

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

STATE OF CALIFORNIA; STATE OF
NEVADA; COMMONWEALTH OF
MASSACHUSETTS; STATE OF
ARIZONA; STATE OF COLORADO;
STATE OF CONNECTICUT; STATE OF
DELAWARE; STATE OF HAWAII; STATE
OF ILLINOIS; STATE OF MAINE; STATE
OF MARYLAND; PEOPLE OF THE
STATE OF MICHIGAN; STATE OF
MINNESOTA; STATE OF NEW JERSEY;
STATE OF NEW MEXICO; STATE OF
NEW YORK; STATE OF RHODE ISLAND;
STATE OF VERMONT; STATE OF
WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity
as President of the United States; PAMELA
BONDI, in her official capacity as Attorney
General of the United States; UNITED
STATES ELECTION ASSISTANCE
COMMISSION; DONALD L. PALMER, in
his official capacity as Chairman of the U.S.
Election Assistance Commission; THOMAS
HICKS, in his official capacity as Vice Chair
of the U.S. Election Assistance Commission;
CHRISTY McCORMICK and BENJAMIN
W. HOVLAND, in their official capacities as
Commissioners of the U.S. Election
Assistance Commission; PETE HEGSETH,
in his official capacity as Secretary of
Defense,

Defendants.

No. 1:25-cv-10810-DJC

**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO MODIFY
PRELIMINARY INJUNCTION**

On May 5, 2025, the Plaintiff States moved for preliminary injunctive relief as to five provisions of Executive Order No. 14248, *Preserving and Protecting the Integrity of American Elections* (EO): Sections 2(a), 2(d), 3(d), 7(a), and 7(b). The Court granted the preliminary injunction motion on June 13, 2025. D. 107, 108. Defendants now seek to modify the preliminary injunction only as to Section 2(d) of the EO.

Section 2(d) provides that “[t]he head of each Federal voter registration executive department or agency (agency) under the National Voter Registration Act, 52 U.S.C. 20506(a), shall assess citizenship prior to providing a Federal voter registration form to enrollees of public assistance programs.” The cited statute, 52 U.S.C. § 20506(a), concerns State-designated voter registration agencies. Subdivision (a)(1) provides that “[e]ach State shall designate agencies for the registration of voters in elections for Federal office.” The following subdivisions set forth the types of offices that States must designate as voter registration agencies, including “all offices in the State that provide public assistance,” “all offices in the State that provide State-funded programs primarily engaged in providing services to persons with disabilities,” and “other offices,” as further specified. 52 U.S.C. § 20506(a)(2)-(3). Subsequent subdivisions detail the services that must be made available at voter registration agencies. *Id.* § 20506(a)(4)-(7). The remainder of the statute primarily provides for cooperation between States, the federal government, and the private sector to facilitate voter registration. *Id.* § 20506(b)-(c).

Because Section 2(d) “unconstitutionally commandeers States’ personnel, infrastructure, and funds to implement a presidential decree,” D. 76 at 13-14, Plaintiff States sought to preliminarily enjoin “Defendant Attorney General Pamela Bondi and EAC Defendants . . . from implementing Section 2(d) of the EO as to state and local agencies in Plaintiff States or otherwise taking any action to require state and local voter registration agencies designated under the NVRA and located in Plaintiff States from assessing citizenship prior to providing a federal voter registration form,” D. 75-1 at 2-3.

In granting Plaintiff States’ preliminary injunction motion, the Court enjoined Defendants, other than the President, from “implementing Section 2(d).” D. 108 at 2. Defendants now move

the Court to modify the preliminary injunction of Section 2(d) to apply to “only the Plaintiff states that are parties to this lawsuit.” D. 112 at 4. Defendants’ request mirrors the Plaintiff States’ requested relief as to Section 2(d). *See* D. 75-1 at 2-3. Plaintiff States do not object to modifying that portion of the injunction to match the relief Plaintiff States requested.

Dated: July 17, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

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Dated: July 17, 2025

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