IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDICIAL WATCH, INC., *et al.*,	)	
	)	
Plaintiffs,	)	Case No. 1:24-CV-01867
v.	)	
	)	Judge Sara L. Ellis
THE ILLINOIS STATE BOARD OF ELECTIONS, *et al.*,	)	
	)	
	)	
Defendants.	)	

DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFFS' AMENDED COMPLAINT PURSUANT TO RULES 12(B)(6) AND 12(B)(1)

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Defendants the Illinois State Board of Elections and Bernadette Matthews, Director of the Illinois State Board of Elections (hereinafter, "the State Defendants"), by their attorney, Kwame Raoul, Attorney General of the State of Illinois, respectfully request that this Honorable Court dismiss Plaintiffs' Amended Complaint pursuant to Federal Rules of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction and 12(b)(6) for failure to state a claim upon which relief can be granted. In support thereof, the State Defendants state as follows:

INTRODUCTION

The National Voter Registration Act ("NVRA") seeks to enhance the "participation of eligible citizens as voters" through the establishment of procedures aimed to increase the number of "eligible citizens who register to vote." 52 U.S.C. § 20501(b). While the NVRA also seeks to ensure the maintenance of active voter registration rolls, courts have acknowledged that these "twin objectives – easing barriers to registration and voting, while at the same time protecting electoral integrity and the maintenance of accurate voter rolls – naturally create some tension." *Bellitto v. Snipes*, 935 F.3d 1192, 1198 (11th Cir. 2019). Congress sought to balance these objectives through the NVRA. *Id.*

Now, Plaintiffs seek to eviscerate this balance by requiring the systematic removal of citizens from the Illinois voter registration list in derogation of the spirit and purpose of the NVRA. Plaintiffs' objectives should not be countenanced, and their Amended Complaint should be dismissed for several reasons. *First*, Plaintiffs have not stated an injury in fact sufficient to confer Article III standing. This Court has already found that Plaintiffs lack standing to bring Count I. Despite this finding, Plaintiffs continue to rely on fearmongering claims, such as election fraud and vote dilution. But as this Court previously held, these claims are too speculative to represent concrete and particularized injuries. *Second*, Plaintiffs have not stated a claim. While Plaintiffs rely on cherry-picked data to salvage their claims, the entire dataset instead establishes that Illinois

has made more than a reasonable effort to remove ineligible voters as required by the NVRA. In the period at issue, Illinois removed over 600,000 ineligible voters, representing 7.9% of its voter registration, which more than satisfies the NVRA. *Finally*, Plaintiffs have not stated a claim in Count II because the NVRA allows local election authorities to maintain voter registration.

STATEMENT OF FACTS

National Voter Registration Act Requirements

In 1993, Congress passed the NVRA, 52 U.S.C. § 20501, *et seq*., establishing that it is the duty of the Federal, State, and local governments to promote a citizen's right to vote. Critically, the NVRA found that "discriminatory and unfair registration laws and procedures can have a direct and damaging effect on voter participation in elections for Federal office and disproportionately harm voter participation by various groups." 52 U.S.C. § 20501(a)(3). The NVRA thus declares the establishment of procedures "that will increase the number of eligible citizens who register to vote in elections for Federal office" as one of its central tenets. 52 U.S.C. § 20501(b)(1). And while the NVRA also seeks to ensure the maintenance of accurate and current voter registration rolls, to keep this purpose consistent with the NVRA's goal to increase the number of eligible citizens who register to vote, the NVRA emphasizes that its implementation should be "in a manner that enhances the participation of eligible citizens as voters in elections for Federal office." 52 U.S.C. § 20501(b)(2), (4).

Section 20507 details the NVRA's requirements for the administration of voting registration, including the maintenance of voter registration rolls. As part of maintaining their voter registration rolls, each State shall "conduct a *general* program that makes a *reasonable* effort to remove the names of ineligible voters from the official lists of eligible voters by reason of—(A) the death of the registrant; or (B) a change in the residence of the registrant, in accordance with" three subsections. 52 U.S.C. § 20507(a)(4)(A), (B) (emphasis added).

The NVRA gives states broad discretion for establishing these general programs. *See Common Cause/New York v. Brehm*, 432 F.Supp.3d 285, 313 (S.D.N.Y. 2020) ("Like many federal election laws, the NVRA leaves substantial discretion to the states."). Indeed, the NVRA confirms that a state may meet the requirements of subsection (a)(4) by establishing a program that uses "change-of-address information supplied by the Postal Service through its licensees … to identify registrants whose addresses may have changed." 52 U.S.C. § 20501(c)(1)(A). Without dictating the specific program that states must use, the NVRA simply requires states to complete "*any* program the purpose of which is to systematically remove the names of ineligible voters from the official lists of eligible voters" no later than 90 days prior to a primary or general election. 52 U.S.C. § 20501(c)(2)(A) (emphasis added).

When a state receives change-of-address information from the Postal Service, the NVRA provides certain follow-up procedures. For a registrant who has moved to a new address within the same jurisdiction, the registrar for that jurisdiction will change the registration records to show the new address and then send "the registrant a notice of the change by forwardable mail and a postage prepaid pre-addressed return form by which the registrant may verify or correct the address information." 52 U.S.C. § 20501(c)(1)(B)(i). Conversely, when a registrant moves to an address in a new jurisdiction, the registrar is directed to follow specific notice procedures. 52 U.S.C. § 20501(c)(1)(B)(ii). The NVRA defines notice as "a postage prepaid and pre-addressed return card, sent by forwardable mail, on which the registrant may state his or her current address." 52 U.S.C. § 20507(d)(2).

The NVRA provides two ways for registrars to remove names from voting rolls. Under the first option, an individual may only be removed from voting rolls after the registrar has received confirmation in writing from the registrant of the registrant's change in "residence to a place

outside the registrar's jurisdiction in which the registrant is registered." 52 U.S.C. § 20507(d)(1)(A). Under the second option, a registrar can remove a name from a voting roll if the individual has not responded to the notice and the individual has not voted "in an election during the period beginning on the date of the notice and ending on the day after the date of the second general election for Federal office that occurs after the date of the notice." 52 U.S.C. § 20507(d)(1)(B).

Finally, the NVRA requires public access to certain election information. Under the NVRA, states "shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters." 52 U.S.C. § 20507(i)(1). This information includes "lists of the names and addresses of all persons to whom notices" were sent, as well as "information concerning whether or not each such person has responded to the notice." 52 U.S.C. § 20507(i)(2).

The Requirements of the Illinois Election Code

Illinois complies with the NVRA using a "bottom up" voter registration system. At the top of this system, the Illinois State Board of Elections (the "Board") is responsible for assisting and overseeing the 108 local election authorities. 10 ILCS 5/1A-1. These duties include:

- Disseminating "information to and consult[ing] with election authorities concerning the conduct of elections and registration;"
- Furnishing "to each election authority prior to each primary and general election and any other election it deems necessary, a manual of uniform instructions;"
- Prescribing and requiring "the use of such uniform forms, notices, and other supplies… which shall be used by election authorities in the conduct of elections and registrations;"
- Requiring "such statistical reports regarding the conduct of elections and registration from election authorities as may be deemed necessary;"

- Reviewing and inspecting "procedures and records relating to conduct of elections and registration as may be deemed necessary;" and
- Supervising "the administration of the registration and election laws throughout the State."

10 ILCS 5/1A-8.

As part of its responsibilities, the Board maintains the technical aspects of the centralized statewide voter registration list. 10 ILCS 5/1A-25. This list is a compilation of the voter registration databases of each local election authority. 10 ILCS 5/1A-25(1). The statewide voter registration list is designed to "allow election authorities to utilize the registration data on the statewide voter registration list pertinent to voters registered in their election jurisdiction." 10 ILCS 5/1A-25(3)(i). Moreover, the list further allows "each election authority to perform essential election management functions, including but not limited to production of voter lists, processing of vote by mail voters, production of individual, pre-printed applications to vote, administration of election judges, and polling place administration." 10 ILCS 5/1A-25(3)(ii). The Board is responsible for maintaining the technical aspects of the statewide voter registration system, while the local election authorities are responsible for maintaining and inputting the relevant data for their precincts into this system.

The process by which local election authorities update their voter registration data depends on the type of change being made. Upon receipt of a Voter Registration Application, the Illinois Election Code requires that the local election authority "having jurisdiction over the applicant's voter registration shall promptly search its voter registration database to determine whether the applicant is already registered to vote at the address on the application and whether the new registration would create a duplicate registration." 10 ILCS 5/1A-16.5(i). If the new registration is valid, the local election authority then inputs that voter's information into their system, which is then uploaded to the statewide voter registration list. *Id.*, 26 Ill. Adm. Code § 216.40.

In addition to the foregoing, the Board also monitors changes of address by voters. Twice each year, the Board "cross-reference[s] the statewide voter registration database against the United States Postal Service's National Change of Address database." 10 ILCS 5/1A-16.8(a). And at least six times each year, the Board "utilize[s] data provided as part of its membership in the Electronic Registration Information Center in order to cross-reference the statewide voter registration database against databases of relevant personal information kept by designated automatic voter registration agencies." 10 ILCS 5/1A-16.8(b). This information is provided to the appropriate local election authority, who upon receipt of the information, registers any voter moving into its jurisdiction from another jurisdiction in Illinois or any voter moving within its jurisdiction provided that:

> (1) the election authority whose jurisdiction includes the new registration address provides the voter an opportunity to reject the change in registration address through a mailing, sent by non-forwardable mail, to the new registration address, and
>
> (2) when the election authority whose jurisdiction includes the previous registration address is a different election authority, then that election authority provides the same opportunity through a mailing, sent by forwardable mail, to the previous registration address.

10 ILCS 5/1A-16.8(c).

Finally, these procedures are also subject to public disclosure. The Illinois Administrative Code requires local election authorities to keep and make available for public inspection "all records concerning the implementation of programs and activities conducted to maintain the accuracy and currency of voter registration files for at least two years." 26 Ill. Adm. Code § 216.40(f). These records must include "a list of all voters to whom a forwardable confirmation of address notice has been sent" and whether the voter responded to the notice. 26 Ill. Adm. Code § 216.40(g).

2022 Election Administration Voting and Survey

The NVRA tasks the United States Election Assistance Commission (the "EAC") with biennially publishing an election report assessing the impact of the NVRA. 52 U.S.C. § 20508(a). Pursuant to federal regulations, states are required to provide specific *statewide* election data to be included in the report. This information includes the "total number of registered voters statewide, including both "active" and "inactive" voters if such a distinction is made by the state" for the last two federal elections and the total number of voters removed from the statewide voter registration list, including the "statewide number of confirmation notices mailed out between the past two federal general elections and the statewide number of responses received to these notices during the same period." 11 C.F.R. § 9428.7(b).

In June 2023, the EAC published its report for the 2022 Election Administration and Voting Survey and the Election Administration Policy Survey (the "EAC Report" or the "EAVS"). *See* Exhibit A, Election Administration and Voting Survey 2022 Comprehensive Report, A Report from the U.S. Election Assistance Commission to the 118 Congress.[1] Illinois had a 99.6% response rate for this survey, which was greater than or equal to the response rates for 13 states and territories: Alabama, Georgia, Guam, Hawaii, Kansas, Minnesota, Mississippi, Missouri, Northern Mariana Islands, Utah, Vermont, Virginia, and West Virginia. *See id*. at 243-44. For Section A of the survey, which requested data on voter removals including confirmation notices, Illinois had a

[1] *Available at* https://www.eac.gov/sites/default/files/2023-06/2022_EAVS_Report_508c.pdf (last visited Jan. 13, 2025). This Court may take judicial notice of the Election Assistance Commission's Report, as well the supporting datasets, which Plaintiffs use to support the allegations in their Amended Complaint. For a motion to dismiss, "a court may consider, in addition to the allegations set forth in the complaint itself, documents that are attached to the complaint, documents that are central to the complaint and are referred to in it, and information that is properly subject to judicial notice." *Williamson v. Curran*, 714 F.3d 432, 436 (7th Cir. 2013).

99.9% response rate, which was higher than the U.S. Total response rate for Section A of 99.6%. *Id*.

The EAC's 2022 Report establishes that Illinois makes robust efforts to maintain the voter lists. As of November 8, 2022, Illinois had 7,899,591 active registered voters. Ex. A at 28.[2] The local election authorities sent a total of 2,710,102 confirmation notices, meaning that Illinois sent confirmation notices to 34.3% of its registered voters. *Id*. at 182. According to the data in the EAC Report, Illinois sent the second highest number of confirmation notices of any reporting state, as well as the second highest percentage of confirmation notices sent to registered voters. *Id*. at pp. 182-83. The state with the third highest rate, Texas, sent almost one million fewer confirmation notices than Illinois, which represented only 11.4% of the active voters in Texas. *Id*. Similarly, Illinois removed 692,003 voters from its registered voter list, representing a removal of 7.9% of Illinois registered voters. *Id*. at 188. Illinois *removed* the ninth highest number of registered voters (*id*. at 188-89), and its percentage of removal was greater than or equal to the removal in over half of the responding states and territories.[3]

Procedural History

On August 4, 2023, Plaintiff Judicial Watch sent the State Defendants a letter regarding Illinois's data in the EAC Report. ECF No. 70 ¶ 52, *see also* ECF No. 70-1. The correspondence sought confirmation as to the accuracy of the data. *Id*. The correspondence also sought certain documents relating to removals, confirmation notices, and inactive registrations. *Id*., *see also* ECF

[2] Illinois also received 1,906,637 registration applications, including 573,408 registrants who submitted applications due to a "change of name, party or address (within jurisdiction)" and 131,944 registrants submitted applications due to a cross-jurisdiction change of address. *See* Ex. A at 176.

[3] The following states and territories all removed a smaller percentage of voters than Illinois: Alaska, California, Connecticut, Delaware, the District of Columbia, Georgia, Hawaii, Iowa, Kansas, Kentucky, Maryland, Michigan, Mississippi, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, South Carolina, South Dakota, U.S. Virgin Islands, Utah, and Wyoming. Montana removed an equal percentage of voters, and Idaho and North Dakota had no totals or percentages provided. *Id*. at 188-89.

No. 70 ¶ 53. This letter was not a pre-suit notice of violation as described in 52 U.S.C. § 20510. *Id*. Defendant Matthews responded through counsel on September 1, 2023. ECF No. 70-2. Dissatisfied with this response, Plaintiffs Judicial Watch, Illinois Family Action, and Carol J. Davis sent the State Defendants a letter notifying her of alleged NVRA violations and providing pre-suit notice. ECF No. 70 ¶ 77, *see also* ECF No. 1-3. Plaintiff Breakthrough Ideas was not involved in this correspondence. ECF No. 70-3.

On March 5, 2024, Plaintiffs filed a Complaint against the State Defendants for alleged violations of the NVRA. Specifically, Count I alleged a violation of Section 8(a)(4) of the NVRA for failing to "conduct a general program that makes a reasonable effort to cancel the registrations of Illinois voters." ECF No. 1 ¶ 101. Count II asserted a violation of Section 8(i) of the NVRA for allegedly failing to make records available to Plaintiffs. *Id*. ¶ 106.

On November 6, 2024, this Court granted in part and denied in part the State Defendants' and Intervenor Defendants' motions to dismiss. ECF No. 69. Specifically, this Court found that Plaintiffs did not have standing to bring Count I and only Judicial Watch had standing to bring Count II. *Id*. Although this Court gave Plaintiffs leave to amend, Plaintiffs' Amended Complaint does not cure the deficiencies already identified by this Court. Plaintiffs' Amended Complaint must therefore be dismissed.

STANDARD OF REVIEW

Federal Rule of Civil Procedure 12(b)(1) provides that a party may move to dismiss a case based on "lack of subject matter jurisdiction." F.R.C.P. 12(b)(1). When a plaintiff lacks requisite standing to bring an action, federal jurisdiction cannot attach and the court lacks subject matter jurisdiction. *Walters v. Edgar*, 163 F.3d 430, 432 (7th Cir. 1998). Pursuant to Rule 12(h)(3), "[i]f the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." F.R.C.P. 12(h)(3).

To survive a Federal Rule of Civil Procedure 12(b)(6) motion to dismiss for failure to state a claim, a complaint must contain sufficient facts that when assumed true, "state a claim for relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Offering nothing more than "labels and conclusions or a formulaic recitation of the elements of a cause of action" is insufficient. *Iqbal*, 556 U.S. at 678.

ARGUMENT

I. Plaintiffs do not have standing.

Like Plaintiffs' previous Complaint, Plaintiffs' Amended Complaint must similarly be dismissed because Plaintiffs lack standing to bring this lawsuit. Standing to sue is rooted in the traditional understanding of a case or controversy, and the "irreducible constitutional minimum" of standing consists of three elements. "The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) is likely to be redressed by a favorable judicial decision." *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016). This doctrine "limits the category of litigants empowered to maintain a lawsuit in federal court," and in this way "serves to prevent the judicial process from being used to usurp the powers of the political branches and confines the federal courts to a properly judicial role." *Id*.

Here, Plaintiffs lack standing because they do not (and cannot) plausibly plead an injury in fact that is sufficiently particularized or concrete. Plaintiffs instead continue to assert speculative concerns regarding the voter registration list that amount to nothing more than a disagreement with the State's performance of its obligations pursuant to the NVRA; these concerns are insufficient to convey standing. Moreover, Breakthrough Ideas and Illinois Family Action similarly fail to demonstrate standing, as they have alleged nothing more than a generalized setback to their abstract social interests. ECF No. 69 at 14-15.

A. Davis and Judicial Watch do not have standing because they lack any injury in fact.

As this Court has already held (ECF No. 69 at 9-11), Plaintiffs Davis and Judicial Watch's claims of diminished confidence in the electoral process and theoretical vote dilution are not sufficient injuries in fact to establish standing. Injury in fact is the "first and foremost of standing's three elements." *Spokeo*, 578 U.S. at 338. To establish injury in fact, a plaintiff must show that he or she "suffered an invasion of a legally protected interest that is concrete and particularized and actual or imminent, not conjectural or hypothetical." *Id*. at 339. For an injury to be particularized, "it must affect the plaintiff in a personal and individual way." *Id*. Particularization is necessary to establish injury but is not sufficient. To establish standing, an injury must also be concrete—that is, it must actually exist, rather than simply being an abstract concept. *Id.* at 339–40.

The Supreme Court has consistently held that:

> [A] plaintiff raising only a generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large—does not state an Article III case or controversy.

Lujan, *v. Defenders of Wildlife*, 504 U.S. 555, 573–74 (1992).[4]

Davis and Judicial Watch's claims are neither particularized nor concrete. As this Court has already held, "[a] plaintiff cannot obtain standing by alleging a generalized grievance." ECF No. 69 at 10 (citing *Bost v. Ill. State Bd. of Elections*, 114 F.4th 634, 640 (7th Cir. 2024)). Despite this Court's previous finding that allegations of decreased confidence in the voting system and fear of vote dilution are insufficient to confer standing, Plaintiffs Davis and Judicial Watch continue to

[4] *See also Fairchild v. Hughes*, 258 U.S. 126, 129–30 (1922) ("Plaintiff has asserted only the right, possessed by every citizen, to require that the Government be administered according to law. . . . Obviously this general right does not entitle a private citizen to institute in the federal courts a suit."); *Massachusetts v. Mellon*, 262 U.S. 447 (1923) ("The party who invokes the power of judicial review must be able to show not only that the statute is invalid but that he has sustained or is immediately in danger of sustaining some direct injury as a result of its enforcement, and not merely that he suffers in some indefinite way in common with people generally.").

allege only these same generalized grievances. *See* ECF No. 70, ¶ 131 ("Due to the failure of Defendants to maintain accurate and current voter registration rolls in Illinois, Ms. Davis' confidence in the integrity of the electoral process is undermined"); ¶ 136 ("Defendants' failure to comply with their NVRA voter list maintenance obligations burdens the federal and state constitutional rights to vote of individual members of Judicial Watch like Carol J. Davis by undermining their confidence in the integrity of the electoral process, discouraging their participation in the democratic process, and instilling in them the fear that their legitimate votes will be nullified or diluted by ineligible votes."). These allegations do not cure the deficiencies to standing that this Court previously identified, and thus, Plaintiffs Davis and Judicial Watch's claims must be dismissed. ECF No. 69 at 9-11.[5]

Plaintiffs Davis and Judicial Watch's claims in the Amended Complaint also fail because they have not alleged a particularized injury that affects them in a personal and individual way. Indeed, Plaintiffs Davis and Judicial Watch's allegations that the State Defendants' alleged violation of the NVRA is undermining their confidence in the electoral system is nothing more than a general grievance; any relief sought would no more directly and tangibly benefit Plaintiffs than it would the public at large, which is insufficient to establish standing. *See Lujan*, 504 U.S. at 573-74; *Maly*, 2024 U.S. Dist. LEXIS 177196 at *12 ("Separately, the concern Plaintiffs express of the integrity of Illinois elections is one that all Illinois voters would share—meaning their

[5] *See also Maly v. Pritzker*, No. 22 CV 4778, 2024 U.S. Dist. LEXIS 177196, *10-11 (N.D. Ill. Sept. 30, 2024) ("[A]ny fear Plaintiffs have about election interference in Illinois is too speculative to support standing"); *Spokeo*, 578 U.S. at 339-40; *Thielman v. Griffin-Valade*, No. 23-35452, 2023 U.S. App. LEXIS 32730, *3 (9th Cir. Dec. 12, 2023) ("[p]laintiffs allege only that they suffer a 'crisis of confidence' in Oregon's voting systems, which is the same 'speculative' grievance that we found insufficient to confer standing" in *Lake v. Fontes*, 83 F.4th 1199, 1201 (9th Cir 2023)); *Am. Civ. Rights Union v. Martinez-Rivera*, 166 F. Supp. 3d 779, 789 (W.D. Tex. 2015) (holding that it was not clearly erroneous for the report to conclude that undermining voter confidence was "speculative and, as such, more akin to a generalized grievance about the government than an injury in fact"); *Md. Election Integrity, LLC v. Md. State Bd. of Elections*, No. 24 CV 672, 2024 WL 2053773, *3 (D. Md. May 8, 2024).

injuries are not particularized, another aspect of an injury in fact) These allegations further fail because an "assertion of a right to a particular kind of Government conduct, which the Government has violated by acting differently cannot alone satisfy the requirements of Art. III without draining those requirements of meaning." *Lujan*, 504 U.S. at 575-76.[6]

Thus, Davis and Judicial Watch have failed to allege any concrete and particularized injury sufficient to confer standing. Similarly, because the members of Judicial Watch "do not have standing to sue in their own right, [Judicial Watch does] not have standing to sue on their behalf." *Democratic Party of Wis. v. Vos*, 966 F.3d 581, 586 (7th Cir. 2020) (citing *Hunt v. Wash. State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977).

B. The Organizational Plaintiffs do not have standing to sue on their own behalf.

Plaintiffs Illinois Family Action, Breakthrough Ideas, and Judicial Watch[7] (the "Organizational Plaintiffs") also lack standing to sue on their own behalf. To establish standing, an organization must "show that [it is] under an actual or imminent threat of suffering a concrete and particularized 'injury in fact'; that this injury is fairly traceable to the defendant's conduct; and that it is likely that a favorable judicial decision will prevent or redress the injury." *Common Cause Indiana v. Lawson*, 937 F.3d 944, 949 (7th Cir. 2019). And like this case, "when the plaintiff is not

[6] S*ee also Drake v. Obama*, 664 F.3d 774, 782 (9th Cir. 2011) (affirming dismissal of claims for lack of standing and finding that "as a voter, [plaintiff] has no greater stake in this lawsuit than any other United States citizen" and his alleged injury was merely a "generalized interest of all citizens in constitutional governance") (citations omitted); *Bowyer v. Ducey*, 506 F. Supp. 3d 699, 706-12 (D. Ariz. 2020) (dismissing claims related to the election process for lack of standing because the "allegations are nothing more than generalized grievances that any one of the 3.4 million Arizonans who voted could make if they were so allowed"); *Wood v. Raffensperger*, 981 F.3d 1307, 1314 (11th Cir. 2020) (affirming dismissal of claim for lack of standing where plaintiff challenged the results of the general election because plaintiff's injury was not particularized and plaintiff could not "explain how his interest in compliance with state election laws is different from that of any other person.").

[7] It is not clear that Judicial Watch intends to allege organizational standing given that the only allegation that might support such standing is its allegation that it "commenced a nationwide program to monitor state and local election officials' compliance with their NVRA list maintenance obligations." ECF No. 70 ¶ 135. As discussed below, this allegation does not suffice to allege organizational standing.

himself the object of the government action or inaction he challenges, standing is not precluded, but it is ordinarily substantially more difficult to establish." *Lujan*, 504 U.S. at 562.

i. The Organizational Plaintiffs do not allege a sufficient injury in fact.

The Organizational Plaintiffs do not have standing because they do not allege any concrete and particularized injury in fact. "An organization does not have standing simply because a defendant has 'impaired' its 'ability to provide services and achieve their organizational missions.'" *Legal Aid Chicago v. Hunter Props., Inc.*, No. 23 CV 4809, 2024 U.S. Dist. LEXIS 177188, *25-26 (N.D. Ill. Sept. 30, 2024) (citing *Fed. Drug. Admin. v. All. for Hippocratic Med.*, 602 U.S. 367, 394 (2024)). An organization's ordinary expenditures that are "part of an organization's purpose do not constitute the necessary injury-in-fact required for standing." *Plotkin v. Ryan*, 239 F.3d 882, 886 (7th Cir. 2001). As this Court and the Supreme Court have previously held, "an organization that has not suffered a concrete injury caused by a defendant's action cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action." *All. for Hippocratic Med.*, 602 U.S. at 394; ECF No. 69 at 13. As a result, a "plaintiff must show '*far more* than simply a setback to the organization's abstract social interests.'" *All. For Hippocratic Med.*, 602 U.S. at 394 (emphasis added).

The Organizational Plaintiffs' allegations are nothing more than an outline of their ordinary expenditures, which courts have frequently found to be insufficient to satisfy the injury in fact element of standing. Specifically, Illinois Family Action and Breakthrough Ideas allege that they "periodically engages in targeted mailings concerning specific issues or elections" and that these "[m]ailings are expensive." ECF No. 70, ¶¶ 88, 89, *see also* ¶ 120 (Illinois Family Action "periodically sends mailings concerning specific issues or elections to every voter in a geographic area"). Breakthrough Ideas additionally claims that it engages in email checks to respond to

inquiries and a walking program, which involves employees going door to door. *Id*. ¶¶ 94, 110. Illinois Family Action also alleges that it has an automated telephone service that sends recorded messages to Illinois voters. *Id*. ¶¶ 118-19. Finally, Judicial Watch alleges only that it "commenced a nationwide program to monitor state and local election officials' compliance with their NVRA list maintenance obligations." *Id*. ¶ 135.

None of these allegations are sufficient to establish standing. Indeed, the Organizational Plaintiffs' allegations do not establish any significant impairment to their mission that would confer standing. Returned mailings, as well as walkers and calls that do not connect with a voter—all of which occur in the ordinary course of operations without any alleged violation—are simply part of the Organizational Plaintiffs' daily operations and normal operational costs. And as discussed below, because the NVRA establishes a statutory waiting period before removing a voter from the registered voter list, the Organizational Plaintiffs are always going to have mailings returned and walkers and calls that do not connect with voters as part of the normal course of their operations. These alleged damages are thus nothing more than operational costs and limitations that are an expected and inherent part of these campaigns. And any allegations of damages beyond these standard operational costs do not (and cannot) rise to level of impairment necessary to establish standing, nor are they anything other than conjecture. *See All. for Hippocratic Med*., 602 U.S. at 394 ("[P]laintiff must show '*far more* than simply a setback to the organization's abstract social interests'") (emphasis added); *Legal Aid Chicago*, 2024 U.S. Dist. LEXIS 177188 at *19 ("The 'impair[ment] need[s] to be 'perceptibl[e],' not theoretical.").

Courts have repeatedly rejected similar allegations. In *Alliance for Hippocratic Medicine*, the medical associations claimed that the Federal Drug Association's actions made "it more difficult for them to inform the public about safety risks," but the Supreme Court rejected this

argument. 602 U.S. at 395-96. And in *Vos*, the Democratic Party argued that it "will have a harder time organizing voters" and expected an "added financial burden insofar as it must spend more money to generate enthusiasm among the populace." 966 F.3d at 587. There, the Seventh Circuit held that these actions are simply "baseline work' for a political party; it is an ordinary program cost,' not an 'injury in fact.'" *Id*. (citing *Common Cause*, 937 F.3d at 955). Finally, in *Legal Aid Chicago*, the plaintiff alleged that the defendant's no-eviction policy caused "the group to spend more time and resources working on eviction cases." 2024 U.S. Dist. LEXIS 177188 at *26-27. The court found that these allegations were simply ordinary expenditures that were part of the plaintiff's core mission. *Id*. at 27. Like the plaintiffs in *Alliance for Hippocratic Medicine*, *Vos*, and *Legal Aid Chicago*, the Organizational Plaintiffs in this case are similarly claiming that the State Defendants' actions make it more difficult to educate the public about their core issues. But as previous courts have already held, this is simply baseline work for their organizations, an ordinary program cost that cannot constitute an injury in fact sufficient to confer standing.

Judicial Watch's allegation that it commenced a nationwide campaign in response to its voter list maintenance concerns similarly fails. As this Court and the U.S. Supreme Court held in *Alliance for Hippocratic Medicine*, "an organization that has not suffered a concrete injury caused by a defendant's action cannot spend its way into standing simply by expending money to gather information and advocate against the defendant's action." *All. for Hippocratic Med*., 602 U.S. at 394; ECF No. 69 at 13. To the extent that Judicial Watch is alleging damages beyond its ordinary expenditures due to the costs associated with this nationwide campaign, these allegations are nothing more than an attempt to "spend their way into standing," which this Court and the U.S. Supreme Court have already found to be insufficient. *Id*. Accordingly, Count I must be dismissed because Plaintiffs have not established any injury in fact.

ii. The Organizational Plaintiffs cannot satisfy the remaining elements for standing.

In addition to the Organizational Plaintiffs' failure to establish an injury in fact, they also do not have standing because (1) their injuries are not fairly traceable to the State Defendants' conduct and (2) they cannot demonstrate that a favorable judicial decision will prevent or redress their alleged injury. Breakthrough Ideas and Illinois Family Action claim their "ability to conduct its core activities has been made more difficult because the Illinois' voter rolls contain" outdated and ineligible registrations. ECF No. 70 ¶¶ 87, 117. But as the Organizational Plaintiffs acknowledge, a voter who has moved can be removed from the statewide voter registration list only if the registrant fails to respond to a confirmation notice *and* then fails to vote "during the *statutory waiting period* extending from the date of the notice through the next two general federal elections." *Id*. ¶ 12 (emphasis added). Even the EAVS warns that its data should be used with caution as the totals "can include registrants who are no longer eligible to vote in that state but who have not been removed from the registration rolls because the removal process laid out by the NVRA can take up to two elections cycles to be completed." *See* Ex. A at 140.

Given this statutory waiting period, Plaintiffs cannot establish that their alleged injury—difficulty contacting Illinois voters through mailings and walk programs resulting from the voter registration list allegedly including ineligible voters—is traceable to the State's action and not the result of the NVRA requirement that the State keep ineligible voters on the voter registration list for the statutorily-required period. Specifically, due to this statutory waiting period, the Illinois registered voter list is always going to include ineligible voters even if no alleged statutory violation has occurred, and thus, Breakthrough Ideas and Illinois Family Action are always going to have mailings returned or walkers unable to contact voters.

For this same reason, the Organizational Plaintiffs cannot establish that an order from this Court would redress their alleged injuries because ineligible voters will still be required to be on

the voter registration list for up to two election cycles. Plaintiffs will thus continue having incorrect email checks and telephone calls, mailings returned, and addresses visited by walkers that do not result in voter contact because the Illinois statewide voter registration list will continue to contain ineligible registrations due to the statutory waiting period.

Finally, Breakthrough Ideas' allegation that their contributions to political candidates have less impact due to alleged NVRA violations is far too speculative and attenuated to establish standing. Breakthrough Ideas claims that its "contributions to candidates have less impact due to additional costs those candidates experience in their mailings and door-to-door efforts." ECF No. 70, ¶ 107. But an organization cannot establish standing by relying on speculative discretionary acts of third parties, such as how a candidate uses campaign contributions. *See Ass'n of Am. Physicians & Surgeons, Inc. v. Koskinen*, No. 13 CV 1214, 2014 U.S. Dist. LEXIS 34980, * 14 (E.D. Wis. Mar. 18, 2014) (holding that plaintiffs failed to establish standing by relying on the potential discretionary acts of third-party employers and consumers). This allegation thus cannot confer standing.

Based on the foregoing, the Organizational Plaintiffs have failed to allege standing because they have not identified any concrete and particularized injury in fact that is sufficient to confer Article III standing. *See Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 416 (2013) ("[A]llowing respondents to bring this action based on costs they incurred in response to a speculative threat would be tantamount to accepting a repackaged version of respondents' first failed theory of standing."). And because of the statutory waiting period of two general election cycles, the Organizational Plaintiffs cannot establish that their injuries are fairly traceable to the State Defendants' conduct or that any favorable decision would redress their injuries. For these reasons,

the Organizational Plaintiffs have failed to allege any facts that would give them standing and their Amended Complaint must be dismissed.

C. Count II must be dismissed because Plaintiffs do not have standing to allege a violation of Section 8(i) of the NVRA.

Even if Plaintiffs had standing to bring this lawsuit generally, Count II must be dismissed because Plaintiff Judicial Watch does not have standing to assert a violation of Section 8(i) of the NVRA. Judicial Watch claims that the State Defendants failed to provide information requested pursuant to Section 8(i) of the NVRA. While the State Defendants acknowledge that this Court denied this section of their earlier motion to dismiss, the State Defendants reassert this argument to preserve it for appeal purposes. The State Defendants also respectfully ask that the Court reconsider its previous decision on this point.

Section 8(i) of the NVRA is also known as the public disclosure provision. This section states that:

> (1) Each State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered.

52 U.S.C. § 20507(i)(1) (2020). The statute goes on to specify that "[t]he records maintained pursuant to paragraph (1) shall include lists of the names and addresses of all persons to whom notices described in subsection (d)(2) are sent, and information concerning whether or not each such person has responded to the notice as of the date that inspection of the records is made." 52 U.S.C. § 20507(i)(2) (2020).

Plaintiffs must have an informational injury to have standing to assert a claim based on a violation of Section 8(i). While an informational injury "is a type of intangible injury that can

constitute an Article III injury in fact, "a statutory violation *alone* does not create a concrete informational injury sufficient to support standing." *Dreher v. Experian Info. Sols., Inc.*, 856 F.3d 337, 345 (4th Cir. 2017) (emphasis in original); *see also Rossi v. Kohn Law Firm S.C.*, Case No. 19 CV 192, 2020 U.S. Dist. LEXIS 86637, *13-14 (W.D. Wisc. May 18, 2020) (agreeing with the Fourth Circuit's "summary of the rule"). A constitutionally cognizable informational injury thus "requires that a person lack access to information to which he is legally entitled *and* that the denial of that information creates a 'real' harm with an adverse effect." *Dreher*, 856 F.3d at 345 (emphasis in original) (quoting *Spokeo*, 578 U.S. at 340). To assert an informational injury, a plaintiff must identify any downstream consequences from failing to receive the required information. *TransUnion LLC v. Ramirez*, 594 U.S. 413, 441-42 (2021); *Campaign Legal Center v. Scott*, 49 F.4th 931, 935-37 (5th Cir. 2022). These downstream consequences must be concrete harms resulting from the failure to disclose information. *Campaign Legal Ctr.*, 49 F.4th at 938.

Judicial Watch cannot assert an informational injury because it was not denied access to the documents it sought. In responding to Judicial Watch's request for information, the State Defendants did not tell Judicial Watch that it could not have access to the information; instead, the State Defendants simply informed Judicial Watch that the information it sought is kept by the local election authorities. ECF No. 70-2 at 2. Accordingly, Judicial Watch does not have an informational injury because "it does not lack information to which [it] is legally entitled." *Dreher*, 856 F.3d at 345, *see also Public Interest Legal Foundation v. Nago*, Civ. No. 23-389, 2024 U.S. Dist. LEXIS 114259, *15 (D. Haw. June 28, 2024) ("Because Plaintiff has not submitted the application forms for voter data with any of the counties, Plaintiff has not suffered an injury in fact, and Plaintiff's harm is only speculative."), *on appeal*, No. 6629 (9th Cir.).

Illinois law also explicitly provides Judicial Watch with access to the documents that it seeks by requiring local election authorities to make these records available to the public for inspection. 26 Ill. Adm. Code 216.40(f). Judicial Watch thus can access this information—and other organizations have done so—through the local election authorities. *See Voter Integrity Project NC, Inc. v. Wake Cnty. Bd. of Elections*, 301 F. Supp. 3d 612, 615 (E.D.N.C. 2017) (the plaintiff asserted that the *county board* had failed to respond to the plaintiff's written requests for data and failed to provide records in accordance with the NVRA's public disclosure provision); *Judicial Watch, Inc. v. Penn.*, 524 F. Supp. 3d 399, 409 (M.D. Penn. 2021) ("Judicial Watch mailed letters to Chester County and Delaware County … Judicial Watch enumerated eight categories of documents and asked the *county* defendants to provide it with those documents") (emphasis added). Without any allegation that Judicial Watch has been denied access to this information by the local election authorities, it does not have any informational injury sufficient to confer standing.

Judicial Watch also cannot identify any downstream consequences sufficient to establish standing. Indeed, Judicial Watch does not identify any downstream consequences *at all*, instead simply claiming that they were "denied access to a category of public records." ECF No. 70 ¶ 139. But as previously discussed, "a statutory violation *alone* does not create a concrete informational injury sufficient to support standing." *Dreher*, 856 F.3d at 345 (emphasis in original). Accordingly, Judicial Watch does not have standing to bring Count II.

II. Plaintiffs' Amended Complaint must be dismissed because Plaintiffs have not stated claims for violations of the NVRA.

A. Plaintiffs have not stated a claim in Count I because the data establishes that Illinois' list maintenance procedures satisfy the NVRA.

Even if Plaintiffs had standing to bring this lawsuit, they have failed to state a viable claim. Count I does not state a claim because Plaintiffs' allegations establish that the State complies with the NVRA. Section 8 of the NVRA "unambiguously mandates that the States maintain a '*general* program that makes a *reasonable* effort to remove the names of ineligible voters from the official lists of eligible voters by reason of' only two things: death or change of address." *Bellitto*, 935 F.3d at 1200 (citing 52 U.S.C. § 20507(a)(4)) (emphasis added). "Section 8(a)(4) does not require a perfect removal effort; it only requires states to 'make a reasonable effort' to remove registrants who have died or changed their residence." *Judicial Watch, Inc. v. Pennsylvania*, 524 F. Supp. 3d 399, 407 (M.D. Penn. 2021) (citing 52 U.S.C. § 20507(a)(4)).

The NVRA further provides a safe-harbor provision. Under this provision, "a state 'may meet the requirement' of a general program of list maintenance for change of address" by following the National Change of Address ("NCOA") Process outlined in § 20507(c) "to identify and remove ineligible voters." *Bellitto*, 935 F.3d at 1204. Accordingly, "the NCOA Process, at a minimum, constitutes a reasonable effort at identifying voters who have changed their addresses." *Id*. at 1205.

Plaintiffs' own exhibit to the original Complaint confirms that the State is making a reasonable effort under Section 8(a)(4) of the NVRA by following the NCOA process. As explained in Marni Malowitz's September 1, 2023 letter to Plaintiffs, the Board cross-references the "statewide voter registration database against the United States Postal Services National Change of Address database twice each calendar year." ECF No. 70-2 ("Board letter") at 2. This information is then shared with election authorities. *Id*. This process, "at a minimum, constitutes a reasonable effort" under the NVRA. *Bellitto*, 935 F.3d at 1205. Because the Board letter establishes that the State is complying with the safe-harbor provision of the NVRA, Plaintiffs have not stated a claim.

The Board letter further shows that the State is doing more than the minimum requirements of the NVRA. The Board letter also explained that the State utilizes data provided as part of its membership in the Electronic Registration Information Center ("ERIC") "to cross-reference the statewide voter registration database against databases of relevant personal information kept by designated automatic voter registration agencies." ECF No. 70-2 at 2. While Plaintiffs assert that this membership does not ensure compliance with the NVRA (ECF No. 1 ¶ 70), Plaintiffs ignore that this process is in addition to the NCOA process that has already been determined to satisfy the NVRA. As the Eleventh Circuit has explained, "under the NVRA and *Husted*, the states are permitted to employ more robust procedures," but "the fact that states may employ other procedures does not mean the clear language creating a safe harbor mechanism by which a state may 'meet the requirement' of subsection (a)(4) is something other than what it plainly says – a method to satisfy the statute." *Bellitto*, 935 F.3d at 1205.

Finally, the Board letter and the EAVS report also establish that the State is removing ineligible voters from its statewide voter registration list. After the Board shares the NCOA and ERIC findings with the local election authorities, the local election authorities "*must* then confirm any matches and make the required updates to the applicable voter records." ECF No. 70-2 at 2. And the EAVS data confirms that ineligible voters are being removed by the local election authorities through this process. Plaintiffs allege that several Illinois counties either did not report or insufficiently reported their removal data. This claim is immediately disproven by the EAVS data showing that Illinois had a 99.6% survey response rate with a 99.9% response rate for section A, which covers voter registration and notices sent to voters who were thought to have moved and voters who were removed from the voter registration list. *See* Ex. A at 243-44. Thus, Plaintiffs' allegation that "[f]ifty-two of 108 Illinois jurisdictions failed to report any data to the EAC in one

or more of the crucial data categories identified above, *viz*., relevant statutory removals, Confirmation Notices, or inactive registrations" (ECF No. 70, ¶ 47) is belied by the fact that Illinois had a 99.9% response rate for these exact categories.

Even looking at the granular data, Plaintiffs' claims fail. Plaintiffs claim that 12 Illinois counties removed fewer than 15 registrations and another 11 Illinois counties removed zero registrations pursuant to Section 8(d)(1)(B). ECF No. 70, ¶¶ 28, 29. However, of these 23 Illinois counties, nearly 74,000 ineligible voters were removed from the statewide voter list and nearly 52,000 of these registration removals occurred due to a cross-jurisdiction change of address.[8] Similarly, Plaintiffs claim that another 34 jurisdictions failed to report any data regarding Section(d)(1)(B) removals. ECF No. 70 ¶ 38. But this same data again shows that these 34 counties removed over 190,000 ineligible voters from the statewide voter list, with over 36,000 of those voters being removed due to a cross-jurisdiction change of address. In total, these 57 counties removed 264,000 ineligible voters, with over 85,000 of these removals occurring due to a cross-jurisdiction change of address. *Id*.

The statewide data further establishes that Illinois is making more than a reasonable effort to remove ineligible voters from the statewide voter registration list. During the applicable reporting period, Illinois removed over 692,000 ineligible voters, representing 7.9% of registered voters. Comparatively, Illinois removed the ninth highest number of registered voters, and its percentage of removal was greater than or equal to the removal in over half of the responding States and territories. *See* Ex. A at 188-89. Similarly, Illinois sent 2,710,102 confirmation notices, meaning that Illinois sent confirmation notices to 34.3% of registered voters. This is the second

[8] *See* EAVS Datasets Version 1.1. (December 18, 2023), rows 732-839 and columns CV-DB, *available at* https://www.eac.gov/research-and-data/studies-and-reports (last visited Jan. 13, 2025). This dataset includes new information submitted by Delaware, Hawaii, West Virginia, and Wisconsin.

highest number of confirmation notices sent by any state, as well as the second highest percentage of confirmation notices to registered voters. *Id*. at 182-83. Overall, this data shows that Illinois is making more than a reasonable effort to remove ineligible voters from its statewide voter registration list. *See Judicial Watch, Inc.*, 524 F. Supp. at 407 ("Section 8(a)(4) does not require a perfect removal effort; it only requires states to 'make a reasonable effort' to remove registrants who have died or changed their residence.").

Based on the foregoing, Plaintiffs have not, and cannot, state a claim for violation of the NVRA. As Plaintiffs' Amended Complaint admits, Illinois relies on the NCOA process, which satisfies the general program requirement. Illinois also utilizes its membership in ERIC as an additional tool for identifying and removing ineligible voters. The data upon which Plaintiffs base their claims confirms that Illinois's adherence to these processes is resulting in the reasonable removal of ineligible voters.

B. Count II must be dismissed because Judicial Watch has not stated a claim.

Finally, Count II must be dismissed because Judicial Watch has not stated a claim. In Count II, Judicial Watch challenges Illinois' "bottom up" system, where "local election authorities are responsible for inputting and *maintaining* voter registration records for their residents." ECF No. 70-2 at 1 (emphasis added). However, the NVRA permits States to delegate the maintenance of these records to local election authorities. Indeed, Section 20507 of the NVRA is replete with references to "registrar," which it defines as:

> (1) an incorporated city, town, borough, or other form of municipality;
>
> (2) if voter registration is *maintained* by a county, parish, or other unit of government that governs a larger geographic area than a municipality, the geographic area governed by that unit of government; or
>
> (3) if voter registration is *maintained* on a consolidated basis for more than one municipality or other unit of government by an office that performs all of the

> functions of a voting registrar, the geographic area of the consolidated municipalities or other geographic units.

52 U.S.C. § 20507(j) (emphasis added). Based on this plain language, the NVRA specifically contemplates a registrar's maintenance of voter registrations. And these same registrars are also responsible for integral aspects of voter registration, such as sending notices and "correct[ing] an official list of eligible voters in elections for Federal office in accordance with change of residence information obtained in conformance with this subsection." 52 U.S.C. § 20507(b)(2)(A), (d)(3).

Because the NVRA specifically contemplates registrars—such as local election authorities—maintaining voter registration, Count II cannot state a claim for violation of the NVRA. Nothing in Section 20507 prohibits the State of Illinois from requiring the local election authorities to perform the associated functions of a "registrar" in the NVRA, including list maintenance. And because the local election authorities are required to perform these functions, it follows that these same election authorities would be responsible for public disclosure requests relating to those functions. *See Voter Integrity Project NC, Inc.*, 301 F. Supp. at 615 ("However, the NVRA also contemplates local government involvement in carrying out the State's obligations.").

When interpreting a federal statute that places obligations on states, the Court should choose an interpretation that is most consistent with the principles of federalism and comity. As the Supreme Court has explained, federal statutes "must be read consistent with principles of federalism inherent in our constitutional structure." *Bond v. United States*, 572 U.S. 844, 856 (2014). Numerous "precedents make clear that it is appropriate to refer to basic principles of federalism embodied in the Constitution to resolve ambiguity in a federal statute." *Id*. at 859; *see also Snyder v. United States*, 603 U.S. 1, 15 (2024) (federal government's broad interpretation of a federal statute would "exacerbate the already serious federalism problems" with the

Government's reading of the provision); *McDonnell v. United States*, 579 U.S. 550, 576-77 (2016) ("The Government's position also raises significant federalism concerns. . . . Here, where a more limited interpretation of "official act" is supported by both text and precedent, we decline to construe the statute in a manner that leaves its outer boundaries ambiguous and involves the Federal Government in setting standards . . . for local and state officials."); *Rizzo v. Goode*, 423 U.S. 362, 379-80 (1976) ("delicate issues of federal state relationships," which are premised on "the principles of equity, comity, and federalism," counsel against imposing intrusive injunctive relief on state agencies). Count II does not state a claim and should be dismissed accordingly.

CONCLUSION

WHEREFORE, the State Defendants respectfully request that this Honorable Court grant their Motion to Dismiss Plaintiffs' Amended Complaint under Rules 12(b)(6) and 12(b)(1), with prejudice.

Respectfully submitted,

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