

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PENNSYLVANIA; and AL
SCHMIDT, in his official capacity as Secretary of the
Commonwealth of Pennsylvania,

Defendants.

No. 2:25-cv-1481
Chief Judge Cathy Bissoon

**SECRETARY OF THE COMMONWEALTH AL SCHMIDT'S
MOTION TO DISMISS**

Defendant Al Schmidt, in his official capacity as Secretary of the Commonwealth of Pennsylvania, moves to dismiss the Complaint under Federal Rules of Civil Procedure 12(b) for lack of jurisdiction and for failure to state a claim upon which relief can be granted.

This matter concerns an effort by the U.S. Department of Justice to obtain driver's license numbers or partial Social Security numbers ("DLN" and "SSN4") for Pennsylvania's more than 8.9 million voters. When Secretary Schmidt refused to voluntarily produce this highly sensitive personal information, DOJ filed this action under the National Voter Registration Act (NVRA), the Help America Vote Act (HAVA), and Title III of the Civil Rights Act of 1960, seeking declaratory relief and an order compelling the Secretary to provide the requested data.

The Court should dismiss the Complaint. Neither the NVRA, nor HAVA, nor Title III authorizes DOJ to obtain this highly sensitive personal information about every Pennsylvania voter. This Court also lacks jurisdiction to hear DOJ's Title III claim. In addition, Pennsylvania voters enjoy robust informational privacy protections under the Pennsylvania Constitution that do

not conflict with these federal election laws and that prohibit production of this information. And it is apparent on the face of the Complaint that DOJ's demand violates the Privacy Act, E-Government Act, and Driver's Privacy Protection Act.

For the reasons discussed in the supporting brief filed with this Motion, the Secretary respectfully requests that the Court dismiss this action.

December 16, 2025

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CERTIFICATE OF CONFERENCE

Pursuant to this Court's Practices and Procedures, I certify that I have conferred in good faith with counsel for plaintiff to determine whether the pleading deficiencies identified herein could be cured by amendment. The parties agreed that the deficiencies alleged by defendant could not be cured through amendment.

Date: December 16, 2025

/s/ Michael J. Fischer

Michael J. Fischer

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