

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

VOICE of the EXPERIENCED, *on behalf of itself and its members*; POWER COALITION for EQUITY and JUSTICE, *on behalf of itself and its members*; and LEAGUE of WOMEN VOTERS of LOUISIANA, *on behalf of itself and its members*;

Plaintiffs,

v.

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

Defendant.

Civil No. 3:23-cv-00331-JWD-SDJ

PLAINTIFFS' PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

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Pursuant to Federal Rule of Civil Procedure 52(a), the Court enters these Findings of Fact and Conclusions of Law concerning Plaintiffs' Motion for Preliminary Injunction. If any finding is in truth a conclusion of law, or if any conclusion stated is in truth a finding of fact, it shall be deemed so.

I. INTRODUCTION AND PROCEDURAL HISTORY

1. This case challenges Defendant Secretary of State R. Kyle Ardoin's unlawful policy of imposing an unnecessary and arbitrary documentation requirement for certain eligible Louisianans to register to vote after a felony conviction.

2. Plaintiffs Voice of the Experienced ("VOTE"), Power Coalition for Equity and Justice ("Power Coalition" or "PCEJ"), and League of Women Voters of Louisiana ("the League" or "LWVLA") filed the Complaint in this action on May 1, 2023, alleging violations of the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution and the National Voter Registration Act. Compl., ECF No. 1 ¶ 1.

3. The Complaint was preceded by multiple letters providing notice of the National Voter Registration Act ("NVRA") violations created by Defendant's policy of requiring certain individuals with felony convictions to provide additional documentary proof of eligibility (the "Additional Documentation Requirement" or "Paperwork Requirement") to register to vote. Pls. Ex. 8; Joint Ex. 4, 5, 6, 8.

4. On May 22, 2023, Plaintiffs filed a Motion for Preliminary Injunction as to Plaintiffs' NVRA claim, requesting that the Court preliminarily enjoin Defendant from requiring the additional documentation to register to vote. ECF No. 21 at 1.

5. On June 14, 2023, Defendant filed a Motion to Dismiss, claiming that the Court lacked subject matter jurisdiction under Fed. R. Civ. Pro. 12(b)(1) and that Plaintiffs failed to sufficiently state a claim under 12(b)(6). ECF No. 32 at 1.

6. Plaintiffs and Defendant exchanged initial discovery responses in June. *See* ECF No. 34. Discovery officially commenced on November 6, 2023. *See* ECF No. 119.

7. On October 25 and October 31, 2023, the Court held an evidentiary hearing on Plaintiffs' Motion for Preliminary Injunction as to the NVRA claim and heard closing arguments on Plaintiffs' Motion for Preliminary Injunction Motion and Defendant's Motion to Dismiss. ECF Nos. 105, 113, 120-21.

8. At the hearing, the Court heard live testimony from Norris Henderson, M. Christian Green, and Ashley Shelton, representing Plaintiffs VOTE, the League, and PCEJ, respectively. ECF No. 105; *see generally* ECF No. 120, Day 1 Hearing Tr. ["Day 1 Tr."] at 33:02-124:02 (Henderson); *id.* at 124:14-158:18 (Green); *id.* at 158:23-195:16 (Shelton). Plaintiffs also presented live testimony from VOTE members Nziki Wiltz and Gregory Finney. ECF No. 121, Day 2 Hearing Tr. ["Day 2 Tr."] at 55:09-73:21 (Wiltz); *id.* at 74:17-86:01 (Finney). Plaintiffs also presented expert testimony from Dr. Traci Burch. Day 2 Tr. at 7:03-54:11 (Burch).

9. Defendants presented live testimony from Bradley Harris, IT Administrator for the Louisiana Department of State, and Sherri Hadskey, the Commissioner of Elections for the state of Louisiana. Day 2 Tr. at 99:13-121:11 (Harris); *id.* at 121:19-169:05 (Hadskey).

II. FINDINGS OF FACT

A. Parties

10. Plaintiff VOTE is a nonpartisan, grassroots nonprofit organization founded and operated by formerly incarcerated people. Day 1 Tr. at 33:16-34:21 (Henderson); Pls. Ex. 9 ¶¶ 3-

4. VOTE has chapters in New Orleans, Baton Rouge, and Lafayette, and advocates for the rights of people who are incarcerated and people who are formerly incarcerated in the areas of voting rights, medical rights, and employment rights. Pls. Ex. 9 ¶¶ 3-4. VOTE's membership is comprised of formerly incarcerated people and their family members, as well as other community members. Day 1 Tr. at 35:12-16 (Henderson); Pls. Ex. 9 ¶¶ 3-4. VOTE engages its membership through direct organizing, voter education, registration drives, and know-your-rights workshops, and is considered a leader in criminal legal system and voting rights reform both nationally and in Louisiana. Pls. Ex. 9 ¶¶ 3-4.

11. Plaintiff LWVLA is a nonpartisan, nonprofit organization that seeks to encourage informed and active participation in government. Day 1 Tr. at 125:24-126:2 (Green); Pls. Ex. 12 ¶ 3. The League is volunteer-led and has limited resources to spend on voter registration in terms of its volunteer time. Pls. Ex. 12 ¶¶ 3, 13; Day 1 Tr. at 126:24-127:5 (Green). The League works to ensure that all eligible individuals have the opportunity and the information needed to vote, with a particular focus on traditionally underrepresented and underserved communities, including voters impacted by the criminal legal system, people of color, and first-time voters. *See* Day 1 Tr. at 134:20-135:6 (Green); Pls. Ex. 12 ¶ 4. The League's members include individuals across the state of Louisiana who share in its mission to educate and engage eligible voters. *See* Day 1 Tr. at 126:24-127:2 (Green); Pls. Ex. 12 ¶ 3-5.

12. Plaintiff PCEJ is a nonpartisan, nonprofit statewide civic engagement table in Louisiana that works to build grassroots power, advocate for community-centered policies, and increase voter participation. Day 1 Tr. at 159:16-20 (Shelton); Pls. Ex. 13 ¶ 3. Power Coalition's mission is to support community-driven activism and grassroots leadership development to empower citizens to address classism, racism, and other marginalization in their own lives and

communities. Day 1 Tr. at 160:9-14 (Shelton); Pls. Ex. 13 ¶ 4. Power Coalition advances its mission with the support of a small full- and part-time staff, community volunteers, and a membership of nonprofit and advocacy organizations united around an integrated civic engagement strategy to educate and empower voters across Louisiana. Pls. Ex. 13 ¶ 4.

13. Defendant R. Kyle Ardoin is the Secretary of State of Louisiana and is sued in his official capacity.¹ As Louisiana’s chief election officer, Defendant Ardoin is tasked with enforcing state and federal election laws in Louisiana, including the National Voter Registration Act. 52 U.S.C. § 20509; La. R.S. §18:18.

B. Voter Registration with a Felony Conviction

i. Louisiana’s Felony Disenfranchisement Scheme

14. The Louisiana Constitution provides that “[e]very person who is both a citizen of the state and of the United States, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended for a person . . . who is under an order of imprisonment for conviction of a felony.” La. Const. art. I, § 10(A)22. When the Louisiana Constitution was amended in 1974, it gave the legislature the discretionary power to temporarily disenfranchise individuals who are “under an order of imprisonment for a conviction of a felony.” La. Const. Art. I § 10 (A). In 1976, the legislature passed a law temporarily suspending the right to vote for those “under an order of imprisonment.” The legislature defined “under an order of imprisonment” to mean “a sentence of confinement, whether or not suspended whether or not the subject of the order has been placed on probation, with or without supervision, and whether or

¹ Defendant R. Kyle Ardoin’s term as Secretary of State will end on January 8, 2024. The term for Louisiana Secretary of State Elect, Nancy Landry, will officially begin at noon on January 8, 2024. La. Const. Ann. Art. IV. § 3(A).

not the subject of the order has been paroled.” Acts 1976, No. 697, § 1 (codified at La. R.S. § 18:102(B); La. R.S. § 18:2(8)).

ii. Act 636

15. In 2019, Louisiana enacted Act 636, which provided that “a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.” Joint Ex. 1 (codified at La. R.S. § 18:102(A)(1)(b) (2019)).

16. Under Act 636, individuals on probation or parole who had not been incarcerated pursuant to an order within the last five years could restore their right to vote by submitting that documentation, unless they were convicted of an election-related crime. Joint Ex. 1. In parallel to the revised eligibility requirements, Act 636 updated the voter registration form allowing for the registrant to attest that they are not currently under an order of imprisonment “or, if the applicant is under such an order, that the applicant has not been incarcerated pursuant to the order within the last five years” *Id.*

17. Similarly, Act 636 allowed for a person who had previously been registered to vote but whose registration had been suspended due to imprisonment for a felony to become an active voter, “when the person appears in the office of the registrar and provides documentation from the appropriate correction official” showing their eligibility. *Id.*

18. In the months following passage of Act 636, the Department of Public Safety and Corrections (“DPSC”) created a “Voter Eligibility Certificate” within their internal database,

which can only be produced at a Louisiana Probation and Parole Office. *See* Pls. Ex. 37; Day 1 Tr. at 41:15-42:6 (Henderson).

iii. Act 127

19. In 2021, Louisiana enacted Act 127, which removed the paperwork requirement for voter restoration under La. R.S. § 18:102. Joint Ex. 2. Act 127 struck the condition that a person who has not been incarcerated in five years present proof of eligibility to the registrar:

§ 102. Ineligible persons

A. No person shall be permitted to register or vote who is:

(1) * * *

(b) Except as provided in Subparagraph (c) of this Paragraph, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order ~~if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.~~

20. By removing the statutory documentary proof of eligibility requirement, Act 127 made clear that an individual who has not been under an order of imprisonment or incarcerated pursuant to the order within five years has their right to vote restored automatically, whether or not they present documentary proof to the registrar. Joint Ex. 2; *see also* Day 2 Tr. at 147:10-13 (Hadskey). In other words, a person who has not been incarcerated for a felony conviction in the last five years is immediately restored the right to vote pursuant to Act 127 and the Louisiana Constitution.

21. Additionally, instead of placing the burden of proof on people with past convictions to prove their eligibility with paperwork, Act 127 requires DPSC and the United States Attorneys to share information on felony convictions and service of sentences with the Secretary of State and the parish registrars. La. R.S. §§ 18:171, 171.1. Pursuant to Act 127, DPSC

provides election officials with regularly updated lists of *only* those people with convictions who are currently ineligible to vote. *See id.* § 18:171(C)(1).

iv. “Suspended” Registration

22. If a parish registrar believes a currently registered voter to be ineligible, they are required under Louisiana law to send notices to the individual informing the voter that they must appear in person at the registrar’s office within twenty-one days to show cause why their voter registration should not be suspended. La. R.S. § 18:176(A) (citing La. R.S. §§ 18:171, 18:171.1); *see also* Day 2 Tr. at 107:21-25 (Harris); *id.* at 160:15-161:8 (Hadskey). If the voter fails to do so, the registrar places their voter registration in “suspended” status and their name is placed on a list of suspended voters (the “Suspended List”). *Id.*

23. Under La. R.S. § 18:177(A)(l), a voter whose registration has been “suspended” under 18:176(A) may only be “reinstated” “when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment or, if the person is under such an order, that the person has not been incarcerated pursuant to the order within the last five years and the person is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense.” Def. Ex. 1.

24. A registered voter who becomes ineligible because of a felony is placed in “suspended” status and removed from the active voter roll. *See* La. R.S. § 18:176; *see also* Day 2 Tr. at 166:2-10 (Hadskey). While on suspended status, they are not registered to vote and may not cast a ballot. La. R.S. § 18:176; Day 2 Tr. at 166:17-23 (Hadskey).

25. Under Act 127, new Louisiana eligible voter registrants with past felony convictions (i.e., those who are no longer under an order of imprisonment, or have not been

incarcerated pursuant to the order for five years except if convicted of an election-related crime), may simply submit a voter registration form to register to vote. *See* La. R.S. § 18:101; Day 2 Tr. at 147:10-13 (Hadskey).

26. However, the same process is not made available to those who were previously registered to vote in Louisiana prior to their felony conviction. Defendant still requires the additional documentation of “suspended” voters attempting to register, even though Act 127 made voting rights restoration automatic for individuals who have not been incarcerated for a felony within the last five years, *regardless* of whether they have submitted paperwork confirming that they are not under an order of imprisonment or have not been incarcerated within the last five years, *see* Pls. Ex 2 at 2; Pls. Ex. 7, 2021 La. Act No. 127 (H.B. 378). According to Defendant, once an individual who was “suspended” becomes eligible to vote again, they may only become “reinstated” to vote by submitting paperwork demonstrating their eligibility. *See* Def. Ex. 1; *see also* Day 2 Tr. at 147:14-17 (Hadskey). This is true even if the individual submits a new voter registration form—it will be denied without the additional paperwork. *See* Joint Ex. 3 at PL0006-07; Day 2 Tr. at 166:6-16 (Hadskey).

27. To facilitate voter-roll maintenance, DPSC sends the Louisiana Department of State information regarding “any person . . . currently under [DPSC] custody or supervision” who is currently under an order of imprisonment for a felony conviction and has been incarcerated pursuant to the order in the last five years, or anyone who has committed an election offense (the “Ineligible List”). La. R.S. § 18:171; Day 2 Tr. at 105:7-11 (Harris). The Secretary of State’s Office is required to report that information to the parish registrars at least quarterly. La. R.S. § 18:171(C)(4); Day 2 Tr. at 105:1215 (Harris). Similar requirements apply to the U.S. Attorney for federal convictions. La. R.S. § 18:171.1.

28. In August 2022, DPSC issued a regulation requiring that DPSC provide the Ineligible List to parish registrars on a monthly basis. *See* Ex. 3 at 8-13, Dep’t of Public Safety and Corrections, Dep’t Reg. No. IS-F-3 at 7(A)(1)(b) (Aug. 1, 2022). Unlike the list of suspended voters, this list matches the contours of Louisiana law and only includes people who are currently disenfranchised. While the list does not include those whose voting rights were restored since the last monthly batch was processed, Louisiana law provides a mechanism for election officials to obtain that information from correctional officials via a request pursuant to La. R.S. § 18:171(B); *see also* Day 2 Tr. at 116:20-119:20 (Harris).

29. Louisiana law also requires DPSC to provide parish registrars, upon request, information “regarding a person who is under an order of imprisonment for conviction of a felony, including whether the person is under an order of imprisonment for conviction of a felony offense of election fraud or any other election offense . . . and whether the person has been incarcerated pursuant to the order within the last five years.” La. R.S. § 18:171(B)(2).

30. Likewise, sheriffs and district attorneys are required under Louisiana law to provide parish registrars, upon request, “information regarding a person convicted of a felony. . . including . . . whether the conviction resulted in an order of imprisonment pursuant to which the person is incarcerated.” La. R.S. § 18:171(B)(1).

C. Plaintiffs’ Voter Engagement Activities

31. At the Preliminary Injunction hearing, Plaintiffs testified as to their voter engagement activities. *See generally* Day 1 Tr. at 33:02–124:02 (Henderson); *id.* at 124:14-158:18 (Green); *id.* at 158:23-195:16 (Shelton). Specifically, each Plaintiff representative testified to the Paperwork Requirement and its impacts on their organization’s voter outreach efforts and, in VOTE’s case, its membership.

i. Voice of the Experienced

32. Mr. Henderson, founder and president of VOTE, testified to how VOTE supports individuals with felony convictions, by educating them about their eligibility to vote and assisting with registration and reinstatement, and works to pass and implement voting rights legislation. *See generally* Day 1 Tr. at 36:06-36:12 (Henderson), 36:18-38:08, 45:01-48:01, 71:06-79:23. *See also* Pls. Ex. 9 ¶¶ 4-5.

33. Specifically, since the organization’s founding, VOTE has worked to educate those with felony convictions about their eligibility to vote and assist those who are eligible with reinstatement and registration. Day 1 Tr. at 119:13-119:19 (Henderson); *see also* Joint Ex. 7; Pls. Ex. 9 ¶¶ 3-7.

34. VOTE was also instrumental in the passage of Act 636 in 2018, and the passage of Act 127 in 2021, Pls. Ex. 19 at PL0238; Day 1 Tr. at 36:06–15 (Henderson), and now works to implement this legislation in parishes across the state. *See* Pls. Ex. 9 ¶ 11; Pls. Ex. 19 at PL0240. VOTE also “spend[s] resources and time educating registrars about how to implement the paperwork requirement correctly,” Day 1 Tr. at 78:01-78:03 (Henderson), after research found that just one registrar surveyed “correctly stated the Secretary of State’s current position on this paperwork requirement.” *Id.* at 77:21-24 (Henderson); Pls. Ex. 19 at PL0232.

35. When Act 636 passed in 2018, VOTE purchased “newspaper ads, billboards . . . bus stop ads” to educate individuals on their eligibility to vote after a felony conviction. Day 1 Tr. at 36:18-36:21 (Henderson). VOTE continues to invest in these public education efforts. *Id.* at 37:07-37:10 (Henderson).

36. VOTE also posts signs inside probation and parole offices and coordinates with DPSC to identify formerly incarcerated people to educate them on their voting rights. *Id.* at 36:21-25 (Henderson).

37. VOTE purchases flyers and pays for texting campaigns to notify individuals of their upcoming eligibility. *Id.* at 63:25-64:04 (Henderson).

38. VOTE holds public education workshops to explain the eligibility laws to formerly incarcerated people. *Id.* at 119:20-24 (Henderson).

39. VOTE's staff and members conduct voter registration drives across multiple locations, including probation and parole offices, courthouses, Social Services offices, SNAP offices, and other locations where they "know our folks are at to try to get them registered." *Id.* at 37:13-23 (Henderson).

40. VOTE then follows up with the individuals they assisted with registration to confirm that their registration paperwork was accepted and tries to resolve issues for those whose registrations were rejected. *Id.* at 42:20-43:05 (Henderson).

41. VOTE's representatives also testified that the "most common" reason that eligible individuals with felony convictions they assist have their voter registrations rejected is the Paperwork Requirement, and that it is the "greatest impediment" to their registration efforts. *Id.* at 43:6-9 (Henderson). VOTE regularly devotes resources to assist individuals with fulfilling the Requirement, including by contacting probation and parole offices, transporting individuals to the relevant offices, or visiting the relevant offices with the registration applicant. *Id.* at 45:1-19 (Henderson); *see also* Pls. Ex. 9 ¶¶ 9-10; Day 2 Tr. at 59:4-60:16 (Wiltz) (discussing support for individuals attempting to obtain additional paperwork); 63:20-64:7 (discussing time and money expenditures for assisting individuals with Paperwork Requirement). Sometimes, VOTE's staff or

volunteers must visit these offices multiple times, requiring additional time and resources. Day 1 Tr. at 63:18-24 (Henderson).

42. The “vast majority” of the people that VOTE assists with the Paperwork Requirement are members of VOTE. *Id.* at 47:13-15 (Henderson).

ii. League of Women Voters of Louisiana

43. M. Christian Green, President of LWVLA, testified to the League’s voter engagement efforts. *See* Day 1 Tr. at 124:14-158:18 (Green).

44. The League engages in voter education and supporting individuals with felony convictions to register to vote by: (1) co-hosting community forums about voting rights restoration, Day 1 Tr. at 130:14-16 (Green); Pls. Ex. 12 ¶ 6; Pls. Ex. 33; (2) drafting and publishing a voter guide with information about rights restoration, Day 1 Tr. at 135:07-136:03 (Green); (3) printing flyers on rights restoration to distribute in the community, *id.* at 136:18-137:02 (Green); (4) phone-banking infrequent voters, *id.* at 138:8-19 (Green); and (5) instructing voters on how to confirm their registration, *id.* at 138:20-24 (Green).

45. The League is focusing on voter registration and engagement of voters with felony convictions precisely to counteract the negative impacts of the Paperwork Requirement on people with past convictions. Pls. Ex. 12 ¶ 6; Day 1 Tr. at 137:14-140:11 (Green).

46. For example, the League invests grant funding into assisting voters with felony convictions, across all four of the state organization’s chapters, *id.* at 142:10-145:08 (Green), which comprises part of the League’s budget. *Id.* at 157:15-17 (Green). The League applied for a \$12,500 grant from the National League of Women Voters, Pls. Ex. 31, ultimately receiving \$9,000. Pls. Ex. 32; *see also* Day 1 Tr. at 142:13-16 (Green).

47. Because of the Paperwork Requirement, the League has kept its allotted budget to spend on voters with felony convictions equal to its budget for its other priority areas, including young voters and environmental voters. Pls. Ex. 32 at PL4468-69; Day 1 Tr. at 142:17-22 (Green). Each of these three groups is receiving \$1,000 of dedicated funding. Pls. Ex. 32 at PL4468-69. Specifically, the League’s final budget allotted \$1,000 to young voters, \$1,000 to voters with felony convictions, \$1,000 to environmental voters, and \$500 to inactive voters. *Id.*

48. Counteracting the Paperwork Requirement has caused the League to spend its finite resources on voters with felony convictions and has directly taken away money from the League’s other priority voters. Pls. Ex. 12 ¶¶ 6, 10; Day 1 Tr. at 145:18-146:6 (Green) (“Q. And if you didn’t have to spend the money on felony -- on voters with felony convictions facing the paperwork requirement where would it go? A. We would have allocated it among the other target groups.”).

49. In particular, the League wishes to allot the funds that it is spending on voters with felony convictions toward voter registration and engagement of young voters and unhoused or transitionally housed voters, but it cannot do so because of the Paperwork Requirement. Pls. Ex. 12 ¶ 9; Day 1 Tr. at 145:18-146:6, 156:10-13 (Green).

50. If the Paperwork Requirement is still in effect in the upcoming 2024 federal election cycle, the League would “still have to educate on this issue,” *id.* at 146:20 (Green), taking finite resources—including money and volunteer time—away from focusing on its other priority voters. *See* Pls. Ex. 12 ¶¶ 10, 13; Day 1 Tr. at 145:18-146:6 (Green).

iii. Power Coalition for Equity and Justice

51. Ashley Shelton, Founder, President, and CEO of PCEJ, spoke to the organization’s voter engagement and outreach efforts. Day 1 Tr. at 158:23-195:16 (Shelton).

52. PCEJ runs a “full get out to vote campaign that includes canvassing, which is door

knocking, phone-banking, texting, and . . . other community events that we get invited to,” along with voter protection hotlines and providing sample ballots. *Id.* at 163:05-163:16 (Shelton); Pls. Ex. 23 at PL4377-78, PL4382-84.

53. PCEJ runs an “11-touch program” across a universe of 600,000 voters, aiming to engage with these voters eleven times each over the course of an election. Day 1 Tr. at 163:17-25 (Shelton). The organization also sets numerical goals for each type of voter outreach over the course of an election. *Id.* at 164:15-165:01 (Shelton); *see also* Pls. Ex. 23 at PL4382. PCEJ also regularly conducts voter registration events across the state. Day 1 Tr. at 166:1-11 (Shelton); Pls. Ex. 23 at PL4377-78, PL4384.

54. The outreach is often conducted by community volunteers and paid canvassers that include the constituencies that PCEJ works with, such as formerly incarcerated people. Day 1 Tr. at 165:4-10 (Shelton). There are currently around 175 canvassers on payroll, *id.* at 165:11-22 (Shelton), and the starting salary is \$15 per hour. *Id.* at 176:13-15 (Shelton).

55. PCEJ provides volunteers and canvassers with a script on how to engage the voter in multiple scenarios that might arise. Day 1 Tr. at 167:17-168:4 (Shelton); Pls. Ex. 29; *see also* Pls. Ex. 13 ¶¶ 9, 13. This script includes a section on eligibility to vote after a felony conviction. Day 1 Tr. at 171:7-171:14 (Shelton); Pls. Ex. 29. Canvassers are trained to discuss the Paperwork Requirement with impacted individuals. Day 1 Tr. at 176:21-177:11 (Shelton).

56. Volunteers and paid canvassers often must spend additional time speaking with a voter if that individual has a felony conviction to explain the Paperwork Requirement. *Id.* at 171:21-172:5 (Shelton) (“[I]t’s two minutes if it’s a simple interaction. . . . But if you were dealing with someone that has a lot of questions, in particular around a felony conviction, that two to three-minute phone call becomes a five to seven-minute phone call, because you’ve got to walk them

through the law and then the steps for them to register.”), 175:5-12 (“[A conversation at the door] usually [takes] about three to five minutes. . . . [I]f they’re formerly incarcerated, then it’s usually seven to nine minutes on the doors having those conversations.”).

57. In 2022, PCEJ estimated it contacted 345,735 voters through phone calls, over 1.3 million voters through text messages, 95,724 through door knocking, and 2.7 million through digital ad impressions. *Id.* at 184:1-18 (Shelton); Pls. Ex. 13 ¶ 5; Pls. Ex. 23 at PL4382.

58. PCEJ plans to reach a similar universe of 600,000 voters in the 2024 elections through its 11-touch program. Day 1 Tr. at 186:23-187:2 (Shelton).

59. The Paperwork Requirement will require PCEJ to “shift resources to ensure that this vulnerable population of voters are able to register to vote and vote.” Pls. Ex. 13 ¶ 13. This includes using staff time and resources to check whether those who are eligible to vote are successful in registering. *Id.*

60. Absent the Paperwork Requirement, PCEJ would “absolutely” be able to reach more of the organization’s target universe of 600,000 voters as it “[could] have more quality interactions and more interactions for less resources.” Day 1 Tr. at 187:24-188:7 (Shelton).

61. Because of the “additional hurdles required of certain individuals with felony convictions . . . [PCEJ] [does] not always have the staff capacity to aid voters to finish the registration process.” Pls. Ex. 13 ¶ 14.

62. The resources that PCEJ expends on helping voters navigate the additional Paperwork Requirement “would otherwise be spent on Power Coalition’s engagement with more Louisiana voters and encouraging them to vote.” *Id.*; Day 1 Tr. at 188:17-20 (Shelton). Absent the Paperwork Requirement, PCEJ would better be able to fulfill its mission as an organization, as “it

would allow [PCEJ] to . . . get to do [its] work much quicker and much more effectively.” Day 1 Tr. at 188:9-16 (Shelton).

D. VOTE Members Subject to the Paperwork Requirement

63. The Court further finds that Plaintiffs have identified a number of VOTE members that recently were or soon will be subject to the Paperwork Requirement. *See* Day 1 Tr. at 52:21-53:20 (Henderson). These individuals include Eric Calvin, J.L., A.H., and O.F., all residents of Orleans Parish and all of whom were found on the list of suspended voters provided to Plaintiffs by Defendant. *See* Pls. Ex. 38. Mr. Calvin and O.F. were also found on a list of currently ineligible voters provided by DPSC. *See* Pls. Ex. 38.

64. Mr. Calvin is a VOTE organizer that is not currently eligible to register to vote but will become eligible later this year or early next year. Day 1 Tr. at 54:12-55:2 (Henderson); Pls. Ex. 41. Mr. Calvin intends to register to vote once he becomes eligible and, when he does so, he will be subject to the Paperwork Requirement. Day 1 Tr. at 55:3-5 (Henderson); Pls. Ex. 41.

65. VOTE is currently helping J.L. register to vote and is attempting to obtain the documentation necessitated by the Paperwork Requirement for J.L. Day 1 Tr. at 57:8-58:7 (Henderson). VOTE is having difficulty securing the necessary paperwork because J.L.’s work schedule makes it difficult for J.L. to visit probation and parole and the registrar’s office. Day 1 Tr. at 57:25-58:4 (Henderson). A.H. is a VOTE member who recently registered to vote. To do so, he had to comply with the Paperwork Requirement. Day 1 Tr. at 59:18-60:10 (Henderson). O.F. is a VOTE member whom VOTE believes will become eligible to register to vote in December 2023. Day 1 Tr. at 60:11-25 (Henderson). O.F. intends to register once he becomes eligible and, when he does so, he will be subject to the Paperwork Requirement. Day 1 Tr. at 61:1-3 (Henderson).

66. VOTE also identified VOTE members who were unable to vote in a federal election because they were unable to obtain the documentation necessitated by the Paperwork Requirement in time to register to vote. Day 1 Tr. at 69:24-70:15 (Henderson). Several of these members had difficulty satisfying the Paperwork Requirement because they had limited access to the appropriate government agencies during the COVID-19 pandemic. Day 1 Tr. at 70:16-19 (Henderson).

E. Impact and Burden of the Paperwork Requirement

i. Testimony of Dr. Traci Burch

67. Plaintiffs' expert Dr. Traci Burch is an associate professor of political science at Northwestern University and a research professor at the American Bar Association. Day 2 Tr. at 7:25-8:2 (Burch); Pls. Ex. 30 at PL4448, PL4456. Dr. Burch has been tenured at Northwestern University since 2014. Day 2 Tr. at 8:6 (Burch); Pls. Ex. 30 at PL4456.

68. Dr. Burch's areas of specialization include political behavior with a focus on political participation and barriers to participation, race and ethnic politics, and the criminal legal system. Day 2 Tr. at 8:7-14 (Burch); Pls. Ex. 30 at PL4448-49. Dr. Burch has taught undergraduate and graduate courses on race and public policy, criminal legal system politics and policy, and political behavior. Day 2 Tr. at 8:18-25 (Burch).

69. Dr. Burch has written articles in which she has examined voter turnout data, voter registration files, and criminal legal system files, including work in which she analyzes criminal legal system files in several states, matching them with voter registration files and turnout data, to determine whether people with felony convictions voted in a series of elections. Day 2 Tr. at 9:1-16 (Burch); Pls. Ex. 30 at PL4456-58.

70. Dr. Burch has previously testified in federal court on seven occasions, including in

Robinson v. Ardoin (No. 22-CV-00211), a redistricting case in the Middle District of Louisiana. Day 2 Tr. at 9:17-22, 10:10-15, 10:18-11:5 (Burch); Pls. Ex. 30 at 4448, 4464-65. One of the issues to which Dr. Burch has previously testified is re-enfranchisement after felony convictions. *Id.* at 10:3-9 (Burch); Pls. Ex. 30 at 4448, 4464-65. She has never been disqualified as an expert in federal or state court. Day 2 Tr. at 9:23-25 (Burch).

71. Dr. Burch has experience in large data set matching exercises, and she has published peer-reviewed articles and at least one book relying on large data set matching. Day 2 Tr. at 51:5-52:7 (Burch); Pls. Ex. 30 at 4449.

72. In her expert report submitted in this action, Dr. Burch was asked to estimate the number and proportion of people currently on probation or parole in Louisiana in two groups: (1) those immediately eligible to register to vote and (2) those who needed to provide additional paperwork to register to vote beyond the voter registration form because their registration was in suspended status. Day 2 Tr. at 26:23-27:7 (Burch); Pls. Ex. 30 at 4449.

73. Dr. Burch relied on three Excel files provided to her by Plaintiffs' counsel: (1) an Excel file with 41,780 individuals, representing the current population on probation and parole (the "Probation and Parole List"); (2) an Excel file with 153,462 entries, representing people ineligible to vote as of June 1, 2023 (the "Ineligible List"); and (3) an Excel file with 167,514 entries, representing voters with suspended registrations as of June 1, 2023 (the "Suspended List"). Day 2 Tr. at 28:2-19 (Burch); Pls. Ex. 30 at 4449-51; Pls. Ex. 21-22.

74. To verify the reliability of the Probation and Parole List, Dr. Burch looked at the Bureau of Justice statistics submitted by Louisiana reflecting its correctional population. Day 2 Tr. at 30:4-12 (Burch).

75. Dr. Burch identified four populations in her analysis. *Id.* at 30:23-31:14 (Burch); Pls. Ex. 30 at 4450.

76. First, she determined the number of individuals who appeared on both the Probation and Parole List and the Ineligible List, which she deemed the “Disenfranchised Population.” ECF No. 121, Day 2 Hearing at 30:23-31:14 (Burch); Pls. Ex. 30 at 4451. To do so, she matched individuals using common identifiers on both lists, including Department of Correction numbers, last name, first name, and year of birth. Day 2 Tr. at 31:18-32:9 (Burch); Pls. Ex. 30 at 4451.

77. To account for any typographical errors or other data-input issues, Dr. Burch also used a technique called “fuzzy matching,” in which matching restrictions are loosened and the search identifies matches with minor discrepancies, such as a transposed letter. Day 2 Tr. at 32:3-19 (Burch); Pls. Ex. 30 at 4451. “Fuzzy matching” is a commonly used methodology in Dr. Burch’s field, and it is considered best practice to use both “fuzzy matching” and “exact matching.” Day 2 Tr. 50:1-10; Pls. Ex. 30 at 4451-52. The Court credits Dr. Burch’s use of fuzzy matching in this regard.

78. Through her analysis, Dr. Burch determined that there were 14,910 individuals in the Disenfranchised Population, representing those who are not currently eligible to vote. Day 2 Tr. at 32:20-25 (Burch); Pls. Ex. 30 at 4453.

79. Second, Dr. Burch assessed the number of individuals who appeared on the Probation and Parole List but did *not* appear on the Ineligible List, which she deemed the “Restored Population,” or the population who were eligible to register to vote. Day 2 Tr. at 30:23-31:14 (Burch); Pls. Ex. 30 at 4451.

80. Dr. Burch determined that there were 29,960 people in the Restored Population, representing 64.4 percent of the Probation and Parole List. Day 2 Tr. 33:5-8, 34:14-20 (Burch);

Pls. Ex. 30 at 4453.

81. Third, Dr. Burch determined the number of individuals in the Restored Population who appeared on the Suspended List, representing the population who were eligible to register to vote but needed to submit additional paperwork to register. Day 2 Tr. at 30:23-31:14 (Burch); Pls. Ex. 30 at 4451-52. To do so, Dr. Burch used common identifiers on both lists, including last name, first name, and age. Day 2 Tr. at 33:15-25 (Burch); Pls. Ex. 30 at 4452. To account for minor discrepancies, Dr. Burch allowed age to vary by one year up and down in her search. Day 2 Tr. at 33:15-25 (Burch); Pls. Ex. 30 at 4452.

82. Dr. Burch identified at least 10,795 eligible individuals on probation or parole who would need to submit additional paperwork to register to vote, representing 40 percent of the Restored Population. Day 2 Tr. at 34:5-7, 34:25-35:7 (Burch); Pls. Ex. 30 at 4453.

83. Fourth, Dr. Burch assessed the number of individuals in the Restored Population who did not appear on the Suspended List, representing the population who could register to vote without submitting any additional paperwork. Day 2 Tr. at 30:23-31:14; Pls. Ex. 30 at 4452-53.

84. Dr. Burch noted that her analysis only reflected the number of individuals on probation and parole as of June 2023. Day 2 Tr. at 35:8-19 (Burch); Pls. Ex. 30 at PL4454. Because this analysis “does not include all formerly incarcerated individuals, just the individuals currently serving felony sentences in the community,” the 10,795 individuals subject to the Paperwork Requirement is a “conservative” estimate that only represents “a slice” of the Louisiana population subject to the Paperwork Requirement. *Id.*

85. During the Preliminary Injunction hearing, the Court qualified Dr. Burch as an expert in felony disenfranchisement, race and ethnic politics, political science, political behavior, barriers to voting, and political participation. Day 2 Tr. at 11:7-10; 24:2-12. The Court finds that

Dr. Burch's report and testimony are based upon sufficient facts and data, given the work that Dr. Burch undertook to verify the accuracy of the data that she was provided. *See* Day 2 Tr. at 30:4-12 (Burch); Pls. Ex. 30 at 4450-54. The Court further finds that Dr. Burch's report and testimony are the products of reliable principles and methods. *See* Pls. Ex. 30 at 4450-54.

86. Dr. Burch has significant experience in large data set matching, especially in the criminal justice and voter behavior fields, including in peer-reviewed work, and she deployed principles and methods generally accepted in the scientific community. *See* Day 2 Tr. at 32:3-19, 33:15-25, 50:1-10 (Burch).

87. The Court concludes that Dr. Burch is well-qualified to opine on the issues covered in her report and testimony, including the size of the population subject to the paperwork, and her opinions are relevant to the issues in this case. *See* Day 2 Tr. at 30:23-31:14, 32:20-25, 33:5-8, 34:5-20, 34:25-35:7, 35:8-19 (Burch); Pls. Ex. 30 at PL4448-49, PL4456-65.

88. The Court further concludes that Dr. Burch's report and testimony are persuasive as to the minimum size of the population subject to the Paperwork Requirement and are entitled to significant probative weight as to this issue. *See* Day 2 Tr. at 30:23-31:14, 32:20-25, 33:5-8, 34:5-20, 34:25-35:7, 35:8-19 (Burch); Pls. Ex. 30 at 4449, 4452-54.

ii. Testimony of Ms. Nziki Wiltz

89. Ms. Nziki Wiltz was born and currently resides in Orleans Parish, Louisiana. Day 2 Tr. at 56:2-8 (Wiltz). She is a member of Plaintiff VOTE, and she formerly worked for VOTE as an organizer from approximately 2019 through 2021. *Id.* at 56:11-14 (Wiltz). She currently works as the political coordinator for VOTE's sister 501(c)(4) organization Voters Organized to Educate. *Id.* at 56:17-25.

90. In her former capacity as an organizer for VOTE, she engaged in community-based work, including voter registration and education. Day 2 Tr. at 57:1-6 (Wiltz); Pls. Ex. 10 ¶ 11. She continues to do voter registration work in her own time as a volunteer member of VOTE. Day 2 Tr. at 57:7-12 (Wiltz).

91. Ms. Wiltz has assisted somewhere between thirty and fifty individuals with felony convictions secure letters from probation and parole to fulfill the Paperwork Requirement. Day 2 Tr. at 58:24-59:3 (Wiltz). Many of these individuals were and continue to be VOTE members. Day 2 Tr. at 70:15-25 (Wiltz). Ms. Wiltz assisted individuals in a number of parishes, including Orleans and Jefferson Parishes. *Id.* at 72:6-16 (Wiltz).

92. Ms. Wiltz testified that people with felony convictions that she met through VOTE ran into problems obtaining the required letters from probation and parole. *Id.* at 59:4-60:16 (Wiltz).

93. After encountering many individuals who faced problems securing these letters, Ms. Wiltz began escorting individuals to probation and parole to guide them through the process of securing their letters, making sure that the individuals spoke with their probation officer and made the proper requests. *Id.* at 59:4-60:16 (Wiltz). Ms. Wiltz frequently drove individuals to the probation and parole office. *Id.* at 62:17-20 (Wiltz).

94. Ultimately, because she visited the probation and parole office so frequently, Ms. Wiltz began stationing herself at the probation and parole office so that, as community members seeking their paperwork came in, she would be easily accessible to help them through the process of obtaining the paperwork. *Id.* at 59:4-60:16 (Wiltz).

95. Ms. Wiltz also escorted individuals to the parish registrar's office to ensure that their paperwork was accepted and that each individual was able to register to vote. *Id.* at 72:25-

73:2 (Wiltz). Ms. Wiltz estimated that, on average, it would take at least two or three days and several points of contact with probation and parole for each individual to secure the proper paperwork. *Id.* at 61:19-62:4 (Wiltz).

96. Ms. Wiltz testified that assisting individuals to secure their paperwork was time-consuming and resource-intensive, requiring her to pick up individuals from various neighborhoods, drive to the probation and parole office, find parking, and ensure that the individual made the proper request to the appropriate person and that they obtained the right paperwork. *Id.* at 63:20-64:10 (Wiltz).

97. Ms. Wiltz, in her capacity as a VOTE member and volunteer, plans to continue supporting those with felony convictions to obtain the additional paperwork, including, but not limited to, voter education to inform community members about the Paperwork Requirement and assisting individuals with securing their paperwork. *Id.* at 64:17-65:34 (Wiltz).

iii. Testimony of Mr. Gregory Finney

98. Mr. Gregory Finney was born in and currently resides in Orleans Parish. Day 2 Tr. at 74:23-75:3 (Finney).

99. He was last convicted of a felony in April 2000 and was released from incarceration for that conviction in August 2015. *Id.* at 75:4-9 (Finney). He completed parole in or around 2022. *Id.* at 75:10-11 (Finney).

100. The first time he registered to vote in his life was in or around 1980, shortly after he turned 18. *Id.* at 75:12-19 (Finney). After his most recent conviction, he re-registered to vote in August 2022. *Id.* at 75:25-76:5 (Finney); Pls. Ex. 11 ¶ 7.

101. When re-registering to vote in 2022, he first went to his parole officer and obtained a document stating that he had completed parole. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶

8-9. He then took the document to the registrar's office, and he registered to vote. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶ 8-9.

102. About two or three weeks later, he received a letter from the registrar's office stating that he had not submitted the proper paperwork under the Paperwork Requirement. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶ 10-12. He then went back to his parole officer, who gave him a new copy of the same document Mr. Finney had obtained previously from probation and parole. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶ 10-12. He then returned to the registrar's office with the second copy, and he was told that he had brought the correct paperwork. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶ 10-12.

103. On that day, early voting was underway, and Mr. Finney voted immediately after the registrar's office confirmed that he had brought in the correct paperwork. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶¶ 10-12. Approximately three to four weeks later, Mr. Finney received a letter stating that he was not, in fact, eligible to vote. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶ 13.

104. Mr. Finney then spoke with Ms. Wiltz, who contacted the registrar's office on his behalf. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶ 15. Mr. Finney then spoke with the registrar's office again, and the registrar's staff confirmed that he was eligible to vote. Day 2 Tr. at 76:6-77:9 (Finney). Mr. Finney has been voting ever since. Day 2 Tr. at 76:6-77:9 (Finney); Pls. Ex. 11 ¶ 18.

105. Mr. Finney found the process of re-registering to vote subject to the Paperwork Requirement "very discouraging," given the hassles of visiting the right offices multiple times to secure the right paperwork and to register to vote. Day 2 Tr. at 77:10-78:20 (Finney); Pls. Ex. 11 ¶ 19.

106. He testified that many individuals who come home from incarceration likely do not have the perseverance to overcome these problems to register to vote. Day 2 Tr. at 77:10-78:20 (Finney); Pls. Ex. 11 ¶ 19. According to Mr. Finney, many individuals released from incarceration need encouragement and support to successfully navigate obtaining the correct paperwork and registering to vote. Day 2 Tr. at 77:10-78:20 (Finney).

107. Mr. Finney testified that, unlike other similarly situated individuals, he was “determined” and “couldn’t [be] discourage[d]” from registering to vote and that “no matter how many times [he] had to go back [he] was determined to vote,” despite the obstacles that he faced in securing the proper paperwork and re-registering to vote. Day 2 Tr. at 77:10-78:20 (Finney).

III. CONCLUSIONS OF LAW

108. To obtain a preliminary injunction, Plaintiffs must show: (1) a substantial likelihood of success on the merits; (2) irreparable injury absent an injunction; (3) that the threatened injury to the plaintiff outweighs whatever damage the injunction may cause to the defendant; and (4) the injunction is not adverse to the public interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see also Planned Parenthood v. Sanchez*, 403 F.3d 324, 329 (5th Cir. 2005).

109. For the foregoing reasons, the Court finds that Plaintiffs have demonstrated a likelihood of success on the merits of their NVRA claims and irreparable injury absent an injunction, and that the balance of the equities and the public interest support preliminary injunctive relief ahead of the 2024 elections.

A. NVRA Notice

110. The Court concludes that Plaintiff VOTE provided Defendant with written notice of the NVRA violations at issue on October 22, 2020, and March 31, 2023. *See* Pls. Ex. 8; Joint

Ex. 6. The Court further concludes that Plaintiffs PCEJ and LWVLA provided Defendant with written notices of the NVRA violations at issue on August 26, 2022, October 28, 2022, and March 31, 2023. *See* Joint Exs. 3, 4, 6.

111. The Court rejects Defendant’s argument that Plaintiffs failed to sufficiently provide notice of the specific violations at issue in this case. The purpose of an NVRA notice letter is to “give[] the Defendant enough information to diagnose the problem. At that point it [is] the Defendant’s responsibility to attempt to cure the violation.” *Am. C.R. Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 795 (W.D. Tex. 2015); *see also Ferrand v. Schedler*, No. CIV.A. 11-926, 2011 WL 3268700, at *6 (E.D. La. July 21, 2011).

112. As stated above, Plaintiffs provided Defendant with notice at least four times since 2020. *See supra* PFOF ¶ 3 Defendant does not dispute that the August 2022 and October 2022 letters are notice letters. ECF No. 58 at 13.²

113. The Court finds that Plaintiffs’ October 20, 2020, letter provided sufficient notice that Defendant may be violating the NVRA by requiring additional paperwork to register to vote. Pls. Ex. 8 at PL0145. The October 20, 2020, notice letter specifically noted that Defendant’s policies unlawfully require “[c]ertain individuals convicted of a felony [] to provide documentation when attempting to register using the national voter registration form.” *Id.* The letter later notifies Defendant that “we are prepared to proceed with litigation of these issues, asserting claims under the NVRA and other applicable causes of action.” *Id.* at PL0147. The Court finds this October 20,

² Defendant’s Response in Opposition to Plaintiffs’ Motion for Preliminary Injunction, ECF No. 70, incorporates by reference the arguments made by Defendant in his Motion to Dismiss, ECF No. 58, with respect to the sufficiency of the NVRA notice.

2020, letter “sets forth the reasons for the conclusion that a defendant failed to comply with the NVRA, and, when read as a whole, it makes it clear that the plaintiff is asserting a violation of the NVRA and plans to initiate litigation if its concerns are not addressed in a timely manner.” *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1348 (N.D. Ga. 2016) (quotation marks omitted).

114. For largely the same reasons, this Court finds that Plaintiffs’ March 31, 2023, letter constitutes sufficient notice under the NVRA. The March 31, 2023, letter incorporates by reference the allegations made in Plaintiffs’ August and October 2022 letters, Joint Ex. 6 at 3, and noted that “the notice period required prior to pursuing a private cause of action under the NVRA elapsed on January 26, 2023. Absent further action from your office to change the stated policies and practices by April 14, 2023, our clients will proceed to explore their legal remedies.” *Id.* The Court finds that this is sufficient notice for the purposes of the NVRA.

115. The Court further rejects Defendant’s argument that Plaintiff VOTE’s October 22, 2020, notice letter is not sufficient notice for the purposes of this litigation because it was not properly pleaded. *See* Day 2 Tr. at 191:10-193:4.

116. Plaintiffs have sufficiently pleaded that Plaintiff VOTE’s October 22, 2020, letter constituted notice pursuant to 52 U.S.C. § 20510(b)(1)-(2), by reference in the Complaint itself and by attaching the October 22, 2020, notice to the Complaint. *See* ECF No. 1 ¶ 44 (“Advocates previously notified the Secretary of State’s Office in 2020 that this documentary proof of eligibility requirement, also known as the paperwork requirement, violated the NVRA.”); Pls. Ex. 8; *see also In re Great Lakes Dredge & Dock Co. LLC*, 624 F.3d 201, 210 (5th Cir. 2010) (“In deciding whether the complaint states a valid claim for relief, we accept all well-pleaded facts as true and construe the complaint in the light most favorable to the plaintiff”).

117. Plaintiffs brought suit against Defendant for alleged violations of the NVRA on

May 1, 2023. ECF No. 1. Because more than 90 days have elapsed since the first notice letter that Plaintiffs sent on October 20, 2020, Plaintiffs VOTE, PCEJ, and LWVLA have provided the statutorily required notice to Defendant of the violations of the NVRA. 52 U.S.C. § 20510(b)(1)-(2) (requiring an aggrieved party to give 90 days' notice of alleged NVRA violations to a state's chief election official before bringing suit).

118. Defendant Secretary of State R. Kyle Ardoin is the chief election official of the State of Louisiana. La. R.S. § 18:421. As such, Defendant is tasked with implementing the requirements of the National Voter Registration Act. 52 U.S.C. § 20509; La. R.S. § 18:18. The Court concludes that he is the proper defendant for purposes of the National Voter Registration Act.

119. Therefore, the Court concludes that all Plaintiffs have provided sufficient notice under the National Voter Registration Act, 52 U.S.C. § 20510.

B. Standing

120. This Court concludes that Plaintiffs VOTE, PCEJ, and LWVLA have Article III standing because each has suffered an injury-in-fact, which is “fairly traceable to the challenged action of the defendant,” and which would “likely . . . be redressed by a favorable decision” by this Court. *OCA-Greater Houston v. Texas*, 867 F.3d 604, 610 (5th Cir. 2017) (citing *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 560 (1992)) (internal citations and quotations omitted).

i. Associational Standing

121. The Court finds that Plaintiff VOTE has associational standing because its members are injured by the Paperwork Requirement. “Associational standing is derivative of the standing of the association’s members, requiring that they have standing and that the interests the association seeks to protect be germane to its purpose.” *OCA-Greater Houston*, 867 F.3d at 610

(internal quotations omitted). “Associational standing is a three-part test: (1) the association’s members would independently meet the Article III standing requirements; (2) the interests the association seeks to protect are germane to the purpose of the organization; and (3) neither the claim asserted nor the relief requested requires participation of individual members.” *Texas Democratic Party v. Benkiser*, 459 F.3d 582, 587 (5th Cir. 2006).

122. Plaintiffs have identified a number of VOTE members that recently were or soon will be subject to the Paperwork Requirement. *See* PFOF ¶¶ 63-66. VOTE’s membership consists of people impacted by the criminal legal system in Louisiana, including formerly incarcerated residents with prior felony convictions who are eligible to register to vote. *Supra* PFOF ¶ 10, 63-66. Many of VOTE’s members have sought assistance from VOTE in obtaining documentary proof of eligibility to register to vote. *See* PFOF ¶¶ 63-66; Day 1 Tr. at 36:16-37:6 (Henderson); Pls. Ex. 11 ¶¶ 15, 20; Pls. Ex. 38 (subject to protective order); Pls. Ex. 41. Some have been denied the right to vote because they were unable to meet the Paperwork Requirement in time for an election. Pls. Ex. 9 ¶¶ 6, 63-66. As such, VOTE’s members present an Article III injury-in-fact based on the burden on the right to vote caused by the Paperwork Requirement. *See Scott v. Schedler*, No. CIV.A. 11-926, 2013 WL 264603 at *5 (E.D. La. Jan. 23, 2013) (holding that an individual voter had standing when a state agency “failed to meet their obligation” to the plaintiff under the NVRA). Second, the interests at stake—the right to vote for people with prior felony convictions—bear directly on VOTE’s mission to educate and engage formerly-incarcerated Louisianans. *Supra* PFOF ¶¶ 10, 32-35. Finally, VOTE’s members are fully represented by VOTE’s participation; the relief sought—enjoining the Paperwork Requirement—will naturally inure to VOTE’s members who are the direct targets of the Requirement. As such, VOTE has associational standing.

ii. Organizational Standing

123. The Court finds that Plaintiffs VOTE, PCEJ, and LWVLA have organizational standing because Defendant's Paperwork Requirement requires them to divert substantial resources from their respective organizational missions to educate eligible Louisianans with prior felony convictions on the state's onerous Paperwork Requirement and assist them in navigating it.

124. "The Fifth Circuit has held that nonprofit organizations can suffer an Article III injury when a defendant's actions frustrate their missions and force them to divert significant resources to counteract the defendant's conduct." *Harding v. Edwards*, 484 F. Supp. 3d 299, 314 (M.D. La. 2020) (citing *N.A.A.C.P. v. City of Kyle, Texas*, 626 F.3d 233, 238 (5th Cir. 2010)) (internal quotations omitted). In the NVRA context, the Fifth Circuit has specifically held that a nonprofit organization had standing where the organization "devoted resources to counteract [the defendant's] allegedly unlawful practices" in failing to comply with the NVRA's provisions. *Scott v. Schedler*, 771 F.3d 831, 837 (5th Cir. 2014); *see also OCA-Greater Houston*, 867 F.3d at 612 (holding that an organization had standing when it "went out of its way to counteract the effect of Texas's allegedly unlawful voter-interpreter restriction"). In *Scott*, the nonprofit plaintiff had standing because its representative organized voter registration drives near public assistance agencies in response to the defendant's failure to comply with Section 7 of the NVRA (which requires voter registration services at such agencies). 771 F.3d at 837.

125. The Fifth Circuit has also held that an organization's activities to counteract the defendant's injurious conduct must "differ from [its] routine [] activities." *N.A.A.C.P.*, 626 F.3d at 238; *see also Louisiana Fair Hous. Action Ctr., Inc. v. Azalea Garden Props., L.L.C.*, 82 F.4th 345, 351 (5th Cir. 2023). But the Court rejects Defendant's argument that organizations must divert resources away from routine activities toward entirely new ventures *outside* of their organizational

missions to have Article III standing. *See* Day 2 Tr. at 190:15-191:9. The Fifth Circuit has been clear that its “remark in *City of Kyle* . . . was not a heightening of the *Lujan* standard.” *OCA-Greater Houston*, 867 F.3d at 612. Certainly, for standing purposes, it is sufficient to show that an organization has diverted its resources away from its routine activities towards counteracting a defendant’s injurious conduct even where it diverts resources towards an activity that is still central to its mission. *See Louisiana Fair Hous. Action Ctr.*, 82 F.4th at 354 (asserting that the Fifth Circuit’s holding in *OCA-Greater Houston* was correct to conclude that an organization had Article III standing where it diverted resources to challenge a law restricting the use of interpreters at the polls for “English-limited voters” even where the organization’s mission included “voter outreach and civic education”). The Court concludes that Plaintiffs’ diversion of resources away from their routine activities towards combatting Defendant’s Paperwork Requirement does not eviscerate their Article III standing simply because their missions involve voting.

126. Here, Plaintiffs are small organizations tasked with engaging hundreds of thousands of voters in Louisiana; the Paperwork Requirement has caused Plaintiffs to shift their finite resources to providing specialized support to eligible voters with felony convictions to ensure that they have the proper paperwork to register to vote. *See supra* PFOF ¶¶ 41-62. The Court finds that because of the Paperwork Requirement, Plaintiffs have “expended resources registering voters in low registration areas who would have already been registered if the appellees had complied with the requirement[s] under the NVRA.” *Ass’n of Cmty. Organizations for Reform Now v. Fowler*, 178 F.3d 350, 361 (5th Cir. 1999); *see also supra* PFOF ¶¶ 41-62. Plaintiffs face a concrete threat of strained resources from increased voter registration and the according increased confusion brought by the Paperwork Requirement, as Louisiana voters face a major federal election cycle next year. *See supra* PFOF ¶¶ 41-62.

C. Likelihood of Success on the Merits

127. The Court finds that Plaintiffs are likely to succeed on their claim that Louisiana’s documentary proof of eligibility requirement, as applied to applicants using both Federal and State Forms, is preempted by Sections 6 and 8 of the NVRA. Any additional documentation requirement likewise violates Section 9 of the NVRA.

128. As described above, Louisiana has a policy and practice of requiring “suspended” voters to provide documentation proving that they are eligible before allowing them to register to vote. *See supra* PFOF ¶¶ 22-30.

129. The Court finds that individuals under “suspended” status who attest to their eligibility on the voter registration are facially eligible applicants and that their presence on the “suspended” list does not establish otherwise.

130. As such, and described below, the Paperwork Requirement is unlawful under the National Voter Registration Act insofar that it: (1) results in the failure to place eligible voters who register on the voter registration rolls; (2) requires more documentation than the NVRA allows for the Federal Form or conforming State Form; and (3) forces registrars to refuse to accept and use the Federal Form from applicants who do not provide the required documentation.

- i. The NVRA applies equally to all individuals seeking to register to vote regardless of whether they have previously been registered to vote.

131. As an initial matter, the Court finds that Plaintiffs are likely to succeed on the merits of their claim that the NVRA applies to all individuals seeking to register to vote, regardless of their prior felony conviction status or whether they have ever registered to vote in the past.

132. Defendant’s policy divides the pool of individuals with prior felony convictions into two groups: (1) those who were not registered to vote in Louisiana before their conviction,

and (2) those who were previously registered to vote in Louisiana before their conviction, calling this second group “suspended” voters. *E.g.*, Day 2 Tr. at 147:10-17 (Hadskey); Pls. Ex. 42 at PL0027; Def. Ex. 10. The state then calls the process of registering to vote “registration” for the former group, and “reinstatement” for the latter. *See, e.g.*, Day 2 Tr. at 150:7-15, 153:10-13 (Hadskey).

133. Defendant justifies requiring additional documentation from the second group on the grounds that they are purportedly engaging in a different process. *Supra* PFOF ¶ 26. But, as Ms. Hadskey testified, the process and results are otherwise the same: both categories of voters must submit a registration form, both have the same registration deadline, and both sets of applicants cannot vote until those forms are accepted and processed. *See* Day 2 Tr. at 165:16-166:16 (Hadskey); *see also supra* PFOF ¶ 24.

134. The Court finds that calling the process by another name is a distinction without a difference for the purposes of federal law. Whether previously registered or not, these individuals all seek the same outcome: to become active registered voters in Louisiana. Regardless of whether the state adds a voter to the rolls by “registration” or “reinstatement,” all voters must follow the same process and regulations for casting their ballot. *See* La. R.S. § 18:561-65; *see also, e.g.*, Day 1 Tr. at 152:11-16, 151:24-152:3 (Green) (discussing how in practice the League has understood registration and reinstatement to be the same).

135. Nothing in the NVRA indicates that its requirements regarding voter registration only apply to new registrants. *See generally* 52 U.S.C. § 20507. Rather, the NVRA covers the entire process involved in enabling individuals to be active voter registrants. *See, e.g., Ass’n of Cmty. Organizations for Reform Nowr*, 178 F.3d at 354 (“[T]he NVRA sets forth requirements with respect to the states’ administration of the voter registration process.”). In short, Louisiana

cannot avoid the requirements of federal law by calling voter registration by another name. Nor can Louisiana avoid the requirements of federal law by denying access to voter registration to those who were previously registered in the State.

136. Therefore, the Court concludes that Plaintiffs are likely to succeed on the merits that the NVRA applies to the Paperwork Requirement regardless of whether their registration is “new” or “suspended.”

- ii. Defendant’s refusal to register facially eligible applicants based solely on their prior “suspension” violates Section 8 of the NVRA.

137. The Court likewise concludes that, as a matter of federal law, “suspended” voters who fill out a registration form attesting that they are eligible to vote are facially eligible to register to vote, as all other voters are. Felony disenfranchisement in Louisiana is almost never permanent. *Supra* PFOF ¶ 20. Most Louisianans with past convictions will have their right to vote restored automatically because an individual is eligible to vote when their order of imprisonment expires, or when five years have passed since actual incarceration (so long as they were not convicted of an election crime). *Id.*; La. Const. Art. I § 10(A); La. R.S. § 18:102(A). A person who attests to their eligibility on the voter registration form is facially eligible to vote absent other evidence establishing that they are not. Because of Louisiana law’s automatic restoration of voting rights, an individual’s “suspended” status due to a felony conviction is *not* evidence establishing that they are presently disenfranchised.

138. The Court finds that Plaintiffs are likely to succeed on the merits that Louisiana’s documentary proof of eligibility requirement impedes registrars from placing facially eligible registrants on the voter rolls in violation of Section 8 of the NVRA. *See* 52 U.S.C. § 20507(a)(1).

139. Section 8 of the National Voter Registration Act requires that each state “ensure that any eligible applicant is registered to vote” if their valid registration form is received “not later than the lesser of 30 days, or the period provided by State law, before the date of the election.” 52 U.S.C. § 20507(a)(1).

140. Yet Louisiana refuses to add facially eligible individuals to the voter rolls until they provide documents proving their eligibility. *Supra* PFOF ¶ 26; *see also* PFOF ¶¶ 89-107.

141. Louisiana’s Paperwork Requirement prohibits parish election officials from registering otherwise eligible voters to vote in federal elections unless they provide documentary proof of their eligibility to vote. Joint Ex. 3 at PL0006-07.

142. Because the NVRA requires that each State “ensure that any eligible applicant is registered to vote,” Louisiana’s refusal to register eligible applicants on the “suspended” list absent documentary proof of eligibility is in direct violation of the statute. 52 U.S.C. § 20507(a)(1). The Court therefore concludes that Plaintiffs are likely to succeed on their claim that Louisiana’s law is preempted by Section 8 of the NVRA.

iii. Louisiana’s policy requiring facially eligible voters to provide additional documentation for the State Form violates the minimum attestation requirements of Sections 6 and 9 of the NVRA.

143. The Court concludes that Plaintiffs are likely to succeed on the merits of their claims that the Paperwork Requirement exceeds the amount of information that a state can require for voter registration in federal elections under Sections 6 and 9 of the National Voter Registration Act. See 52 U.S.C. §§ 20505(a)(2), 20508(b).

144. In addition to the Federal Form, Section 6 allows states to develop and use their own state mail voter registration form for registration in federal elections. 52 U.S.C. § 20505(a)(2). Those state mail voter registration forms must meet the requirements of Section 9. *Id.*

145. Section 9 imposes certain requirements on state mail voter registration forms—including an attestation of voter eligibility and signature under penalty of perjury—but also sharply restricts the additional information states can require from those seeking to register to vote in federal elections. A state mail voter registration “may require only such identifying information . . . and other information . . . as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration.” 52 U.S.C. § 20508(b)(1); *accord Fish v. Kobach*, 840 F.3d 710, 737-38 (10th Cir. 2016) (construing Section 5 of the NVRA but holding that the requirements of Section 5 and Section 9 are “analogous”).

146. Thus, the NVRA “limits [a state’s] discretion to request information for this purpose to the minimum amount of information necessary” to establish eligibility. *Fish*, 840 F.3d at 737; *accord* 52 U.S.C § 20508(b). “[I]n order for a state advocating for a [documentary proof] regime to rebut the presumption that the attestation requirement is the minimum information necessary for it to carry out its eligibility-assessment and registration duties, it must make a factual showing that the attestation requirement is insufficient for these purposes.” *Fish*, 840 F.3d at 738.

147. In *Fish*, the Tenth Circuit held that Kansas failed to provide any evidence that documentary proof of citizenship was required to verify the citizenship of individuals who registered at a department of motor vehicles office. *See id.*

148. The Court finds that Defendant has only offered the voter’s presence on the “suspended” list as evidence sufficient to require additional information from the voter to register. *See* Day 1 Tr. at 21:14-22; 23:7-14; Day 2 Tr. 161:14-18 (Hadskey); Joint Ex. 3 at PL00006-07.

149. But the fact that an individual is on the suspended list is not evidence of current ineligibility in light of Louisiana’s limited felony disenfranchisement scheme. *See supra* PFOF ¶¶

22-30, COL ¶137. Even if it were, the state has the information necessary to verify an individual's current eligibility because of the information-sharing scheme provided by Louisiana law. *See id.*

150. This extensive statutory scheme for sharing incarceration and supervision data among agencies means that the very information that the state seeks is already in its possession. Yet, the state burdens the facially eligible voter with navigating a complex, confusing, time-consuming, and often expensive process to deliver to the state information which they already have, based solely on their presence on an outdated list. *E.g., supra* PFOF ¶¶ 32-42, 89-107.

151. Because the information regarding ineligibility is already available to election officials, the state is requiring information beyond what is “necessary to enable the appropriate State election official to assess the eligibility of the applicant.” 52 U.S.C. § 20508(b). Therefore, the Court concludes that Defendant's policy violates the minimum attestation requirements of Sections 6 and 9 of the NVRA.

- iv. Louisiana's policy requiring facially eligible voters to provide additional documentation to prove their eligibility violates the “accept and use” provision of Section 6 of the NVRA.

152. The Court concludes that Plaintiffs are likely to succeed on the merits of their claims that Defendant's failure to accept and use the Federal Form for voters with felony convictions violates Section 6 of the NVRA.

153. Pursuant to the NVRA, the Federal Form “is to be accepted as sufficient” for voter registration. *Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 2, (2013) [“*ITCA*”]. In *ITCA*, Arizona had enacted a law requiring voters using the Federal Form to submit documentary proof of their citizenship. The Court held that the NVRA preempted the Arizona law because “the NVRA forbids States to demand that an applicant submit additional information beyond that required by the Federal Form” absent evidence that the applicant is ineligible. *Id.* at 15.

Accordingly, the NVRA “acts as both a ceiling and a floor” for registering to vote in federal elections. *Id.* at 18.

154. The Federal Form requires voters to attest under penalty of perjury that they meet their state’s requirements when registering to vote. *See* Pls. Ex. 14. The Federal Form does not require additional documentation. Pls. Ex. 14 at PL0173, PL0175, PL0184. Moreover, the state-specific instructions to the Federal Form for Louisiana do not include any additional requirement to provide documentation. Pls. Ex. 14 at PL0184.

155. As such, the Court concludes that the attestation on the Federal Form establishes an applicant’s facial eligibility, absent reliable information establishing ineligibility. *See* 52 U.S.C. § 20508(b).

156. Defendant is indisputably requiring “suspended” individuals to provide documentation proving eligibility before they are allowed to become an active voter, even when that individual submits a Federal Form. Joint Ex. 3 at PL0006-07; Day 2 Tr. 161:14-18 (Hadskey); *see also supra* PFOF ¶¶ 32-42, 89-107.

157. Therefore, the Court concludes that, like the Arizona law struck down by the Supreme Court in *ITCA*, Louisiana’s requirement that registrants using the Federal Form provide documentary proof of eligibility to register is preempted by the NVRA.

158. In sum, the Court concludes that Plaintiffs are likely to succeed on the merits of their claims that Defendant’s Paperwork Requirement violates the NVRA.

D. Irreparable Harm

159. The Court concludes that, absent a preliminary injunction, Plaintiffs will suffer irreparable harm in future elections in the form of infringements on or even denials of their

members' or constituents' registration applications and irreversible expenditure of Plaintiffs' limited resources.

160. “To satisfy the second prong of the preliminary-injunction test, Plaintiffs must show that in the absence of an injunction they are ‘likely to suffer irreparable harm.’” *Mi Familia Vota v. Abbott*, 497 F. Supp. 3d 195, 217-18 (W.D. Tex. 2020) (quoting *Daniels Health Scis., L.L.C. v. Vascular Health Scis., L.L.C.*, 710 F.3d 579, 585 (5th Cir. 2013)).

161. The right to vote is fundamental and denial or abridgement of the right to vote is an irreparable injury. *See, e.g., Harris v. Graddick*, 593 F. Supp. 128, 135 (M.D. Ala. 1984) (“[A]ny illegal impediment to the right to vote, as guaranteed by the U.S. Constitution or statute, would by its nature be an irreparable injury.” (citing *Reynolds v. Sims*, 377 U.S. 533, 585 (1964))); *see also Mich. State A. Philip Randolph Inst. v. Johnson*, 833 F.3d 656, 669 (6th Cir. 2016) (“When constitutional rights are threatened or impaired, irreparable injury is presumed. A restriction on the fundamental right to vote therefore constitutes irreparable injury.”) (citing *Obama for Am. v. Husted*, 697 F.3d 423 (6th Cir. 2012)).

162. The in-person and mail registration deadline for the next election, set for March 23, 2024, is February 21, 2024.

163. As the registration deadline approaches, thousands of eligible potential Louisiana voters, including VOTE members and individuals assisted by Plaintiff groups, will face the considerable burden of the Paperwork Requirement when they seek to register to vote; at least 10,000 eligible Louisianans, according to Plaintiffs' expert Dr. Burch, are presently subject to the Paperwork Requirement. Day 2 Tr. at 35:8-19 (Burch); *supra* PFOF ¶ 82.

164. This burden of retrieving the correct paperwork in person, during business hours, from the correct individual and then taking that paperwork to the registrar in person, during

business hours, facing rejection of the paperwork and having to start the process over, is sufficient to deter many eligible voters from registering. *See* Day 2 Tr. at 59:4-60:16, 61:19-62:4, 62:17-19, 63:20-64:10, 72:25-73:2 (Wiltz); *id.* at 76:6-78:20 (Finney).

165. If the Court does not grant preliminary relief, those voters may lose the right to vote before the Court can grant an effective remedy in the normal course. The bench trial for this case is scheduled from October 15 to 18, 2024, ECF No. 119, and it will conclude after the voter registration deadline for the November 5, 2024, election has passed.

166. The Paperwork Requirement also causes Plaintiffs, all of whom are nonprofit organizations, to spend additional time and money to register voters and assist them with understanding and complying with the Paperwork Requirement. *See* Day 2 Tr. at 59:4-60:16, 61:19-62:4, 62:17-19, 63:20-64:10, 64:17-68:4, 72:25-73:2 (Wiltz); Pls. Ex. 9 ¶ 9; Pls. Ex. 12 ¶ 6; Pls. Ex. 13 ¶¶ 7-10; *supra* PFOF ¶¶ 41-62.

167. Without a preliminary injunction, Plaintiffs will expend their limited resources conducting otherwise unnecessary voter education and navigating Louisiana's complex bureaucratic records system, and will continue to suffer the ongoing, irreparable harm inflicted by the documentary proof of eligibility requirements. *Supra* PFOF ¶¶ 41-62.

168. The Paperwork Requirement has hamstrung and will continue to hamstring Plaintiffs' limited resources to engage in voter registration and engagement in the run up to the election set for March 23, 2024 as well as subsequent elections. *See id.* The time and resources spent tackling the Paperwork Requirement through education and voter assistance will necessarily detract from Plaintiffs' ability to engage in additional voter engagement. *See id.*

169. Once Plaintiffs lose the opportunity to engage voters during the March 23, 2024 election cycle and in subsequent election cycles—and once their members lose the right to vote in

the election—“there can be no do-over and no redress.” *League of Women Voters of North Carolina v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014).

E. The Balance of the Equities Weighs in Plaintiffs’ Favor and A Preliminary Injunction Would Serve the Public Interest.

170. Finally, the Court finds that the balance of equities and the public interest both weigh in favor of a preliminary injunction. The Court concludes that protecting the right to vote of eligible Louisianans is in the public interest while the government’s enforcement of the Paperwork Requirement serves no purpose.

171. On the one hand, under Defendant’s current policy, over ten thousand eligible Louisianans may be unable to register and vote or, at least, will have to spend time and money tracking down the additional documentation to be able to do so. Pls. Ex. 30 at 3; *supra* PFOF ¶ 82.

172. On the other hand, that additional documentation serves no real purpose. There is no election integrity function served because election officials already possess accurate and reliable information to confirm voter registration applicants’ eligibility to vote.

173. Indeed, election integrity is best served by ensuring that all eligible Louisianans who want to vote are able to register and cast ballots.

174. The “balance of the equities” and the “public interest,” the third and fourth elements of the test for a preliminary injunction, “merge when the Government is the opposing party.” *Robinson v. Ardoin*, 605 F. Supp. 3d 759, 852 (M.D. La. 2022) (quoting *Nken v. Holder*, 556 U.S. 418, 435 (2009)).

i. The balance of the equities weighs in Plaintiffs’ favor.

175. The Court finds that ongoing injury to Plaintiffs and to prospective voters outweighs any interest that Defendant has in the Paperwork Requirement.

176. At least 10,000 Louisianas are eligible to vote but on the suspended voters list. *Supra* PFOF ¶ 84. Because of Defendant’s Paperwork Requirement, if these individuals submit valid voter registration forms, they will be denied. Those denials can only be overcome if they produce additional paperwork demonstrating their eligibility. *See supra* PFOF ¶¶ 26, 89-107.

177. These voters across Louisiana, including many current and potential members of Plaintiffs- or the individuals they serve, will be forced to track down, request, and even pay for redundant records to prove they are eligible to register. *Supra* PFOF ¶¶ 40-42, 89-107. Many will be unable to register because they cannot access the records, identify the appropriate corrections official to obtain proof or overcome other stumbling blocks. *E.g.*, Pls. Ex. 9 ¶¶ 4-6; *supra* PFOF ¶¶ 89-107. Such voters may miss the voter registration deadline and be denied the opportunity to vote in the March federal primary election and future federal elections.

178. Additionally, Plaintiffs will be forced to expend significant resources—including time, volunteer power, money—assisting and educating voters on the hurdles of registering after a felony conviction. *Supra* PFOF ¶¶ 41-62. It can sometimes take days of work for Plaintiffs to help their constituents and members obtain this documentation, during which time they have had to make multiple visits to government offices. *Supra* PFOF ¶¶ 41-62, 89-107. This expenditure of Plaintiffs’ limited resources cannot be remedied at a later date.

179. On the other hand, the Secretary has no legitimate interest in the Paperwork Requirement and will not be harmed by the requested preliminary relief. The Paperwork Requirement is unnecessary, given that Defendant already maintains and has access to the information they burden the prospective voter with supplying. *See* Day 2 Tr. at 112:18-113:2 (Harris) (responding that the “risk” of enjoining the paperwork requirement is limited to updating the state’s voter registration system), 116:11-117:15 (acknowledging that documentation for in-

state convictions is unnecessary because new registrations are automatically checked against the list of ineligible voters daily); *id.* at 155:2-8 (Hadskey) (testifying that if the requirement were enjoined, registrars should be able to verify the eligibility of suspended voters the same as new registrants); *supra* PFOF ¶¶ 22-30. That information is disseminated to the registrars, allowing them to easily verify whether a registrant is disqualified from voting. Day 2 Tr. at 116:19-119:20 (Harris); *id.* at 144:25-145:10 (Hadskey). Defendant's existing electronic system automatically, nightly cross-compares the voter file with the list of ineligible voters, so if a registrar accepted a valid registration form from a voter who was actually not eligible to vote, the file would be flagged within 24 hours. Day 2 Tr. at 116:20-119:20 (Harris). In fact, Defendant relies on that system to ensure that new registrants with past felony convictions who are ineligible are timely flagged as such. *Id.* Additionally, registrars can look up whether a particular voter registration applicant whose previous registration was suspended is on the Ineligible List at the time of application. *Id.* at 116:11-117:11. If more information is needed, the registrar can directly contact DPSC for current information on the applicant's supervision status. *Id.*

180. Moreover, the injunction Plaintiffs seek does not change state law regarding eligibility, but merely ensures that all those who are eligible may submit a voter registration form and become an active voter.

181. Finally, election officials already have a mechanism for registering voters on the suspended list: they may simply register the voters the same way they would register a new applicant with a prior felony conviction. *See* Day 2 Tr. at 154:16-155:8 (Hadskey). Any minor administrative changes that result in removing an additional requirement for voter registration are far outweighed by the infringement of Plaintiffs' and voters' fundamental rights.

ii. A preliminary injunction serves the public interest.

182. The Court finds that an injunction serves the public interest.

183. The Supreme Court has held that “voting is of the most fundamental significance under our constitutional structure.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (citations omitted). As such, Congress passed the National Voter Registration Act to ensure that every eligible voter can vote, and there is an inherent public interest in fulfilling its purpose. *See* 52 U.S.C. § 20501. “Voter enfranchisement cannot be sacrificed when a citizen provides the state the necessary information to register to vote but the state turns its own procedures into a vehicle to burden that right.” *Action NC v. Strach*, 216 F. Supp. 3d 597, 648 (M.D.N.C. 2016) (holding that there is a public interest in enjoining conduct that violated the NVRA to fulfill the Act’s purpose). Thus, it is clear that the public has a strong interest in all eligible voters being able to vote, because “favoring enfranchisement and ensuring that qualified voters exercise their right to vote is always in the public interest.” *Id.* at 648 (cleaned up). This is especially true here, where the burden on the right to vote can be simply remedied by enjoining unnecessary and redundant conduct.

184. Plaintiffs seek relief ahead of the next federal election in March 2024. Though Defendant has testified that it might “take time” to implement the procedures necessary to cease enforcement of the paperwork requirement, *see* Day 2 Tr. at 108:17-22 (Harris), at no point has Defendant stated that implementation would not be possible in time for the March 2024 elections. Indeed, Defendant previously expressed in its briefing that “there [wa]s no reason to proceed with the hearing on the preliminary injunction on the currently scheduled timeline,” because relief for the March 2024 elections did not require “immediate action.” ECF No. 42 at 6. Furthermore, the Defendant, through counsel, has acknowledged that removing the paperwork requirement would “mak[e] it easier” for individuals on the “suspended” list to register to vote, and “easier” for parish

officials. Pls. Ex. 16 at PL0206, 62:07-18, 62:19-21 (concerning HB 396, which would have eliminated the Paperwork Requirement).³ The Court credits these representations as demonstrating the feasibility in administration of a remedy, which only underscores the public interest in enjoining the challenged conduct.

IV. CONCLUSION

185. Plaintiffs have demonstrated a substantial likelihood of success on the merits of their NVRA claims and irreparable injury absent an injunction. The balance of the equities and the public interest weigh plainly in favor of an injunction.

186. Therefore, Plaintiffs' Motion for Preliminary Injunction is GRANTED.

187. It is ORDERED that Defendants are enjoined from further enforcing the Paperwork Requirement, which requires applicants whose voter registration has been suspended to provide additional documentation to prove their eligibility.

Respectfully submitted this 30th day of November 2023.

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³ Defendant objected to the admissibility of this exhibit, and the parties briefed the admissibility of the exhibit. ECF Nos. 126, 130.

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***pro hac vice motion pending*

CERTIFICATE OF SERVICE

I hereby certify that on this date, November 30, 2023, I electronically filed the foregoing Motion with the Clerk of the Court using the Court's CM/ECF system, which will send a notice of electronic filing to counsel of record who are registered with the Court's CM/ECF system.

/s/ Valencia Richardson
Valencia Richardson
Counsel for Plaintiffs