

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

**DISABILITY RIGHTS LOUISIANA**

**CIVIL ACTION NO. 3:24-CV-  
00554 JWD-SDJ**

**VERSUS**

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

**RESPONSE BY SECRETARY OF STATE LANDRY TO  
STATEMENT OF INTEREST OF THE UNITED STATES**

MAY IT PLEASE THE COURT:

The United States does not have an interest in the pending suit because neither 52 U.S.C. §10307(a) nor 52 U.S.C. §10308(d) give the United States the authority to enforce Section 208 of the Voting Rights Act (52 U.S.C. § 10508) in this case. Together, 52 U.S.C. §10307(a) and 52 U.S.C. §10308(d) give the United States the authority to enforce Section 208 of the Voting Rights Act only when a disabled person is deprived of the right to vote or have his vote counted.

52 U.S.C. §10307(a) states, “No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of chapters 103 to 107 of this title or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.” 52 U.S.C. §10308(d) authorizes suit by the Attorney General under a listing of statutes<sup>1</sup>, none of which include an alleged violation of 52 U.S.C. § 10508, the statute at issue here. However, Section 10308(d) authorizes the Attorney General to seek relief, which may include an “order directed to the State and State or local election officials to require them (1) to permit persons listed under Chapters 103 to 107 of this title to vote and (2) to count such votes.” While disabled

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<sup>1</sup> Section 10301, 10302, 10303, 10304, 10306, or Title 52, Section 1973e (now repealed), or Subsection (b) of 10308 (destroying or defacing, mutilating, or altering ballots or official voting records).

persons are listed in Chapter 105,<sup>2</sup> the available relief is limited to an order allowing disabled persons to vote and have their vote counted. In other words, the Attorney General does not have authority to sue under the Voting Rights Act for an alleged violation of Section 208 absent the denial of a disabled person's right to vote or to have his vote counted.

Here, a violation of the challenged laws will not result in the denial of a disabled person's right to vote or to have his vote counted. Pursuant to Louisiana law, "all absentee ballots received by the registrar by 4:30 pm on the day before election day shall be counted."<sup>3</sup> There is no exception for absentee ballots witnessed or received in violation of the challenged laws. Moreover, a violation of the challenged laws does not constitute a basis to challenge an absentee ballot.<sup>4</sup> Accordingly, there being no denial of the disabled person's right to vote or refusal to count the vote of a disabled person under the statutes challenged in this case, the Attorney General is not afforded the right to bring suit under either 52 U.S.C. §10307(a) or 52 U.S.C. §10308(d) and as such, has no interest in the present suit.

Respectfully submitted:

s/Celia R. Cangelosi  
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and

**SHOWS, CALI & WALSH, L.L.P.**

/s/ Caroline M. Tomeny

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<sup>2</sup> See 52 U.S.C. §10508.

<sup>3</sup> La. R.S. 18:1308(C) (emphasis added). See also La. R.S. 18:1312(B) ("All absentee by mail ballots which are received timely...shall be delivered to the parish board of election supervisors to be counted and tabulated as provided in R.S. 18:1313.").

<sup>4</sup> See La. R.S. 18:1315 and LAC 31:I.301-305.

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*Attorneys for Defendant, Nancy Landry, in her  
official capacity as Louisiana Secretary of State*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of December, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notice of electronic filing to all counsel of record.

/s/ Caroline M. Tomeny  
Caroline M. Tomeny