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

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

INTRODUCTION

The Department of State has a pending request with the United States Election Assistance Commission ("EAC") to update Louisiana's state-specific instructions on the federal voter-registration form. Contrary to Plaintiffs' misunderstanding (or perhaps misdirection), the Department of State has not requested the EAC "to include documentary proof of citizenship requirement on state-specific Federal Form instructions," Resp.10,[1] nor does Act 500 include an "instruction to decline to register facially eligible applicants who do not provide additional proof of citizenship," Resp.6. As relevant here, the Department of State's more modest request is to include in the state-specific instructions Louisiana's additional requirements of a "unique immigration identifier" number (only "if applicable"), or alternatively "sex" and "mother's maiden name" (only "if known"). *See* ECF No. 46-4 at 6 (Exhibit 1 to Newsome Declaration). As a result, nearly every factual allegation in Plaintiffs' Complaint is built on a fatally flawed presupposition that only risks confusing potential voters. *See* Compl. ¶¶ 1, 17, 19–28, 32, 34–39, 49, 53–58, 65–73, 89–91, 135–36, 140–78.

[1] *Contra Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 6 (2013) ("The EAC did not grant Arizona's request to include this new requirement among the state-specific instructions for Arizona on the Federal Form."); *Kobach v. U.S. Election Assistance Comm'n*, 772 F.3d 1183, 1188 (10th Cir. 2014) (APA lawsuit for EAC's failure to act—because it "lacked a quorum of commissioners"—on Arizona's and Kansas's requests "to include documentary proof of citizenship language as a state-specific instruction on the Federal Form"); Notice and Request for Public Comment on State Requests To Include Additional Proof-of-Citizenship Instructions on the National Mail Voter Registration Form, 78 Fed. Reg. 77666-01 (Dec. 24, 2013) (discussing the same Arizona and Kansas requests).

With that proper understanding of *what* the EAC is actually considering, a short 60-day stay makes especially good sense to see the result of the EAC request. The EAC's decision—whether it approves or denies the Department of State's request—will substantially alter the landscape of this case. And even then, with an EAC decision in hand, the Department of State requested that the EAC not implement changes to the state-specific instructions any earlier than January 15, 2026—148 days from now. Thus, blazing into merits briefings will only waste the Court's and the parties' time while inviting confusion for Louisiana's potential voters. As Plaintiffs themselves note, "Defendants have yet to provide guidance to the public or local election officials about Act 500," Resp.13, precisely because no EAC decision exists. To litigate—and worse, to adjudicate—this case on dual-track contingencies would risk misleading the public about what requirements do (or do not) exist yet—outside Plaintiffs' "information or belief." That confusion would be near impossible to claw back.

The prudent course is to pause. A 60-day stay will allow the EAC to act, Plaintiffs to amend if necessary, and this Court to proceed without having to guess at the EAC's decision and Act 500's implementation.

ARGUMENT

Plaintiffs' opposition does not engage with the posture or the point of Defendants' requested stay. Instead, Plaintiffs respond as if this were a merits contest and urge the Court to litigate a moving target. They misstate the governing

standard, speculate about the EAC, and press litigation that essentially guarantees duplication and re-briefing. Plaintiffs' arguments are readily dismissed.

First, Plaintiffs misunderstand the point of Defendants' requested stay. They assert the EAC process is unlikely to change anything and, even if it does, will be non-dispositive, so the Court should press ahead. *See* Resp.10–11, 16. But the purpose of a short, status-quo stay is not to end the case; it is to avoid duplicative tracks while the EAC has the opportunity to act and thereby clarify or narrow what warrants adjudication now.[2] This is precisely the kind of measured pause contemplated by the Court's inherent authority and the familiar stay factors—judicial economy, hardship and inequity absent a stay, and lack of prejudice to the other party. *See, e.g.*, *Landis v. N. Am. Co.*, 299 U.S. 248, 254–55 (1936); *Abrams v. Ochsner Clinic Found.*, No. CV 17-1755-SDD-EWD, 2018 WL 2746046, at *3 (M.D. La. June 7, 2018).

Second, all factors support a stay. Courts 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). Contrary to Plaintiffs' suggestion (at 2), a stay does not require a heightened showing; it requires the Court to exercise judgment and weigh competing interests. *Wedgeworth v. Fibreboard Corp.*, 706 F.2d 541, 545 (5th Cir. 1983). And here, "judicial economy and convenience" weigh in Defendants' favor. *See United States v. FEDCON Joint*

[2] The State requested a decision by August 1, 2025. ECF No. 46-1 at 4. As of the time of filing, the EAC has not issued a decision.

Venture, No. CV 16-13022, 2017 WL 897852, at *1 (E.D. La. Mar. 7, 2017) (citation omitted).

On judicial economy, Plaintiffs argue an administrative response will not "obviate" their claims and that waiting for a non-dispositive decision undermines efficiency. Resp.14–16. But that argument cuts in *Defendants'* favor. Any agency response—grant, deny, modify, or even no action within the window—fixes the posture, focuses what is fit for decision, and reduces the risk of re-briefing after the administrative picture settles. Courts routinely stay cases where a parallel process conserves judicial and party resources and may resolve or narrow issues. *See FEDCON Joint Venture*, 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. And that is particularly true with election law cases. *See, e.g.*, Order, *Clark et al. v. Edwards et al.*, No. 3:86-cv-00435 (M.D. La. July 17, 2025). Proceeding now on a moving target guarantees duplication and cleanup later. A short 60-day stay to allow the EAC to consider the State's requested Federal Form instructions is the more orderly course. S*ee Arizona v. Inter Tribal Council of Ariz., Inc.* (*ITCA*), 570 U.S. 1, 19–20 (2013).

Moreover, Plaintiffs' claimed harm and prejudice are overstated. Their cited harms—planning and outreach burdens—are tied to future election cycles. Resp.10–15. But during the requested 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. *See* ECF 46-1 at 5. And the State's requested effective date (January 15, 2026) is still months away. *Id.* at 4. That means present conditions will *remain unchanged*. Short, defined delays preserving status quo are simply not prejudicial. *See Falgoust v. Microsoft Corp.*, No. CIV.A.00-0779, 2000 WL 462919, at *2 (E.D. La. Apr. 19, 2000).

On the flip side, Defendants face immediate, concrete harm and prejudice. Plaintiffs dismiss Defendants' hardship as either "self-inflicted" or ordinary litigation cost (at 12–13), but the burden here is structural. Without a stay, the parties and the Court must litigate Federal Form questions while the EAC considers the *same subject*—the very kind of duplicative, two-track inefficiency courts use their discretion to avoid. *See Landis*, 299 U.S. at 254–55. A brief, status-quo pause thus prevents undue hardship and inequity while causing no cognizable prejudice. *See Ha Thi Le v. Lease Fin. Grp., LLC*, No. CV 16-14867, 2017 WL 2915488, at *6 (E.D. La. May 9, 2017).

Third, it is especially strange that Plaintiffs ask for jurisdictional and ripeness concerns to be aired now. Resp.11 n.6, 16 n.9. The Court is, of course, free to check its own jurisdiction now. *Dedrick v. Eggleston*, 8 F.3d 22, 22 (5th Cir. 1993) ("Federal courts have the obligation to examine *sua sponte* the basis of their jurisdiction."). But the point of Defendants' stay request is to avoid forcing the Court to make that call without the requisite factual underpinning (and all while the challenged requirement is not currently being enforced). *See Braidwood Mgmt., Inc. v. EEOC*, 70 F.4th 914, 930 (5th Cir. 2023) (contingent claims not ripe); *United States v. Magana*, 837 F.3d

457, 459 (5th Cir. 2016). A short stay ensures that any subsequent rulings rest on a concrete administrative posture rather than hypotheticals.

Finally, this stay is modest and definite: 60 days, preserving the status quo, and imposing no cognizable prejudice—exactly the sort of measured pause the Court's discretion permits in the interests of justice and docket management. *See Landis*, 299 U.S. at 254–55; *McKnight*, 667 F.2d at 479.

CONCLUSION

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

Dated: August 20, 2025

Respectfully submitted,

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