

**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

**STIPULATION REGARDING VOLUNTARY CONDITIONAL DISMISSAL WITHOUT
PREJUDICE OF PLAINTIFFS' CHALLENGES TO SECTION 2(d) OF THE
EXECUTIVE ORDER**

Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs California, Nevada,
Massachusetts, Arizona, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland,

Michigan, Minnesota, New Jersey, New Mexico, New York, Rhode Island, Vermont, and Wisconsin (Plaintiff States), and Defendants Donald Trump, Pamela Bondi, U.S. Election Assistance Commission, Donald Palmer, Thomas Hicks, Christy McCormick, Benjamin Hovland, and Pete Hegseth (Defendants), by and through their respective counsel of record, hereby submit this joint stipulation regarding voluntary dismissal:

Whereas, on March 25, 2025, Defendant President Donald J. Trump issued Executive Order No. 14248, entitled “*Preserving and Protecting the Integrity of American Elections*” (“EO”).

Whereas, Section 2(d) of the EO states 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.”

Whereas, on April 3, 2025, Plaintiff States filed a complaint, alleging that Section 2(d) of the EO, if extended to State and local agencies designated under the NVRA, is ultra vires and unconstitutionally commandeers State personnel and resources. D. 1, ¶¶ 9, 49(b), 92.

Whereas, on June 13, 2025, the Court issued a preliminary injunction, enjoining Defendants from “implementing Section 2(d)” on the grounds that “[n]either the Constitution nor the NVRA . . . affords the President the power to conscript states (here, voter registration agencies in the States that include public assistance agencies) to carry out his Executive Order mandates.” D. 107 at 24-25; D. 108 at 2.

Whereas, on June 13, 2025, shortly after the Court issued its preliminary injunction, Defendants filed a motion to dismiss, affirmatively representing that Section 2(d) of the EO “does not state that it applies to Plaintiff States, who are neither federal departments or agencies

nor enrollees of public assistance programs.” D. 109 at 9-10. Defendants further argued, “[b]ecause section 2(d) does not apply to Plaintiffs, they lack standing to challenge this provision.” *Id.* at 10.

Whereas, in its order on the motion to dismiss, the Court acknowledged that the wording of Section 2(d) “leav[es] some ambiguity over to which voter registration agencies § 2(d) applies.” D. 132 at 14; *see generally id.* at 13-17.

Whereas, the Plaintiffs are willing to dismiss their claim challenging Section 2(d), without prejudice, pursuant to a binding Court order clarifying that the provision does not apply to a Plaintiff State or its designated state or local voter registration agencies under 52 U.S.C. § 20506(a).

NOW THEREFORE, the Parties stipulate to dismissal without prejudice of Plaintiffs’ challenge to Section 2(d) subject to the following terms:

- The Parties stipulate and the Court orders that Section 2(d) of the EO, which requires the heads of Federal voter registration agencies to assess citizenship prior to providing a Federal voter registration form to enrollees of public assistance programs, does not have any application to any state or local agency.
- Defendants stipulate that no Defendant will take any action pursuant to the Executive Order to require a Plaintiff State or its designated state or local voter registration agencies under 52 U.S.C. § 20506(a) to assess a person’s citizenship prior to providing them with a federal voter registration form.
- Plaintiff States’ challenges to Section 2(d) of the EO are dismissed without prejudice subject to Defendants’ agreement that this provision has no application to state or local agencies.

- This Court shall retain jurisdiction to enforce the terms of dismissal set out herein for a period of four years from the date of the entry of the order.

IT IS SO STIPULATED.

December 11, 2025

Respectfully submitted.

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SO ORDERED this _____ day of _____, 2025

By: _____
Hon. Denise J. Casper
United States District Judge

CERTIFICATE OF SERVICE

I, Anne P. Bellows, hereby certify that I served a true copy of the above document upon all counsel of record via this Court's electronic filing system.

Dated: December 11, 2025

/s/ Anne P. Bellows
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