

UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF LOUISIANA

Shawon Bernard, Santrica Pope, Phyllis V.
Mercadel, Joyce Davis Sims, Charla Jo
Johnson, League of Women Voters of
Louisiana, and League of Women Voters of
Louisiana Education Fund,

Plaintiffs,

v.

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

Defendants.

No. 3:26-cv-487

**COMPLAINT FOR DECLARATORY
JUDGMENT AND INJUNCTIVE RELIEF**

INTRODUCTION

1. Plaintiffs Shawon Bernard, Phyllis V. Mercadel, Santrica Pope, Joyce Davis Sims, and Charla Jo Johnson; and the League of Women Voters of Louisiana and League of Women Voters of Louisiana Education Fund (collectively, the “LWVLA”), challenge Defendant Secretary of State Nancy Landry’s enforcement and implementation of Governor Jeff Landry’s unlawful Executive Order JML 26-038, which purports to cancel Louisiana’s ongoing May 16, 2026 congressional primaries, thereby discarding the votes of Plaintiffs, Plaintiff LWVLAs’ members, and tens of thousands of other Louisiana voters who have already cast ballots. Such a disregard of Plaintiffs’ fundamental right to vote violates the U.S. Constitution in two different ways.

2. *First*, the Secretary is violating the fundamental right to vote for thousands of Louisiana voters, including Plaintiffs, by enforcing the Executive Order. Cancelling thousands of votes is a “severe” burden on the right to vote, and no state interest can justify that policy here. *See Burdick v. Takushi*, 504 U.S. 428, 434 (1992). *Second*, the Secretary’s enforcement of the

Executive Order runs afoul of Plaintiffs' substantive due process right to have their votes tallied and not cancelled retroactively. *Duncan v. Poythress*, 657 F.2d 691, 704 (5th Cir. Unit B Sept. 1981). The Secretary's enforcement "jeopardize[s] the integrity of the electoral process" in Louisiana and compounds Plaintiffs' injuries. *Id.* at 702.

3. Plaintiffs will be irreparably harmed if they or their members have their votes cancelled because of the Secretary following the Governor's unlawful Executive Order purporting to cancel the May 16, 2026 congressional primary elections. The Executive Order amounts to an improper attempt by the Governor to usurp the authority of the U.S. Supreme Court to determine the appropriate timing and disposition of its decision in *Louisiana v. Callais*. Unless and until the Supreme Court lifts its stay of the district court's injunction and makes clear that intends its order to interrupt elections already in progress, the stay remains in effect and S.B. 8 remains Louisiana's operative congressional plan.

4. The people of Louisiana, including Plaintiffs and their members, are currently experiencing irreparable harm because of the steps taken by the Secretary purporting to carry out the Governor's unlawful Executive Order, which has created confusion and uncertainty over the voting and ballot-counting process. This uncertainty is particularly harmful to LWVLA, which is currently engaged in voter education and advocacy to encourage voter participation but now have to attempt to update materials at the last minute and address voter confusion that all elections have been cancelled, whether their ballots will be counted, and to clarify which races to vote for on their ballots. In some circumstances, they were unable to update materials, including materials printed before the start of early voting on May 2. LWVLA must step into this role given the Secretary's lack of voter education and continued campaigning by congressional candidates.

JURISDICTION AND VENUE

5. This Court has jurisdiction over this action pursuant to 28 U.S.C. § 1331 because it arises under federal law.

6. Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202, 42 U.S.C. § 1983, and Rules 57 and 65 of the Federal Rules of Civil Procedure, and the Court's inherent equitable powers.

7. This Court has personal jurisdiction over Defendant, who is a citizen of the State of Louisiana and works in her professional capacity as the Secretary of State in this District.

8. Venue is proper in this District under 28 U.S.C. § 1391(a) because this is where Defendant Landry resides. Venue is also proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim has occurred and will continue to occur in this District, which is where Defendant Landry is implementing the Governor's Executive Order.

PARTIES

9. Plaintiff Shawon Bernard is a resident of Orleans Parish, Louisiana. She is lawfully registered to vote in Congressional District 2 as a Democrat. On May 2, 2026, Ms. Bernard voted early in person for the May primary elections. On his ballot, she made selections for the congressional primary election, along with other elections and constitutional amendments. Ms. Bernard understands the Secretary's enforcement of the Governor's Executive Order will result in her vote not being counted. In her role as President of the Lower 9th Ward Voter Coalition, Ms. Bernard has witnessed the confusion and disillusionment that the Secretary's actions enforcing the Executive Order have caused. Ms. Bernard fields voters' questions about what will appear on ballots, and saw the congressional elections no longer listed in the Voter Portal that the Secretary maintains or on the printed sample ballot at the Registrar of Voters Office in Orleans Parish. In her

outreach to parish officials, Ms. Bernard learned that the congressional election would still appear on the ballot and the congressional election was on the ballot when he voted early on May 2.

10. Plaintiff Santrica Pope is a resident of Orleans Parish, Louisiana. She is lawfully registered to vote in Congressional District 2 as a Democrat. Ms. Pope voted on May 2, early in person for the May primary elections. She made selections for the congressional primary election, along with other elections and constitutional amendments on her ballot. Ms. Pope understands that if the Secretary continues enforcing the Governor's Executive Order suspending the closed party primaries for congressional elections, her vote in the congressional election will not be counted. The Secretary's enforcement actions have caused confusion in Ms. Pope's community about whether elections are still on going, and what is on the ballot. Her vote in the congressional race will not be counted if the if the Secretary is allowed to enforce the Governor's Executive Order suspending the closed party primaries for the congressional elections.

11. Plaintiff Phyllis V. Mercadel is a resident of Orleans Parish, Louisiana. She is lawfully registered to vote in Congressional District 2 as a Democrat. Ms. Mercadel votes absentee because she is over the age of sixty-five and has limited mobility. She received her absentee ballot for the May primary election and returned it before April 19 as recorded in the voter portal. Ms. Mercadel voted in the congressional Democratic primary election on her ballot, along with other elections and constitutional amendments. Her vote in the congressional election will not be counted if the Secretary is allowed to enforce the Governor's Executive Order suspending the closed party primaries for the congressional elections.

12. Plaintiff Joyce Davis Sims resides in West Feliciana Parish, Louisiana. She is a citizen and is lawfully registered to vote in Congressional District 5 and is a registered Democrat. Mrs. Sims participates in Louisiana's absentee by mail program and received a ballot to vote in

the May primary elections. On April 30, before the Governor issued the Executive Order, Mrs. Sims returned her ballot by mail. Her ballot included her vote in the congressional primary election, along with other elections and constitutional amendments that she voted for on her ballot. Mrs. Sims's vote in the congressional race will not be counted if the Secretary is allowed to enforce the Governor's Executive Order suspending the closed party primaries for the congressional elections.

13. Plaintiff Charla Jo Johnson resides in East Baton Rouge Parish, Louisiana. She is a citizen and is lawfully registered to vote in Congressional District 6. She is a member of the League of Women Voters of Louisiana. She registered as a No Party, declaring for a Republican ballot. Ms. Johnson voted early in person on May 2 for the May primary elections. On her ballot, she made selections for the congressional primary election, along with other elections and constitutional amendments. Johnson's vote in the congressional race will not be counted if the Secretary can enforce the Governor's Executive Order suspending the closed party primaries for the congressional elections. The timing of the Executive Order, and the Secretary's actions enforcing it, have caused confusion in Ms. Johnson's community about whether elections are still occurring and what will appear on the ballot. Ms. Johnson's vote in the congressional election will not be counted if the Secretary is allowed to enforce the Governor's Executive Order suspending the closed party primaries for the congressional election.

14. Plaintiff League of Women Voters of Louisiana and Plaintiff League of Women Voters of Louisiana Education Fund (collectively "LWVLA") are nonpartisan, nonprofit organizations that seek to encourage informed and active participation in government. Formed in the 1940s, LWVLA is the Louisiana state affiliate of the national League of Women Voters. LWVLA operates statewide, with local Leagues in Caddo-Bossier, Lafayette, New Iberia, Orleans,

St. Tammany, and Tangipahoa Parishes. LWVLA has 236 members across the state. LWVLA's mission is to encourage informed and active participation in government, increase voter understanding of major public-policy issues, and influence public policy through education and advocacy. LWVLA works to ensure that all eligible individuals have the opportunity and the information needed to vote, with a particular focus on traditionally underrepresented and underserved communities, including voters impacted by the criminal legal system, people of color, naturalized citizens, and first-time voters. LWVLA's members include individuals across the state of Louisiana who share in its mission to educate and engage eligible voters.

15. Voter education is part of LWVLA's core mission and it is part of LWVLA's core mission to encourage the maximum voter participation of eligible voters.

16. LWVLA is known in the community as a trusted resource for voter education and information. In line with this mission to educate voters, LWVLA engaged in voter-education efforts around the 2026 primary election in Louisiana.

17. LWVLA is responsible for the Louisiana page on VOTE411.org, which is a nonpartisan voter information resource coordinated by LWV. LWVLA has also expended considerable resources educating voters about the new voting process for the primary elections on May 16. LWVLA received a large grant specifically to conduct education about the previous changes under Louisiana law to primary election process and has held voter-education events across the state as part of this work.

18. The currently ongoing congressional primary election is required to be held at this time and must conclude by May 16, under Louisiana law. La. Stat. § 18.402(C)(1)(d). LWVLA has planned for the timing of the primary election as provided for under state law and has worked to inform voters of the relevant deadlines. If the election is suspended pursuant to the Governor's

Executive Order, LWVLA will be required to provide significant education to the voters about the changes, including updating VOTE411.org. This will cause LWVLA to divert significant resources away from its other core activates like voter registration and voter education with young voters in schools and work on felony voter rights restoration.

19. There is also significant voter confusion caused by this last-minute change, concerning whether the congressional primary elections are in fact being held, and that will significantly impede the ability of LWVLA to educate and persuade voters to participate in elections in Louisiana. This is also impeding LWVLA's ability to carry out its core mission of achieving maximum voter participation of eligible voters in Louisiana elections.

20. There are LWVLA members who have already voted in congressional primaries via absentee ballots and other LWVLA members who have already voted early in-person in congressional primary elections, including members who have already cast votes in the Democratic congressional primary elections in Congressional Districts 2, 3 and 5, and Republican congressional primary election in Congressional District 6. And a partner volunteer affiliated with LWVLA also already submitted her absentee ballot and cast a vote in the congressional primary election for Congressional District 4.

21. Defendant Nancy Landry is the Secretary of State of the State of Louisiana. She is sued in her official capacity. The Secretary of State is the chief election officer of Louisiana, La. Rev. Stat. § 18:18, and is responsible for the administration, certification, and conduct of elections, including the May 16 primary elections and the enforcement of the Executive Order.

FACTS

Louisiana’s Current Congressional Map and the *Callais* Litigation

22. On January 22, 2024, Louisiana enacted S.B. 8, the congressional redistricting plan currently in effect.

23. Louisiana’s Legislature enacted S.B. 8 after the Fifth Circuit Court of Appeals twice affirmed a district court ruling that Louisiana’s prior congressional redistricting plan likely resulted in discrimination against Black Louisianans in violation of Section 2 of the Voting Rights Act.

24. Eight days after S.B. 8 passed, self-described “non-Black Plaintiffs” challenged S.B. 8 as an unconstitutional racial gerrymander.

25. On April 30, 2024, a majority of a three-judge panel agreed with the “non-Black Plaintiffs” that S.B. 8 was a racial gerrymander and enjoined it. On May 15, 2024, the Supreme Court stayed the district court’s injunction, which left S.B. 8 in effect.

26. The Supreme Court emphasized in its May 15, 2024 stay order that: “In the event jurisdiction is noted or postponed, *this order will remain in effect pending the sending down of the judgment of this Court.*” *Robinson v. Callais*, 144 S. Ct. 1171 (2024) (emphasis added). The Supreme Court subsequently noted jurisdiction in *Louisiana v. Callais*, 145 S. Ct. 434 (2024).

27. On April 29, 2026, the Supreme Court affirmed the decision of the three-judge panel that found S.B. 8 is a racial gerrymander. *Callais*, 2026 WL 1153054.

28. The Supreme Court has not sent down the judgment in *Louisiana v. Callais* to the district court.

29. The Supreme Court sends judgments down “32 days after entry of the judgment, unless the Court or a Justice shortens or extends the time.” U.S. Sup. Ct. R. 45.3. This rule protects

the rights of losing parties to “petition for the rehearing of any judgment or decision of the Court on the merits . . . within 25 days after entry of the judgment or decision.” U.S. Sup. Ct. R. 44.1.

30. The Plaintiffs in *Callais* filed a motion with the Supreme Court on April 30 requesting the judgment be immediately sent down. The Supreme Court has not responded to that request.

31. S.B. 8 remains Louisiana’s operative congressional redistricting map governing primary and general elections under the Supreme Court’s stay order.

Plaintiffs and Their Members Begin Voting in the May Primary Under the Current Congressional Map.

32. The Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), requires that states and territories allow certain groups of citizens, including overseas military and their families, to register and vote absentee in elections for federal offices. Under UOCAVA, Louisiana had to transmit validly requested absentee ballots to UOCAVA voters no later than 45 days before an election for a federal office. For the May 16 congressional party primary elections, ballots were mailed to UOCAVA voters by April 1, 2026.

33. In addition to UOCAVA, many Louisiana voters qualify to vote absentee under state law, including but not limited to, voters traveling during the election, students attending school outside of their home parish, clergy who are outside of their home parish, physically disabled, and elderly voters. There is no start date to apply for an absentee ballot in Louisiana. Voters are encouraged by the Secretary of State “to apply as soon as possible.”¹

34. At least twenty days before a primary election, or on before April 25, the Secretary was required to “deliver to the registrar in each parish in which the election is to be held the paper

¹ La. Sec’y of State, Vote Absentee (2026), <https://perma.cc/9RQH-Z4L7> (last accessed May 4, 2026).

absentee by mail ballots, envelopes, certificates, instructions to be used in voting an absentee by mail ballot in that election[.]” *See* La. Rev. Stat. § 18:1306(C)(1). Upon receipt of those materials, registrars mailed ballots to all eligible voters who had previously requested to vote by mail and who qualified to do so. *See* La. Rev. Stat. § 18:1308(A)(1)(a). Thereafter, ballots were required to be mailed and were mailed upon receipt of a valid vote-by-mail request from a qualified voter. *See id.*

35. Upon information and belief, Louisiana began mailing absentee ballots to voters in early April 2025, including in-State absentee voters. Voters were able to return absentee ballots as soon as they received them, by mail, fax, or in-person/hand delivery.

36. Before April 30, Individual Plaintiffs and Plaintiff LWVLA members returned their absentee ballots to vote in the congressional primary elections. For example, Brenda Roberts is a member of the LWVLA, and she returned her ballot in person on April 10. On that ballot, she voted in the Democratic congressional primary race in District 3, along with voting on other races and constitutional amendments. Plaintiff Phyllis V. Mercadel voted in the Congressional District 2 Democratic primary election. She returned her ballot before April 19, 2026.

37. Many voters, including members of LWVLA and Plaintiffs, returned their absentee ballots to vote in congressional primary elections on April 30, as well. Among them was Mary Ledger, who voted in the Democratic primary election in Congressional District 5 that day.

The Governor Issues an Executive Order Purporting to Halt Louisiana’s May Congressional Primary After Voting Had Already Commenced.

38. On April 30, the Secretary issued a public news release titled “Louisiana U.S. House of Representatives Races Suspended,” in which the Secretary stated: “Pursuant to 18:401.1(B), I have certified the emergency in light of the Supreme Court ruling. This is a

mandatory step prior to the Governor issuing an executive order suspending the upcoming Louisiana U.S. House races.”²

39. On April 30, 2026, the Governor issued Executive Order Number JML 26-038, titled “State of Emergency — Suspension of Closed Party Primary Elections for the Offices of Representative in the United States Congress.”³

40. The Executive Order recites, in relevant part: “WHEREAS, on April 30, 2026, the Secretary of State certified to the Governor that a state of emergency exists that would affect the electoral process, pursuant to R.S. 18:401.1”; and “WHEREAS, as Governor, I concur that an emergency exists, as electing members to Congress under an unconstitutional map flies in the face of the United States Constitution and subjects Louisiana voters to representatives that are impermissibly elected as determined by the United States Supreme Court, in a 6-3 decision[.]”⁴

41. Section 1 of the Executive Order provides: “Due to the election emergency of unconstitutional maps as determined by the United States Supreme Court in *Louisiana v. Callais et al.*, the closed party primary elections for the offices of representative in the United States Congress are hereby suspended for the duration of the May 16, 2026 and June 27, 2026 election cycles and until July 15, 2026 or until such time as determined by the Legislature.” The Executive Order only suspends the primary elections for the U.S. House of Representatives. All of the other scheduled primaries are expected to continue unchanged.⁵

² News Release, La. Sec’y of State Nancy Landry, Louisiana U.S. House of Representatives Races Suspended (Apr. 30, 2026), <https://perma.cc/4XB9-WGHF>.

³ Off. of the Gov., Exec. Order No. JML 26-038 (April 30, 2026), <https://perma.cc/8K4G-JMVL>.

⁴ *Id.*

⁵ *Id.*

42. Section 4 of the Executive Order provides that it “shall remain in effect from Thursday, April 30, 2026, until Saturday, May 30, 2026, unless amended, modified, terminated, or rescinded earlier by the Governor, or terminated by operation of law.”

The Governor’s Executive Order Causes Voter Confusion at the Polls.

43. Given the late date of the Executive Order, ballots had already been printed, and all contested U.S. House of Representative elections are shown on voters’ ballots, both absentee and in-person. These ballots will not be replaced to effectuate the Executive Order.

44. The Secretary’s website has been updated with a header, which states that the U.S. House of Representatives elections has been suspended, along with other information. However, the “Get Election Information” section of her website states: “May 16, 2026* - Party Primary Election** (U.S. Senate, *U.S. Representative*, La. Supreme Court Justice, Board of Elementary and Secondary Education Member, Public Service Commission Member)/Municipal Primary Election.”⁶

45. Under the Secretary’s 2026 Elections Calendar, which is published online, the date for the “Party Primary” elections remains May 16.⁷

46. May 2, 2026, was the first day of early in-person voting for the party primary. According to the Secretary of State’s own statistics, **nearly 80,000 Louisianans have already cast votes** in these primaries through the end of May 2, with over 42,000 votes cast absentee and over 37,000 in person on Saturday.⁸

⁶ See La. Sec’y of State, Get Election Information (2026), <https://perma.cc/5GEJ-Z45P> (last accessed May 4, 2026)(emphasis added).

⁷ La. Sec’y of State, 2026 Elections Calendar (April 2026), <https://perma.cc/KEZ7-PHDN> (last accessed May 4, 2026).

⁸ La. Sec’y of State, Statewide Early Voting Statistical Report 2 (2026), <https://perma.cc/W5UV-4GXJ> (last updated May 4, 2026).

47. Upon information and belief, the Governor's Executive Order has caused mass confusion at the polls. The Secretary has stated that bulletins will be posted at all in-person voting locations. Nevertheless, many voters have been unclear of whether the election itself was cancelled and whether their ballots would be counted. For example, voters and members have conveyed to the President of the LWVLA confusion about whether the elections are still occurring, and extreme concern that their votes will not be counted.

48. The congressional race still appears on both the in-person and absentee ballots. Many voters, including members of LWVLA, cast absentee ballots as well as in-person ballots on Saturday, May 2, the first day of early vote, that identify their preferred candidate for the congressional primary election, despite the Governor's Executive Order purporting to cancel it.

49. Candidates for the U.S. House of Representative seats have continued to campaign and encourage voters to vote, despite the Governor's Executive Order. For example, Representative Mike Echols, a Republican running in the primary election for the Fifth Congressional District, was spotted outside a Livingston Parish campaigning and had previously given an interview that he does not intend to suspend his campaign. Similarly, State Senator Rick Edmonds gave an interview detailing that he did not intend to suspend his campaign for the Congressional District 5 seat.

50. To date, the Secretary has not announced plans for informing absentee voters or overseas UOCAVA voters of the Executive Order or its implications. Nor has she announced any further plans for voter education for in-person voters, outside of the bulletins. Election information materials on the Secretary's website as late as May 3, 2026, continue to say "There will be party primary elections for the offices of . . . U.S. House of Representatives" on "May 16th, 2026."⁹

⁹ La. Sec'y of State, Louisiana Election Quick Facts (2026), <https://perma.cc/ZJL3-SJQX>.

Meanwhile some election polling places contain signs reading “ATTENTION! NOTICE OF CANCELLATION” in bold print. This conflicting information from the Secretary has caused widespread confusion among voters and candidates across Louisiana. *Id.*

51. Voters and candidates have all suffered because of the Executive Order. Plaintiffs and voters have expressed concerns over their votes counting.

CLAIM FOR RELIEF

Count I: Undue Burden on the Fundamental Right to Vote in Violation of the First and Fourteenth Amendments (42 U.S.C. § 1983; inherent equitable powers)

52. Plaintiffs incorporate and reallege each of the foregoing paragraphs.

53. Louisiana law mandates that “[i]n the spring of a presidential and congressional election year, there shall be an election held on the sixth Saturday after the last Saturday in March . . . for candidates in a party primary election for a party primary office to be elected in that year.” La. Stat. Ann. § 18.402(C)(1)(d).

54. Defendant Landry has the affirmative duty under Louisiana law to hold the primary elections for Congress during the 2026 elections on May 16.

55. Defendant Landry’s implementation of the Governor’s Order purporting to cancel the May 16 congressional primary elections violates voters’ fundamental right to vote and have their ballot counted. Defendant Landry’s actions also burden the right to vote without sufficient justification in violation of the U.S. Constitution.

56. “A court considering a challenge to a state election law must weigh ‘the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against ‘the precise interest put forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to

which those interests make it necessary to burden the plaintiff's rights.” *Burdick v. Takushi*, 504 U.S. 428, 434 (1992) (quoting *Anderson*, 460 U.S. at 789); *accord Vote.Org v. Callanen*, 89 F.4th 459, 490 (5th Cir. 2023).

57. To determine whether an election law is constitutional, the “rigorousness of [the] inquiry” “depends upon the extent to which a challenged regulation burdens First and Fourteenth Amendment rights.” *Burdick*, 504 U.S. at 434. When constitutional rights are subjected to “severe” restrictions, the regulation must be “narrowly drawn to advance a state interest of compelling importance.” *Id.* (quoting *Norman v. Reed*, 502 U.S. 279, 289 (1992)).

58. The purported cancellation of the congressional primary after Plaintiffs and many other voters have already cast and continue to cast valid ballots severely and unreasonably burdens their fundamental right to vote because it effectively invalidates all those votes based on retroactive orders that are out of the voters' control.

59. Because the cancellation of an ongoing election and the invalidation of all votes cast impose an extreme burden on the right to vote, it is subject to—and cannot survive—strict scrutiny. No compelling reason necessitates such a drastic, unilateral action by Defendant. While the Governor claims that the current congressional districts are “unconstitutional” under the U.S. Supreme Court's decision in *Louisiana v. Callais*, that purported rationale is premature. The U.S. Supreme Court has not yet transmitted a certified copy of its decision in *Callais*, and parties still have 25 days to seek rehearing of the Court's decision. U.S. Sup. Ct. R. 44. Thus, the Supreme Court's ruling is not yet final.

60. Because the severe harm of disenfranchisement outweighs the illusory justifications for suspending the congressional primaries, the Secretary's enforcement of the

Executive Order unconstitutionally burdens Plaintiffs' right to vote in violation of the Fourteenth Amendment, which will cause them imminent irreparable harm.

Count II: Violation of the Due Process Clause of the Fourteenth Amendment
(42 U.S.C. § 1983; inherent equitable powers)

61. Plaintiffs incorporate and reallege each of the foregoing paragraphs.

62. The Fourteenth Amendment to the U.S. Constitution provides in relevant part that no state shall "deprive any person of life, liberty, or property, without due process of law."

63. The "due process clause of the fourteenth amendment prohibits action by state officials which seriously undermine the fundamental fairness of the electoral process." *Duncan v. Poythress*, 657 F.2d 691, 700 (5th Cir. Unit B 1981); *see also Griffin v. Burns*, 570 F.2d 1065, 1077 (1st Cir. 1978) (due process is implicated when "the election process itself reaches the point of patent and fundamental unfairness").

64. By retroactively invalidating Plaintiffs' and Plaintiffs' members ballots and those of tens of thousands of other voters, the Secretary will violate their substantive due process rights by "purposely abrogat[ing] the right to vote," *Duncan*, 657 F.2d at 704, and "jeopardiz[ing] the integrity of the electoral process," *id.* at 702, causing them imminent irreparable harm.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully request that the Court:

(A) Declare that the Secretary of State's carrying out of the Executive Order unlawfully burdens the fundamental right to vote protected under the First and Fourteenth Amendments to the United States Constitution;

(B) Declare that the Secretary of State's carrying out of the Executive Order violates the Fourteenth Amendment to the United States Constitution's Due Process Clause;

(C) Enjoin the Secretary and her agents from implementing or enforcing the Executive Order;

(D) Instruct the Secretary of State to preserve and count validly cast ballots in the May Louisiana congressional primary races, and require that she instruct all relevant state and local election officials to do the same;

(E) Instruct the Secretary of State to retract any guidance or public-facing materials regarding the cancellation of the May congressional primary, and require that she instruct all relevant state and local election officials to do the same;

(F) Award Plaintiffs their costs, expenses, disbursements, and reasonable attorneys' fees incurred in this action pursuant to and in accordance with 52 U.S.C. § 10310(e) and 42 U.S.C. § 1988;

(G) Retain jurisdiction over this matter until Defendant has complied with all orders and mandates of this Court; and

(H) Grant such other relief as the Court deems just and proper.

Dated: May 4, 2026

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* Motions for Admission Pro Hac Vice
Forthcoming