

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

KATHERINE SULLIVAN, *et al.*,

*

Plaintiffs,

*

v.

*

No. 1:24-cv-00172-MJM

MICHAEL G. SUMMERS, *et al.*,

*

Defendants.

*

* * * * *

**DEFENDANTS' SUPPLEMENT TO OPPOSITION TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

By agreement of the parties, the State Board hereby supplements its opposition to plaintiffs' motion for summary judgment.¹ Namely, the State Board wishes to advise this court of pertinent and significant authority that has come to the parties' attention after the filing of the parties' motions and responses. The authority is the recent guidance, published by the United States' Department of Justice, on "Voter Registration List Maintenance," attached to this supplement as Exhibit A.

The Department of Justice's guidance makes clear that a State is not permitted to conduct "list maintenance activity" based on "third party submissions." (Ex. A at 3.) Highlighted among list maintenance activities "that may violate the NVRA" include "comparing voter files to outdated or inaccurate records or databases" or "matching records solely on first name, last name, and date of birth." (*Id.*) Both are activities the

¹ By agreement of counsels for the plaintiffs and State Board, this supplement is limited to 300 words or less. Plaintiffs are permitted a reply to this supplement within seven days of its filing, also limited to 300 words or less.

plaintiffs have undertaken (ECF 31 ¶¶ 23-25) and wish to undertake (*id.* ¶¶ 15, 16) with the aid of Maryland’s voter history file.

Plaintiffs claim that they seek Maryland’s voter registration and voter history information to uncover assumed “inaccuracies” and “anomalies” within MDVOTERS. (*See e.g.*, ECF 1 ¶ 4; ECF 31 ¶¶ 15, 16.) But plaintiffs did not engage any formal administrative process for challenging a voter registration record, (ECF 31 ¶¶ 39, 40); did not seek to conduct the maintenance activity they argue, incorrectly, makes a voting history pertinent to list maintenance, (*Id.* ¶¶ 29, 33); and, Maryland cannot remove names from the voter registration list based on amateur database analysis and a resultant investigative canvass. (Ex. A.)

By their own conduct, and as confirmed by the Department of Justice, plaintiffs’ use of voting history information cannot affect the accuracy or integrity of the voter registration list.

Respectfully submitted,

ANTHONY G. BROWN
Attorney General of Maryland

/s/ Daniel M. Kobrin

DANIEL M. KOBRIN
Federal Bar No. 30392
Assistant Attorney General
Office of the Attorney General
200 Saint Paul Place, 20th Floor
Baltimore, Maryland 21202
dkobrin@oag.state.md.us
(410) 576-6472
Attorneys for the Maryland State Board
of Elections

October 1, 2024