

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

LEAGUE OF WOMEN VOTERS OF
LOUISIANA, et al.,

PLAINTIFFS,

v.

NANCY LANDRY, et al.,

DEFENDANTS.

Civil Action No. 3:25-cv-413

Judge: JWD - SDJ

**MEMORANDUM OF LAW IN SUPPORT OF
DEFENDANTS' MOTION TO STAY PROCEEDINGS**

Defendants Nancy Landry, David Matlock, Michael Harrington,¹ Cade Brumley, Susana Schowen, and Misti Cordell respectfully move to stay all proceedings for 60 days. A stay would promote judicial efficiency without unfairly disadvantaging either party. Plaintiffs oppose the motion.

BACKGROUND

1. *Federal Framework.* The National Voting Registration Act, 52 U.S.C. §§ 20501 *et seq.*, creates a two-track approach for voter registration: Applicants may use either a federally created voter-registration form (Federal Form) or a state-created form (State Form). *See* § 20505(a). The Federal Form can generally be used in all States that permit mail registration. *Arizona v. Inter Tribal Council of Ariz., Inc. (ITCA)*, 570 U.S. 1, 5 (2013). But it does include state-specific instructions that the Election Assistance Commission (EAC) adopts with individual-State input. *Id.* at

¹ Secretary Harrington retired in March 2025. The new Secretary of the Louisiana Department of Health is Bruce D. Greenstein.

5–6; *see* § 20508(a)(2). States have latitude in designing their own State Form, so long as they follow the permissive requirements of Section 20505(a)(2). Under this statutory framework, voters can either pick a “simple means of registering to vote in federal elections” through the Federal Form or choose the State Form, which can “require information the Federal Form does not.” *ITCA*, 570 U.S. at 12.

2. Louisiana Voting Laws. In 2024, the Louisiana Legislature passed Act 500—SB 436. *See* 2024 La. Sess. Law Serv. Act 500 (SB 436). Governor Landry signed the bill into law, and it took effect January 1, 2025. It changed Louisiana’s election laws in two ways: *First*, it added to the list of ineligible voters anyone “who is ... [n]ot a citizen of the United States.” La. R.S. 18:102(A)(3); *accord* 18 U.S.C. §§ 611, 1015(f). *Second*, it added to the requirement for the application for registration that “[e]ach applicant shall include with his application proof of United States citizenship.” La. R.S. 18:104(D)(2). In light of the statutory changes, Louisiana was required to inform the EAC of the changes to its State voter-eligibility requirements. *See* 11 C.F.R. § 9428.6(c).

3. History of Proceedings. On January 30, 2025, on behalf of the State of Louisiana and the chief election official, the Department of State submitted to the EAC a notice of the changes to Louisiana’s voter-eligibility requirements. Ex. 1 at 1 (Jan. 30, 2025 Letter from Jennifer Bollinger, Executive Counsel, to Brianna Schletz, Executive Director EAC). The State also requested modification to the Louisiana-specific instructions on the Federal Form. *Id.* The State requested an effective date of January 15, 2026, for revisions to the state-specific instructions, and a decision

from the EAC no later than July 1, 2025. *Id.* The State explained that it would be extremely inefficient and burdensome for Louisiana to maintain dual voter registration implementation and verification practices.² *Id.* To avoid those challenges, Secretary Landry determined that the most efficient strategy for implementing Act 500 was to provide the EAC an opportunity to approve revisions to the state-specific instructions on the Federal Form before amending Louisiana’s State Form (formally called Louisiana’s Voter Registration Application). *See id.* The State estimates it will take approximately six months to implement revisions to the State Form after the EAC’s decision. *Id.*

On February 24, 2025, the State submitted an amended and supplemental request that included additional modifications to the state-specific instructions on the Federal Form. Ex. 2 ¶ 4 (Declaration of Catherine J. Newsome, First Assistant Secretary of State).

On May 14, 2025—while the State awaited a decision from the EAC—Plaintiffs (several policy-driven civic engagement groups) sued Defendants, all in their official capacities. ECF No. 1 (Compl.). Plaintiffs primarily allege a slew of NVRA violations. Compl. ¶¶ 190–99 (Count 2, violation of “attestation provisions”), ¶¶ 200–07 (Count 3, violation of the “accept and use provision”), ¶¶ 208–12 (Count 4, violation of the “facial eligibility provision”), ¶¶ 213–21 (Count 5, violation of the “public agencies

² In this context, a dual voter registration system refers to systems that require proof of U.S. citizenship to vote in state and local elections but not in federal elections. Some states maintain dual voter registrations—with one voter roll for state and local elections and another voter roll for federal elections. *E.g.* Ariz. Sec’y of State, Registering to Vote, t.ly/wIhor (last visited July 24, 2025).

provision”); *see also id.* ¶¶ 179–89 (Count 1, § 1983 claim alleging violations of First and Fourteenth Amendments). All of Plaintiffs’ NVRA claims speculate about modifications of the State Form and Federal Form.

On May 17, 2025, the State requested the EAC to pause its review of the State’s January request so that the State could submit additional evidentiary information. Newsome Decl. ¶ 5. And, on June 25, 2025, the State asked the EAC to resume its review and to consider the additional information provided (such as supplemental Louisiana election statistics data). *Id.*; *see* Ex. 2 at 3 (Exhibit 1 to Newsome Decl.: June 15, 2025 Letter from First Assistant Secretary Newsome to Executive Director Schletz) (explaining the supplemental information was needed, in part, to respond to federal Executive Order 14,248 “Preserving and Protecting the Integrity of American Elections”). The June Letter also flagged another change in the law dictating the State’s process for voter registration applications (unrelated to Act 500) and added another request to modify state-specific instructions on the Federal Form related to that change in law. June Letter at 1.

To provide sufficient time to implement revisions to the State Form, Louisiana again requested an effective date of January 15, 2026, for all requested revisions, and asked for a decision from the EAC no later than August 1, 2025. *Id.* at 1–2 (reiterating the efficiency concerns and the anticipated six-month timeline to implement revisions to the State Form). If the EAC takes timely action on Louisiana’s Request, the timeline provides the State sufficient time to amend the State Form after the EAC’s final decision and before January 15, 2026. As of this filing, the EAC has yet to issue

a decision on the State's proposed revisions to the state-instructions on the Federal Form. Nor has it indicated it will certainly do so by August 1, 2025.

ARGUMENT

Because the State's EAC Request is currently pending before the EAC, Defendants request a stay of proceedings to allow a reasonable amount of time for the EAC administrative process to be completed. During the pendency of the requested 60-day stay, the State Defendants will not require that applicants include in their voter registration applications proof of United States citizenship, as provided in Act 500. A stay of proceedings thus best serves the interest of judicial economy, and Plaintiffs will not be harmed or prejudiced by a stay.³

1. The ability to stay proceedings "is incidental to the power inherent in every court to control the disposition of the cases on its docket with economy of time and effort for itself, for counsel, and for the litigants." *Landis v. North American Co.*, 299 U.S. 248, 254 (1936). Courts thus have a "discretionary power to stay proceedings before it in the control of its docket and in the interests of justice." *McKnight v. Blanchard*, 667 F.2d 477, 479 (5th Cir. 1982); *Amec Constr. Mgmt., Inc. v. Fireman's Fund Ins. Co.*, No. CV 13-00718-JJB-EWD, 2016 WL 7468808, at *2 (M.D. La. May 31, 2016) (a "district court's wide discretion to grant a stay in a pending matter" comes from its "inherent power to regulate the flow of cases"). When "'the interests of justice seem[] to require such action,' a court may exercise its discretion to stay civil

³ Defendants' requested stay would necessarily encompass their current responsive pleading deadline, which is set for Thursday, July 24, 2025. ECF No. 40. In light of the pending motion, Defendants respectfully request that the Court hold all pleading deadlines in abeyance pending resolution of the motion to stay.

proceedings, postpone discovery, or impose protective orders and conditions.” *Amec Constr. Mgmt.*, 2016 WL 7468808, at *2 (alteration in original) (quoting *Billiot v. Beavers*, No. 12-2946, 2015 WL 4397108, at *2 (E.D. La. July 13, 2015) (Engelhardt, J.)). “Proper use of this authority ‘calls for the exercise of judgment, which must weigh competing interests and maintain an even balance.’” *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983) (quoting *Landis*, 299 U.S. at 254–55).

A court’s decision to grant a stay should take into account (1) “judicial economy,” (2) “hardship and inequity on the moving party without a stay,” and (3) “prejudice the non-moving party will suffer if a stay is granted.” *Abrams v. Ochsner Clinic Found.*, No. CV 17-1755-SDD-EWD, 2018 WL 2746046, at *3 (M.D. La. June 7, 2018) (citation and quotation omitted). Put differently, a court should be “guided by the factors of judicial economy and convenience for the Court, for counsel, and for the parties.” *United States v. FEDCON Joint Venture*, No. CV 16-13022, 2017 WL 897852, at *1 (E.D. La. Mar. 7, 2017) (citing *Landis*, 299 U.S. at 254). Such considerations “are counsels of moderation rather than limitations upon power,” *Landis*, 299 U.S. at 255, but a stay should not be “of an indefinite duration,” *McKnight*, 667 F.2d at 479.

2. Here, all considerations favor a 60-day stay.

Judicial economy. The interest of judicial economy would best be served by granting a stay. *See Falgoust v. Microsoft Corp.*, No. CIV.A.00-0779, 2000 WL 462919, at *2 (E.D. La. Apr. 19, 2000) (concluding “the interests of judicial economy would best be served by granting a stay” without further analysis). The State is attempting

to follow the NVRA's procedure for revising the state-specific instructions on the Federal Form. It has submitted to the EAC a notice of changes and requested revisions to the state-specific instructions on the Federal Form and is awaiting the EAC's decision. For the sake of State resources and efficiency, the State has asked for a quick decision, as "it is not feasible for Louisiana to maintain a dual voter registration system," and it will take "approximately six months to implement revisions to the State Form." Jan. Letter at 1; *see* June Letter at 1–2. Forcing litigation at this point would waste everyone's time and resources—most notably for the State, the EAC, and this Court.⁴ *See FEDCON*, 2017 WL 897852, at *3 (staying case when the use of alternate resolution "procedure[s] may resolve all or part of the dispute, making further proceedings limited or unnecessary"); *Abrams*, 2018 WL 2746046, at *4 ("judicial efficiency would be served by staying this suit pending a determination by the medical review panel" on overlapping issues).

Moreover, this approach is consistent with the approach this Court has taken in other litigation where the underlying legal landscape might be poised to shift, especially in the context of election-related laws. *See, e.g.,* Order, *Clark et al. v. Edwards et al.*, No. 3:86-cv-00435 (M.D. La. July 17, 2025) (staying proceedings in election-law case pending the Supreme Court's disposition of a similar case); *see also*

⁴ Not to mention the serious ripeness concerns that will arise should the motion to stay be denied, especially since the Department of State is not currently requiring applicants to include proof of United States citizenship in their voter registration application. *See Braidwood Mgmt., Inc. v. EEOC*, 70 F.4th 914, 930 (5th Cir. 2023) (a claim is not ripe if it is "contingent on future events that may not occur as anticipated, or indeed may not occur at all." (citation modified)); *United States v. Magana*, 837 F.3d 457, 459 (5th Cir. 2016).

Order, *Wessinger v. Cain*, No. 04-cv-637 (M.D. La. Sept. 25, 2023) (staying habeas ruling pending the Supreme Court’s disposition of a similar case); *accord Disability Rights La. v. Landry*, No. CV 24-554-JWD-SDJ, 2024 WL 3566698, at *5 (M.D. La. July 29, 2024) (denying motion for preliminary injunction and motion to expedite on *Purcell* principle grounds); *Singleton v. E. Baton Par. Sch. Bd.*, 621 F. Supp. 3d 618, 627 (M.D. La. 2022) (denying motions for temporary restraining order and preliminary injunction on *Purcell* principle grounds).

At bottom, the “public interest would be better served by conserving judicial and party resources in rendering a decision” only after sufficient time has passed to allow the EAC to issue its own decision. *See* Order, *Clark*, No. 3:86-cv-00435 (M.D. La. July 17, 2025); *see also ITCA*, 570 U.S. at 19-20 (reasoning that the more appropriate action by Arizona would have been to seek an EAC determination according to the NVRA and to challenge the EAC’s action under the APA).

Hardship and inequity. Without a stay, Defendants will be placed in the strange position of waiting for a determination from the EAC on its proposed revisions to the state-specific instructions on the Federal Form while simultaneously litigating the same EAC-contingent revisions in federal court. That would burden both the State Defendants and this Court. *See Strong ex rel. Tidewater, Inc. v. Taylor*, No. CIV.A. 11-392, 2013 WL 818893, at *4 (E.D. La. Mar. 5, 2013) (“Ultimately, allowing this suit to languish over the next weeks or months while the Board considers the demand would burden both the Defendants and this Court.”).

Prejudice. Finally, Plaintiffs will not be prejudiced by a 60-day stay. Plaintiffs are presumably aware that the State requested revisions to the state-specific instructions on the Federal Form and are awaiting a decision by the EAC. A delay related to that request is therefore reasonably foreseeable. *See FEDCON*, 2017 WL 897852, at *3. And short delays are not prejudicial. *Falgoust*, 2000 WL 462919, at *2 (“Plaintiffs have failed to show any significant prejudice they would suffer, beyond the slight delay pending the JPML decision.”).

Moreover, the State has requested an effective date of January 15, 2026, for the revisions. June Letter at 2. That is more than five months away. Any of Plaintiffs’ alleged injuries—even on their account—will not occur until the effective date, thus sparking Plaintiffs’ supposed need to divert resources and shift outreach plans. Finally, Plaintiffs have not asked for any form of preliminary injunction or expedited consideration. So a stay does nothing more than preserve the status quo—without forcing the parties to prematurely litigate.

* * *

Regardless of the EAC’s ultimate decision, staying the proceedings “is the most convenient and just manner of proceeding” because it “avoids imposing undue hardship or inequity on any party and best preserves the ‘orderly course of justice.’” *Ha Thi Le v. Lease Fin. Group, LLC*, No. CV 16-14867, 2017 WL 2915488, at *6 (E.D. La. May 9, 2017).

CONCLUSION

This Court should use its discretionary authority to grant Defendants’ motion to stay proceedings for 60 days.

Dated: July 24, 2025

Respectfully submitted,

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