

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

DR. DOROTHY NAIRNE, *et al.*,

Plaintiffs,

v.

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

Defendant.

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

Chief Judge Shelly D. Dick

Magistrate Judge Scott D. Johnson

NOTICE OF CONSTITUTIONAL QUESTION

Pursuant to Federal Rule of Civil Procedure 5.1(a), Defendant R. Kyle Ardoin, in his official capacity as Secretary of State of Louisiana, and Intervenor-Defendants, the State of Louisiana through the Attorney General, and Speaker of the House Clay Schexnayder; and President of the Senate Patrick Page Cortez (collectively, “Defendants”) hereby file a notice of constitutional question. The questions, as raised initially in Defendant’s Affirmative Defenses [Rec. Doc. No. 32], and born out through discovery in this matter are as follows:

1. Defendants assert that finding for Plaintiffs requires interpreting the Voting Rights Act in a way that calls its constitutionality into question because the Voting Rights Act’s inherently race-based remedies, as applied to the facts in this matter and at this time, are not justified by present conditions, and are not congruent and proportional to the exercise of congressional power under the Fourteenth and Fifteenth Amendments to authorize race-based redistricting indefinitely as articulated by Justice Kavanaugh in his concurrence in *Allen v. Milligan*, 599 U.S. 1, 45, 143 S. Ct. 1487, 1519, 216 L. Ed. 2d 60 (2023).

2. To grant the relief Plaintiffs seek, the Court must interpret the Voting Rights Act in a way that violates the U.S. Constitution.

Pursuant to Federal Rule of Civil Procedure 5.1 Defendants will also serve a copy of this Notice on the Department of Justice.

Respectfully submitted, this the 9th day of November, 2023.

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