

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

KATHERINE SULLIVAN, *et al.*,

Plaintiffs,

v.

MICHAEL G. SUMMERS, *et al.*,

Defendants.

No. 1:24-cv-00172-MJM

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

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Defendants’ submission mischaracterizes the NVRA, Plaintiffs’ claims, and non-binding Department of Justice “guidance” they inaccurately claim advises States not to conduct list maintenance activities based on “third-party submissions.” ECF 35. The guidance merely indicates that such submissions must, if used, meet the same NVRA standards for all list maintenance activities. And Plaintiffs have also never sought to compel Defendants to remove *anyone* from the rolls. Rather, they sued to vindicate their Section 8(i) right to use registration records to investigate the accuracy and currency of the voter list and publish their findings. Indeed, the DOJ clearly disagrees with Defendants on Section 8(i)’s scope. *See Br. of DOJ, Pub. Interest Found. v. Bellows* at 28, <https://publicinterestlegal.org/wp-content/uploads/2023/07/DOJ-Amicus-Brief.pdf> (citizens entitled to “voting history so requestors can determine whether States are complying with the NVRA[]”).

Defendants’ effort to superimpose an efficacy criterion—*i.e.*, a citizen must prove an investigation will be useful to the government before obtaining and using registration records—is not a factual question before the Court and has failed uniformly. *Judicial Watch, Inc. v. Lamone*, 455 F. Supp. 3d 209, 225 (D. Md. 2020) (plaintiff “need not demonstrate its need for . . . information in order to facilitate its effort to ensure that the voter rolls are properly maintained”). The NVRA protects Plaintiffs’ right to investigate and expose what they believe are flaws in Maryland’s voter rolls regardless of whether Defendants rely on their findings. *See Pub. Interest Legal Found. v. Bellows*, 92 F.4th 36, 54 (1st Cir. 2024); *Voter Reference Found. v. Torrez*, 2024 WL 1347204, at \*144 (D.N.M. 2024) (NVRA protects right to share voter registration data). Section 8(i) recognizes that “State officials labor under a duty of accountability to the public”—not the other way around. *Project Vote v. Long*, 682 F.3d 331, 339 (4th Cir. 2012).

Respectfully submitted this 8th day of October, 2024.

/s/J. Justin Riemer

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### CERTIFICATE OF SERVICE

I certify that, on this 8th day of October, 2024 the foregoing was served by CM/ECF on all registered CMF users and by email on the following:

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/s/ J. Justin Riemer  
J. Justin Riemer