certificate, and about 15 days later I received a notice that I was registered to vote. However, this was three months after I first requested the Certificate to which I was clearly entitled. There was no reason for this delay because the information which the supervisor was required to certify was readily available in the records of the Probation and Parole Office.

- 13.** In my role as a [REDACTED], I have learned that many other formerly incarcerated people have encountered even more difficulty registering to vote. Because the Probation and Parole Office did not seem to be informing formerly incarcerated people who have been out of prison for five years of their right to register to vote, or providing them with the required Certificate, organizations like VOTE-NOLA have been working in our communities to spread the word about the new Voting Law and to let formerly incarcerated people know when they have the right to register to vote. We help formerly incarcerated people who meet the requirements of the Voting Law register to vote online and tell them that to complete their registration, they must then obtain a Certificate from the Probation and Parole Office and present it in person to the Registrar of Voters. If the formerly incarcerated person does not have access to a car, we will drive him or her to the Registrar of Voters.
- 14.** Even though informing formerly incarcerated people of their rights under the Voting Law and helping them register to vote is a priority for VOTE-NOLA, there are many formerly incarcerated people who still are not aware of their rights under the Voting Law, and therefore remain disenfranchised.
- 15.** Even formerly incarcerated people who become aware of their rights often are unable to register to vote. Many formerly incarcerated people have

informed me that the Parole and Probation Office will not issue a Certificate because the person has not paid his monthly supervision fees. This does not appear to be a requirement to issuance of the Certificate since it is not included in the Certificate.

- 16.** Recently I have not heard of formerly incarcerated people in Orleans Parish who have encountered problems or delays when they request the Certificate. However, I do not know whether formerly incarcerated people in other parishes continue to experience issues when they request the Certificate.
- 17.** I am concerned that there may still be issues in other parishes. For example, sometime in late 2019 or 2020, I received a call from someone in St. James Parish who asked if VOTE-NOLA could send a team to register people to vote. She told me that when a formerly incarcerated person tried to register to vote at the St. James Parish Registrar of Voters, he or she was told that they could not register to vote until they presented the Certificate. However, when the formerly incarcerated person returned to the Registrar of Voters with the Certificate, the Registrar of Voters took the Certificate but still was not processing the person's registration application.
- 18.** The requirements of the Voting Law are clear, and the information contained in the Certificate is readily available to each parish's Registrar of Voters, which forces me to conclude that the obstacles that are placed in the way of

formerly incarcerated people who seek to restore their voting rights are just another form of voter suppression.

- 19.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 20.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 21.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
Donald [REDACTED]  
5F74E3B7527A431  
Donald [REDACTED]

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7/29/2021

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Date

## Exhibit A

### Voting Rights Certification

STATE OF LOUISIANA  
DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONS  
BATON ROUGE, LOUISIANA

VOTING RIGHTS CERTIFICATION

03/18/19

File: [REDACTED]

This letter certifies that DONALD [REDACTED] is:  
 not or is no longer under an order of imprisonment for conviction of a felony, or  
 under an order of imprisonment for conviction of a felony, but has not been incarcerated within the last five years pursuant to that order, and is not under an order of imprisonment related to a felony conviction for election fraud or any other election offense pursuant to R.S. 18:1461.2.

Please be aware that in order to register to vote or have your previous registration reinstated, you must appear in the office of the registrar of voters (unless you meet the in-person exceptions in La. R.S. 18:177(A)(2) related to disabilities) and provide this letter showing that you are either not or no longer under an order of imprisonment or, if under such an order, that you have not been incarcerated pursuant to the order within the last five years and you are not under an order of imprisonment relating to a felony conviction for election fraud or any other election offense pursuant to R.S. 18:1461.2.

Respectfully,

[REDACTED]

---

CERTIFICATE OF CORRECTIONS OFFICIAL

I certify that the above information is true and correct based upon the information contained in the Department of Corrections electronic data management system.

[REDACTED]  
(Signature)

3/18/19  
(Date)

[REDACTED]  
(Print Name)

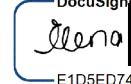
[REDACTED]  
(Print Title of Corrections Official)

# Exhibit 20

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Elena ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Calhoun, Louisiana, Ouachita Parish.
3. In October of 2020, after work, not far from my home, I waited about thirty minutes to cast my vote in the preliminary election, only to find that I was not allowed to vote. I live in a small community, and my polling place is small with not many voting machines. When I arrived at the front of the voting line, the poll worker told me I could not vote because I did not have a party selected (Democrat, Republican, Independent) on my voter's registration card. I was told I could not vote until the November general election. This made me feel frustrated and confused because I was never instructed about this.
4. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
5. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

6. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Elena [REDACTED]  
E1D5ED74FF284EB...  
Elena [REDACTED]

7/20/2021

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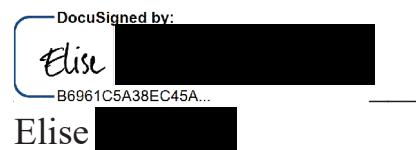
Date

# Exhibit 21

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Elise [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. I have been registered to vote in Orleans Parish since I was 18 years old.
4. I was a college student in California between 2015 and 2019.
5. I requested an absentee ballot from Orleans Parish for all presidential, gubernatorial and senatorial elections, and for most local elections, occurring during this period.
6. I requested my absentee ballot using an online process (Turbovote), which appeared to function properly.
7. After the first time, when I realized I had not allowed sufficient time for the ballot to arrive and be returned by the deadline, I made my absentee ballot requests at least 6 weeks before the election date.
8. At least two times thereafter, the ballot arrived too close to election day for me to return it in time. In one case, the ballot arrived in California after the election. In another case, it arrived the day before election day. In neither case would I have been able to return the ballot in a timely fashion.

9. In the other elections, I assume that my absentee ballot arrived timely and was counted. I never received any confirmation.
10. I voted in person in Orleans Parish at least once before I went to California for college.
11. I was both frustrated and disappointed by my inability to vote in those elections where my absentee ballot was not sent in time for me to return it before the deadline.
12. I have voted in person in Orleans Parish since returning to Louisiana in 2019.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.



Elise [REDACTED]

7/2/2021

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Date

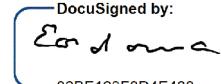
# Exhibit 22

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Eordonna [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I have lived in Louisiana my entire life. I am sixty-nine years old, and I have voted in every election since I turned eighteen.
4. My current voting location is [REDACTED], which is 2.6 miles away from my home. Prior to that, I voted at a [REDACTED], which is only two blocks from my home. The location changed around six years ago. In order to get to [REDACTED], I have to cross a very busy six-lane intersection.
5. I am fortunate enough to own a car and can drive myself there, but if I did not, I would either have to ride the bus or walk. The bus ride would take a couple of hours and require me to change buses. Walking would be incredibly dangerous, as I would have to cross six lanes of traffic.
6. Shortly after my voting location was changed, I took my aunt to vote early at the parish Clerk of Court's Office. While there, I complained to an employee that [REDACTED] could be very difficult or dangerous for some voters to reach. I was told that the school was under the distance

specified by the Louisiana Department of Justice, and that what mattered was whether it was within a certain radius from home, not how easy the location was to reach. This answer made me angry. It almost felt as if they were trying to make voting more difficult.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
02BE123F0D4E480...  
Eordonna

7/13/2021

---

Date

# Exhibit 23

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Father Frank [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish. I currently live at [REDACTED], Metairie, Louisiana [REDACTED].
3. I am 72 years and have Myesthenia Gravis (MG), a neuro-muscular, an autoimmune condition whereby my body destroys the communication between my nerves and muscles, causing muscle fatigue very easily. This has affected my breathing, ability to swallow, and my vocal folds are no longer functioning. This has made trying to speak very taxing.
4. Due to my MG, I was forced to retire as Pastor of [REDACTED]. However, I am still involved with the parish and receive my mail at [REDACTED], [REDACTED], Metairie Louisiana, 70001, even though I now temporarily reside at [REDACTED], [REDACTED], Metairie Louisiana 70003, [REDACTED], [REDACTED], where the Pastor is my primary caregiver.
5. However, I am registered to vote at my former rectory at [REDACTED], [REDACTED], Metairie. After I moved to [REDACTED], I had a terrible fall and broke my wrist and elbow. I had surgery in January 2020 to repair my wrist and elbow followed by physical therapy to be able to restore the use of both joints.

6. At first, I thought that I might need to change my voter registration address. Because of the surgery, I was unable to change the address on my driver's license to my interim address, which would have been necessary to change my voter registration. Fortunately, I didn't need to change my address and was able to vote by absentee ballot.
7. My MG has noticeably affected me over the past 5 years. When I became weaker and needed to use a rollator walker, I would go and vote early so I would be able to take my time. This is how I managed to vote up until two years ago when I have needed an electric wheelchair to get around.
8. I realized that it would become more cumbersome to vote in person, and decided to try to vote by mail. I saw the announcements on TV about it and made the effort to obtain an absentee ballot.
9. I first inquired about an absentee ballot by phone. Given my difficulty with speaking, this was very trying. I eventually emailed the election office in my parish. I had to email two times before I received any confirmation that they had received my request. (I no longer have the emails). It took numerous attempts to finally receive the necessary paperwork. I was finally able to register and to vote by mail and have done so since the 2020 election.
10. I have since received a mailing from a source I don't remember which stated that voting changes were coming which would affect my voting by mail and

that I would have to reapply. I never thought of keeping the mailing and immediately threw it away. Given my health status, I am worried it will be difficult for me to vote in person in the future and should be allowed to have an absentee ballot without having to reapply. I may have to re-register to continue to be able to vote and given my health status, this will be very difficult. This is most frustrating.

- 11.** I am an American Citizen who sees voting as a moral responsibility in order to continue to be a part of our society. I believe my vote and my voice count. Voting is not just a right but also a responsibility of every citizen. To be a republic “Of the People and For the People”, making voting accessible to all eligible voters is paramount. Making voting easy, including less restrictive and complicated ways to vote by mail, should be available to every citizen. I feel that there are some people in my position who would not have been so persistent in their attempt to receive an absentee ballot.
- 12.** Not being able to vote would restrict my participation in the democratic process. I am a student of history and having sound valid information and the freedom to vote is vital to our country. The continued fight for human rights is not only here but also around the world. Freedom to vote without hindrance or coercion is important for a democracy to function properly.

13. My great-grandfather, grandfather and father were all career soldiers as were many of my uncles. They fought in WW2, Korea and Southeast Asia and my nephew and cousins in the Middle East. They fought for us to have this right to vote.
14. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
15. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
16. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
4F78E40DB85542B...  
Frank [REDACTED]

7/12/2021

\_\_\_\_\_  
Date

# Exhibit 24

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Frederick [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Saint Martinville Parish.
3. I am 49 years old and have been in the restaurant business for 35 years. I currently am [REDACTED]  
[REDACTED]. I identify as Asian and am married with two children.
4. As a minority in the Deep South, I have never experienced any difficulties voting. I have always received multiple updates via the U.S. Postal Office when my voting locations have changed. The staff at the voting precinct has always been helpful. Louisiana has a good website and app (GeauxVote) that allows you to locate all the information you need with regards to voting information and Louisiana voting laws.
5. It is also very easy to register in Louisiana. When I renew my driver's license there is a box I can check to update my address. Soon, thereafter, I receive my voter card. I have been a registered voter in Louisiana since 1998. I moved once and my voter card followed me. I have voted at my current address since 2006.

6. In the past, my voting place was less than 200 yards from our house. The voting was in a separate building which accommodated two different voting precincts. My voting place is now located at an elementary school. I voted there in 2020. After that election, a judge ordered that the school close because of a desegregation case which dates back to 2016. The school just recently closed. The physical building is still there.
7. I am concerned about where my new voter location will be. Generally, if there is a change in voting location, we get a card in the mail which highlights where the new location is. The last time this happened was in 2012 and I was notified about the location change. However, so far, I have not received any information about my new location.
8. There are currently no proposed changes in Louisiana voting laws that I am aware of. I want to make sure that Louisiana doesn't get a "bad rap" since our Secretary of State handles things well. There are currently multiple ways of getting information about voting through both talk radio and social media. In general, the news sources in Louisiana are very good.
9. However, we need to make it easier for people to vote. I wish there would be a national election holiday. That would really help working class voters who now have to miss work if they want to vote early or vote on Election Day. My concern for some working class voters is that if they do not watch the

news or listen to local radio stations, they may never receive the information they need, or worst yet, only receive biased or implicitly biased information.

- 10.** I also think that early voting should be extended beyond the seven full days.

I have a lot of family members who take advantage of early voting. For example, there are many farmers in my extended family. They harvest sugar in the fall through January when the national elections take place. Early voting has been a blessing for farmers. But, they need the time to vote early. The weather has a lot to do with how easy or difficult it is for these farmers to leave their farms to vote. Increasing the number of early voting days beyond the current seven days would be extremely helpful.

- 11.** My parents were from the Philippines. Voting is important to me because I

grew up hearing the stories about the experience of my immigrant parents.

They remember that their vote in their native country didn't really count.

They instilled in me that voting was important. It is one of the rights we have as Americans that we take for granted. I truly believe that being born in America is equivalent to winning the lottery. I know the opportunities we are born with here are countless compared to other places like the Philippines.

Here in America, one can take advantage of these opportunities to better their chance of success.

12. Voting is the most basic right that we, as Americans take for granted. Other countries don't have this right which I why I want to speak up about the importance of voting. It is part of our civic duty to vote and reinforce the idea that in our country every vote counts.
13. I am concerned that there is the perception that the right to vote in Louisiana will be restricted. I try to share the knowledge I have about voting with others so they, too, can exercise their right to vote.
14. It would also be important to engage younger people and others in the workforce about the importance of voting. This can happen by making it easier, not harder, to vote.
15. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
16. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
17. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
82FA41EB523F42...

Frederick [REDACTED]

7/14/2021

Date

# Exhibit 25

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Gay [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. When I went to my polling place to vote in the presidential primary election in 2020, I was kept from voting because of my name changing when I got married.
4. Before the primary, I went through the process of changing my name to my new married name in various government records and documents. I went to Social Security to get a new Social Security card. After I received my new Social Security Card, I took that to the Office of Motor Vehicles to get my driver's license and voter registration updated. That was about a week before Election Day when I went to the OMV.
5. When I went to vote, I hadn't received a new voter registration card yet, but I brought several pieces of identification so I could vote. I took my new driver's license, my new Social Security card, and my birth certificate, and explained that when I remarried, my name had changed from Gay [REDACTED] to Gay [REDACTED]. The poll worker told me that I could not vote because I didn't have a photo ID with a name that matched the voter registration he had for

me in the records. The registration he had for me in the records was under my previous married name, so that didn't match my new driver's license, which was my photo ID, or my new Social Security card or my birth certificate, which I had also brought with me.

6. The poll worker said that I could have used my old driver's license that had my previous name on it. But that was no use - I didn't have my old license anymore because I had to turn that in to get my new license with my new name.
7. The poll worker did not offer me the option of voting a provisional ballot, and he did not tell me there was any other way I could vote besides showing a photo ID with my old name on it.
8. Voting is important to me. It's my right and they took that away from me. Being a Black woman, I know that people lost their lives to make sure that I had that right.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**11.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
368A768B25634BA...  
Gay [REDACTED]

7/11/2021

---

Date

# Exhibit 26

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Irene [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I am a long-time voter and prior to my disability I voted in person. I was also a long-time poll worker. At this point, I am basically reluctant to concern others with taking me to the polls.
4. The 2020 Presidential election was my first experience with absentee voting. I am 80 years old and received the ballot in the mail without requesting it. I completed the ballot and returned it in the mail. However, my ballot was mailed back to me with instructions that I needed a co-signer. I did not understand that I needed a co-signer when I submitted my ballot. If it did, I would have asked my son to sign my ballot. He does not live with me but comes over often to help me out and could easily have signed the ballot.
5. I did not complete and return the ballot as requested. At the time that just became an additional burden added to the pain from the arthritis that I was experiencing. Because of my age and disability, I focus on doing the things I have to do.

6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

  
Irene [REDACTED]  
7-19-2021  
Date [REDACTED]

# Exhibit 27

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Ivy [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Baton Rouge, East Baton Rouge Parish, Louisiana.
3. For my entire life I have understood that voting is important. My parents talked about the importance of voting, and when I was a child they would take me with them when they went to vote.
4. Despite this, I have never voted. I went to prison when I was seventeen years old and served twenty-six years, two weeks, and five days. I was [REDACTED]

[REDACTED]

[REDACTED] [REDACTED] [REDACTED]

[REDACTED]

[REDACTED]. I am still on parole, so under Louisiana law I am not eligible to register to vote until five years after my release.

5. It was hard to find good work after release from prison, but my prayers for a full-time job with meaning and purpose were answered when Voice of the Experienced (“VOTE”) hired me as a community organizer. September 2021 will bring my second anniversary there.

6. One of my most important responsibilities as a community organizer is helping formerly incarcerated people (“FIPs”) register and vote. Under Louisiana’s Bill 636 and the recent clean up Bill 378, FIPs have the right to vote after they have been out of prison for five years, or when they get off parole if that is a shorter amount of time. They must, however, first go to the probation office and get a letter saying that they meet the requirements to register. Then they have to go to their local registrar, who must confirm their eligibility before registering them. My job is to support them through all of this.
7. While the law does not require FIPs to go the probation office in person, we find that when FIPs ask for the records to be mailed, the records almost never arrive.
8. Having to show up at the probation office is a real burden for many FIPs. First, many of them do not have cars, and they may not have good access to public transportation. Second, many have jobs where they are not able to get, or don’t dare ask for, time off to go to the probation office to get a record or to go register to vote, and they may not have time off work during the hours when these offices are open. They may also have family needs that make it difficult to go to these offices when they are open. All people, and especially FIPs need to work, and FIPs need to earn an honest living and

stabilize their finances. These people would not be able to register and vote without our help arranging transportation, checking to make sure that they have all the identification and other evidence they need, overcoming their reluctance to go to a place like the probation office where they may have been mistreated before, and going with them as they get the probation information and register to vote. Every week, several times a week, I hear complaints about these hurdles to registration for FIPs and work to help them overcome them. All these obstacles are especially hard for people who have not had success in the voting system and may not believe their vote will make a difference.

9. As an example I think of an FIP who called during the important 2020 gubernatorial election. She and her husband did not have transportation and hadn't been able to get a ride to the polls. I drove to get them in my own car. This made me nervous because I did not know them at all, but where I still could not vote I believe this is giving me a voice.
10. A much as I thought voting was important when I was a child, I did not yet grasp the full importance of voting back then. Going to prison, seeing how laws affect people and communities (especially Black communities), and seeing how people can work to change laws makes me understand how

important voting is. I think of all of the people who have shed blood and lost their lives getting the right to vote for all citizens.

- 11.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 12.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 13.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
Ivy [REDACTED]  
9AC74B0414074BC...

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Ivy [REDACTED]

7/27/2021

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Date

# Exhibit 28

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jacinta [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish in Louisiana.
3. For the November 2020 election, I decided to go to Early Voting at [REDACTED] [REDACTED] in Jefferson Parish. I felt it would cut down on time in line. It was Friday, October 23<sup>rd</sup>. It was a hot, sunny day. I decided to pull my hair up inside of a cap. I did not bring a purse or pouch with me. When I arrived, there was a line outside the building and there were barricades up to create the space for a line. There was shade covering a portion of the line.
4. I had to stand in line outside for about 40-45 minutes before reaching the automatic doors of the building. I did notice a male acquaintance of mine ahead of me by about 12-15 people, and he noticed me. At those automatic doors, there was a male police officer standing. He was repeatedly saying to “Have your IDs out.” or “Have your IDs in your hand.” I could hear him say this throughout the time I was in line. I decided to put my ID in my right back pocket so that I would not drop it. I noticed that some people in line had their ID in their hands and some did not. I watched people ahead of me

go into the building to vote without speaking to the police officer or without the police officer touching or reading their IDs.

5. I am 34 years old, and I am someone who has been voting since I was 18. My mother was a poll worker, so I even remember going to the polls before I could vote. I have been to this Jefferson Parish building on [REDACTED] [REDACTED] before. I know that at this location that I will have to walk down a long hallway, about 25 feet, and go to a specific table for my address. It is at this table where I am required to check-in and show my ID.
6. When I reached the automatic doors to the building, the police officer said to have the ID out. I pulled it out and quickly flashed it at him and said something like “I feel more comfortable having this in my back pocket.” And then I put it back into my pocket.
7. Then, all of the sudden, the police officer stepped in front of me and allowed the automatic doors to close so that no one could go into the building. He said “I’m not letting you in until I see the ID.” I understand that a police officer is there for security. But I was concerned that he was going to make it seem like I was non-compliant. Nothing like this had ever happened to me before. I was worried that I was going to be denied the ability to vote. I did not think I did anything wrong by putting the ID back into my pocket, as I knew I would have to be in line for at least another 10 minutes in the inside

hallway before reaching the table. For some reason, this police officer stopped me, and I do not know why he stopped me.

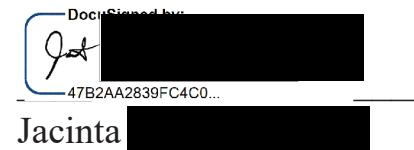
8. The police officer would not move, and he said something like, “I’m not letting you in until I see the ID”. I said to the police officer something like “I don’t have to show it to you” or “You don’t need to see it”. Other people behind me in line said things aloud to the officer like “C’mon” and “You can’t be serious” because they were supportive of me going into the building. Eventually, I presented my ID to the police officer, and he began to read it. I was not sure why he was taking so much time to read my ID, and I was not sure whether he was memorizing the address. I was afraid he might come to my house later.
9. As the police officer was reading the ID, I said clearly, “Sir, step away. I am going around you. I didn’t break any law” and “If you want to arrest me, go ahead and arrest me and make headlines.” And then I must have grabbed the ID out of his hand, put it back in my pocket, and I went into the building. My acquaintance, who was still standing in the voters’ line in inside hallway saw that something was going on.
10. Once I waited in line inside and arrived at the table to present my ID, I asked the woman checking me in if there was a supervisor of the police officers at this location, because I want to talk about what happened to me. She

pointed to another woman in a white shirt who was a police officer. This woman, a police supervisor, just happened to be standing nearby. She noticed us looking at her and she walked over. I said that I would like to speak to her. She said, "I'll speak to you outside." I understood her request because they want to keep the polling place quiet. She meant she wanted to speak to me after I was done voting.

11. After I finished voting, I went outside the building. I saw the police supervisor and my male acquaintance both waiting for me. At this time, I also glanced over at the automatic doors and saw that the male police officer who stopped me was not visible; he was no longer by the automatic doors.
12. My acquaintance and I both spoke to the police supervisor. Over the course of the conversation, he said that he knew me and that he saw what happened to me at the automatic doors. I told the police supervisor what happened, and I told her I never had this happen to me before at a polling place. I asked, "What were the laws?" and "Is a police officer supposed to deny voters entry or approach voters?" Over the course of the conversation she admitted, "No, he's not supposed to do that."
13. Ultimately, I felt that the police supervisor heard my situation and took care of my need. I am assuming someone from the police removed the male police officer from being in front of the automatic doors while I was inside

voting. It may have been the police supervisor since she was already outside the building when I finished voting.

14. I did not appreciate that there was a police officer refusing some people entry before they could get to the desk to vote. I also think it is discouraging to people in line to see voters being approached by a police officer who is reading information from their ID. I wonder what could happen on another Early Voting Day.
15. The impact of this particular male police officer stopping me is very memorable. Since then, I recall seeing his picture on the TV news. It was a story about excessive force by a Jefferson Parish police officer.
16. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
17. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
18. I declare under penalty of perjury that the foregoing is true and correct.



Jacinta [REDACTED]

7/13/2021

---

Date

# Exhibit 29

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jacqueline [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Caddo Parish in Louisiana. For nearly 30 years I have lived at [REDACTED] in Shreveport, LA. I work as a budget analyst.
3. For the November 2020 General Election, I decided to vote early. On the first Monday of the early voting period I went to my voting place, the [REDACTED] [REDACTED] in downtown Shreveport. It was the only early voting polling place in Caddo Parish. Voting began at 8 am but I arrived an hour early hoping to avoid long lines so I could get to work on time. But already there was a long line, and it was growing longer by the minute. Because of the line, I knew I would not be able to get to work on time. The line eventually became so long that it wrapped around the building, about four blocks long, and looped back almost far enough to meet the beginning of the line.
4. The worst part of waiting was that it was so cold. I was wearing a coat, gloves, and a scarf, which I wrapped around my head and neck. I still felt extremely cold. Another problem was the need to go to the bathroom. I managed to get someone to hold my place in line twice so I could dash to

use the restrooms in my office building. I felt lucky to have that option. People were complaining about the cold and the long wait as we stood in line, watching as voters at the front of the line were let into the building in groups of 20. It was so cold, for so long, that I felt really frustrated with the entire situation.

5. My turn finally came at 10:30 am, almost three and a half hours after my arrival. Once I was let into the building voting went smoothly, and I appreciated the warmth. But my hands were still so cold from standing outside that I could barely sign my name. I was afraid that my shaky signature would look so unlike my previous signatures that someone might suspect it was fraudulent.
6. No one in an official capacity apologized for the long wait. I knew that Caddo Parish was initially intended to have two voting locations, but I was told that a disagreement on the second location had caused that plan to fall through, leaving just the [REDACTED] site. I later called the Secretary of State to complain about the failure to provide a second site, or otherwise accommodate voters. No one should have to wait more than three hours to vote.
7. I give this Declaration freely, without coercion, and without any expectation of compensation or reward.

8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
 [REDACTED]  
3A20436BBU4B4FD...

Jacqueline [REDACTED]  
6/29/2021

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Date

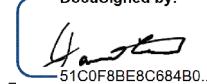
# Exhibit 30

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is James ██████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge in Louisiana.
3. Sometime in early or mid May, while I was traveling in Mississippi, my wife informed me that I received a Letter of Irregularity from the East Baton Rouge Registrar of Voters informing me that my voter registration was being cancelled due my being deceased. A scan of the letter is attached to this Declaration as Exhibit A.
4. I clearly am not deceased nor have any other agencies or banks informed me that I am showing up deceased in their records.
5. I am also unaware of any voting irregularities as I have voted in every election since moving to Louisiana in 1997 and have been at the same address for that entire time.
6. The letter informed me that I had 21 days to appear at the clerk's office in person only to prove that I was alive. Phone calls were not permitted.
7. As I have been away from Louisiana during that period of time I assume I am no longer eligible to vote and when I return home I will have to re-register.

8. I am 63 years old and have been voting since I was first eligible at 18.
9. I am retired from the Post Office where I served in several capacities, including supervisory positions, and I am more than aware that the mail does not always reach its intended destination due to equipment failures and human error.
10. There are two big issues I have with this situation, the first being the Secretary of State declaring I am deceased which is clearly wrong.
11. The second is that one, and only one, letter was sent to informing me that my registration was being cancelled. If that single letter had not reached me, which given my work in the Post Office I know is fairly likely, I would have no idea there was a problem and would, as usual, have gone to my polling place on Election Day expecting to be able to cast my vote. At that point there would have been no way for me to re-register and vote.
12. While it is ridiculous that the State can just declare you dead and nullify your right to vote, it is even more ridiculous that they make such a feeble effort to let you know that it has happened. And if it happened to me, someone who is a regular voter and has had the same address for past 24 years, I assume there are many other people that are losing their right to vote without knowing it.

- 13.** All Registrars Of Voters should be sending letters that notify a voter that their registration is being voided should send the letters by certified service that requires a signature so that they can ensure it has been delivered to the correct person.
- 14.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 15.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 16.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
51C0F8BE8C684B0...  
James [REDACTED]

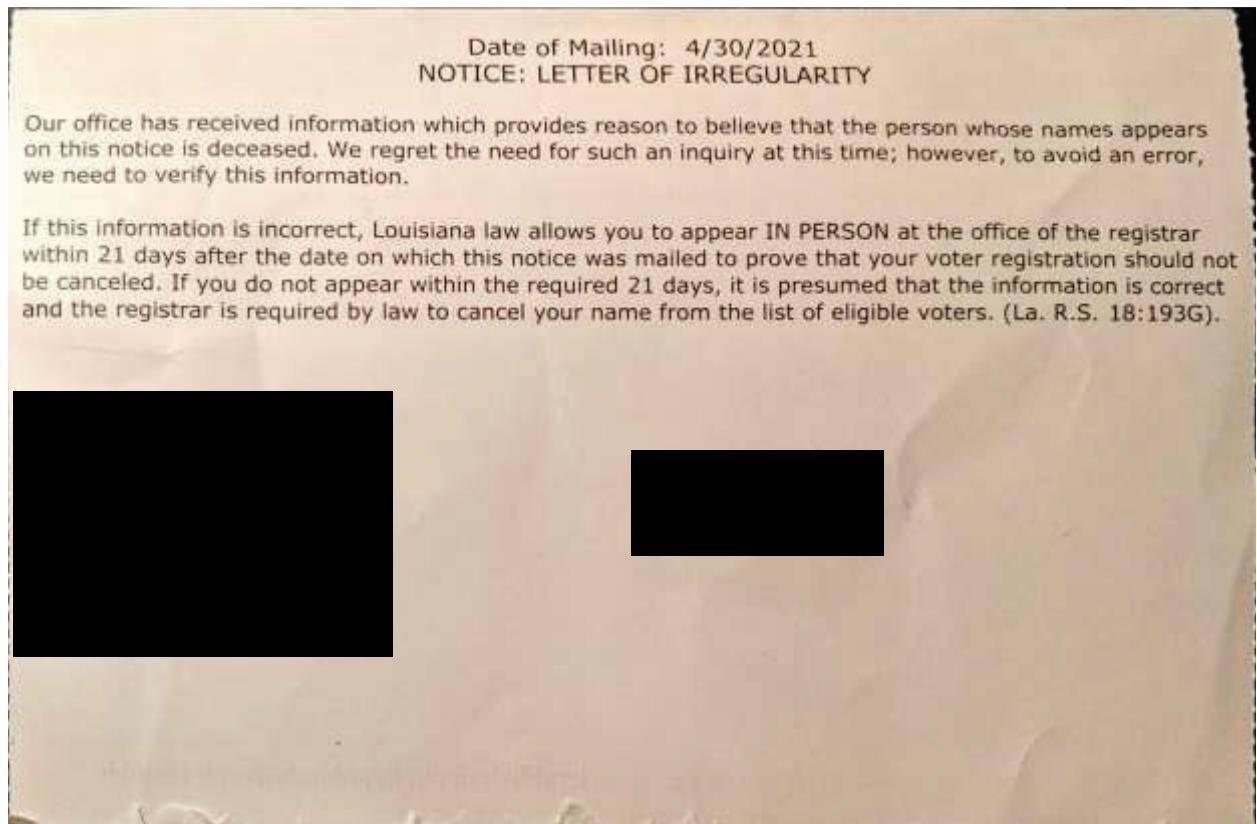
6/28/2021

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Date

## Exhibit A

### Letter of Irregularity From Parish of East Baton Rouge Registrar of Voters



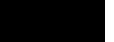
# Exhibit 31

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jamil █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orange County in the State of California.
3. I have been a registered voter for over 15 years and I have had the opportunity to vote in 3 different states over this time period: Louisiana, Texas and California. My cellphone number is currently the number I had when I lived in Shreveport, Louisiana. For convenience's sake, I kept my Louisiana cell phone number whenever I moved. I currently live in Westminster, California.
4. In all the states where I have voted, I have experienced long waits to vote. My wait times to vote have consistently been over 1 hour. I feel that there is just too much delay going on in the voting process. Wherever I have lived - I tend to live in a lower to middle class area - my voting experience has been consistent no matter which community I moved to. The process in less affluent areas where I have lived tends to be slower and the wait times longer. This has been my experience even though I normally make an effort to vote during the early voting time period.

5. I moved from Shreveport, Louisiana in 2017 to San Antonio, Texas, where my experience was very similar to when I lived in Shreveport. I have even tried going to different early voting polling place locations and still had to wait over an hour. Again, this was my experience in the 2020 General Election in San Antonio, Texas. After going to a couple of early voting locations, I decided to wait in line for over an hour before I was able to cast my vote. I was able to successfully cast my vote in the 2020 and prior elections.
6. I do not remember the exact location of the polling place where I eventually voted in the 2020 General Election in San Antonio, but I know I went to an elementary school and then a government building for early voting. I got lost and turned around trying to get to the early voting polling place. Because of my frustration, I even traveled to polling places in more affluent areas to check out how long the lines were, and I did not see any lines in the more affluent communities, which to me shows the differences in voting between less and more affluent communities.
7. I have never had any problems with the voting process and/or ID requirements. But I have seen that there are just not enough poll workers or locations to support the high number of voters where I have voted.

8. Though different states have different processes to register to vote, I have never had any problems with getting registered to vote and I have always made this a priority no matter where I lived.
9. I move to Westminster California in January 2021. I just registered to vote here last week, the week of June 21, 2021. The voter registration process here was automated when I got my state of California driver's license.
10. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
11. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
12. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
563B488B45F74B7  
Jamil   
7/11/2021  
Date

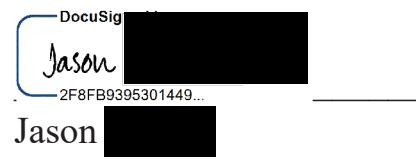
# Exhibit 32

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jason [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Livingston Parish in Louisiana.
3. I moved here to Louisiana from Rhode Island. On September 28, 2020, I went to the Office of Motor Vehicles – the OMV - to get my Louisiana Driver's License. When I was applying for my Driver's License, the clerk asked me if I also wanted to be registered to vote. I told the clerk "Yes" and I understood that that was all I needed to do to be registered. This was more than a month before the election, so I know I had done this in time to make the registration cut-off to vote in November.
4. As the November 2020 election got closer, I expected to get some type of notice telling me where my polling place was, but I never received anything. So, a few days or so before the election, I downloaded an app to check my polling location. The app asked me for my information so it could look up my voter registration, but when I put my information in, it could not find my voter registration.
5. So, then I called the Louisiana Secretary of State's Office to check. They told me that they had no voter registration for me in their records. And, at

that point, it was too late to register to vote in the presidential election. So, I did not get to vote. I told them at the Secretary of State's Office that I felt I had been disenfranchised.

6. Besides not getting to vote, this experience was troubling to me because I had thought that when a government office said they would do something, you could trust that it would be done. But it didn't work out that way. The OMV told me that my voter registration would be done with my driver's license, but it was not. If I had known that my voter registration was not going to get done through the OMV, then I would have done something to get registered another way. By the time I found out, though, it was too late.
7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.



7/13/2021

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Date

# Exhibit 33

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jennifer ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I work for Voice of the Experienced (“VOTE”) as a Chapter Organizer in Baton Rouge. VOTE was founded by, and is mostly led by, formerly incarcerated people.
4. VOTE played a central role in getting the Louisiana legislature to pass Act 636, which allows people who have been out of prison for five years but remain on probation to register to vote.
5. When a person is convicted of a felony in Louisiana, the Department of Corrections sends a notice to the parish in which the person resides and if the person is registered to vote, the registration is cancelled, and a flag is put on the file to notify whoever accesses it that this person may not be eligible to register to vote.
6. Since it was signed into law in 2018, VOTE has focused on getting out the word about Act 636 and in helping formerly incarcerated people who meet the requirements of Act 636 (“Act 636 Requirements”) navigate the hoops that they must jump through to register to vote. This is important because

the burden is on each formerly incarcerated person to prove that he or she has met the Act 636 Requirements and is eligible to have his or her voting rights restored. The parish is then required to notify the person that he or she must provide proof of eligibility. It is also important because the Secretary of State is not doing much to inform the public about Act 636, and he has publicly stated that he is leaving that to non-profits like VOTE.

7. Prior to the COVID-19 pandemic, VOTE became aware that some politicians and other leaders were questioning whether formerly incarcerated people were interested in restoring their voting rights because only a small percentage of formerly incarcerated people who met the Act 636 Requirements had registered to vote.
8. In part as a response, in 2020 VOTE requested that the parishes in which New Orleans, Baton Rouge, Shreveport, and Lafayette are located provide VOTE with the records of all formerly incarcerated people who met the Act 636 Requirements but whose attempt to register had been unsuccessful (“Unsuccessful FIPs”).
9. The only registrar who agreed to provide the requested information was the East Baton Rouge registrar. He provided VOTE with the packets of approximately 1000 Unsuccessful FIPs who had attempted to register in East Baton Rouge Parish since Act 636 became effective in March 2019, as well

as some additional relevant documentation. Based on the State's estimates that approximately 32,000 Louisiana residents met the Act 636 Requirements ("Eligible FIPs") at the time Act 636 was signed into law, 1000 Unsuccessful FIPs in one of Louisiana's 64 parishes (approximately 3% of Eligible FIPs) is a very high number.

- 10.** VOTE used the information provided by the East Baton Rouge Parish Registrar to contact the Unsuccessful FIPs to find out why their registration application had been rejected. The reasons provided can be grouped into one of the following categories: (a) they did not understand that they needed to obtain a certification letter from their Probation and Parole office and submit it in person to the Parish Registrar (frequently the FIP provided a residence address when he or she attempted to register, but because of housing insecurity was no longer at that address by the time the notice was sent and therefore did not receive the notice) ; (b) they were reluctant to go to their Probation and Parole office to request a certification letter because they did not consider the office to be a safe place; (c) they were unable to obtain the certification letter because they were afraid to ask their Probation and Parole office for it; (d) they could not take time off from their job to visit the Probation and Parole office when it was open; or (e) they had transportation issues getting to the Probation and Parole office. Often when

we offered to help these Unsuccessful FIPs complete their registration, they said they were no longer interested in registering because they felt future efforts were also likely to be unsuccessful.

- 11.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 12.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 13.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Jennifer [REDACTED]  
D5BB0BB18ACB4B8...

Jennifer [REDACTED]

8/10/2021

Date

# Exhibit 34

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jeremy [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. I am a college student at school in Ohio. I was registered to vote in Ohio in 2018, but with the Covid-19 pandemic I moved home to New Orleans in March 2020 and registered online to vote in Louisiana after I moved home.
4. The Secretary of State website indicated that voters need to vote at least one time in person before the Secretary of State would send you an absentee ballot, so I voted in the local judge elections August 15, 2020. The polling place, [REDACTED], was just down the block from my house. As it was mid-pandemic, everyone at the polling place was masked up and there was hand sanitizer available. There were no lines and I voted successfully in that election.
5. I knew I would be leaving New Orleans for the fall 2020 college semester, so I signed up for an absentee ballot for the November 3, 2020 election. I requested the absentee ballot on the Secretary of State website. I found it to be an easy process; I entered my driver's license number, address, and birthday. I received the absentee ballot and I completed it. I had my friend

witness it and I mailed it back to Louisiana within the acceptable time range.

If I had not been able to obtain an absentee ballot, I would not have voted in the November 3, 2020 election.

6. I did have an issue voting in the Congressional runoff election in the spring of 2021. I requested an absentee ballot online knowing I would be in Ohio at school. I thought I requested the absentee ballot with sufficient time in advance. I used the same online registration process I had successfully used to obtain the ballot for the November 3, 2020 election. By the time I received the absentee ballot for the Congressional runoff, the election had happened and the ballot was past due. I wonder if Louisiana allocated fewer resources to the Congressional runoff which may be why I did not receive the ballot in time.
7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
0DC3170A33C643E...  
Jeremy [REDACTED]

7/21/2021

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Date

# Exhibit 35

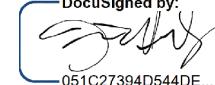
**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jesse [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Saint Bernard County in the State of Louisiana.
3. It used to be easy to vote. Our polling place was well marked with significant signage directing voters to the polling place. In 2016, approximately six months before the election, I happened to read an article in the local newspaper about a new school that had been built, which included information about a change in my polling place to the newly constructed [REDACTED] located at [REDACTED], Chalmette, LA [REDACTED]. I received no other notice that our polling place was to be changed and would not have known if I had not read this newspaper article.
4. The polling place was extremely difficult to locate as the school is over 300 yards from the road, there was no signage to direct you to the parking area, which was in the rear of the school, and the front parking lot was so empty it did not appear that anything was happening at that location.
5. I was actively and carefully driving the area searching for the polling place, so, ultimately, I found it, but many of my neighbors approached me during

the early voting period to ask where to vote because they had gone to the same location (the correct polling place) but left without voting because they saw no indication that it was a polling place. Many of my older neighbors told me they found it difficult to return a second time to vote once I confirmed the location of the polling place. Some of my neighbors from the lower income area shared with me that they were unable to return a second time to vote due to transportation issues.

6. I took many pictures of the area of the polling place during early voting to show the lack of any signage or directions to the polling place and have included them with this declaration. See Exhibit A, attached, showing the polling location with no signage and seemingly no activity.
7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
051C27394D544DE...

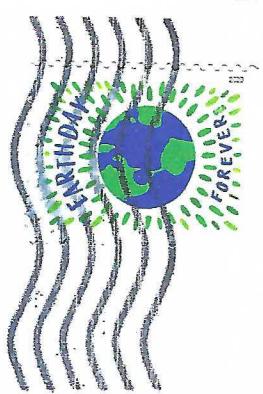
Jesse [REDACTED]

7/13/2021

Date

**Exhibit A**  
Photograph of Polling Site During Early Voting





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Shreveport LA

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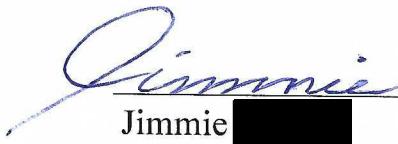
# Exhibit 36

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Jimmie [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Caddo Parish in Louisiana and my residence address is [REDACTED], Shreveport, Louisiana [REDACTED]
3. I am disabled from cancer. I have to be connected to an oxygen tank due to my lung cancer. I am African American. I can't stand in the long lines of my voting location due to my illness. I was often not able to vote since my diagnosis because of the lines, so I missed voting in numerous elections. Two years ago I finally completed the paperwork needed to be able to vote with a mail-in ballot and I use that now.
4. In my town of Shreveport, at my polling location, the officials won't let disabled persons go to the front of the line. Before I was able to mail in vote, I would have had to endure between one hour and 2 1/2 hour waits standing in line and I just couldn't do it always. Even if I arrived way before the poll place opened, (I arrived at 4 AM one year) the line would be too long so I tried to wait or just had to leave. My mother is 94 years old and she also had to wait in the lines with me until we were able to get her signed up for mail-in voting.

5. My polling location was downtown prior to my mail-in voting. It takes me 20 minutes to drive there. Since my oxygen tank doesn't last that long unplugged, I had a real problem if the lines were long. No one had any food or water for the voters waiting. You have to bring your own. The TV folks came often to film the long lines. I've seen lines around the block there. We used to have a center closer to home for black voters but it is no longer there and downtown is the only option for in-person voting.
6. The process for getting approved for mail-in voting was cumbersome. The first time I applied for myself and my mother, I only received a provisional ballot. I had to be approved for the real ballot, which I eventually got, by filling out a lot of information on an internet site. I had to have a witness for that internet application and asked my half-sister to witness my request. Our applications were approved and now we don't have any problems with the mail-in voting. Mail-in voting allows me able to vote.
7. I believe that it is very important for us all to have the ability to vote. I feel that my voting will help people, especially sick people, by supporting new laws to help the disabled. I also want to be able to vote for new laws that help disabled persons financially when they can't work.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.



Jimmie [REDACTED]

7-8-2021  
Date

# Exhibit 37

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Joyce [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. For the July 2020 presidential primary, my daughter and I went to the polling place together – [REDACTED] in Baton Rouge. When we checked in, they told my daughter to go to a voting booth for Democrats and told me to go to a booth for Republicans. But I'm a Democrat so I told them that, and they said the voting records showed me registered as a Republican.
4. I don't know how my registration got changed to Republican because I registered as a Democrat and I had not made any changes to my registration for over 15 years. I told them I wanted to vote in the Democratic primary but they said that if I did that, my vote would not count. So, I just ended up leaving and not getting to vote.
5. While I was there, a young woman came in and I heard her talking to them about a similar problem. She said she was a Democrat and wanted to vote in the Democratic primary, but they told her that the records showed her registered as an Independent. They told her if she tried to vote in for the Democratic primary, her vote would not count. So, she left and didn't vote.

6. I don't understand how my registration got changed to Republican. I didn't change it. I voted in other Democratic primaries for years before the 2020 primary, and no one at the polling place has ever told me I was listed as a Republican so I just voted on the Democratic primary ballot. Now I wonder if my vote was counted those other times.
7. After the primary, I went and did a new voter registration to correct my party registration to Democratic. I received a new voter registration card in the mail and it said Democrat on it. I went and voted in the November election, and there was no problem then.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
 [REDACTED]  
A67282143AE7491...  
Joyce [REDACTED]

7/21/2021

Date

# Exhibit 38

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Juan [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish in Louisiana.
3. I have voted in every election since 2008 after becoming a U.S. citizen. I have had the option to vote early for every election. Early voting is important to me because I and my family will lose money if I have to take time off from work in order to vote. Early Voting allows me to vote on my day off. When voting early, I am not able to vote at my usual polling place which is within walking distance from my house. I must drive to the [REDACTED], but this is worth it to me in order to have the early voting option.
4. I have used my passport and state driver's license for identification at the polling center and have not had a problem.
5. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
6. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

7. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
791E1ABD5D9B4A2...

Juan [REDACTED]

7/15/2021

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Date

# Exhibit 39

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Juliet [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Lincoln Parish in Louisiana.
3. Voting is very important to my husband and me, and we try to vote in every federal, state and local election. As an African American, I am aware that my people fought hard to secure the right to vote for future generations of Americans, so I do not take this right lightly.
4. My husband and I have lived in our house in [REDACTED] Louisiana, for 20 years. We have voted at the same polling place for at least twenty years. The poll workers at our polling place know us by name.
5. On one occasion, however, I was turned away when I tried to vote at our polling place. I believe this occurred when I attempted to vote in an election in 2018. Although my husband and I generally try to go to our polling place together, on this occasion my husband decided to go in the afternoon, and I was unable to go until about an hour before the polling place was scheduled to close.
6. My husband was able to vote without incident that day; however, when I tried to vote that evening, the poll worker (who knew me and knew that I

had voted at this polling place before) told me that she could not find my name on her list of eligible voters.

7. When I reminded the poll worker that I had been voting at this polling place for many years, the poll worker asked me if I had moved. I told her that I had not moved, and that my husband had voted there earlier in the day. The poll worker then talked to someone on the phone. When she finished her telephone call, she told me that I could drive to the east side of [REDACTED] (we live on the north side) and vote there. The poll worker did not offer to provide me with a provisional ballot so that I could vote at my regular polling place.
8. Luckily for me, I have a car and can drive. By now there was less than an hour for me to get to the new polling place, so I quickly went to my car and drove to the new polling place. It took me 5 to 7 minutes to get to the new polling place, so I arrived in time to vote there.
9. The next day, I went to the office of the Registrar of Voters for Lincoln Parish. I explained to an office worker what had happened to me when I tried to vote at my regular polling place the day before, and I asked the office worker why I was unable to vote there and had to drive across town to vote at a different polling place. The office worker told me that there was a “typo.” That was her only explanation. She told me she had corrected the

“typo” and she said that the Registrar would send me a new voting card with the correct information. This did not make sense to me because the voting card that I already had in my possession included the correct information.

10. This incident upset and angered me. I do not understand how poll workers who knew that I was their neighbor could refuse to allow me to vote at my polling place even though my husband had been allowed to vote there earlier that day. I realized that if I had not had access to a car, or if the new polling place had been further away, I would not have been able to vote, and I wondered how many voters had similar experiences and were unable to vote as a result.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

  
Juliet [REDACTED]

6/28/21

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Date

# Exhibit 40

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Kaleena █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish in Louisiana.
3. In this Declaration, I am describing events from two different elections – the 2014 election and the 2020 election.
4. On Friday August 29, 2014, I moved from the █████ in Jefferson Parish, Louisiana, to my newly purchased home in the █████, also in Jefferson Parish.
5. The November 2014 election was coming up and I wanted to be sure that I got my driver's license and voter registration updated in time to vote, and I wanted to find out the location of my new polling place.
6. So, the following week, the first week of September, I went to the Motor Vehicle office █████ in Jefferson Parish. I told the clerk there, Samantha, that I wanted to update my address on my Driver's License and on my Voter Registration so that I wouldn't miss voting in the "primary election". I knew there was going to be a "primary" election for one of Louisiana's two U.S. Senators on November 4. That's called the primary because all the candidates for Senate, from both parties, run in a single

combined primary in November, and if no one wins, then there is a runoff in December. So, that's the primary I was referring to.

7. When I told Samantha, the clerk, that I was trying to make sure I could vote in the primary, she asked "When is it". It surprised me that she didn't know that, so I said that it was November 4, for the state's Senator. Then, she said, "Oh, you mean Vitter", but Vitter was not up for re-election that year so I said "and Landrieu" (who *was* up for re-election that year). The clerk then said "Yeah, I don't really like her." It really bothered me that a government clerk involved in voter registration was making negative comments about a candidate to a member of the public while doing her job.
8. Samantha then looked over my head at a sign on the wall and said "I'm reading the sign now, it does say November 4th but also says Orleans Parish only". A photo of the sign is attached to this Declaration as Exhibit A. I could see that the posted sign was about dates for elections in Orleans Parish and didn't really speak to election dates for Jefferson Parish. It made no sense to me that this Motor Vehicle office, which was located in Jefferson Parish, had a sign posted for election dates for Orleans Parish, and I was upset that the clerk seemed to be telling me that I couldn't vote in my parish for the upcoming election, which was statewide.

So, I said “Who do I complain to about this? Those are State representatives, not just New Orleans!” And the clerk said “I know”. I asked her who I could complain to about this. Pointing to the young lady next to me in line, I said “Young girls are turning 18. How will they know this is wrong? Somebody died for them to vote.” I explained that this was “not cool” because it was misleading, including to African Americans.

9. Samantha went to check on this and then called me back. She pointed to another sign, which was on the floor, and said “Ma’am, this sign here is for everyone.” So, I asked “Then why is it on the floor?” and she said “I don’t know Ma’am. This isn’t our building. I just work for DMV.” (At that time, they were in a temporary trailer in their parking lot, due to construction on their building.)
10. Samantha, the clerk, was a White woman. I don’t know if she was being deliberately misleading because she didn’t like the candidate I had mentioned and/or because I am an African-American woman, or whether she just didn’t know how to do her job and make sure she was giving out information about the correct parish. But, especially as an African-American, I was very concerned that people who might not have been as determined as I was would have been misled by the information provided at the Motor Vehicle office.

11. For the November 2020 presidential election, I voted on the first day of early voting on Friday October 16. I thought I would avoid long lines by voting early but I ended up waiting in line for 8-1/2 hours. My polling place was at the [REDACTED].
12. I had arrived early in the day, getting to the parking lot just a few minutes after 8AM, an hour after the polls opened for the day. Parking was difficult. The lot for [REDACTED] was full. Police were there directing traffic to go and park in the parking lot for a school in the same block.
13. I have lived in the same house and had the same polling location since 2014. I generally vote during early voting, and I have never had lines like this at this polling location before. In previous elections, it's been at most a short wait of minutes, not hours.
14. I have attached as Exhibit B some screen shots from a video that I took of the lines and the wait. The line extended a long way through different areas, ending up in a tent with posts and plastic line divider chains to keep the line organized. And there were police there, doing "traffic control" in the line – telling people how many people could go forward to the next area.
15. There were several people in line with me who were in their mid-70's. A lady right behind me was 74, and another lady right behind her was also 74, and then there was a man a few people in front of me who was 75. After

we had been in line for about 7 hours, someone came to tell us that there was a separate line for senior citizens and handicapped people so that they didn't have to wait in the long main line, and that they had lowered the age to get into that line. But by that point, we were getting close to the front of the line, so the older people I mentioned decided to stay where they were. Before that, I had not seen any signs or heard any announcements telling people that older or handicapped voters could go in a shorter line, and no poll workers had come down to where we were in line to tell us that.

16. During the wait, there was one lady who had fainted. The EMS came to attend to her and take her to get medical treatment.
17. Some people had brought folding chairs with them, expecting a long wait, but most people were just standing.
18. Some people left the line. A lady behind me told me she worked in healthcare. After around 5 hours of waiting, she said she couldn't wait any longer because she had to go to work, so she left. And I saw other people leaving the line as well.
19. When I finally got to the front to vote, there were only 4 or 5 voting machines for all those people. That's the same number there usually were at that location when I have voted there in previous elections. I know that some people at least had been expecting a big turnout with long lines, because

they brought chairs, so I thought that the officials who were handling the voting should have known that too and been prepared with more machines.

- 20.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 21.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 22.** I declare under penalty of perjury that the foregoing is true and correct.

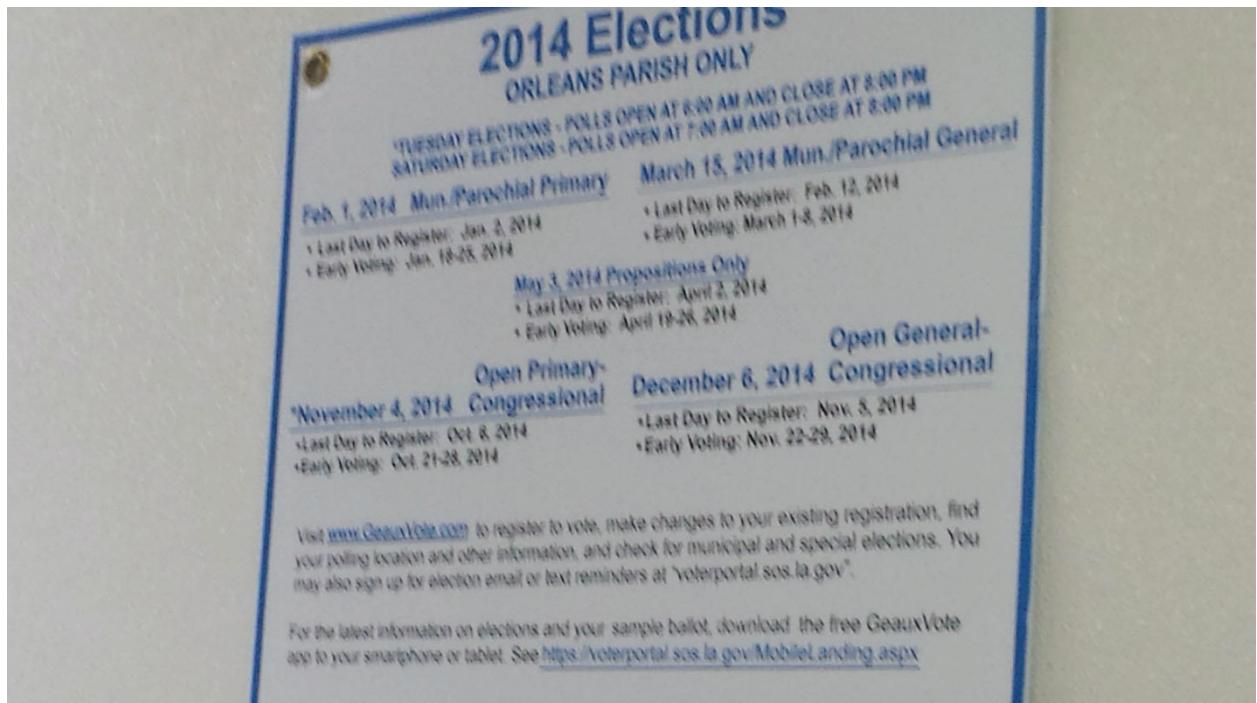
DocuSigned by  
kaleena  
8EE305C5D4154F3...  
Kaleena [REDACTED]

7/2/2021

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Date

**Exhibit A**  
Orleans Parish Election Information Sign,  
as Posted in Motor Vehicle office in Jefferson County



## Exhibit B

Screenshots from My Video of Voter Lines - [REDACTED]  
October 16 - First Day of Early Voting in 2020 Presidential Election





# Exhibit 41

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Kathy ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. In each of the 2020 presidential election and election immediately before the presidential election (I cannot remember exactly which election; it might have been for the city councilor), I was in the voting booth and a poll worker shouted out to the room at large “it’s a three-minute time limit.” Hearing there was a time limit to voting while I was voting made me feel rushed. However, both elections, I ignored the poll worker and completed my voting. I don’t think there was a line of voters waiting to vote behind me either time; there may not even have been anyone else in line, so it was not the case that voters needed to finish up so others could vote. In the case of the presidential election, I voted at 8 a.m., so the poll worker shouting out there was a three-minute time limit did not have anything to do with the polling place closing for the day either.
4. After I completed my voting in the earlier election I mentioned to the poll worker that I had never heard of a three-minute time limit for voting. She said that was what she had been told to say. In each voting case, it seemed

to be the same poll worker. I am concerned that this poll worker is spreading disinformation and rushing voters. I am also concerned that voters being told they must complete their voting in three minutes might result in voters missing something or pushing the wrong button. When I vote down the ballot and vote on propositions I want to take my time to consider the candidates and to read the text of any proposition.

5. My polling place is [REDACTED] [REDACTED]. It is across the street from my house. On the day of the presidential election there was a line to vote at 6:30 a.m. I waited 10 minutes before realizing I had forgotten my driver's license, so I went home to get my license. I returned to the polling place at 8 a.m. and there was no line. I think a lot of people voted by absentee ballot because of Covid. I wanted to vote in person to make sure my ballot was counted. I do not recall if the polling place took proper precautions with respect to Covid. I felt safe; I wore my mask, and it was not crowded.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by  
kathy [REDACTED]  
F3E93AA2C80441C...  
Kathy [REDACTED]

7/13/2021

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Date

# Exhibit 42

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

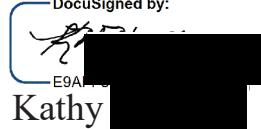
1. My name is Kathy ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of St. Tammany Parish in the state of Louisiana.
3. I am disabled and live in a retirement community. I have voted from my current residence since 2016. I had registered automatically through the Office of Motor Vehicles, but I had no proof. Within the last five years I tried to vote in person three different times, and every time I got to the table in front, I was told that I was not registered. Each time this happened, I left without casting a ballot. After the third time, I gave up and did not vote for several elections.
4. Later, I found my registration online and took a screen shot of it on my phone. The next time I tried to vote and was told I wasn't registered, I showed the poll worker my phone with the screen shot and said I wasn't leaving without voting. It took a while, but they found my name and I voted. That scenario has repeated itself every time but one that I've gone to vote since then (at least 3, as many as 4 or 5 times), and in that one case, a poll worker knew me as the person with the screen shot and permitted me to vote right away. It makes me very uncomfortable to have to show my

registration by the screen shot, because the screen shot says I am a Democrat, the minority party here.

5. In the November 2020 Presidential election, I was assigned a new polling place, but received no notice of it. Had I not had problems with my voter registration and been checking my status regularly, I would not have known about the change. Instead of voting around the corner, I had to go across town, where I waited at least an hour on line. I am disabled and that long of a wait was incredibly painful.
6. While waiting in that line, I was forced to endure the presence of a man walking up and down the line asking people whether they were Republican, to which everyone who responded said “of course, I live in Louisiana.” These were very aggressive conversations that made me very uncomfortable, and there was no way I was going to identify myself as a Democrat. I don’t recall whether the guy had a badge or other sticker showing that he had permission to be there, but I believed he did, or else I would have said something to a poll worker in light of how aggressive he was. Other people in my retirement community mentioned feeling intimidated because of the conversations this fellow had with people in the line.
7. In the most recent local election (on a drainage tax), I voted absentee because of Covid. I had considered voting absentee in the 2020 presidential

election, but chose not to do so because I worried that my vote wouldn't reach its destination. I needed a witness for the absentee ballot I tried to cast recently and asked a resident at the community where I live to witness my signature. She told me it wouldn't make a difference, if they go and check – I can't recall why she said that and what she meant. I was unable to get anyone willing to witness my signature, and I left without casting my ballot.

8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Kathy [REDACTED]

7/20/2021

DATE

# Exhibit 43

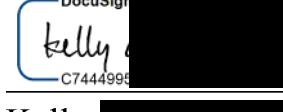
**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Kelly █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Lafayette, Lafayette Parish, in Louisiana.
3. I am employed by ██████████  
██████████ Lafayette. Among other things I reach out to formerly incarcerated persons (“FIPs”) to teach them about their right to vote and to help them to register to vote. Under Louisiana’s Act 636, FIPs have the right to vote after they have been out of prison for five years, or when they get off parole if that is a shorter amount of time. They must, however, first go to the probation office and get a letter saying that they meet the requirements to register. Then they have to go to their local registrar, who must confirm their eligibility before registering them. Part of my job is to support them through all of this.
4. I have been with VOTE since 2019. I became involved with rights of prisoners and former prisoners when I met my fiancé in 2015. I was doing volunteer work with his mother, met him in prison, and it was love at first sight. Since he was incarcerated the person who committed the crime my fiancé was convicted of has confessed and said that my fiancé had nothing to

do with it. Based on that we have learned, his sentence has been commuted (reduced) but we have not been able to free him. Between understanding his life, reviewing his case file and seeing the facts of his wrongful conviction and the injustices in the courtroom, and the injustice of how he was treated after he was incarcerated, I have a lot of passion about changing the system and understand the importance of voting and advocacy. I have been able to work to change laws in Louisiana about commuting life sentences and about unanimous jury verdicts for felonies.

5. It seems to me that the biggest obstacle to getting FIPs registered is communications. We have success stories getting people registered who have been eligible for decades and did not know it. The FIPs also need help once they are registered figuring out how to vote. I do think that transportation can be an issue for FIPs to get the certificates, get registered, and vote where there is no good public transportation. I don't understand why the certificate process cannot be automated. A person should not have to travel to the probation office or rely on the probation office getting a document properly mailed to get a certificate to be able to vote.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

  
Kelly [REDACTED]  
C7444995

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Kelly [REDACTED]

8/6/2021

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Date

# Exhibit 44

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

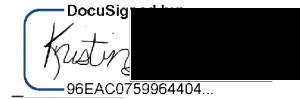
1. My name is Kristin [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Saint John the Baptist Parish in Louisiana.
3. I am forty-seven years old and have been voting in Louisiana since I was eighteen. I have never had any problems voting until the fall of 2020.
4. I generally try to vote in person, but sometimes vote absentee since I travel frequently with my husband Erron. He is an electrician, and his work takes him out of state for long periods of time.
5. For several months during 2020, I stayed at [REDACTED]  
[REDACTED], with my husband and our twenty-one-year-old son, Derrick. In the fall of 2020, I tried to request absentee ballots for our family so that we could all vote. However, Derrick's registration was not in the system, even though he had first registered in 2018 and had voted in past elections. We had to get him registered again.
6. We voted absentee in an election in October (though I cannot remember what the election was for), and the November 2020 Presidential Election.
7. We requested and received our absentee ballots, filled them out, and mailed them in the preaddressed envelopes that were provided. Because I had never

had any issues with absentee voting, I did not attempt to track the status of my ballot online.

8. In January of 2021, when my husband and I were back in Louisiana, I received a call from [REDACTED], a desk clerk at [REDACTED] who also worked at the post office. She said that our absentee ballots—mine and my son's from the October and November Elections, as well as my husband's from the November Election—had been returned to the hotel. She said that she had never seen absentee ballots returned before. I had never seen this happen either, in all my years of voting absentee.
9. We asked the hotel to hold all the ballots, and my husband collected them the next time he returned to South Carolina. When he examined them, he realized that although the pre-addressed address stickers were in the wrong place on the envelopes. The delivery address was placed where the return address should be, and vice versa. Photographs of the envelopes are attached as Exhibits A-E.
10. I called my District Councilman, Kirk Becnel, about this issue. He said that my family and I were not the only people affected by the problem, and that the Board of Registration was aware that there was a bad batch of absentee ballots, but had not done anything about it. He said that he had spoken to the person in charge of elections for St. John the Baptist Parish about the

problem (I do not remember his name). I did not hear anything more about the issue from Councilman Becnel or anyone else.

11. When I found out that our votes had not been counted in the 2020 Election, I felt like I had been slapped in the face. It stung me. I have been voting since I was eighteen years old, and I have always encouraged my children to vote and make their voices heard. I used to bring Derrick, my youngest, into the booth to vote with me when he was in middle school.
12. When Councilman Becnel told me that the Board of Registration had known about this issue and done nothing to fix it, I was disgusted and frustrated. I felt that I was doing my part, but they were not doing theirs.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.

  
Kristin [REDACTED]  
96EAC0759964404...  
Kristin [REDACTED]

7/15/2021

Date

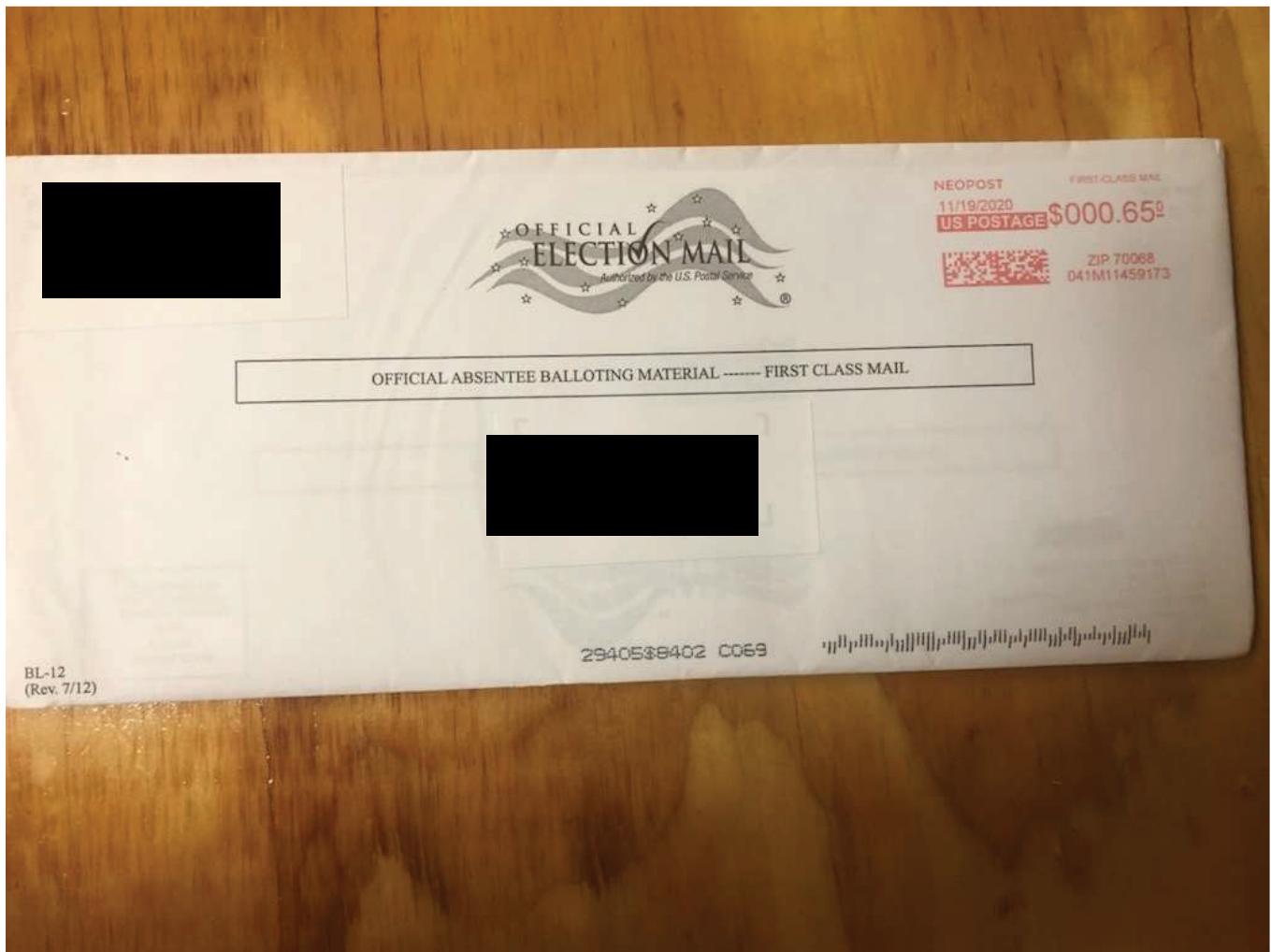
## Exhibit A

Returned Absentee Ballot of Kristin [REDACTED] Dated October 2020



## Exhibit B

Returned Absentee Ballot of Kristin [REDACTED], Dated November  
2020



BL-12  
(Rev. 7/12)

## Exhibit C

Returned Absentee Ballot of Derrick [REDACTED] Dated October 2020



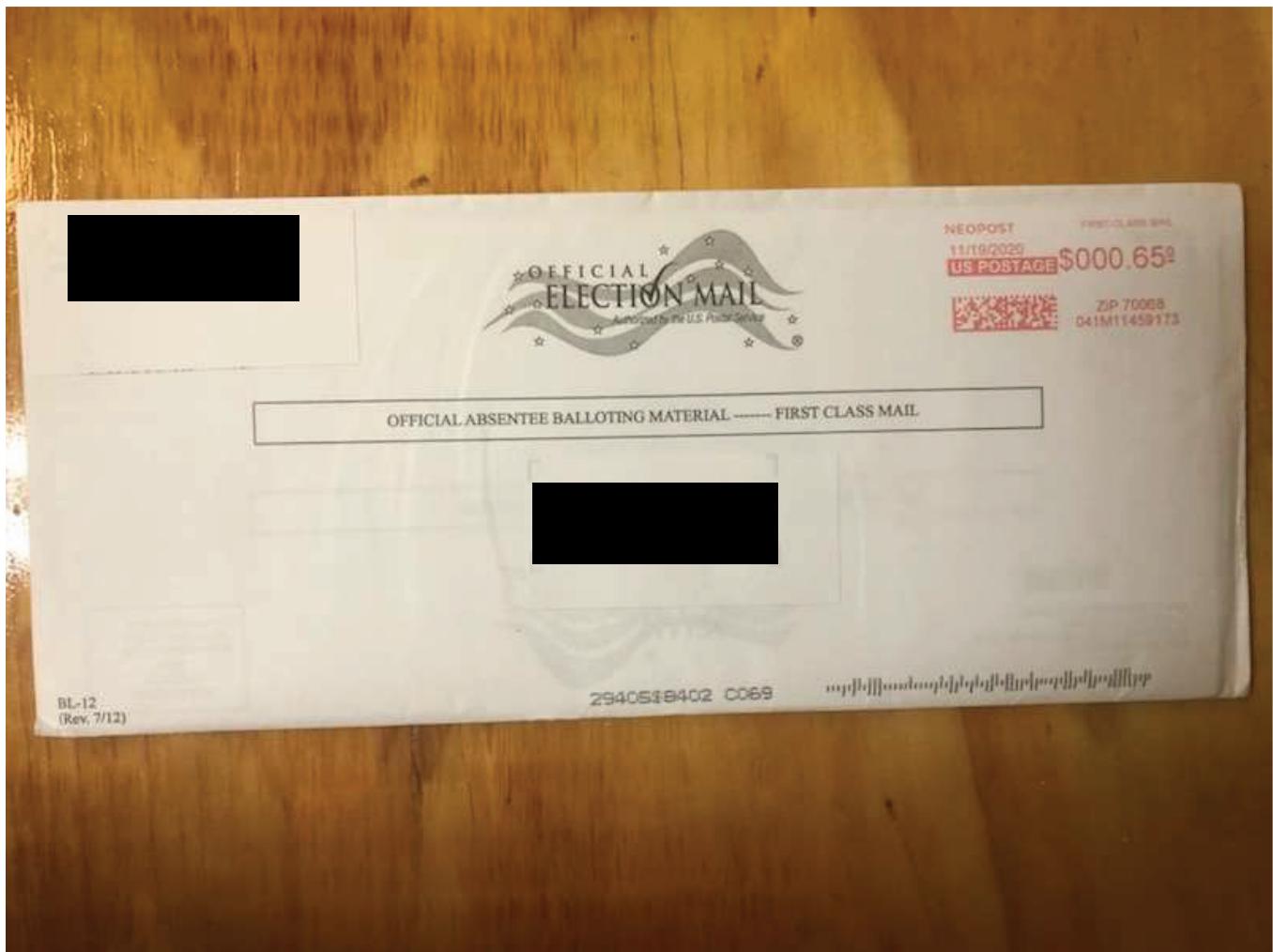
## Exhibit D

Returned Absentee Ballot of Derrick [REDACTED], Undated



## Exhibit E

Returned Absentee Ballot of Erron [REDACTED] Dated November 2020



# Exhibit 45

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

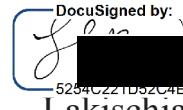
1. My name is Lakischia [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish in Louisiana.
3. I have been voting at the same precinct at least since 2013. I am a Black voter in a predominantly white, upscale neighborhood. We vote at the library which is a very quiet place.
4. About 4 or 5 years ago, I don't remember the exact election, I drove to the library to vote. They always post the ballot outside and it was a lengthy one, so I spent time reading through the ballot and then went to check-in.
5. There was no real wait. Where I vote there is rarely a wait. It's usually a quick in-and-out to vote.
6. I went to the booth and an older, scraggly, white gentleman who works at the polls said to me, "You have 5 minutes to vote so you need to hurry up." I don't know whether he is an official election worker or a volunteer, but I have seen him there before and since. He always has the role of showing people to the booth.

7. The library where we vote is very quiet and it's an open room with booths that have cloth curtains. You can hear everything in the room and I didn't hear him say this to anyone else.
8. I went into the voting booth and proceeded to go through the ballot. I looked at my watch when I got into the booth. After about 3 minutes the man called in to me to say that I better hurry up I only had a minute left.
9. It was a long ballot, so I was taking my time to read it through. I ignored him and continued reading. He repeated himself, in a loud voice, "You have to come out now." I wasn't hearing him telling this to anyone else. I stuck my head out of the curtain and I told him to please leave me alone. He got more irate and said, "You come out of there right now."
10. It struck a chord in me. I'm not the type who gets intimidated, but he was really upsetting me. I said, "You better leave me alone," and I went back to continue with the ballot. I was thinking to myself, "What is this guy doing?" I was basically confused.
11. When I got out of the booth we were face to face. He was yelling at me and I started yelling back. He was in my face. My blood was boiling and I was yelling and cursing at him.
12. There were only two other Black people there. They are older and both of them work there with him. I've seen them there before and since this

incident. They just sat there too. No one spoke up. It bothered me that nobody said anything. Ultimately, I didn't care. I was pissed off and he was intimidating and harassing me. He threatened to call the police and I told him to go ahead but he didn't.

- 13.** I recorded the whole situation on my phone. I'm that type of person. I record things. I usually take a photo of myself voting to post online. I pressed record when I got in the voting booth. I kept the recording and I tried to use it to report the incident.
- 14.** I reported the incident online. I called some number I had for voting problems and complaints. It said you had to file a complaint online, so I went online to the website and wrote it up and submitted it. Never heard anything and I decided to follow up a few weeks later but never got any feedback at all.
- 15.** I was baffled that no one followed up with me after I complained. I have a lot on my plate, so I eventually let it go. I didn't know where to turn to.
- 16.** I did talk to several people in my community to see if that 5-minute rule was something new or legal. No one had ever heard of this.
- 17.** Since then, I've seen this same man at the precinct when I've voted and it's never happened again. I recognized him but I don't think he recognized me.

- 18.** Voting is very important to me. I believe it's our duty and our right. I want to teach the next generation about voting. There are a lot of people on social media complaining about politics but they don't vote. It's your vote that matters. I registered to vote in high school. It's stuck with me since I learned about voting just how important it is. I try to vote in all elections, big and small.
- 19.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 20.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 21.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
5284C221D52C4E1  
Lakischia [REDACTED]

7/16/2021

\_\_\_\_\_  
Date

# Exhibit 46

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Latoya [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Bossier Parish in Louisiana. My residence address is [REDACTED]  
[REDACTED], Bossier City, Louisiana [REDACTED].
3. I am concerned about the lack of polling locations for early voting and how long people have to wait in line to vote early. In the November 2020 General Election, I was able to take time off from work and vote early on a weekday. I waited in line for about an hour to vote. I could take the time to do that, but it was uncomfortable to spend that much time waiting in line to vote. I'm younger and could wait, but I thought about people who may be elderly or not well and how hard it would be for them to wait.
4. On the two Saturdays when early voting was available before the November 2020 General Election, I took my teenage son with me to bring breakfast sandwiches to people waiting in line to vote. I wanted to teach my son about the importance of voting, and I figured it would be a little easier for the voters to wait in line if they had something to eat. I knew the lines would be long on the weekend because they were already long during the week when I

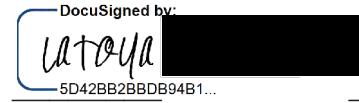
had voted. Many people need to vote on Saturday because of their work hours or other needs.

5. The lines on those Saturdays wrapped around the building and people had to wait outside. The wait was between 2 and 3 hours long. I saw some people leave because they couldn't keep waiting. I wondered whether they would come back at another time to vote. If not, that's a voice that might not be heard.
6. We had a cold snap here in Louisiana at that time and people were really cold waiting in line. I saw people pulling their scarves close because of the cold. There's only so much room inside the building so the waiting was mostly outside. I heard a lot of people complaining about the wait being so long. I also saw people drive by and see the long line and drive on without stopping to vote. It was frustrating for me to see this happening.
7. I'm a determined voter and I'm going to find a way to vote. But as I saw the long lines on those Saturdays, I thought about a parent who needs to pick up a child or a working person who only gets an hour lunch break and can't wait 2 hours to vote. I kept thinking that if there were more locations for early voting, the lines would not be so long.
8. I have also had an issue with parking at polling locations. For the November 2016 General Election, I went downtown to vote and parked in a spot that I

thought was legal for voters. I waited for about 45 minutes to vote, and when I came out of the polls, an officer was giving me a ticket. He told me that there were only 3 parking spots that were free at the courthouse and one is a handicapped spot. I understood this was his job, but polling locations should have parking spots so people can vote without having to pay for parking. I could afford the ticket, but I thought about people who can't and how it might deter them from voting.

- 9.** When I was younger, I didn't do a great deal of research about voting. But as I got older and started paying bills and paying taxes, I realized that who is in office affects everything in my life and my family's life. I started doing research and realized that we have the opportunity to affect change by voting. Why not invest in the America we want? In Louisiana we need more jobs and economic growth, but we need to vote the right people in. Voting should be a seamless process. I am passionate about this and want to contribute to correcting the flaws I see so that we can all vote.
- 10.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 11.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**12.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Latoya [REDACTED]  
5D42BB2BBDB94B1...

7/17/2021

---

Date

# Exhibit 47

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Lavern [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Claibourne Parish, Louisiana.
3. Several years ago, I don't remember which election, I was turned away at my polling location because my driver's license showed my maiden name, but my social security card showed my married name. In Louisiana, your name has to match on both forms of ID. I was unable to vote in that election.
4. At a later date, I was able to change both IDs to show my maiden name as my last name, and was then able to vote in the next election, which was for governor, I believe.
5. My polling location has changed over the years. There have been times when I arrived at my polling location and saw signs announcing a new location. In these instances, I was still able to vote once I went to the new location. I always make a point of voting so that my voice will be heard.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

 Lavern [REDACTED]  
0F7F9865671C428...  
Lavern [REDACTED]

7/19/2021

---

Date

# Exhibit 48

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Lillian [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of New Orleans, Orleans Parish, Louisiana.
3. For over 30 years I have voted in New Orleans. Mostly voting for me was convenient.
4. Only once, in November 1992, did I have a problem. I depended on public transportation and took three buses to get to work. In that election, I couldn't get to my polling place after work. It had already closed so I couldn't vote.
5. From 2007-2016, I was a City Commissioner for the City of New Orleans so I tuned into elections. My polling place was within walking distance which was very convenient.
6. In 2019 I voted absentee for the state elections. I got the form which required two signatures. I had to be very careful in completing it and following all the directions so my vote would count.
7. In the 2020 general election, I voted on the first day of early voting and stood in line for 4 hours at [REDACTED]. Some people were providing snacks and water. Everyone was anxious to cast their ballot and no one around me was complaining. I didn't see any point in going home. Later I learned the lines were shorter the next day.

8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

  
lillian [REDACTED]  
3D185B87767A409  
Lillian [REDACTED]

7/18/2021

---

Date

# Exhibit 49

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Lois █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Ascension Parish in Louisiana.
3. I grew up with segregation in New Orleans and grew up with the schools not integrating until 1968-1969. I could not go to Canal Street or Mardi Gras. My mother and grandmother taught us that when people said things about us or called us names, to just ignore them. After my dad died, I moved to California to get my education and become a nurse. I was surprised that I could sit anywhere on a bus, eat in a restaurant or go to the movies and that the races mixed. I was actually working at the Good Samaritan Hospital in Los Angeles when Senator Bobby Kennedy came in after getting shot. That was a very sad day in my life.
4. Because of Katrina I had to leave New Orleans and lived in Texas and then lived in Georgia for 2-3 years. I have lived in East Baton Rouge since 2012. FEMA found a house for my children and me so we moved back to East Baton Rouge in 2018 since we did not feel welcome in Texas or Georgia. They called us the New Orleans Katrina people!

5. In the 2016 Presidential Election I decided to do a mail in ballot (absentee voting) for the first time due to my arthritis in my knee and ankle. I am 73 years old. My daughter said I could not stand on a possible long line to vote. I did not understand that I needed a witness (I thought the instructions saying a witness signature was needed was for people who could not sign their ballot) so my ballot was rejected and my vote did not count. I was mad and called my local Board of Elections to send me another ballot and they would not. They said I had already voted and that I could vote again next time. They would not let me do a do over even though my ballot was rejected due to lack of a witness signature. They did not give a reason for not giving me another ballot and said that I could vote next time round.

6. In the 2020 Presidential election I voted in East Baton Rouge and again did a mail in ballot (absentee ballot) and had my grandchild sign it as witness. I even went to my post office to mail my ballot. I called to see if it was received and they said it was not. I called the National Voter Hotline who told me my ballot was received and to call my local elections office to ask them to confirm. I kept calling them and they kept telling me my ballot was not received. I was very upset and I still do not know if my vote counted. The National Voter Hotline kept telling me it was received but locally they kept telling me my ballot was not received. Some people said to go to the website

to see if my vote was received but I did not want to bother my daughter who had gotten married. I do not have a computer and if I did, I would not know how to find it out the information. At work they used to tease me to learn how to use a computer but I never did. My grandkids did teach me how to text!

7. The other issue I have is that a polling place in East Baton Rouge is down the street from me (one block!) where the white people vote and the Black voters have to go to somewhere else in East Baton Rouge that is 2-3 miles from my house on [REDACTED]. This is not fair and I have not found out why this is the case. I have since moved to Gonzales three months ago so I believe this is still the case.
8. In the past when my family and I lived in Georgia we had voting issues there. Of my seven family members (4 children, two grandchildren and myself), five ballots were rejected and only two were accepted. They claimed we did not have the correct ID. We all had Georgia driver's licenses and Georgia voting cards. They rejected five of ours including mine saying they were not accepted. The only thing I can think of is that [REDACTED] does not have a space in my name yet my two sons have a space in [REDACTED]. We observed the poll worker putting our ballots as well as others in a box that were not accepted. When we came to Georgia, we thought we did everything correct by getting a

Georgia driving license and even a Georgia phone number planning to stay but we felt we were not welcomed in Georgia. My daughter Latisha called Hillary Clinton's campaign and told them what had happened. People said the media talked about the New Orleans Katrina people so we felt we were not welcomed. We were concerned about the Levees in New Orleans but then FEMA offered us homes so we went back home to Louisiana.

**9.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

**10.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**11.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
86355C403DF1424...  
Lois [REDACTED]

6/30/2021

Date

# Exhibit 50

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Margaret [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge County in Louisiana and my residence address is [REDACTED], Baton Rouge, Louisiana, [REDACTED].
3. Voting is important to me because I have been voting in every election since the first Jesse Jackson Presidential run. That was the first year that I could vote and I've kept at it. It's important to me to encourage the young members of my family to vote as well.
4. I believe that it is too hard to vote when you are the least paid and have the worst jobs. This is what happened to me many years ago, sometime between 2014 and 2016. I had a cashier job in a small truck stop many miles away from my house and my polling location. I was the only person working there on a shift from 6 AM to 6 PM. I was working the entire time that the poll location was open and a manager never came in so that I could leave and vote. Even if the manager came, it would have taken me over 2 hours to drive and stand in line and return, and that would be if everything went well.

**5.** Two times in my life I've failed to vote because I couldn't get off from work.

The second time that I couldn't get off from work, I didn't vote again and I was very upset.

**6.** These two times that I couldn't vote taught me to be a planner. Plan your vote! If I was working, I had to plan to vote early. In the last Presidential election of 2020 I was able to vote because I voted early. There were long lines, probably about a 30 minute wait. But I had a family member with me who is in a wheelchair. Our local polling station allows disabled voters to go to the front of the line. I didn't need a ballot mailed to me to early vote. I went in with my registration card, just showed up, and I was able to vote early.

**7.** One time I went to the wrong place to vote. I wasn't given a provisional ballot. I had to go to the right location and so I did. At that time I was off from work, so I was able to go to the new polling place. It just took driving to the correct place. I had a new card in the mail stack. My fault.

**8.** My family members who I vote with have had positive experiences voting early. I try to get the young people of my family to vote. Sometimes I make them fill out the ballot with me or make them come to the polling location. I even keep voter registration papers in my car!

**9.** The poorer you are, the harder it is to vote. If you have no transportation, no car, how can you vote far away? I have a car but not everyone does. Both urban and rural folks have trouble. If you have a job in a small company, you can't get time off. I believe that the solution is to give a paid day off for all national and state election days. People are struggling with minimum wage jobs, like me when I was younger, and they can't afford to take the time off.

**10.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

**11.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**12.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
CA75  
Margaret [REDACTED]

7/1/2021

\_\_\_\_\_  
Date

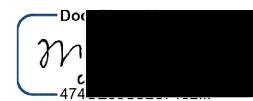
# Exhibit 51

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Marilyn [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Caddo Parish in Louisiana.
3. In the 2020 General Election I voted in Caddo County at the [REDACTED]  
[REDACTED], Louisiana,  
during Early In-Person Voting. I prefer to vote early at the registrar's office because I want to make sure that my vote will count.
4. I, and many of my neighbors, have come to believe that our votes will be counted if we vote at the registrar's office because those votes are not obviously coming from a region of color. We have lost trust in some of the local parish precincts. So many people share that sentiment that the lines during early voting at the registrar's office have become very long. In 2020 the line was out the door, down the block and around the corner.
5. I went to vote at around 2 pm, before the lines got too long. I am lucky that I have my own business and the flexibility to leave to get to the registrar's office before the lines get too long. I waited in line outside for about 30 minutes, and then there was another line once I got inside the building. I waited in that line for another 15 minutes or so before I got to vote.

6. When I left, the line was much longer.
7. It was hot outside even though it was November. I brought my own water.

The registrar's office staff had water and handed it out to whoever wanted it. Some people brought chairs to use while waiting. People did stay in line.
8. I only vote at my parish polling location when I miss early voting days.
9. Voting is important to me. I want to do my part. My mother fought for civil rights and to integrate the libraries in Louisiana. Together we protested to take down the Confederate statues in Louisiana. My mother and so many others fought hard for the right to vote.
10. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
11. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
12. I declare under penalty of perjury that the foregoing is true and correct.

  
\_\_\_\_\_  
MARILYN \_\_\_\_\_

7/10/2021

\_\_\_\_\_  
Date

# Exhibit 52

**DECLARATION UNDER PENALTY OF PERJURY**  
**PERSUANT TO 28 U.S.C. § 1746**

1. My name is Martha [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained therein.
2. I am a resident of New Orleans in Orleans Parish, Louisiana.
3. I'm a regular voter in all national and local elections, and when work calls me away from home during an election, take advantage of the absentee ballot provision. On October 27, 2020, as part of Early Voting, I cast my ballot at a local polling super location that had been set up at [REDACTED] in New Orleans. This time around, I was dismayed to discover long lines not apparent from the outside. These wound round and round the interior. I waited 2 ½ hours in order to finally cast my vote.
4. I was furthermore shocked by the lack of special provisions for the elderly and for a voter such as myself, who face physical challenges. I saw no accommodations for the disabled. I was not allowed to sit in a fold-up chair I'd brought with me in the event of a long wait. I, along with fellow voters, was not allowed to accept drinking water that was being offered to voters under these conditions by young people. Their party affiliations or voting recommendations were not indicated in any

form. In keeping with all rules, they were not campaigning, just providing a basic amenity.

5. Through my longstanding political interest, I have some familiarity with the conduct of elections and the role of the election commissioners. For the national elections of Fall, 2020, these workers were uninformed and their organization lacking. At a super voting facility, I would have expected increased efficiency and ease in voting. My experience was instead a throwback to anecdotes I'd heard about the elections of the 1970's and 1980's.

6. The lack of such basic humane considerations as allowing me to sit during the long wait or to satisfy my thirst was such that I personally witnessed more than a few other voters give up and leave the facility before casting their ballots.

7. Although not officially declared "disabled," I suffered a stroke over the past year that made standing for long periods of time extremely painful. As I waited, I ended up physically leaning on my brother, who was also voting. I experienced the conditions that had been set up at the [REDACTED] as an incentive NOT to vote.

8. I give this Declaration freely, without coercion, and without expectation of compensation or any other reward.

**9.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way other than as a witness.

**10.** I declare under penalty of perjury that the foregoing is true and correct.

D [REDACTED]  
Martha [REDACTED]  
876FCA9488FC49F...  
\_\_\_\_\_  
Martha [REDACTED]

7/8/2021

\_\_\_\_\_  
Date

# Exhibit 53

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Michael [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Ascension Parish, Louisiana.
3. I work in the trucking industry and am self-employed. I usually work 16 hours per day and a total of 48 hours per week. My truck driving takes me across Mississippi and Texas.
4. Prior to the 2020 General Election, I never voted in Louisiana even though I have lived in Louisiana since 2012. I felt very motivated to vote in 2020, so I registered to vote in 2019.
5. Although I registered to vote in 2019, I did not end up voting that year and was removed from the Louisiana voting system. I found out that I was no longer registered by checking the state registration website. I had to re-register to vote in the 2020 election.
6. I knew because of the long hours I work that I needed to vote by mail so I would not have to take time off work. But I was not allowed to vote by mail because I needed a “reason” to be eligible to vote absentee and my long work hours were not a sufficient reason for me to be able to vote by absentee ballot.

7. Although I registered to vote in plenty of time for the election, my voter registration card did not arrive in my mailbox until 30-45 days after I registered. The card arrived after the election, so I was not able to vote.
8. I was not given adequate notice of my polling location since my voter registration card did not arrive before the election. In the future, if I want to vote I will have to take off the day from work and lose pay unless my long work hours would make me eligible to vote-by-mail.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.



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Date

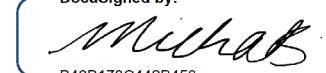
# Exhibit 54

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Michael ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
  1. I am a resident of Caddo Parish in Shreveport, Louisiana.
  2. Voting in Louisiana has always been frustrating to me. I moved here about 5 years ago from West Texas and access to voting is really challenging here.
  3. Although registration seems available in more places now, the nearest DMV is across town from downtown ██████████  
  
The lines at the DMV are always very long, particularly with COVID. When I had to go to the DMV to register my vehicle, after the usual long wait, I was able to register to vote in time for the 2020 general election without any issues.
4. I have always been an enthusiast for online voting and registration, but I was not aware at the time that Louisiana has online registration.
5. I don't remember exactly when, but a bit before the general election I received a notice that I had to bring a bill with me when I voted, presumably to confirm my address. I found it amusing that the Board of Elections sent a card in the mail to my home address asking me to "verify where I live."

6. Last year I wanted to vote early because the early voting polling place is just a block or two from my house, but I was too busy to vote on one of the early voting days. Instead, I went to vote on the general election day.
7. For the general election, downtown people like me had to travel 2 miles to another neighborhood to vote at [REDACTED]. It's too far to walk there easily. I had to drive. My neighborhood has mixed demographics, from business people like myself to the homeless. I see that many of the people in my neighborhood do not have transportation, so I have no idea how they traveled to the polls on election day.
  1. I wanted to get to the polling place "off hours," when other people were at work, to try and beat the lines. I got there quite late in the afternoon, however, at 4:45 p.m. Still, I walked right in—there was no line—and the people working there were very helpful and took my information. They barely even glanced at the bill I brought. Only two polling booths were working, several were not operational. However, I got in, voted, and got out in about 20 minutes.
  2. In the time it took for me to vote, the voting line into the polling place had filled the building and went around the block, apparently with people who wanted to vote but could not get out of work any earlier. I expect it took a very long time for those people to vote.

3. More than almost anything else, it has always been very frustrating to me that I must register as a Democrat or Republican to participate in the Louisiana primaries. I am a Libertarian and I should be able to participate in the open primary. I should be able to have my say.
4. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
  1. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
  2. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
B48B173C442B453...  
Michael [REDACTED]

7/11/2021

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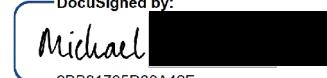
Date

# Exhibit 55

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Michael [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Lafayette Parish in Louisiana.
3. I have had to wait in long lines at my voting location, [REDACTED]  
[REDACTED], on multiple occasions.
4. My voting location routinely is late in opening. It appears to be very disorganized. It is supposed to open at 6 a.m. but often opens 45 to 60 minutes late. This became worse during COVID.
5. As a result of the delay in opening, I have had to wait to vote for 45 minutes to an hour.
6. My voting location also serves multiple precincts. Each precinct has its own voting line. No instructions are given as to which line to get into for which precinct, and as a result, sometimes people are in the wrong line and do not find out until they get to the front of the line. Then we have to start over again in the line for the correct precinct.
7. This happened to me during the gubernatorial election in November 2018. Once I was informed that I was in the wrong line, I had to start over in another line, and wait 20-30 minutes in the new line.

8. I have also witnessed this happening to other voters.
9. When I did reach the front of the correct line, I was able to vote without any problems.
10. I have a strong concern about voting rights and want to make sure that my community has the resources it needs for people to be able to vote.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Michael [REDACTED]  
9BB91705D80A42F...  
Mic [REDACTED]

7/7/2021

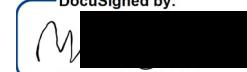
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Date

# Exhibit 56

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Michael [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Rapides Parish in Louisiana.
3. I went to vote in the 2020 Democratic Primary and was told that I was registered as an Independent and could therefore not vote. I was given a form to fill out and mail back in to change my registration to “Democratic.” I filled it out and took it back in because I did not trust them to change this status. I now have my voter registration listed as Democratic.
4. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
5. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
6. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
F96CA6B1ACB941C...

Michael [REDACTED]

8/10/2021

Date

# Exhibit 57

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Michelle [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Jefferson Parish, Louisiana. I have lived in Louisiana my entire life and have been a voter since I was 18. I am currently 55. I have resided at the same address for the past 14 years. During the 14 years I have lived at my current residence, my polling location has changed a few times, but has remained the same for the past couple of years: the [REDACTED], [REDACTED], Marrero, Louisiana.
3. On June 12, 2021, there was a special election in Jefferson Parish. My husband, Sherman [REDACTED], and I went to vote that day at the high school. We found it closed with no one present. We then returned home, and I looked up my proper polling location on the state's website. [REDACTED] [REDACTED] was listed as the proper voting location. I have attached a current screenshot of this webpage as Exhibit A. My husband then returned to the high school to make sure it was not open and confirmed that it was not. We then went to our usual early voting location, the [REDACTED], [REDACTED], Marrero, Louisiana. That too was closed. Saturday, June 12, 2021 was

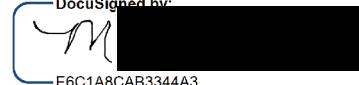
the proper date of the special election, as noted on the webpage, Exhibit

A. To the best of my knowledge, we did not receive any notification or information that our usual voting location had changed for this election.

Because we could not find our proper polling location, my husband and I were not able to vote in this election.

4. For the November 2020 general election, my husband and I early voted on a Saturday at the [REDACTED]. It is necessary for me to vote on a Saturday because I work during the week at a bank and I cannot get the necessary time off to vote.
5. We waited in line for six hours. There were portable toilets available and tents to shield us from the sun. However, there were no vendors present to provide food or water. Luckily, there was a group of people with ice chests handing out water to people in line. Nevertheless, we were tired, hungry, and frustrated. After we voted, my husband and I went to the store and bought several cases of water that we then took back to the polling place and gave to the people with the ice chests.
6. People fought and died for my right to vote, so I try to exercise that right and vote in every election. It is not right that we were not able to find out where we needed to be to vote, and we should not have had to wait in line for 6 hours to exercise our rights.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
E6C1A8CAB3344A3...  
MICHELLE [REDACTED]

7/9/2021

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Date

## Exhibit A

[Screenshot of my voter page showing polling location]

### Election Day Voting

Polling places are open from 7 am to 8 pm on election day for Saturday elections.

Polling places are open from 6 am to 8 pm on election day for Tuesday elections.

For information see the [Election Calendar](#).



MARRERO, LA 70072

[Get Directions](#)

When you go to the polls to cast your vote in an election, be sure to take one of the following:

- a driver's license,
- a Louisiana Special ID,
- LA Wallet digital driver's license,
- a United States military identification card that contains the applicant's name and picture, or
- some other generally recognized picture ID that contains your name and signature.

Voters who have no picture ID may complete and sign a Voter Identification Affidavit in order to vote; however, it is subject to challenge by law.

# Exhibit 58

## **DECLARATION UNDER PENALTY OF PERJURY**

### **PURSUANT TO 28 U.S.C. § 1746**

1. My name is Naomi ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. In the past, I haven't had issues voting. I have done day voting and early voting and I never had problems. I have voted in local and presidential elections without problems. The problem was with the 2020 presidential election. I wouldn't say it was unique. I waited for an hour, maybe an hour and a half.
4. I wanted to go during early voting, at least several days early. In Louisiana, there is a ten-day early voting period. I went around day 6 or 7. I tried to go and vote early on October 22<sup>nd</sup>, around 3 or 4 o'clock, but when I showed up the line was long - up to two hours long - people were telling me.
5. The line was outside, wrapped around the corner and it was hot. I noticed some people had folding chairs. Most people were masked, just standing. There was some shade and no water. There were parts of the line where the sun was beating down on you.

6. I couldn't do that. I couldn't wait in the line to vote because I wouldn't have enough time before I had to go pick up my daughter from daycare, so I had to come back another day.
7. Luckily, I was working at home and was able to come back. I am very fortunate in that my job allows me to take off time.
8. When I went back on October 26<sup>th</sup> around 1 p.m., I think it took me about an hour and a half. Some people, I think around five people, turned around and left the line, saying they would return. I took a video of the line which is attached as Exhibit A.
9. Once I got in to vote, I didn't have any problems and I eventually voted using an electronic voting machine.
10. If I didn't have the privileges I do, I don't know that I would have been able to go back and vote, to wait in line.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSign Handwritten Signature  
Naomi [REDACTED]  
5B0CB08C5B6943A...  
Naomi [REDACTED]r

7/21/2021

Date

## **Exhibit A**

### Video of Line Outside Early Voting, October 26, 2020

<https://drive.google.com/file/d/13qvoMkzANrQ4km1qLAuDSmml3PEY2OYX/view?usp=sharing>

# Exhibit 59

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Nick [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Tangipahoa Parish in Louisiana.
3. I am sharing the experience of my son, Dante, with voting in November 2020. He and my daughter were both registered at 18 years old. He voted in his first election at 18 and he is 21 now. His first vote was a local election. I went with him, signed the book, and took pictures.
4. Now, he goes to school in Tennessee so he needed an absentee ballot. In this state, they put an R or a D on the envelope when they return the ballot. So I applied for him to get the ballot and I was going to forward it to him. I got a letter that said he has to vote in person because he never voted before. I pulled up the dates and called the voter registration office for our Parish. I knew it was impossible that he had not voted, because I had the pictures of him signing the registration book when he voted. They said that they had scanned the registration book, so maybe they missed his name, they said. But they got my name and it was right next to his. My wife and daughter were in it and my son would be between my wife and me because that's the order we came in. I don't know how you miss that.

5. The people at the voter registration office said that he needed to send his student id through the mail and we did that.
6. Then, they mail me his absentee ballot. I did this a couple of months before the election so there wasn't a press for time. I put it in another envelope and mailed it to him in Tennessee. He received the absentee ballot, filled it out, and mailed it back to the parish.
7. I wait a while and then I check the registration and it doesn't have his vote tabulated. As we draw closer to the election, just a few days before the election, they say they still haven't received it. It had to be in by Monday evening before the election.
8. That Monday we call in the afternoon before they close and they still have not received his ballot. He was in the area so he was able to go and vote in person that Tuesday.
9. He had mailed his absentee ballot weeks before the election and it never found its way to where it needed to go.
10. We take this extremely seriously. Voting was his right. We were persistent and will remain persistent. This is his future and he understands this. I told him, "Be active, participate, or you suffer the consequences."

11. Here, in Louisiana, you know what party a person is because it is marked on the envelope. He is a registered Republican, so there is an “R.” He wasn’t happy about mail in, but he had no choice.
12. The only hitch in the giddy up was from Tennessee to Louisiana.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.



7/6/2021

Date

# Exhibit 60

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Norris ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. I am a formerly incarcerated person. I was released on probation from Angola Prison in 2003.
4. I am the Founder and Executive Director of Voice of the Experienced (VOTE) and our sister organization, Voters Organized to Educate. VOTE, a grassroots organization founded and run by formerly incarcerated people (FIP), our families and our allies, is dedicated to restoring the full human and civil rights of those most impacted by the criminal justice system, including the right for FIPs to vote.
5. When I was released from prison, Louisiana denied voting rights to FIPs who were on probation or parole after a felony conviction. One of VOTE's priorities was to work with other organizations and the Louisiana state legislature to expand voting rights in Louisiana for FIPs.
6. In 2018, the Louisiana state legislature passed Act No. 636 (Act 636), which became effective on March 1, 2019. Act 636 provides that FIPs who have been out of prison for at least five years but remain on probation or parole

(Qualifying FIPs) are eligible to register to vote. Prior to Act 636, FIPs could only regain the right to vote after they completed probation and parole, which meant that some FIPs never regained the right to vote.

7. Even after Act 636 became effective many FIPs did not register to vote. Many FIPs were not aware that they were now eligible to register to vote. Even those FIPs who were aware of Act 636 were often unable to complete the steps that the Act required them to take in order to vote.
8. Since Act 636 passed, VOTE worked with the Louisiana Secretary of State and the Department of Corrections to raise awareness among FIPs of the existence of the act and of the steps required for Qualifying FIPs to register to vote.
9. As a result of these efforts, the Secretary of State has updated its website to include information about the steps required for Qualifying FIPs to register to vote. See, for example, the FAQ titled “Felons, how to reinstate voter registration after a conviction?” which attached to this declaration as Exhibit A.
10. In addition, the Department of Corrections allowed VOTE to set up tables inside Probation and Parole offices across the state, where we were able to directly provide information to reporting FIPs about Act 636.

11. Based on the experiences of our VOTE staff and volunteers, it became clear that one of the major issues presented by Act 636 was the requirement that people on probation who had never been incarcerated had to take the same steps to register to vote that were required of formerly incarcerated people. Since a large portion of people convicted of felonies receive probation instead of a prison sentence, this meant that outreach efforts had to be more extensive to reach individuals on probation as well as formerly incarcerated people.
12. Encouraged by VOTE and the Advancement Project, the state legislature passed Act No. 127 (Act 127) in June 2021. Act 127 ensures that individuals sentenced only to probation will not lose their voting rights due to a felony conviction, thereby preventing government offices from expending unnecessary resources to suspend voting rights, and then having to work to restore them, for individuals sentenced to probation. Attached as Exhibit B is a portion of the announcement Crowell & Moring LLP posted on its website about Act No. 127, which also states that more than 30,000 people are currently estimated to be on probation in Louisiana.
13. In 2018 Louisiana voters also approved a state constitutional amendment ending a Jim Crow era law that allowed juries that were not unanimous to send people to prison. Prior to this amendment, Louisiana and Oregon were

the only two states that still allowed juries that were not unanimous to send people to prison.

- 14.** With the encouragement of VOTE and other organizations, the state legislature passed Act No. 121 in 2021, which eliminates the exclusion from jury duty of all individuals convicted of a felony who have not been pardoned by the governor and instead limits the exclusion to individuals who are under indictment, incarcerated under an order of imprisonment, or on probation or parole for a felony offense within the five-year period immediately preceding the person's jury service. The right to serve as a juror is an important civil right formerly denied to Louisiana FIPs. To be selected to serve as a juror, however, individuals must also be registered to vote. FIPs know the value of ensuring that juries are comprised of representative members of the community, and we believe Act 121 will provide an additional incentive for Qualifying FIPs to register to vote.
- 15.** In a time when many states are passing ever more restrictive voting laws, Louisiana continues to pass bipartisan legislation that expands the right to vote.
- 16.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

- 17.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 18.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
Norris [REDACTED]  
B0EB1499A73D44B...  
Norris [REDACTED]

8/4/2021

\_\_\_\_\_  
Date

## Exhibit A

### Louisiana Secretary of State Website



**SECRETARY OF STATE** **R. KYLE ARDOIN**



[HOME](#) | [QUICK LINKS](#)

[SEARCH](#) 

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<b>ELECTIONS &amp; VOTING</b> <ul style="list-style-type: none"> <li><a href="#">Browse by Audience</a></li> <li><a href="#">Register to Vote</a></li> <li><b>Frequently Asked Questions</b></li> <li><a href="#">Vote</a></li> <li><a href="#">Get Election Information</a></li> <li><a href="#">Become a Candidate</a></li> <li><a href="#">Find Public Officials</a></li> <li><a href="#">Information for Public Officials</a></li> <li><a href="#">Get Involved</a></li> <li><a href="#">Review Administration &amp; History</a></li> <li><a href="#">Get Bond, Debt or Tax Costs</a></li> <li><a href="#">Election Integrity Commission</a></li> <li><a href="#">Get Forms &amp; Fee Schedule</a></li> <li><a href="#">Contact Us</a></li> </ul>	<b>BUSINESS SERVICES</b>	<b>NOTARY &amp; CERTIFICATIONS</b>	<b>HISTORICAL RESOURCES</b>
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[Home](#) > [Elections & Voting](#) > [Register To Vote](#) > Frequently Asked Questions

#### FREQUENTLY ASKED QUESTIONS

- [How do I register to vote?](#)
- [Cancel Voter Registration?](#)
- [How do I qualify to register to vote?](#)
- [How much does it cost to register?](#)
- [Voter information card, how to get a replacement?](#)
- [Do I have to be a resident of the state to register?](#)
- [If I have multiple addresses, can I choose which address to use for voter registration?](#)
- [Changes in voter registration?](#)
- [Register to vote, what documents are needed?](#)
- [Do I have to register prior to each election?](#)
- [Moved to another parish in Louisiana, do I have to register again?](#)
- [Moved out of state, how to cancel my Louisiana voter registration?](#)
- [College students; where to register to vote?](#)
- [Deadline to register to vote before an election?](#)
- [Residential address, is it important?](#)
- [Felons, how to reinstate voter registration after a conviction?](#)

A person convicted of a felony and under an order of imprisonment may restore their voting rights upon completion of probation and parole or, if on probation or parole, not have been incarcerated pursuant to the order within the last five years and not be under an order of imprisonment related to a felony conviction for election fraud or any other election offense pursuant to La. R.S. 18:1461.2.

To restore your voting rights after a felony conviction, you must appear in person at the registrar of voters office, complete a voter registration application and provide documentation to prove that you have completed your probation and/or parole or that you have not been incarcerated within the last five years and are not under an order of imprisonment related to a felony conviction for election fraud or any other election offense pursuant to La. R.S. 18:1461.2. If you are disabled and homebound, you may submit your application and documentation by mail, facsimile, commercial carrier or hand delivery.

See La R.S. 18:177 and La R.S. 18:177.1 to learn more about reinstatement of registrations for felons or those under interdictions.

## Exhibit B

### Announcement on Crowell & Moring LLP website

[Voting Rights Victory in Louisiana](#) | Firm News & Announcements | Crowell & Moring LLP



| Search the site



#### Civil Rights Groups Achieve Voting Rights Victory in Louisiana

##### ***Signing of Act 127 – H.B. 378 means Louisianans will not lose their voting rights unnecessarily simply because they are on probation***

New Orleans – June 16, 2021: Voice of the Experienced (VOTE), a Louisiana-based grassroots organization founded and run by formerly incarcerated people, and Advancement Project, a next-generation, multi-racial civil rights organization, along with Crowell & Moring LLP, celebrated the enactment of Act 127 – H.B. 378 in Louisiana, which was signed into law on June 10, 2021. The bill will ensure that individuals sentenced only to probation will not lose their voting rights due to a felony conviction, and will prevent government officials from expending unnecessary resources to suspend voting rights, and then having to work to restore them for people who should not have been suspended from voter rolls in the first place. More than 30,000 people are currently estimated to be on probation in Louisiana, and the new law will help additional people each year as new individuals are sentenced to probation.

"When I went to prison, I lost my voting privileges, and now that I have gained back those precious rights, I don't miss an election," said **Checo Yancy, Director of Voters Organized to Educate**. "I vote now because it's my right to have my voice heard as to who represents my family and me in my community."

"Voting rights are the cornerstone of democracy, and if citizens can be stripped of that, there really are no rights for anyone," explains **Bruce Reilly, VOTE's Deputy Director**. "But this was always far bigger than casting ballots for us. When you look at how we pass laws, we bring a diverse array of people to the table, explaining both problems and solutions. Nothing illustrates this progress better than gaining support on this bill from the Secretary of State, who we filed a voting rights lawsuit against only four years ago. Our work isn't transactional; it's transformative."

In 2018, Louisiana enacted a law that allows people with felony convictions who are on probation or parole to have their voting rights restored as long as they have not been "incarcerated pursuant to the order within the last five years." Act 127 – H.B. 378 makes two clean-up fixes to the law, including clarifying confusing language in existing election law and streamlining information reporting from the Department of Public Safety & Corrections to the Secretary of State that ensures eligible voters do not needlessly have their voting rights suspended.

"We commend our partner Voice of the Experienced for once more bringing formerly incarcerated people closer to a voting system that works for everyone," said **Judith Browne Dianis, Executive Director of Advancement Project's national office**. "As a former bastion of the Confederacy, too many of Louisiana's laws have carried the legacy of Jim Crow into the present. Advancement Project is proud to support the leadership of VOTE in undoing these harms, strengthening democracy, and creating systems that work for all."

# Exhibit 61

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Oakland [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of St. Tammany Parish in Louisiana.
3. I am a combat wounded Vietnam veteran. I was born and raised in Louisiana. I have voted in other states over my lifetime. Though in the state of Louisiana, I have had challenging voting experiences in two different years, in two different parishes.
4. In 2020, I felt that absentee voting could make it easier for me (during the pandemic) as I did not want to increase my exposure time by standing in line. I live alone and I successfully voted absentee in 3 different elections in 2020. The forms came to me in the mail, I filled out the ballots and I put my signature on it. I put it all together. But then, either I forgot to take the absentee ballot with me, or I neglected to get a visitor to the house to witness the ballot. So, then I had to find someone to witness it. One time I had to go to the Post Office to have them witness my ballot. I asked a complete stranger to fulfill this legal step.
5. I feel that voting is sacred and serious enough, so I think tracking down a witness is not too much to ask. But I also feel it is an unnecessary step for me because I am a registered voter who has voted for years and years. You should be able to

match me up easily electronically. I would prefer steps for absentee voting where I do not have to leave the house to complete them. I prefer absentee ballots now because they reduce my exposure to others.

6. I also recall very long lines on election day in 2008, when I was living in the

[REDACTED] when President Obama was running for his first election. On that election day (at the polls located off [REDACTED]) I waited in line more than an hour. There were at least 150 people in line ahead of me. Because I was working at the time, I either had to go after work or take time off work. This may have been poor planning on my part to get in line when it was so long to go around the corner, but I am not one to get up and get in a line before the polls open on election days.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

9. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by  
Oakland [REDACTED]  
6C829FDE261A405...  
Oakland [REDACTED]  
7/14/2021

Date

# Exhibit 62

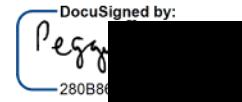
**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Peggy [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Calcasieu County in Louisiana and [REDACTED]  
[REDACTED] Vinton, Louisiana [REDACTED].
3. Voting is important to me because I am the one to stand up for me and my family. Even though my vote may not make a difference in a Republican state, it is my right to vote, and I do and will continue to.
4. I live in a very small rural mixed-race community and our town has about 4,000 people. We usually have three polling locations and folks come from the surrounding areas into our small town to vote. The town is so small that the polling locations are close by to all of the voters who live in town. My location is about a half-mile away. I usually drive there with my husband, but it is possible to walk to it too. We usually have short lines for voting on election day.
5. For many years, my voting location was across the street. I couldn't live any closer! My entire family lives in the same neighborhood, [REDACTED]  
[REDACTED]. However, the location

was changed about four years ago. I got a letter in the mail with that notice, but I don't have that letter anymore.

6. I observed in the past that our voting locations in town were segregated, but they aren't anymore. Black folks are somewhat spread out in our community, but most live in a rather small section of town. Because the town is so small, I believe that most black folk have a small walking or driving distance to their voting location. Now I wonder if the politicians have redrawn our voting map to split the black vote. Not only is this change inconvenient, but it has left me kind of angry. It's not that the new location is far away, but I don't know for what reasons they may have changed the map.
7. The polling location across the street is still being used, but I can't vote there anymore. I know some of the voters at that location, but I don't know them all. That voting place is taking a mix of voters, both black and white.
8. Because of my age, I can vote by mail now, so it doesn't matter so much that I can't vote across the street anymore. I've been able to vote by mail for the past 2-3 elections. In the past, if I was going to be out of town, I would make a plan to early vote. To early vote I had to drive about 15 miles away, but I didn't mind the distance. At early voting there is always a line, but the poll workers are courteous, and the process runs smoothly.

9. I am an active and informed voter. I support our Governor because he supports keeping early voting open. I am also an enthusiastic supporter of absentee voting. I think if you mail a ballot to everyone then people would vote more.
10. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
11. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
12. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
280B86

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Peggy [REDACTED]

6/30/2021

---

Date

# Exhibit 63

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

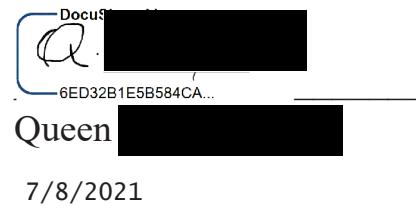
1. My name is Queen [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of St. Bernard Parish in Louisiana. I was born and raised in Louisiana and have lived here most of my life.
3. I registered to vote when I first became age eligible. I vote in all of our local elections and in the General Elections. I vote because it's an important right that many people fought for me to have. Also, I want to make a positive difference for all mankind.
4. In 2020, I voted in the November General Election. I went to my polling place to vote early in person. My polling place is [REDACTED] [REDACTED] at 7 [REDACTED], Chalmette, LA. When I showed my ID to the poll worker, they told me I wasn't on the log list to vote at this location. I explained that I have voted at this location for eight years and never had my registration questioned. I felt that I had to justify myself, but it fell on deaf ears.
5. The poll worker sent me to the City Council Office to have my registration confirmed at that office. I drove to the City Council Office which is about ten minutes away from my polling location. There was a line of people waiting at

this office. The line extended outside of the building and we wore masks and stood 6 feet apart for COVID precautions. I waited in the line for about forty-five minutes before being served. When I explained to the office worker why I was there, he checked my ID card, then made several phone calls. He told me I needed to register with a political party in order to vote in the election. Once I registered for a party, he confirmed that my voter registration was valid and sent me back to my polling location to cast my vote.

6. I drove back to my polling location. The poll worker confirmed that I was registered to vote there and then directed me to a voting machine to cast my vote.
7. When I used the voting machine, it only allowed me to vote for three of the six positions on the ballot. I reported the problem to a poll worker. They said that other voters had experienced and reported the same problem. They said the equipment failure was out of their control. No correction was made to the malfunctioning voting machine. Therefore, I was only able to vote for three positions on the ballot, and not the full number of six positions. I felt that the poll workers were unhelpful and conveyed a nonchalant attitude about the problem.
8. I am a committed voter, but I had to work hard to cast my vote in this election. I had to devote an extra hour out of my day to drive to the City

Council Office, stand in line, register with a party, and drive back to my polling place. The extra time it took forced me to delay important care for my clients. I provide care to clients with life-threatening illnesses. This was an inconvenience for me but an unnecessary and potentially dangerous hardship for my clients. Voting should be easy and accessible. But for me, it was not the case in this election.

- 9.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 10.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
- 11.** I declare under penalty of perjury that the foregoing is true and correct.



---

Date

# Exhibit 64

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Rebecca [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Calcasieu Parish in Louisiana.
3. Voting is definitely important to me because voting means being able to choose the right officials to run our country.
4. In the year 2000, I moved to Lake Charles to raise my six children. I am registered to vote, but, unfortunately, I have never voted, because I did not have transportation to get to the polling place. I do not know how to use a computer, and we don't have a computer in the house, so I didn't know how to find out about the dates and locations for voting. I was not aware of early voting, absentee voting, or voting for disabled persons. I didn't hear any neighbors or family members talking about elections or voting either. I never received any information or reminders in the mail about voting, as I did when I used to live in Texas.
5. I am disabled, I use a walker, so I do not drive, but I did go to register to vote and to get my special Louisiana Photo ID at the Department of Motor Vehicles office in Sulphur in the year 2015.

6. I am Hispanic and all the employees in the office were white, and I noticed that they were unfriendly and did not look me in the eye. This gave me the unspoken message: “You’re not wanted here.” I felt very uncomfortable as I took my number and waited.
7. I carefully listened as they were calling people by number to come to the counter. After a 45-minute wait, they passed my number, so I went to the counter and politely asked about my turn. The employee said, “We’re sorry, but you’re just going to have to wait.”
8. I took my seat again and I observed that the employee was helping no one else at the counter. In my opinion, she was stalling. After another fifteen minutes, the employee finally called my number. All told, I waited over one hour to get my photo ID.
9. In spite of being registered and having my photo ID, and having the desire to vote, I was still unable to vote because I had no transportation to the polling place.
10. I am motivated to vote and to encourage all my children to vote as well. Just this year, my daughter finally got a vehicle, and I look forward to exercising my right to vote at the polls.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

  
Rebecca

8-3-2021  
Date

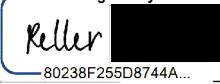
# Exhibit 65

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Reller █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Shreveport, Louisiana in Cado Parish.
3. At 72 years old after a lifetime of voting, I decided that I wanted to better understand how elections actually worked so I signed up to be an Election Commissioner for the November 3, 2020 General Election in Precinct 17 in Caddo. It was one of the best experiences of my life as I learned and saw so much regarding how our elections work.
4. One aspect of the election process that triggered me, however, were the newly registered voters that did not understand how the voting equipment worked.
5. I experienced hearing several new voters talking to themselves while in the voting booth expressing confusion as to which buttons to push.
6. I asked my lead commissioner if I could help these voters and was told I could not which I understood but it still makes my heart heavy when I think about these people who went to the trouble to register and come vote only to probably have their votes nullified or cast for a person they did not intend to vote for.

7. Based on this experience I believe that in addition to registering people there should be a way to educate them regarding how to actually cast their votes.
8. There are written instructions posted outside the voting booth as the voters walk in, but the copy is quite dense and it should not be assumed that every voter is a proficient reader.
9. While voters can bring someone to assist them in the booth there are a lot of people that do not want to admit to family and friends that they do not understand the written instructions.
10. Providing basic instruction at the time a person registers or having a practice booth at every polling place where new voters can get an explanation of how to vote is an important thing to do to ensure that every voter's vote is counted and their voting choices are correct.
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**13.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Reller [REDACTED]  
80238F255D8744A...  
\_\_\_\_\_  
Reller [REDACTED]  
7/1/2021  
\_\_\_\_\_  
Date

# Exhibit 66

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Ricky [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana. My residence address is [REDACTED]  
[REDACTED], Orleans, LA [REDACTED].
3. I have always lived at my current address. I grew up in the house. I had two siblings and we had a good childhood. When I was grown, I took over the responsibilities for the house and it's mine now.
4. I turned 18 in the year 2000 and right away, I registered to vote. I can't remember where I went to register, but I remember being excited when my voter registration card came in the mail, and thinking it was funny that I was old enough to vote but not old enough to drink.
5. In 2000, Bush and Gore were running for President. I was glad to be able to vote in that election. I didn't know it then, but that was the last time I would vote for 20 years.
6. A couple of years later, when I was 20 years old, I committed a crime. It wasn't a violent crime or drug-related, but I incarcerated for a period of 7 years. I served my time and when I was released from prison, I was on probation and had to pay restitution for my crime. Over a period of 13 years, I worked hard to pay the money I owed. I paid it back all on my own. I'd

served my time and I was free, but for 13 more years, I couldn't have my rights reinstated because I hadn't finished paying my restitution.

7. In 2020, I finally finished paying my restitution. There was a big presidential election that year, Biden versus Trump, and I really wanted to vote in that election. Because I had been registered to vote before my incarceration, my probation officer told me that I wouldn't need to re-register. She said that when I went to vote, my name would be back on the voter rolls.
8. I went to [REDACTED], to the Registrar of Voters, to check in. I went on one of the first days of early voting. When I gave my name to the Registrar, she started questioning me. She asked me when I'd last voted. I told her, in the year 2000. She asked me why I hadn't voted in so many years. I told her I had been incarcerated and had only that year paid off my restitution. She shook her head and said that I didn't automatically get to vote again. She said I had to wait to vote until 10 years from the date that I paid off my restitution. That wasn't what I'd been told, I said, but she claimed it was true. She would not listen to me. She said she was the official in charge, and she was not going to let me vote.
9. I left [REDACTED] and called an advocacy group, The Louisiana Council of Resources, that works with formerly incarcerated people, and I asked them

what I should do. They advised me to go to my probation officer and tell her what had happened.

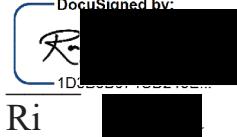
**10.** When I told my parole officer, [REDACTED], what had happened to me when I went to vote at [REDACTED], she was furious. She told me that back in July, she had sent a certified letter to the Registrar of Voters saying that I had completed my restitution and was to have my voting rights restored. She said they should have put my name back on the voter rolls as soon as they received that letter. I had never gotten a copy of this letter, but that day she gave me one. Now the game shifted. See Exhibit A for Voting Rights Certification Letter.

**11.** I was lucky that I had gone to [REDACTED] the first time during early voting, because when I went back with the letter, voting was still going on. A full-time elections official at [REDACTED] read the letter and while I stood there, she put me back on the rolls. I was re-registered, and for the first time since I was 18 years old, I voted.

**12.** The prison system punishes its inmates by keeping them locked up and away from society. But they are also supposed to rehabilitate their inmates while they are incarcerated, get them ready to return to society and be good citizens. But it seemed to me that even after I'd served my time, I kept being punished. I was working hard at my job, paying my taxes, doing all I could

to make things right after I'd made a bad mistake when I was younger. It would have meant a great deal to me to have gotten my right to vote back after I'd served my time, but for 13 years, I was denied that right.

- 13.** Voting is important to me. It was important when I turned 18 and registered to vote. And I felt I had lost something really important when my right to vote was taken away. And today I am very glad to have the right to vote.
- 14.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
- 15.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness in this litigation.
- 16.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
Ri \_\_\_\_\_

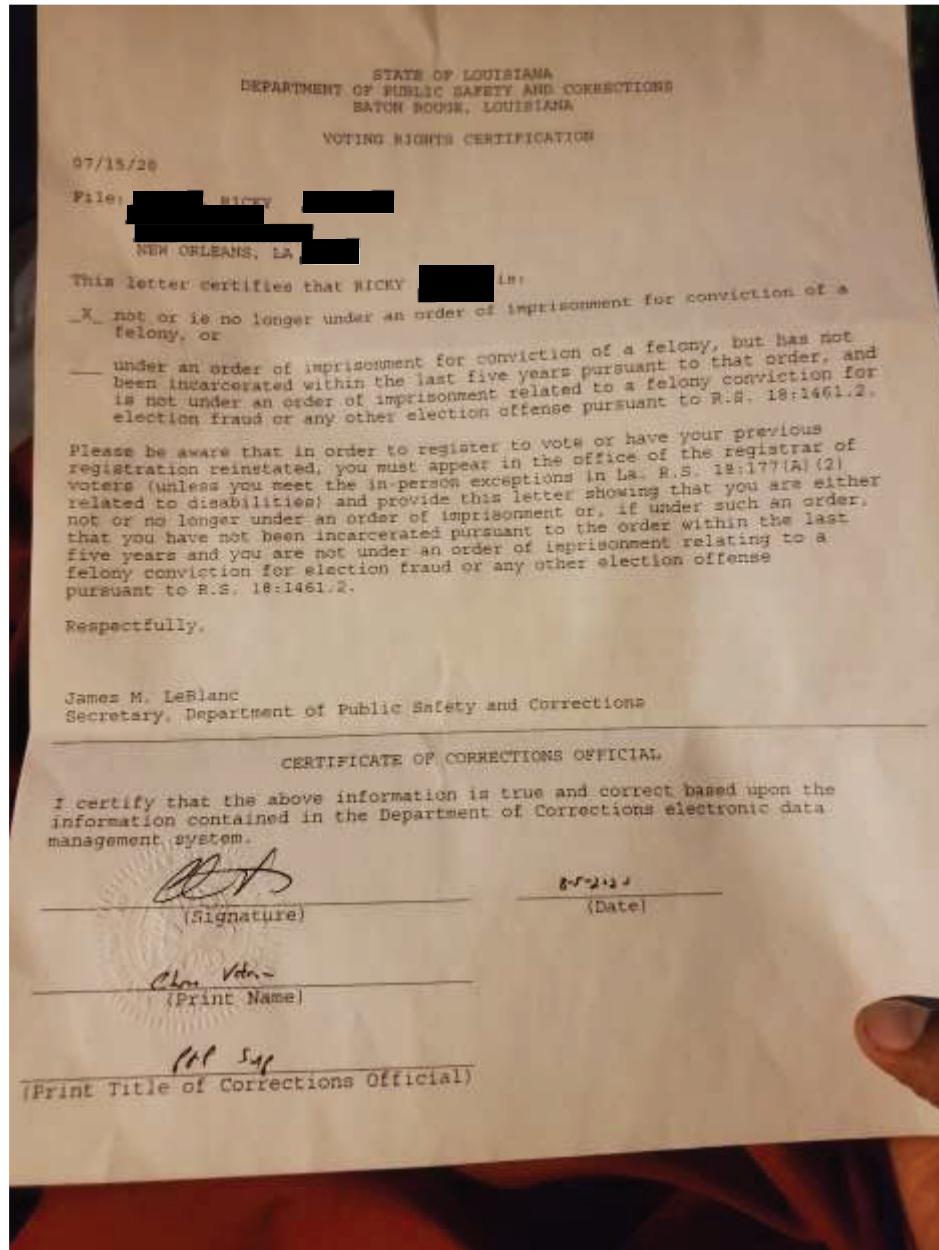
7/14/2021

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Date

## Exhibit A

### [Ricky ██████████ Voting Rights Certification Letter ]



# Exhibit 67

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Sabrina ██████████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Monroe in Ouachita Parish, Louisiana.
3. I have been voting for twenty or so years. I always vote in the election for Governor, since that's important to me.
4. About three years ago, when I had been living at my address for around five years, I received a postcard in the mail. It was very small, and I nearly missed it. It said something like, if you still live here, you need to fill this in and mail it back.
5. I don't know why I was sent this card. I had not forwarded my mail to an out of state address. I had not missed voting in any recent election for governor. I had not moved.
6. I felt like it was an attempt to purge me from the voter rolls. It made me angry. I filled out the postcard and sent it back pretty quick.
7. The next time I voted, I think it was in the election for Governor, because I always vote for Governor. I was on the roll and didn't have a problem voting.

8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
10. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
4  
Sabrina [REDACTED]

7/7/2021

---

Date

# Exhibit 68

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name Singleton [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of St. John the Baptist Parish in Louisiana.
3. I have been voting in Louisiana since 2018. I am handicapped and therefore use a cane. When I approached the polling place, I was impressed with the security guard who escorted me to a line specifically for handicapped voters.
4. In 2019, due to my handicap, I applied to vote by absentee ballot for the next election. I sent in all the paperwork, but I thought the signature required was mine, so I signed my name. I was mistaken; it was the signature of a witness that was required. I was notified that my ballot was not counted due to missing the signature of a witness. I do not have a copy of the notification. I was grateful I was notified and have made sure that I get a witness signature on my absentee ballots since then.
5. In 2020, I voted by absentee ballot but realized that I never received a confirmation that my ballot was received.
6. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

7. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
8. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
Singleton  
045A0E4FBBD3E42E...  
Singleton [REDACTED]

7/13/2021

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Date

# Exhibit 69

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Sofia █████. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. For most elections I have had no issues with ID or registering to vote.
4. In the 2012 Election I had to vote absentee since I was pregnant but I did not have any problems getting my absentee ballot.
5. About 3 years ago, I cannot remember which election, I had to go to three different locations to vote which was frustrating. I got up at daybreak to beat the lines and went to the first location which was changed without my being aware of the change. A man came out and told us to go to the library. I went to the library, stood in line and then found out that was not correct. A lady that worked there looked up my voting location and sent me to a third location where I could finally vote. I was determined to vote. Some people gave up.
6. In the 2020 November Election I had to wait on line about 2 hours. Some of the machines had signs on them that they were out of order. Some places had longer lines so I thought 2 hours for the presidential election was ok.

7. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
8. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
9. I declare under penalty of perjury that the foregoing is true and correct.



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Sofia [REDACTED]

6/29/2021

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Date

# Exhibit 70

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name Tammy [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Baton Rouge, East Baton Rouge Parish in Louisiana.
3. I am a chapter organizer for Voice of the Experienced, a non-profit dedicated to restoring the human and civil rights of those most impacted by the criminal justice system (“VOTE”). This includes helping formerly incarcerated people (“FIPs”) understand their right to vote and then helping them to register to vote.
4. Voting has always been important to me. I was raised to believe that voting is important, and went to the polls with my parents, later with my sisters when we were old enough to vote, and since then on my own. I have been in prison briefly myself, but it has been watching family members impacted by the system that I have really learned how unfairly this system treats prisoners and FIPs. This includes watching a nephew serve 23 years in prison for crimes that he did not commit (he has been exonerated with the help of the Innocence Project). This motivated me to join VOTE as a member, then a volunteer, and now as a full-time employee.

5. Ever since Louisiana passed Bill 636, which was enacted in March, 2019, FIPs have the right to vote after they have been out of prison for five years, or when they get off parole if that is a shorter amount of time. Part of my job has been to find FIPs who are qualified to vote and to help them to register. After Bill 636 passed, the Secretary of State was not trying very hard to notify FIPs of their right to vote and how to register, and I volunteered at VOTE to help get that information out.
6. In order to register to vote, an FIP must first get a certificate from the probation office saying that they meet the requirement to register and then take that certificate to their local voting registrar, who must confirm the information on the certificate before registering them to vote.
7. In my experience, getting that certificate is a very significant obstacle preventing FIPs from registering to vote. First, the public transportation in East Baton Rouge is very poor, and in West Baton Rouge there is no public transportation. Especially with COVID, the capacity of busses is restricted and there are fewer of them. If an FIP does not have a car, it could take all day to get a bus, go through any transfers, wait in the probation office to get the certificate, and then get home. Then it is another day to get to the registrar with the certificate.

8. Second, Most of the FIPs have low paying jobs where they can't get time off to register and where they barely make enough money to pay rent and fines, restitution and other fees that they may have to pay through the court system. They cannot afford to take time off to go get the certificate and register.
9. Third, many FIPs are afraid to go back to the probation office. Some do not trust the system and are afraid of being arrested even if they have committed no crimes; some employees in the probation and registrar's office mistreat them or try to humiliate them; some get angry and say that the state does not have to go to the probation office to look at their records and see that they don't have the right to vote, so why can't the state look and see that they have done the time; some don't think that their vote matters and it is hard to convince them to overcome these hurdles to register. I would estimate that of all of the FIPs I contact who have the right to vote, about half will not do it because of the lack of transportation, cost in lost wages, and other obstacles.
10. It is theoretically possible for FIPs to get their certificates from the probation office by mail, but we recommend the to go in person that because the certificates often are not mailed or are mailed too late for the FIP to register for a particular election.

11. I focus most of my education and support work in Baton Rouge. VOTE does not have offices supporting rural areas. I do not know how FIPs who live in rural areas without public transportation can get those certificates and then get them to their local registrar.
12. People don't feel like they are citizens if they cannot vote, and the right to vote is very dear to many people of color and people who have been mistreated in the criminal system but have seen that it can be changed. FIPs pay taxes and it is not fair that they have no voice at the ballot box. I too do not understand why FIPs must go get these certificates when the facts about their incarceration are or should be available online to the voting registrars.
13. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
14. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
15. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
6CD5919EB16B4AF...  
Tammy [REDACTED]  
8/1/2021

Date

# Exhibit 71

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Troyonna [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish, Louisiana.
3. Voting is very important to me! I grew up in a community where many elders said it was very important to vote, while others said voting really didn't make a difference. I wasn't sure what to believe, but registered to vote at 18 and, while in college, began researching for myself the importance of voting and my role in democracy. The more I educated myself, the more motivated I became to vote.
4. I was diagnosed as an adult with Attention Deficit Hyperactivity Disorder (ADHD) and I have a great deal of anxiety. This caused me to lack confidence, but I got help and learned to stand up for myself and ask for accommodations I need.
5. When I first started voting, I lived in the [REDACTED] of New Orleans. While I lived there, I did not have problems voting. However, I now live in the downtown area and had significant problems voting there in 2020.
6. During the primary in 2020, I voted at my new polling place, [REDACTED] [REDACTED]. While I was in the voting booth, one of the poll workers began

knocking on the side and told me I had to come out because my time to vote was up. She said I only got three minutes to vote. I told her I had only two races left to vote and asked if she could give me a little more time. I explained that I am delayed, that it takes me longer to do things and read over things, and I was trying to finish voting. The poll worker kept interrupting me, talking and knocking on the voting booth, which made me go slower because it distracted me.

7. When I finished voting and came out, I said I was sorry that I needed more time and that I didn't know there was a time limit. The poll worker pointed at signs posted around the polling place indicating that a voter could be in the booth for only three minutes. I felt like she was belittling me when she did that, but I asked who I needed to contact to get additional time during the next election. The poll worker and her colleagues gathered around me, told me three minutes was all that was allowed and began arguing with me. They told me I was disrespectful, that they didn't know what I needed to do to have extra time, but that I had to leave. I said that I was only trying to find out what I needed to do for the general election so this would not be a problem. They got more and more angry, so I left. I was glad I was able to vote but was very anxious about having to come back for the general election.

8. When I returned for the general election, the same poll worker was there again. I went up to her before going into the voting booth and tried to talk to her about having more time so she wouldn't disrupt me while I was voting. She got defensive and started to argue with me again, but her supervisor came over and talked to me. I explained my diagnosis and that I needed a little extra time and that I had tried to share this with the poll worker during the primary. The supervisor agreed and allowed me extra time to vote that day. She also told me to go online to request "voter assistance" because of my disability, explaining that was really the only way I could be sure to get more time.
9. After voting in the general election, I went online, as directed, to apply for "voter assistance" – in particular, "assistance at the polls." The application for this assistance lists only various physical disabilities, so I checked the box marked "other" and wrote in that I had been diagnosed with ADHD and anxiety and needed more time in the voting booth than the three minutes allotted. I received a confirmation e-mail that my application had been received from the Registrar of Voters. After several weeks of hearing nothing about my application, I called multiple times but was never able to reach anyone. To this date, nothing in my online voter profile shows that my application has been accepted.

10. This experience was very difficult for me. I believe voting is very important in our democracy. I have worked hard to be able to stand up for myself and ask for accommodations I need, but this experience was upsetting. Even though I am nervous about having to go through something like this again, I will keep trying to vote – a vote is too valuable not to use!
11. I also worry about all the people who are like me but who haven't had a chance to get help and don't have the confidence or feel comfortable standing up for themselves. If this had happened before I got help, I probably would have been too afraid to vote and left. I am very concerned other people who are struggling will do the same. It should not be this hard to vote!
12. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
13. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
14. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
 [REDACTED]  
D44FE73C68D2438...  
Troyonna [REDACTED]

6/28/2021

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Date

# Exhibit 72

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Valarie [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I moved to Baton Rouge from New Orleans after Hurricane Katrina. It's been hard. The first house my husband and I bought went into foreclosure, and we had to move around Baton Rouge frequently. Then my husband died from prostate cancer. I moved around five or six times in the years after his death. I was able to keep voting while moving around so much, but it wasn't easy.
4. I remember voting in the General Election in 2012, when Obama was running for a second term. I worked all day that Election Day, then after work went to what I thought was my polling place to cast my vote.
5. But when I got there, the poll workers told me my name wasn't on their list. I thought I was still in the same zip code, but they told me that I wasn't registered there.
6. At that point, I had to leave that polling place, and call to find out where they had moved me to. It was an old house somewhere in Baton Rouge, and, not being from Baton Rouge, it took me a while to run around and find the new

location. I was finally able to find the new place and vote, right before the polls closed.

7. Since then, I have been careful to update my voting address every time I moved and make sure I was in the right voting place every election. I have to do this all online, since calling anyone in the Elections Office was more of a headache than anything— you can't get through to anybody, and you get transferred all around. My daughter taught me how to use the online system, and ever since then I have taken care of keeping up with voting myself. They fooled me once, but they won't do it again. That time of my life after I lost my husband was really a struggle, but my main thing was getting my vote cast each election no matter what.
8. Now I'm with living with my boyfriend, and there's finally a little more stability in my life. But voting has still been strange for us. He used to vote in a school near our house, [REDACTED] but they moved him to a church two blocks away. The strange thing is— when I moved in with him, I was assigned to vote at that school. We didn't understand why two people living in the same house would be sent to vote in two different places. Meanwhile in other parts of Louisiana, people have to walk for miles to vote! So why are we putting two polling places right on top of each other?

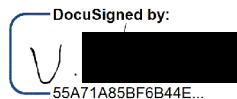
**9.** There are no answers. It just feels like they're always moving people around.

It feels like they're trying to keep us from voting. My ancestors – like my mom - had to go through a lot to get us to where we are today. She had it hard. She was born in Jim Crow days and really had to fight for things like the ability to vote. But if they're trying so hard to keep us from voting, it must be because our vote matters. That's what I want people to hear.

**10.** I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.

**11.** I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**12.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
55A71A85BF6B44E...  
Valarie [REDACTED]  
7/1/2021

\_\_\_\_\_  
Date

# Exhibit 73

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Vanessa [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Orleans Parish in Louisiana.
3. I moved from Jefferson Parish to Orleans Parish in 2018. I was successful in changing my voter registration records. However, I did not receive a new voter registration card. I was able to vote at my designated polling location from that time through the 2020 General Election and Runoff.
4. In the most recent municipal elections, my designated polling location was not open for voting. I did not receive any notification that my polling location was changed.
5. I drove around the area looking for a polling location where people normally vote. I did not see anyone or any signs about voting. I asked new residents where to vote and they did not know either.
6. At this point I was so frustrated. I didn't even call the registration office.
7. Since I became a registered voter, I have always voted in every election and I voted early. I was upset and disappointed that I wasn't able to vote in the municipal election.

8. In light of the new laws, and as a person of color, I fear that I will not be able to vote in upcoming elections.
9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by  
Vanessa [REDACTED]  
B5F08C37A0FD4BA...  
VANESSA [REDACTED]

7/3/2021

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Date

# Exhibit 74

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Veronica [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of Mandeville Louisiana in the Parish of St. Tammany.
3. In 2016, I had just moved back from Texas to my home state of Louisiana, where I was registered to vote. That year, I went to the [REDACTED] [REDACTED], which was my polling site, to cast my ballot for the 2016 presidential election.
4. I was excited to have my then eight-year-old son with me so he could see the process of voting.
5. When I got to the polls, they asked to see my identification. I showed them my Texas driver's license. I had just moved back to Louisiana so I hadn't yet received my state license. But I had registered to vote. The poll workers told me that the ID was insufficient and I couldn't vote. They refused to check the log to see if I was a registered voter.
6. Their tone and attitude intimidated me. I did have a checkbook with my Louisiana address on it. The poll workers never asked to see it, however.
7. Fortunately, I am lawyer and a seasoned advocate. I understand the law so when the poll volunteers pushed back on my right to vote due to my ID, I

asked to see their supervisor. I knew the rules and I knew I had the right to vote because I was registered.

8. Once the supervisor and I talked through my situation and she looked up my information in the log and saw that I was a registered voter.
9. Though I was able to cast my vote, the experience left a strong impression on me. It still does five years later.
10. I know I prevailed because I know the law and feel very comfortable speaking up for myself. But I wonder about those who can't do that as easily? Would they have just walked way?
11. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
12. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
13. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by  
Veronica [REDACTED]  
0C7EE1DE730C40F...  
Veronica [REDACTED]

7/20/2021

Date

# Exhibit 75

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Walter [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein.
2. I am a resident of East Baton Rouge Parish in Louisiana.
3. I am legally blind and have been my entire life. I have some sight, but not as much sight as a regular person. In my experience, when they design facilities for disabled people, people like me with partial sight get left out. Here I'm referring to the voting machines available in Louisiana, where I've lived and voted regularly since 1988. The facilities seem to be designed for people who are either completely blind or completely sighted.
4. For a long time, I didn't even know if there was a handicapped facility for voting available. Before 2016, I went to my assigned polling place, [REDACTED] [REDACTED], at [REDACTED] in Baton Rouge. Until about ten years ago, they had old style machines where you would flip the paddles to indicate your vote. Then ten years ago they switched to machines that have LED-lit push buttons. The ballot was printed on a plastic sheet fitted on the front of the machine. For me, the readability of the text varied. For candidates, the text was readable; but the font size for the Constitutional Amendments would tend to be small, because often there were many

amendments to vote on -- sometimes a dozen or more. When the ballots were long, I had to bend down to read the small text, and this was uncomfortable. It was a struggle to read the information and cast my vote, but I thought I had no choice. I just dealt with it, as I have for so many other situations without accommodations for my disability.

5. At the time of a local election in 2016, I learned that the early voting site at the [REDACTED], at [REDACTED] in Baton Rouge, three or four miles from our house, had an area for voters who had disabilities. I decided to vote there. When I arrived, I saw that there were chairs where I could wait. When it was my turn, I went up to the front. They checked my ID and I signed the voting ledger. Then they give me a card which would instruct the machine which ballot to use. The electronic voting machines had the screens mounted at eye level for a person standing. The print on the machines was easy to read, with a good font size and with contrast between the text and the background. I had no issues with these machines, which were also in use for the primary and general elections in 2016.
6. Then, prior to the 2018 mid-term elections, they started using new voting machines at the [REDACTED]. These machines were mounted with the screens at a much lower height, I'm guessing for someone in a wheelchair. The screens were so low that I had to bend over to get close enough to read

the text. Making matters worse, the screen text had poor contrast between text and background. But since I was there for early voting, I had no choice but to use the machines that were available.

7. For the 2020 primary, the same machines were in use at the early voting site at the [REDACTED], with the poor contrast and the uncomfortable height. My wife was there with me, so she accompanied me to the machine, intending to read aloud the information to me so I could cast my vote, so I wouldn't have to struggle so much. A poll worker was there, and my wife mentioned to him what she planned to do. She felt she had to ask, because there were a lot of people around and she didn't want it to be an issue that she was helping me in this way. But the worker was confused about what to do and whether this was okay. He said nobody had ever wanted to do this before. He checked with other poll workers, and while it wasn't exactly clear that it was okay, in the end my wife helped me, so I could vote.
8. When the 2020 General Election came around, I gave up on the voting area for people with disabilities, because I felt I could struggle with a regular machine as easily as with one of the machines for disabled. Instead, we went to the regular voting area, in the auditorium at the [REDACTED], going on the first day of early voting. We arrived 30 minutes before the polls opened. The line stretched around the block. We had to wait for 2.5 hours to vote.

But voting is so important to me, and I didn't mind standing in line as long as I knew that I'd be able to read the ballot on machines that were set at the height of a standing person.

9. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
10. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.
11. I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
  
539E3CC4953543D...  
Walter [REDACTED]

7/1/2021

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Date

# Exhibit 76

**DECLARATION UNDER PENALTY OF PERJURY  
PURSUANT TO 28 U.S.C. § 1746**

1. My name is Walter [REDACTED]. I am over eighteen years of age and competent to testify to the matters contained herein. I am a resident of Opelousas in Stant Landry Parish in Louisiana.
2. I lived at [REDACTED] and for the past 4 years had voted at a fire station two blocks away from my house. My wife has lived at that address with me and voted with me at the same polling place during that time.
3. I never received any notification that the polling place had changed.
4. So for the 2018 election I went to my usual polling place with my wife. I went up to the poll worker to sign in to vote. She looked at the list of voters who were supposed to vote at that polling place and my name and address were not listed. Interestingly, my wife WAS listed at our usual polling place.
5. The poll worker suggested that I try to vote at the polling place for [REDACTED] [REDACTED] which was seven miles away. She thought perhaps I was registered at that polling place, even though I had not changed my registration.
6. I fortunately had a car so I could drive to the other polling place. I parked in front of the church where the polling place was located. Because the cars were parked two deep, another car blocked me. I had to wait until that voter returned to her car before I could leave.

7. At the polling place there were about five or six people in line to sign in to vote. When I got to the front of the line the poll worker looked on the list of voters registered to vote at that polling location. My name and address were listed. She gave me my ballot and I went to vote in the voting booth. I was confused by the voting machine I was supposed to use. A number of local candidates were listed whom I was not familiar with because this polling place was in a different district. So I asked for assistance. The poll worker came to the curtain and showed me what to do. She said I did not have to vote for the local candidates because I lived at [REDACTED] that was in a separate district. I was prepared to vote for the local candidates in my normal district but they were not on the ballot I was given. So I ended up not voting for some of the local races that I had been prepared to vote in.
8. I give this Declaration freely, without coercion, and without any expectation of compensation or other reward.
9. I understand that in giving this Declaration, I am not represented by a lawyer, and no lawyer asked me to be a client or to serve in any way as anything other than a witness.

**10.** I declare under penalty of perjury that the foregoing is true and correct.

DocuSigned by:  
Walter [REDACTED]  
BD6504845FDE419...  
Walter [REDACTED]

6/30/2021

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Date