

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THE COMMITTEE FOR MASSACHUSETTS
VOTER IDENTIFICATION BALLOT
QUESTION,

Plaintiff,

v.

HON. WILLIAM FRANCIS GALVIN, in his
official capacity as Secretary of the Commonwealth,

Defendant.

CIVIL ACTION
NO. 1:24-cv-12029-NMG

**DEFENDANT’S MEMORANDUM IN OPPOSITION TO
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT
AND IN SUPPORT OF CROSS-MOTION FOR SUMMARY JUDGMENT**

Consistent with its obligations under the National Voter Registration Act of 1993 (NVRA) and the NVRA’s important policy goals, Massachusetts engages in a variety of activities to maintain and update its voter registration database, including making the information in that database publicly available through local election officials. Unsatisfied with that method of access, Plaintiff Committee for Massachusetts Voter Identification Ballot Question (the “Committee”) asks this Court to ignore the plain language of the NVRA and order that the NVRA requires that voter registration information be provided to it in consolidated form, from the Secretary of the Commonwealth’s office (the “Secretary”). Because the NVRA contains no requirement specifying that the Secretary execute the Commonwealth’s responsibilities to comply with the public disclosure provision of the NVRA—despite explicitly assigning other statutory responsibilities to the Secretary—and because it is undisputed that the Commonwealth provides comprehensive and

unrestricted access to its voter registration information through local election officials, judgment should enter in favor of the Secretary on the sole count of the Committee's Complaint.

THE NATIONAL VOTER REGISTRATION ACT OF 1993

Congress enacted the National Voter Registration Act (NVRA), 52 U.S.C. §§ 20501 *et seq.*, in 1993, finding that “it is the duty of the Federal, State, and local governments” to promote the “fundamental right” of United States citizens to vote and that “discriminatory and unfair registration laws and procedures can have a direct and damaging effect” on voters’ exercise of that fundamental right. 52 U.S.C. § 20501(a)(1)-(3). In light of these findings, Congress declared the purposes of the NVRA, which include: “establish[ing] procedures that will increase the number of eligible citizens who register to vote,” enabling state governments to implement the NVRA “in a manner that enhances the participation of eligible citizens as voters,” and “protect[ing] the integrity of the electoral process.” 52 U.S.C. § 20501(b)(1)-(3).

In service of those purposes, the NVRA requires that states establish multiple opportunities for eligible citizens to register to vote, including requiring driver’s license applications to include voter registration and requiring uniform mail registration, and expanding the number and range of locations where residents may register to vote by allowing a wide variety of state and municipal agencies and offices to register eligible citizens to vote. 52 U.S.C. §§ 20504-20506. It also establishes rules for when states may remove names from their voter registration list, prohibiting, for example, purging voters’ names for not voting in a recent election or other selective purging. *Id.* § 20507. And, it requires that states maintain a program for confirming the accuracy and currency of their voter registration list in a uniform, non-discriminatory manner that complies with the Voting Rights Act. *Id.* This reflects “an underlying purpose of the Act; that once registered, a voter should remain on the list of voters so long as the individual remains eligible to vote in that jurisdiction.” S. Rep. No. 103-6, at 34 (1993).

Also consistent with the Congressional purposes of increasing the number of eligible citizens who register to vote, enhancing the participation of eligible citizens, and protecting the integrity of the electoral process, Congress established the public disclosure provision, *id.* § 20507(i), which requires that:

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.

Id. § 20507(i)(1). Section 20509 requires that “[e]ach State shall designate a State officer or employee as the chief State election official to be responsible for coordination of State responsibilities under this Act.” In Massachusetts, the Secretary is the chief State election official responsible for coordinating Massachusetts’ responsibilities under NVRA. *See* 1993 Mass. Acts ch. 475, § 57.

FACTUAL AND PROCEDURAL BACKGROUND

The Secretary’s office hosts a database of registered voters in Massachusetts known as the Voter Registration Information System (VRIS). VRIS was first developed in 1995 after passage of the NVRA, to provide the necessary technology for local election officials to maintain and update voter registration records and information as required under the NVRA. Def. Statement of Undisputed Material Facts (“Def. SOF”), ¶ 1. Prior to the creation of VRIS, each city and town in Massachusetts maintained their own lists of registered voters and residents, with some having local databases while others maintained paper lists. Def. SOF, ¶ 2. At that time, local election officials would provide copies of their lists in response to public records requests, including mailing labels, and could charge fees for producing such records. *Id.* Under the provisions of the 2005 version of the Code of Massachusetts Regulations, 950 Code Mass. Regs. § 32.06(6), local election officials

could charge a fee of no more than one cent per name, but could charge between \$90.00 and \$750.00 for computer tapes and could charge a fee of no more than two cents (\$0.02) per mailing label, provided that a minimum fee of no more than fifty dollars (\$50.00) could be assessed. *Id.* For paper copies of the voter lists, they could charge no more than twenty cents (\$0.20) per page for photocopies, no more than twenty-five cents (\$0.25) per page for copies of public records maintained on microfilm or microfiche and no more than fifty cents (\$0.50) per page for printout copies of computer records. *Id.* Local election officials were also able to charge for search and segregation time in responding to requests for copies of the voter lists. *Id.*

Because the NVRA required local election officials to maintain additional data relative to voter registration, VRIS was created to assist local election officials in complying with these requirements and to ensure consistency among municipal records. Def. SOF, ¶ 3. However, local election officials wanted to retain control over their data as well as the right to collect any fees for production of such data. *Id.* As such, under the provisions of General Laws chapter 51, section 47C, the Secretary's office maintains the VRIS database itself, but local election officials remain responsible for receiving voter registration forms and entering and updating voter data. Def. SOF, ¶ 4.

Additionally, only certain entities are eligible to receive statewide data while all others must submit requests locally, enabling local election officials to collect and benefit from any fees for requests for records. Def. SOF, ¶ 4. Section 47C of chapter 51 specifically provides that the names and addresses in the VRIS database shall not be a matter of public record from the Secretary's office. Def. SOF, ¶ 5. However, that section contains limited exceptions that allow the Secretary's office to make the data available to "state party committees, statewide candidate committees, state ballot question committees, the jury commissioner, adjutant general and any other individual, agency or entity that the state Secretary shall designate by regulation consistent

with the purposes of this section, at a fair and reasonable cost not to exceed the cost of printing or preparing computer readable documents.” *Id.* When providing data to qualified entities, the Secretary’s office requires the entity to sign a licensing agreement that limits use and distribution of the data. *Id.* The licensing agreement requires the recipient of the data to certify that they meet the statutory qualifications to receive the statewide list because they represent a statewide candidate committee, state party committee or other political committee actively seeking nomination or election or a statewide ballot question committee for or against a question to appear at the next statewide election. *Id.*

The Help America Vote Act (HAVA) required each state to create a statewide database of registered voters no later than January 1, 2004. Massachusetts complies with this requirement through VRIS. Def. SOF, ¶ 6.

Under state law, local election officials are solely responsible for registering voters, updating voter information and deleting voters. Some examples of responsibilities of local election officials are as follows:

- Massachusetts General Laws chapter 51, section 36 provides that affidavits of voter registration must be sent to local election officials.
- Massachusetts General Laws chapter 51, section 42H requires local election officials to receive completed voter registration affidavits from agencies, from individuals and organizations conducting voter registration, via the mail and via an online portal and by hand-delivery. Upon receipt of each completed affidavit, the local election officials must certify receipt thereof and shall notify the registrant of the disposition of the affidavit and thereafter add the registrant’s name, address and effective date of registration to the annual register of voters.
- Massachusetts General Laws chapter 51, section 46 requires local election

officials, upon receipt of a completed voter registration affidavit, to add the registrant's name to the voter list and maintain the affidavit of voter registration.

- Massachusetts General Laws chapter 51, section 2 requires local election officials to update the names of voters.
- Massachusetts General Laws chapter 51, section 3 requires local election officials to update the addresses of voters.
- Massachusetts General Laws chapter 51, section 37 requires local election officials to prepare lists of qualified voters.
- Massachusetts General Laws chapter 51, section 37A requires local election officials to place certain voters on the inactive list.
- Massachusetts General Laws chapter 51, section 41 requires local election officials to preserve all documentation relative to voter registration for a specified period.

Def. SOF, ¶ 7.

Pursuant to Massachusetts General Laws chapter 51, section 55, the voter lists prepared by local election officials must be made available for public inspection and a printed copy must be made available at no cost to all duly organized political committees. Def. SOF, ¶ 8.

In accordance with the provisions of Massachusetts General Laws chapter 51, section 36, the Secretary's office prepares voter registration forms for agencies, local election officials and the public. Def. SOF, ¶ 9.

In December 2023, the Secretary's office received a public records request from Joanne Miksis seeking names, mailing addresses, dates of birth, voter identification numbers, registration date, party affiliation, ward and precinct number and voter status for all persons listed in the statewide database as well as "all Member Data files" sent from the Commonwealth of

Massachusetts to the Electronic Registration Information Center (ERIC). Def. SOF, ¶ 10. In her email, Ms. Miksis identified herself as representing the Committee for Massachusetts Voter Identification Ballot Question. *Id.*

In response to the records request, Debra O'Malley, the Elections Division Records Access Officer, informed Ms. Miksis that the voter data was exempt from disclosure by the Secretary by statute but that a ballot question committee was eligible to receive the data upon execution of a licensing agreement. Def. SOF, ¶ 11. She further responded that there were no records responsive to the request for "Member Data files" sent to ERIC. *Id.*

The Secretary's office later realized in early 2024 that the Committee would not qualify to receive the data from the Secretary's office as the ballot question they proposed had failed to qualify for the 2024 state election, so they were not a statewide ballot question committee for or against a question to appear at the next statewide election. Def. SOF, ¶ 12. Although they were ineligible to receive the data from the Secretary's office, they remained eligible and able to request the data from each of the cities and towns in Massachusetts. Def. SOF, ¶ 13. As noted above, voter data held by local election officials is public and there is no restriction on use or distribution of the data once obtained. *Id.*

In the past, the Secretary's office has assisted requestors seeking data from local election officials by providing the requestors with email addresses for local election officials as well as sending broadcast emails to local election officials clarifying the data being requested and providing technical instruction on how to provide the data. Def. SOF, ¶ 14. Through counsel, they offered to provide the same assistance to the Committee. *Id.*

The Secretary's office does not have member data files that were sent to ERIC as they have not agreed to a "Certification Date" with ERIC. Def. SOF, ¶ 15. Part of the membership agreement with ERIC requires that the Secretary's office provide certain voter data as well as driver license

data maintained by the Registry of Motor Vehicles, but only after an agreed upon “Certification Date.” *Id.* Once that data is sent to ERIC, reports will be returned that require further action, including identifying potential duplicate voters and voters who may have moved or otherwise be ineligible. VRIS, the Massachusetts statewide database, was first created in 1995 and the Secretary’s office is in the process of developing a new database. *Id.* Given the structure and technology of the current database, significant resources would be necessary to make the changes necessary to process any returned records. *Id.* As such, the Secretary’s office determined to defer agreeing to a “Certification Date” until the new database is available, which has the functionality being built into it. *Id.* While the Secretary’s office had expected the new database to be available sooner, the project has been delayed with an expected go live date of summer 2025. *Id.*

On August 6, 2024, unsatisfied with the Secretary’s response, and unwilling to proceed with requesting the data from local election officials even with the assistance of the Secretary’s office, the Committee filed its complaint in the instant matter.

ARGUMENT

I. Legal Standard.

Under Federal Rule of Civil Procedure 56(a), the Court shall grant summary judgment if the movant “shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” A party may assert that a fact “cannot be or is genuinely disputed” by citing to materials in the record, including documents, affidavits, admissions, or other materials, or showing that the cited materials “do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support that fact.” F.R. Civ. P. 56(c).

II. Massachusetts Complies with the NVRA’s Public Disclosure Provision.

A. The Committee Can Receive All of the Voter Data in VRIS From Local Election Officials.

It is undisputed that the Committee can receive the entirety of the voter registration information from the VRIS database that they seek from local election officials in the Commonwealth, with no restrictions on the Committee’s use, distribution, or publication of the records. *See* Def. SOF, ¶¶ 8, 13. Consequently, it is undisputed as a factual matter that the Commonwealth complies with 52 U.S.C. § 20507(i)(1) by “making available for public inspection” its voter registration information, and the Court should enter summary judgment for the Secretary on Count I of the Committee’s Complaint.

B. The NVRA Does Not Require that the Secretary Provide Voter Registration Information from VRIS to the Committee.

Though the NVRA’s public disclosure provision requires that Massachusetts voter registration information be made available for public inspection, it does not require that the Secretary execute that obligation himself, nor does it dictate the format in which voter registration information must be provided. Nothing in the plain text or the structure of the NVRA specifically imposes on the Secretary, Massachusetts’s chief State election official, the legal obligation to directly provide voter registration information to the Committee, or entitles the Committee to receive the voter registration information in a single statewide list. In answering questions of statutory interpretation like this one, this Court’s inquiry “begins with the statutory text, and ends there as well if the text is unambiguous.” *BedRoc Ltd. v. United States*, 541 U.S. 176, 183 (2004). “Courts properly assume, absent sufficient indication to the contrary, that Congress intends the words in its enactments to carry their ordinary, contemporary, common meaning.” *Pioneer Inv. Servs. Co. v. Brunswick Assocs. Ltd. P’ship*, 507 U.S. 380, 388 (1993) (citation omitted). Further, it is a “fundamental canon of statutory construction that the words of a statute must be read in their

context and with a view to their place in the overall statutory scheme.” *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (citation omitted). Applying those principles here yields a clear answer: the NVRA does not specify who must execute the state’s obligation to make voter registration information available for public inspection.

Neither the plain text of § 20507(i)(1), nor the structure of the NVRA, assigns or delegates to the chief State election official the duty of making records available for public inspection under this section. The section itself does not mention the chief State election official. It provides only that “[e]ach 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.” 52 U.S.C. § 20507(i)(1) (emphasis added). “State” is defined in the NVRA as “a State of the United States and the District of Columbia.” *Id.* § 20502. The plain text is therefore clear and unambiguous that so long as Massachusetts makes the requisite information available for public inspection, as it unquestionably does, the NVRA does not dictate how that obligation must be satisfied or by whom.

Throughout the NVRA, Congress was explicit when a particular duty or responsibility is specifically assigned to the chief State election official rather than something that the state as a political subdivision may implement in a manner it chooses. For example, § 20505, which requires that states accept voter registration application forms by mail, requires that “[e]ach State shall accept and use the mail voter registration application form prescribed by the Federal Election Commission,” or may develop its own form that meets specific criteria. 52 U.S.C. § 20505(a). By contrast, § 20505(b) specifically tasks the chief State election official with distributing those forms, specifying that the “*chief State election official* of a State shall make [mail voter registration forms] available for distribution through governmental and private entities.” (emphasis added).

Section 20507(g), which governs how States should learn about their residents' federal felony convictions, likewise explicitly assigns the chief State election official specific duties related to the process, tasking other entities with other aspects of the process, or leaving implementation to each state. This section provides: "On the conviction of a person of a felony in a district court of the United States, the United States attorney shall give written notice of the conviction to the *chief State election official* designated under section 20509 of this title of the State of the person's residence." 52 U.S.C. § 20507(g)(1) (emphasis added). And, it provides, "On request of the *chief State election official* of a State or other State official with responsibility for determining the effect that a conviction may have on an offender's qualification to vote, the United States attorney shall provide such additional information." *Id.* § 20507(g)(3) (emphasis added). And finally, "[t]he *chief State election official* shall notify the voter registration officials of the local jurisdiction in which an offender resides of the information received under this subsection." *Id.* § 20507(g)(5) (emphasis added).

Section 20508, establishing federal coordination with the states, again specifically distinguishes between duties of the chief State election official and general responsibilities of each state. Section 20508(a) requires that the Election Assistance Commission consult with the "*chief election officers* of the States" to prescribe regulations and to develop a mail voter registration application form for federal elections, but "shall provide information to the *States* with respect to the responsibilities of the States" under the NVRA. 52 U.S.C. § 20508(a) (emphasis added). Even the civil enforcement and private right of action section specifically names the "chief election official of the State" as the required recipient of the written notice of violation. *Id.* § 20510(b)(1).

In drafting the NVRA, Congress was explicit where a specific state official or entity is assigned a responsibility, or where a state must implement a provision of the law but without any specific official statutorily assigned to the responsibility. Section 20504, for example, which

requires that state motor vehicle driver's license applications also register eligible residents to vote, requires that applications for a State motor vehicle driver's license that are "accepted at a *State motor vehicle authority*" must also serve as an application to register to vote, that "[e]ach *State* shall include a voter registration application form" as part of the application, and that these completed applications must also "be transmitted to the *appropriate State election official*".¹ Section 20506, which requires that states allow a broad range of state agencies and offices register eligible citizens to vote, similarly requires that "States shall designate agencies for the registration of voters in elections for Federal office," and that each "voter registration agency" must provide a variety of registration-related services. 52 U.S.C. § 20506(a).

The absence of any specific mention of the chief State election official in the plain text of the public disclosure provision, and the explicit assignment of duties to the chief State election official in other provisions, establishes that the NVRA simply requires that the voter registration information the Committee requests is maintained and available for public inspection, not that it be made available in the combined format that they wish or from the Secretary himself. "[W]here Congress includes particular language in one section of a statute but omits it in another section of the same Act, it is generally presumed that Congress acts intentionally and purposely in the disparate inclusion or exclusion." *Russello v. United States*, 464 U.S. 16, 23 (1983). Here, it is undisputed that the Committee can obtain all of the voter registration information from VRIS that they seek electronically from local election officials.

¹ The Senate Committee on Rules and Administration Report for the NVRA explains that the "the terms 'State election officials' and 'appropriate State election official' refer to whatever election official under State law has the appropriate responsibility for the administration of voter registrations and elections. In some cases, this may be a local election official." S. Rep. No. 103-6, at 24 (1993).

The Secretary is aware of no case in which a court has decided the question of whether the chief State election official, as the coordinator of a state's responsibilities under the NVRA, must directly provide the records required to be disclosed under the public disclosure provision. Nor is the Secretary aware of any case suggesting that the State election official is specifically responsible for providing this information, rather than "coordinating" the state's compliance with the NVRA's requirements. *See Harkless v. Brunner*, 545 F.3d 445, 451-53 (6th Cir. 2008) (concluding Ohio Secretary of State was proper party to lawsuit claiming widespread violations of NVRA voter registration requirements because chief State election official's role is to ensure that local officials carry out state's NVRA responsibilities). But apart from the plain text of the public disclosure provision, and the structure of the statute, the limited legislative history on the question also indicates that while the chief State election official is directly responsible for specific aspects of the NVRA, such as distributing mail registration forms, receiving notice of civil suits, and the like, their "coordination" encompasses implementing and ensuring compliance with the NVRA across the state rather than direct responsibility for execution of any other aspects of the statute. *See* S. Rep. No. 103-6, at 36 (1993) ("Various provisions of this Act assign to this official certain responsibilities regarding the promulgation of regulations, the design of the Federal mail registration form, the receipt of notice of civil suits, and the distribution of mail registration forms."); H.R. Rep. No. 103-9, 19-20 (1993) (same).

Further, in 1994, the Federal Election Commission, pursuant to its responsibility under the NVRA to "provide information to the States with respect to the responsibilities of the States" under the NVRA, 52 U.S.C. § 20508(a)(4), published Implementing the National Voter Registration Act

of 1993: Requirements, Issues, and Examples, on January 1, 1994,² which explains that local “voter registration officials” are required to maintain the records and to make them available for public inspection under § 20507(i)—not coincidentally, exactly how Massachusetts implements the NVRA. *Id.* at 5-15. This is consistent with the plain text of the public disclosure provision, which does not specifically task the chief State election official with making records available for public inspection. Here, the Secretary coordinates the local election officials’ efforts to make these records available to the public. Def. SOF, ¶ 14. It is plain that this arrangement satisfies Massachusetts’s obligations under the public disclosure provision of the NVRA.

C. The NVRA Does Not Dictate that Massachusetts Provide Voter Registration Information from VRIS in a Single Statewide List.

There is also no requirement under the NVRA that the Committee be provided with the voter registration information of every registered voter in the Commonwealth from VRIS in a single statewide list. The Secretary does not dispute that the voter registration information that the Committee seeks is available in VRIS and falls under the public disclosure provision. *See Pub. Interest Legal Found., Inc. v. Bellows*, 92 F.4th 36, 49 (1st Cir. 2024) (name and voter registration information for all registered voters in Maine encompassed by § 20507(i)(1)). But the fact that information is covered by the public disclosure provision “does not mean that requestors are entitled to receive them in any manner they choose.” *Greater Birmingham Ministries v. Sec’y of State for Alabama*, 105 F.4th 1324, 1332 (11th Cir. 2024). In *Greater Birmingham Ministries*, for example, the Eleventh Circuit concluded that Alabama complied with § 20507(i)(1) where voter registration records were available from the Alabama Secretary of State either (1) at no charge for

² Available at https://www.eac.gov/sites/default/files/eac_assets/1/1/Implementing%20the%20NVRA%20of%201993%20Requirements%20Issues%20Approaches%20and%20Examples%20Jan%201%201994.pdf

in person viewing at the Secretary’s office for four hours with limited notetaking permitted; (2) for purchase in electronic form at an inflated cost; or (3) for purchase in paper form at an inflated cost. *Greater Birmingham Ministries*, 105 F.4th at 1328 n.2. The Eleventh Circuit further held that the NVRA did not even require electronic production of records. *Id.* at 1326 (“Electronic production, however, is not required for these records—or any others—under the Act. Instead, the Act mandates ‘public inspection’ and ‘photocopying at a reasonable cost.’ Electronic production is neither.”).

Here, it is undisputed that the Committee can obtain an electronic copy of all of the voter registration information from VRIS from local election officials. Although the Committee complains about unspecified “modifications” municipalities make to the extracts, and complains that they cannot combine the extracts they receive into a single list, they have not identified with any specificity how those modifications impact the accessibility of the underlying voter registration information, what type of information local election officials have redacted or “encrypted,” or whether the Committee has made any efforts to obtain unredacted or unencrypted information. And, the Committee concedes that municipalities must respond to requests made pursuant to the Public Records Law within ten business days of the request. *See* Mass. Gen. Laws ch. 66, § 10(b)(vi).³ Even if it is true that not every municipality has complied with the Committee’s requests in a uniform or timely fashion, it is undisputed that local election officials are required by law to make all voter registration information from VRIS available to the public with no restrictions on their use or publication in compliance with the public disclosure provision

³ Additionally, the Public Records Law contains both administrative and judicial recourse for requestors whose requests are unanswered or who do not receive the records to which they are entitled. *See* Mass. Gen. Laws ch. 66, § 10A.

of the NVRA. Therefore, the Secretary is entitled to judgment on Count I of the Committee's Complaint.

D. There Are No ERIC Member Data Files.

As noted above, the Secretary has not provided any voter data to ERIC, and thus has no such records. *See* Def. SOF, ¶ 15. Accordingly, the Secretary is entitled to judgment on Count I of the Committee's Complaint to the extent it asserts a violation of § 2507(i)(1) based on any ERIC files.

III. The NVRA Does Not Preempt Massachusetts Law.

The Committee argues in its motion that the Massachusetts law is preempted by the NVRA, but the Committee's Complaint does not include a preemption claim, merely summarily seeking in its relief a declaration that 52 U.S.C. § 20507(1) preempts "any state statute, code, regulation, practice, and/or policy that prevents Plaintiff from inspecting and copying the requested list and Member Data files, or data contained in them." ECF No. 1. The Committee does not identify any basis for a preemption claim in its Complaint, nor does it allege any facts plausibly supporting a preemption claim. Accordingly, the Committee's Complaint fails to state a preemption claim.

Additionally, as explained in detail above, the Committee can obtain all of the voter registration information it seeks directly from local election officials, with no restrictions on their use, distribution, or publication of that data. Def. SOF, ¶¶ 8, 13. Because the Committee has full electronic access to the entirety of the state voter registration list, with no restrictions on their use of that information, any state laws limiting access to, or use of, voter registration information received from the Secretary do not "stand[] as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress." *See Arizona v. United States*, 567 U.S. 387, 399 (2012) (citation omitted). Accordingly, to the extent the Complaint alleges a claim for preemption, which it does not, any preemption claim fails as a matter of law. *Contra Pub. Interest Legal Found.*

v. Bellows, 92 F.4th 36, 54-56 (1st Cir. 2024) (Maine state law limiting transfer, use, and publication of voter registration information preempted by the NVRA).

CONCLUSION

For these reasons, the Court should enter judgment for the Secretary on Count I of the Complaint and deny all the relief the Committee seeks in its Complaint.

January 7, 2025

Respectfully submitted,

HON. WILLIAM FRANCIS GALVIN, in his official
capacity as Secretary of the Commonwealth,

By his attorney,

ANDREA JOY CAMPBELL
ATTORNEY GENERAL

/s/ Phoebe Fischer-Groban

Anne Sterman, BBO No. 650426

Phoebe Fischer-Groban, BBO No. 687068

Assistant Attorneys General

Government Bureau

One Ashburton Place

Boston, Massachusetts 02108

(617) 963-2589

Anne.sterman@mass.gov

phoebe.fischer-groban@mass.gov

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on January 7, 2025.

/s/ Phoebe Fischer-Groban
Phoebe Fischer-Groban
Assistant Attorney General

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