

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

THE STATE OF LOUISIANA, by and through
its Attorney General, LIZ MURRILL; and
NANCY LANDRY, Louisiana Secretary of State,

Plaintiffs,

REPUBLICAN NATIONAL COMMITTEE and
REPUBLICAN PARTY OF LOUISIANA,

Intervenor-Plaintiffs,

v.

THE UNITED STATES ELECTION
ASSISTANCE COMMISSION, *et al.*,
Defendants.

Civil Action No. 3:26-cv-01191

**COMPLAINT OF INTERVENORS
REPUBLICAN NATIONAL COMMITTEE AND
THE LOUISIANA REPUBLICAN PARTY**

1. Like every other State, Louisiana permits only United States citizens to register to vote in federal elections. To enforce that qualification, recently enacted state law requires that Louisianans registering to vote “shall include with [their] application proof of United States citizenship.” La. R.S. 18.104(D)(2).

2. Louisiana sought to modify the federal form used for voter registration so that registering Louisianans could provide—and the State could verify—proof of citizenship. But the Election Assistance Commission, the agency tasked with administering the Federal Form, refused the modification as “not necessary.”

3. But States have the sole power to determine voter qualifications and whether those qualifications are met. U.S. Const. art. I, §2. Whether certain information is “necessary” to enable election officials to assess those qualifications is thus a matter for States to decide, and the Commission

acted arbitrarily, capriciously, and beyond its statutory authority in refusing to modify the Federal Form.

4. The Republican National Committee, as an organization and an association of members, relies on the integrity of Louisiana's election and voter registration process to turn out voters, implement election strategy, and win elections. When noncitizens register to vote, and when States are unable to conduct elections according to duly enacted laws, the RNC's interests are harmed. The Commission's actions prevent Louisiana from conducting elections according to its own constitutionally prescribed laws, and they harm the RNC's election-related activities.

5. The Republican Party of Louisiana (LAGOP), as the state-level arm of the Republican Party in Louisiana, shares the RNC's interests in protecting the integrity of Louisiana's elections, promoting candidates, registering voters, and winning elections in Louisiana.

6. The RNC and LAGOP file this complaint against the Commission for relief under the APA. They allege as follows:

PARTIES

7. Intervenor, the RNC, is the national committee of the Republican Party, as defined by 52 U.S.C. §30101(14), with its principal place of business at 310 First Street S.E., Washington, DC 20003.

8. The RNC represents over 30 million registered Republicans in all 50 States, the District of Columbia, and the U.S. territories. It is composed of 168 voting members representing state Republican Party organizations, including multiple members who are registered voters in Louisiana.

9. The RNC manages the Republican Party's business at the national level, coordinates fundraising and election strategy, and develops and promotes the national Republican platform.

10. The RNC works to elect Republican candidates to state and federal office. In November 2026 and subsequent elections, its candidates will appear on the ballot in Louisiana for numerous federal and state offices.

11. The RNC represents multiple candidates for state and federal office who are competing for votes in upcoming elections in Louisiana.

12. The RNC engages in various activities to help elect Republicans throughout the nation and in Louisiana.

13. The RNC has vital interests in protecting the ability of Republican voters to cast, and Republican candidates to receive, effective votes in Louisiana elections and elsewhere. The RNC brings this suit to vindicate its own rights in this regard, and in a representational capacity to vindicate the rights of its members, affiliated voters, and candidates.

14. These interests include the ability of Republican voters to cast votes that are not diluted by the addition of individuals who are added to the voter rolls in error, despite being ineligible to vote, such as noncitizens. And they include the right of candidates to participate in a fair and accurate electoral process.

15. Protecting the voting rights of the Republican voters who are RNC members and lawfully registered to vote in Louisiana is germane to the mission of the RNC. It also is well within the scope of the reasons why members join the RNC and support the mission of the organization.

16. Republican candidates are disproportionately harmed by noncitizens registering and voting in elections. The RNC suffers those competitive injuries directly and on behalf of its members who are running in Louisiana elections.

17. Republican voters are disproportionately discouraged when States cannot effectively confirm whether applicants are U.S. citizens. The RNC suffers that injury directly and on behalf of its members who are voting in Louisiana elections.

18. Intervenor, the LAGOP, is a state-level political party, as defined by La. Rev. Stat. §18:441. Its principal place of business is 530 Lakeland Dr #215, Baton Rouge, LA 70802.

19. As the state arm of the Republican Party, the LAGOP shares the RNC's interests in election integrity, voter registration, voter confidence, winning elections, and coordinating campaigns and candidates in Louisiana.

20. Furthermore, as a political party recognized by the State, LAGOP's membership and recognition is determined by the State's voter registration lists. *See* La. Rev. Stat. §18:441(B)(1); *id.* 18:441(D)(1). Ensuring only eligible voters are registered allows the LAGOP to accurately assess its membership and representation.

21. Plaintiff Louisiana is a sovereign State of the United States of America, and Liz Murrill, is the duly elected Attorney General and chief legal officer of the State of Louisiana, with offices located at 1885 North Third Street, Baton Rouge, Louisiana 70802. Plaintiff Nancy Landry is the Secretary of State for the State of Louisiana. Secretary Landry administers voter registration laws and coordinates the responsibilities of Louisiana under the National Voter Registration Act. La. R.S. 18:18. The Louisiana Plaintiffs sued to vindicate the State's sovereign, quasi-sovereign, and proprietary interests, which are separate and distinct from the Republican Party Plaintiffs' interests.

22. Defendant United States Election Assistance Commission is an agency of the United States, established under federal law, 52 U.S.C. §§20921–20930, and is an “agency” as that term is defined in the Administrative Procedure Act, 5 U.S.C. §551(1). The National Voter Registration Act directs the Commission to develop and, if necessary, modify the Federal Form for voter registration in consultation with the chief election officers of the States, for the registration of voters for elections for federal office. 52 U.S.C. §20508(a)(2).¹

¹ On July 9, all remaining Commissioners of the Election Assistance Commission were dismissed or resigned. So the Commission currently lacks a quorum to take action. *See* 52 U.S.C. §20928. Because

23. Defendant Brianna Schletz is the Executive Director of the Election Assistance Commission and is named as party in her official capacity.

JURISDICTION & VENUE

24. This Court has subject-matter jurisdiction under 28 U.S.C. §§1331, 1346(a), 1361, 2201, 2202 because this action against a United States agency and officer in her official capacity raises federal questions under the APA, 5 U.S.C. §§553, 701-06, the NVRA, 52 U.S.C. §§20501-20511, the Help America Vote Act, 52 U.S.C. §§20901-21145, and the United States Constitution.

25. This Court is authorized to award the requested relief under 5 U.S.C. §706, 28 U.S.C. §§1361, 2201, 2202.

26. Venue is proper in this District because Defendants include United States agencies or officers sued in their official capacities, and a substantial part of the events or omissions giving rise to the Complaint occur within this judicial district. *See* 28 U.S.C. §1391(e)(1).

BACKGROUND

27. The Republican Party Plaintiffs incorporate by reference paragraphs 11 through 50 of the State's Complaint. Doc. 1 at ¶¶11-50. *See Dorsey v. Portfolio Equities*, 540 F.3d 333, 338 (5th Cir. 2008) (Courts can “rely on documents incorporated into the complaint by reference, and matters of which a court may take judicial notice.”).

28. According to the bipartisan Carter-Baker Commission, inaccurate voter rolls that contain “*ineligible*, duplicate, fictional, or deceased voters” invite “fraud.” Comm. on Federal Election Reform, *Building Confidence in U.S. Elections* 10 (Sept. 2005) (Carter-Baker Report) (emphasis added). Although voter fraud can be difficult to detect, “the risk of voter fraud [is] real,” and can “affect the

the Republican Party Plaintiffs seek APA vacatur relief and mandamus against the Commission itself, and an injunction only against subordinate officials, but does not seek affirmative injunctive relief against the Commissioners in their official capacity, this case is not rendered moot by the lack of quorum. *See LeBlanc v. United States Priv. & C.L. Oversight Bd.*, 784 F. Supp. 3d 1 (D.D.C. 2025).

outcome of a close election.” *Cranford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 196 (2008) (op. of Stevens, J.). And regardless of whether fraud is detected, “the perception of possible fraud contributes to low confidence in the system.” Carter-Baker Report, *supra*, at 18. The Supreme Court agrees. *See Cranford*, 553 U.S. at 193-97.

29. In 2014, the Presidential Commission on Election Administration highlighted similar concerns with voter registration. The Commission noted that “[i]mproving the accuracy of registration rolls ... can ... prevent fraud and irregularity.” *The American Voting Experience*, Presidential Commission on Election Administration (Jan. 2014), perma.cc/7WAX-6BVM. The Commission detailed some of the harms that flow from inaccurate voter rolls: “The quality of the list can affect the ability of people to vote, of election offices to detect problems, and of courts and others monitoring elections to detect election fraud or irregularities.” *Id.* at 22.

30. Other courts and experts have likewise recognized that voter fraud is both real and notoriously “difficult to detect and prosecute.” *Tex. Democratic Party v. Abbott*, 961 F.3d 389, 396 (5th Cir. 2020); *see also Griffin v. Roupas*, 385 F.3d 1128, 1130-31 (7th Cir. 2004) (“Voting fraud is a serious problem in U.S. elections ... and it is facilitated by absentee voting.”); *Veasey v. Perry*, 71 F. Supp. 3d 627, 641 (S.D. Tex. 2014) (finding broad “agreement that voter fraud actually takes place in abundance in connection with absentee balloting”).

31. The EAC’s actions increase the likelihood of fraud, decrease election integrity and undermine confidence in elections.

32. To protect the integrity of elections, voter confidence in fair elections, and to prevent the harms caused by inaccurate registrations of ineligible voters, the RNC regularly litigates cases related to voter registration and States’ efforts to combat ineligible non-citizen voting. *See, e.g., Mi Familia Vota v. Fontes*, 129 F.4th 691 (9th Cir. 2025) *cert. granted*, *RNC v. Mi Familia Vota*, 25-1017, --- S.Ct. --- (Jun 29, 2026).

33. Louisiana's ability to collect information necessary to exclude ineligible voters from registration, and the Commission's refusal to modify the Federal Form, directly affect the Republican Party Plaintiffs' ability to provide services to candidates and voters, and to accomplish its core activities of electing Republican candidates and turning out Republican voters in local, state, and federal elections.

34. The Republican Party Plaintiffs engage in daily voter-registration services for candidates, voters, and local state parties. When a State cannot maintain clean voter rolls or identify ineligible registrants, the Republican Party Plaintiffs cannot provide effective registration services. Republican candidates and local state parties have interests in registering eligible voters. And only eligible voters have an interest in registering to vote. But if Louisiana cannot identify ineligible voters, it harms those interests. Inaccurate voter rolls impede the ability of candidates, voters, and local state parties to know who needs to be registered, where elections need to be targeted, and who needs to update their registration.

35. The State's maintenance of voter rolls and ability to collect information from would-be voters also directly affects the Republican Party Plaintiffs' ballot-chase programs and voter-turnout efforts. The number of voters registered in a State and locality drive the organizations' modeling efforts, providing a roadmap of voters who need to be contacted and driven out to vote. A report of registered voters who are in fact ineligible, hinders the Republican Party Plaintiffs' ability to effectively chase ballots and turn out voters in a given State or locality.

36. The Republican Party Plaintiffs also rely on state voter rolls for its voter contacts. The Republican Party Plaintiffs contact voters through mail and digital avenues, as well as both volunteer and paid in-person contacts. These voter-contact efforts are essential to electing Republican candidates and turning out Republican voters. The Republican Party Plaintiffs uses voter registration lists to adjust the size, scope, and audience for these voter contacts. Inaccurate voter rolls, ineligible regis-

trants, and States' inability to verify the citizenship of registrants harm the effectiveness of these voter-contact efforts, resulting in contacts with registered voters who are not eligible to vote and resulting in mail pieces being printed and sent to voters who cannot legally vote.

37. These contacts are also important for getting volunteers, informing voters of late-breaking election news, and turning out voters. Ineligible registered voters result in the organizations wasting time and money contacting individuals who are registered but not qualified to vote.

38. The Republican Party Plaintiffs also provide essential contact support to Republican candidates who win their respective primaries. That support includes knocking on doors, making phone calls, sending text messages, mailers, and registering voters. Voter rolls inform who should be contacted in that candidate's jurisdiction. When voter rolls incorrectly report that those contacts are eligible to vote, it hinders the Republican candidate's ability to effectively target eligible voters, which harms his or her chances of winning that election.

39. The RNC relies on voter registration numbers to form its electoral strategies. State voter-registration data forms the foundation of the RNC's internal datasets. If the state's voter rolls show more eligible voters registered to vote than is accurate, the organizations' electoral and campaign strategies will be based on a false picture of Louisiana's electorate. That inaccurate information impairs its ability to form winning strategies around voter turnout, voter registration, mail-voting campaigns, and in-person efforts.

40. Voter registration data also informs how competitive a district is. The RNC uses voter registration lists to identify the number of Republicans, Democrats, and independents in a district. If a district is competitive, then the RNC deploys resources, including field observers, recruitment staff, and other employees and volunteers to target the district. Bloated rolls result in an inaccurate assessment of electoral competition, which harms the RNC's ability to elect Republican candidates.

41. The Commission’s decision means that Louisiana, and thus the Republican Party Plaintiffs, are unable to distinguish between eligible voters and those who are ineligible to vote, which harms their ability to elect Republican candidates and turn out Republican voters. “Win or lose,” the Republican Party Plaintiffs “suffer when the process” of Louisiana’s elections “departs from the law.” *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 77 (2026).

42. Even the perception of non-citizen voting by eligible voters harms the Republican Party Plaintiffs, as it “erodes public confidence that the election results reflect the people’s will. And when public confidence in the election results falters, public confidence in the elected representative follows. To the representative, that loss of legitimacy—or its diminution—is a concrete harm.” *Id.* at 78; *see also Purcell v. Gonzalez*, 549 U.S. 1, 4 (2006) (per curiam).

43. Without the information necessary to implement its laws, Louisiana’s inability to exclude non-citizens will “undermine” any Republican election “winner’s political legitimacy.” *Bost*, 607 U.S. at 78.

44. The Commission’s denial also forces the Republican Party Plaintiffs to spend substantial resources to independently verify the accuracy of Louisiana’s voter registration rolls, to monitor and poll-watch for illegal noncitizen voting, and to educate voters and candidates concerning Louisiana’s voter registration procedures. The Republican Party Plaintiffs would divert those resources to other core activities if the Commission were to approve a proof-of-citizenship requirement.

CLAIMS FOR RELIEF

COUNT I

Violation of the APA, §706(1) (Agency Action Unlawfully Withheld)

45. The Republican Party Plaintiffs incorporate by reference all prior allegations.

46. Louisiana has the constitutional right, power, and privilege to establish voting qualifications and regulate the conduct of federal elections, including voter registration and eligibility requirements. U.S. Const. art. I, §§2, 4; U.S. Const. amends. X and XVII.

47. Consistent with the NVRA, Louisiana “may request that the EAC alter the Federal Form to include information *the State* deems necessary to determine eligibility,” including the indicia of citizenship requested here. *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 19 (2013) (emphasis added); 52 U.S.C. §20508(b)(1).

48. On the current Federal Form, citizenship is the only category of eligibility information for which an applicant need supply only an attestation to satisfy the requirement.

49. The Louisiana Legislature determined that proof of citizenship is information that must be provided by a voter registration applicant for election officials to assess eligibility. La. R.S. 18:104(D). The Secretary of State determined that implementation of that requirement required modifying the state-specific instructions on the Federal Form. La. R.S. 18:104(G).

50. As required by the NVRA, Louisiana notified the Commission of changes to its voter registration requirements and requested that the Commission modify the State-specific instructions on the Federal Form. Those requested instructions reflect its voter-qualification and registration laws and include information Louisiana deemed necessary to enable state election officials to assess the eligibility of applicants and to administer voter registration and other parts of the election process. 52 U.S.C. §20508(b); *Inter Tribal Council*, 570 U.S. at 18-20.

51. The State’s request complied with all other provisions of the NVRA. *See* 52 U.S.C. §20501(b).

52. Once a State has established that additional information is necessary to enable State election officials to assess the eligibility of applicants, the EAC is “under a nondiscretionary duty” to

include that additional information on the Federal Form at the State's request. *Inter Tribal Council*, 570 U.S. at 18-20.

53. The APA authorizes a reviewing court to "compel agency action unlawfully withheld." 5 U.S.C. §706(1). "Agency action" is "the whole or part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act." *Id.* §551(13).

54. The Commission's Final Decision Letter rejecting Louisiana's request to modify the State-specific instructions is a final agency action. *Id.*

55. The Republican Party Plaintiffs' organizational and associational interests are adversely affected or aggrieved by the Commission's withheld agency action. 5 U.S.C. §702.

56. The Commission violated the APA, 5 U.S.C. §706(1), by failing to comply with its nondiscretionary duty to modify the Federal Form after Louisiana had determined the modification was necessary and the state's chief election officer properly requested the modification.

COUNT II
Violation of the APA, §706(2)(A)
(Arbitrary and Capricious Agency Action)

57. The Republican Party Plaintiffs incorporate by reference all prior allegations.

58. The APA requires a reviewing court to hold unlawful and set aside agency action, findings, and conclusions of law found to be "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. §706(2)(A).

59. The Commission's failure to modify the Louisiana-specific instructions on the Federal Form as requested by the Secretary of State constitutes agency action that was arbitrary, capricious, an abuse of discretion, and otherwise not in accordance with law under the APA, 5 U.S.C. §706(2)(A); *see Inter Tribal Council*, 570 U.S. at 20.

60. Under the arbitrary-and-capricious standard, an agency must reasonably consider the relevant issues and reasonably explain its decision. *FCC v. Prometheus Radio Project*, 592 U.S. 414, 423

(2021). Different results on similar facts must be justified “to lend predictability and intelligibility” to agency actions and “promote fair treatment, and facilitate judicial review.” *Balt. Gas & Elec. Co. v. FERC*, 954 F.3d 279, 286 (D.C. Cir. 2020).

61. In 2012, the Commission approved a modification to the Louisiana-specific instructions for the Federal Form similar to the proposed instructions requested in the current request. That instruction requires applicants who do not have a Louisiana driver’s license, a Louisiana special identification card, or a social security number to attach a copy of a current and valid photo identification or a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the applicant. *See* Federal Form, State Instructions, Louisiana, at 10, perma.cc/9VTA-R673 (archived July 10, 2026). Louisiana’s current request to the Commission is similar to its 2012 request for modifications to the State-specific instructions to the Federal Form, which was approved by the Commission.

62. The Commission’s Final Decision Letter did not adequately explain the Commission’s decision because Commissioners Hicks and Hovland did not explain their reasoning to distinguish Louisiana’s proposed modification from similar modifications.

63. Likewise, the proposed modification here requires only a *de minimis* burden on the applicant, since the requested information is readily available to applicants.

64. Conversely, the State faces insurmountable burdens confirming U.S. citizenship on its own. The documents or evidence that confirm citizenship often are held by only the individual, and the State’s ability to obtain the appropriate information through various federal and state databases may be limited.

65. Similarly, Commissioners Hicks and Hovland did not explain why this proposed modification will cause confusion to voters, when Louisiana’s similar address requirements, and the similar state-specific requirements of states like Montana, are not unduly confusing.

66. The Commission's Final Decision Letter rejecting Louisiana's request to modify the State-specific instructions is a final agency action. 5 U.S.C. §551(13).

67. The Republican Party Plaintiffs' organizational and associational interests are adversely affected or aggrieved by the Commission's arbitrary, capricious, and otherwise-not-in-accordance-with-law agency action. 5 U.S.C. §702.

68. The Commission's failure to modify the Louisiana-specific instructions on the Federal Form as requested by the Secretary of State constitutes agency action that was arbitrary, capricious, an abuse of discretion, and otherwise not made in accordance with law under the APA, 5 U.S.C. §706(2)(A). Commissioners Hicks and Hovland's rationale for disapproving Louisiana's request was also arbitrary, capricious, an abuse of discretion, and otherwise not made in accordance with law under the APA, and failed to treat like cases alike.

COUNT III
Violation of the APA, §706(2)(C)
(Ultra Vires Agency Action; Major Questions Doctrine)

69. The Republican Party Plaintiffs incorporate by reference all prior allegations.

70. The APA requires a reviewing court to hold unlawful and set aside agency action, findings, and conclusions of law found to be "in excess of statutory jurisdiction, authority, or limitations, or short of statutory right," or "contrary to constitutional right, power, privilege, or immunity." 5 U.S.C. §706(2)(B), (C).

71. As required by the NVRA, Louisiana notified the Commission of changes to its voter registration requirements and requested that the Commission modify the State-specific instructions on the Federal Form to reflect its voter qualification and registration laws and include information Louisiana deemed necessary to enable state election officials to assess the eligibility of applicants and to administer voter registration and other parts of the election process. 52 U.S.C. §20508(b); *Inter Tribal Council*, 570 U.S. at 18-20.

72. As required by the NVRA, if a State determines that additional information is necessary to enable state election officials to assess the eligibility of applicants and administer voter registration and other parts of the election process, the Commission has a “nondiscretionary duty,” at the request of the State, to modify the State-specific instructions of the Federal Form to reflect state law. *Inter Tribal Council*, 570 U.S. at 18-20.

73. The Commission’s nondiscretionary duty does not include making independent determinations of necessity and second-guessing States’ determinations. If a State determines that a “proposed change to the Federal Form is ‘necessary’ to enforce voter qualifications, then the NVRA and probably the Constitution require its inclusion.” *League of Women Voters v. Newby*, 838 F.3d 1, 11 (D.C. Cir. 2016).

74. The Commission does not have the authority or right under the NVRA to decline the Secretary of State’s request to modify the Louisiana-specific instructions on the Federal Form that reflect the voter qualification and registration laws of the State of Louisiana or that enable Louisiana election officials to assess the eligibility of applicants and administer voter registration and other parts of the election process.

75. Under the Elections Clause, “[p]rescribing voting qualifications” “forms no part of the power to be conferred upon the national government,” and that includes the Commission. *ITCA*, 570 U.S. at 17. The Federal Government’s, and therefore the Commission’s, authority under the Elections Clause is “expressly restricted to the regulation of the *times*, the *places*, and the *manner* of elections.” *Id.* (quoting *The Federalist* No. 60, at 371 (A. Hamilton)).

76. Congress may not delegate power to an administrative agency that Congress itself does not possess, and agencies must interpret and apply their statutory duties in light of constitutional boundaries. “It is difficult to see how words could be clearer in stating what Congress can control and what it cannot control. Surely nothing in these provisions lends itself to the view that voting qualifications in federal elections are to be set by Congress.” *Inter Tribal Council*, 570 U.S. at 16 (quoting

Oregon v. Mitchell, 400 U. S. 112, 210 (1970)). Therefore, Commission’s determination that the NVRA allows it to deny Louisiana’s request exceeds its statutory authority.

77. To the extent the Commission interprets its authority under the NVRA as including the right to deny a State’s request—when the State not only determined it was necessary to assess the eligibility of applicants and administer voter registration but also to comply with state law requiring proof of citizenship—such an interpretation exceeds the scope of Congress’ and the EAC’s authority. *See* U.S. Const. art. I, §4, cl. 1; *Inter Tribal Council*, 570 U.S. at 16 (“[T]he Elections Clause empowers Congress to regulate *how* federal elections are held, but not *who* may vote in them.”). And “it would raise serious constitutional doubts if a federal statute precluded a State from obtaining the information necessary to enforce its voter qualifications.” *Inter Tribal Council*, 570 U.S. at 17; *see also Newby*, 838 F.3d at 11 (“But such a scenario would not arise under our interpretation of §20508(b)(1) because that provision requires the Commission to include information shown to be ‘necessary.’”). To the extent *Inter Tribal Council* blesses or requires this interpretation, it should be overturned.

78. The EAC’s ultra vires action also violates the major questions doctrine. *See W. Virginia v. EPA*, 597 U.S. 697 (2022). The EAC’s claim to authority would permit sweeping agency action that to override state determinations of necessary voter information. The qualifications for voters and how a state registers voters are questions of major political significance. Given the “history and the breadth of the authority that [the EAC] has asserted” over a question of “political significance,” the EAC must point to “clear congressional authorization for the power it claims.” *Id.* at 721, 723 (cleaned up).

79. Neither HAVA nor the NVRA provides clear congressional authorization for the EAC to reject or nullify state voter qualification requirements merely by delegating to the EAC the administration of the Federal Form. Even if Congress possessed such a power, Courts “expect Congress to speak clearly if it wishes to assign an agency decisions of vast ‘economic and political significance.’” *Utility Air Reg. Grp. v. EPA*, 573 U.S. 302, 324 (2014).

80. 52 U.S.C. §20508 states only that the EAC shall develop the federal form, and that the federal form “may require only such identifying information ... as is necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.” *Id.* §20508(a)-(b). That is not “clear congressional authorization” for the authority claimed here by the EAC. The Commission’s Final Decision Letter rejecting Louisiana’s request to modify the State-specific instructions is a final agency action. 5 U.S.C. §551(13).

81. The Republican Party Plaintiffs’ organizational and associational interests are adversely affected or aggrieved by the Commission’s unconstitutional action in excess of its statutory authority. 5 U.S.C. §702.

82. The Commission’s failure to modify the Louisiana-specific instructions on the Federal Form as requested by the Secretary of State constitutes agency action that was in excess of statutory jurisdiction, authority, limitations, or short of statutory right under the APA, 5 U.S.C. §706(2)(C), and violated the major questions doctrine.

COUNT IV
Violation of the APA, §706(1); All Writs Act, 28 U.S.C. § 1651
(Agency Action Unlawfully Withheld; Mandamus)

83. The Republican Party Plaintiffs incorporate by reference all prior allegations.

84. As recognized in *Inter Tribal Council*, when “the Commission has not a single active Commissioner” and “the EAC proves unable to act on a renewed request,” aggrieved parties may “seek a writ of mandamus to ‘compel agency action unlawfully withheld or unreasonably delayed.’” 570 U.S. at 19 n.10. (quoting 52 U.S.C. §706).

85. The “common-law writ of mandamus” provides a remedy when no other avenues of relief are available, and “if the defendant owes ... a clear nondiscretionary duty.” *Heckler v. Ringer*, 466 U.S. 602, 616 (1984); *Kerr v. U.S. District Court*, 426 U.S. 394, 402-03 (1976).

86. This Court is empowered to issue writs of mandamus under the All Writs Act, 28 U.S.C. §1651; *see also* 28 U.S.C. §1361.

87. The Commission is currently lacking a quorum, and unable to take action. 52 U.S.C. §20928. Even if Louisiana renewed its request for a modification, the Commission could not act on the request without a quorum.

88. No other adequate relief is available.²

89. The Commission has a nondiscretionary duty to grant the request to modify the Louisiana-specific instructions on the Federal Form that reflect the voter qualification and registration laws of the State, if the State has determined that the modification is necessary.

90. The inability of an agency to act on a nondiscretionary request is a “failure to act” under the APA. 5 U.S.C. §551(13). The APA authorizes a reviewing court to “compel agency action unlawfully withheld or unreasonably delayed.” *Id.* §706(1).

91. The removal of all four Commissioners, coupled with the Commission’s prior denial of Louisiana’s request on unconstitutional grounds, constitutes “extraordinary circumstances.” *In re Nat’l Nurses United*, 47 F.4th 746, 753 & n.4 (D.C. Cir. 2022). Because of these circumstances, “judicial intervention would be appropriate.” *In re W. Coal Traffic League*, 108 F.4th 905, 909 (D.C. Cir. 2024).

92. The Republican Party Plaintiffs’ organizational and associational interests are adversely affected or aggrieved by the Commission’s failure to act. 5 U.S.C. §551(13); *Id.* §702.

93. A writ of mandamus compelling the Commission to comply with its clear, nondiscretionary, ministerial duty would remedy the Republican Party Plaintiffs’ injury. The Republican Party Plaintiffs have a clear right to relief, the Commission has a clear duty to act, and there is no other

² Intervenor reserves the right to amend its complaint and requested relief should the Commission again achieve quorum.

adequate remedy available to the Republican Party Plaintiffs. *In re Nat'l Nurses United*, 47 F.4th at 752 n.4.

RELIEF REQUESTED

WHEREFORE, Plaintiff asks this Court to enter judgment in its favor and to provide the following relief:

- a. Declare unlawful and set aside the Election Assistance Commission's findings and decision in the Final Decision Letter denying Secretary Landry's request to modify the Louisiana-specific instructions on the Federal Form, as requested by the Secretary of State, as agency action unlawfully withheld; arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law; contrary to constitutional right, power, privilege, or immunity; and in excess of statutory jurisdiction, authority, or limitations, or short of statutory right, in violation of the Administrative Procedure Act; and a violation of the major questions doctrine;
- b. Declare that the Constitution does not authorize the Federal Government, or the Commission, to exercise discretion in determining what personal information is necessary for State election officials to determine the eligibility of a voter-applicant under State law;
- c. Declare that §20508 of the NVRA is unconstitutional as applied by the Commission to the extent that it vests discretionary authority with the Commission to refuse to modify the State-specific instructions of the Federal Form to reflect State voter qualification and registration laws, while also requiring that States accept and use the Federal Form to register individuals to vote;
- d. Enjoin the Commission and any employee or officer acting on the Commission's behalf from exercising discretion to refuse, at the request of the chief state election official, to modify the state-specific instructions on the Federal Form to reflect the voter qualification and registration laws of a state in a manner that the chief state election official has determined is necessary

to enable election officials to assess the eligibility of applicants and administer voter registration and other parts of the election process.

- e. Issue a writ of mandamus compelling the Commission to grant Louisiana's requested modification to the Federal Form Voter Registration Form, which the State's chief election official has determined is necessary;
- f. Award Intervenor its costs, reasonable attorneys' fees, and any other relief that the Court may deem just and proper.

Dated: July 31, 2026

/s/ Jimmy R. Faircloth, Jr.

Thomas R. McCarthy*
Gilbert C. Dickey*
Conor D. Woodfin*
Peter Allevato*†
CONSOVOY MCCARTHY PLLC
1600 Wilson Blvd., Ste. 700
Arlington, Virginia 22209
(703) 243-9423
tom@consovoymccarthy.com
gilbert@consovoymccarthy.com
conor@consovoymccarthy.com
peter@consovoymccarthy.com

Jimmy R. Faircloth, Jr. (#20645)
Barbara Bell Melton (#27956)
Franklin "Drew" Hoffmann (#35824)
FAIRCLOTH MELTON BASH & GREEN, LLC
105 Yorktown Drive
Alexandria, LA 71303
(318) 619-7755
jfaircloth@fairclothlaw.com
bmelton@fairclothlaw.com
dhoffmann@fairclothlaw.com

**Pro Hac Vice* forthcoming

† *Supervised by principals of the firm admitted to practice in Virginia*

*Counsel for Proposed Intervenors-Plaintiffs
The Republican National Committee and Republican Party of Louisiana*