

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

LEAGUE OF WOMEN VOTERS OF THE
UNITED STATES, *et al.*

Plaintiffs,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*

Defendants.

Case No. 8:25-cv-03777-ABA

NATIONAL COUNCIL OF JEWISH
WOMEN, GREATER NEW ORLEANS
SECTION

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES, *et al.*

Defendants.

Case No. 8:25-cv-03675-ABA

**SUPPLEMENTAL BRIEF IN SUPPORT OF THE LEAGUE PLAINTIFFS’
MOTION FOR A PRELIMINARY INJUNCTION**

To assist in the resolution of the pending motions for preliminary injunction, ECF Nos. 21, 30, 31; ECF No. 20, No. 8:25-cv-03675-ABA, the Court required Defendants to file any administrative record underlying USCIS’s challenged August 2025 rule [hereinafter “Voter Registration Ban” or “Ban”] and provided for each party to file a supplemental brief thereafter, ECF No. 48. The administrative record produced by Defendants, *see* ECF Nos. 53-2 & 53-3, indisputably confirms that USCIS’s Voter Registration Ban lacks any reasoned, factual basis and

thus flouts the requirements of the Administrative Procedure Act (“APA”). While the administrative record produced by Defendants contains 137 pages, not a *single* document in it reflects factual support for the alleged rationales for the new policy or any administrative or other burdens associated with the pre-existing policy of allowing nonpartisan groups like the League assist new citizens with voter registration at administrative naturalization ceremonies. Indeed, save for one document notifying USCIS offices of the change in policy the same day the Ban was issued, *see* ECF No. 53-3 at USCIS_104-06, the administrative record consists entirely of already publicly available documents that provide no factual support for any of the justifications that USCIS has asserted for the Ban. Accordingly, this Court should grant Plaintiffs’ motion for a preliminary injunction on their arbitrary-and-capricious claim.^{1 2}

Plaintiffs have asserted multiple reasons as to why the Voter Registration Ban is arbitrary and capricious. *See generally* ECF No. 21-1 at 11-19; ECF No. 30 at 7-9. The administrative record confirms Plaintiffs’ arguments. First, neither of the two Executive Orders cited by the Ban, *see* Ban at 1—and produced as part of the administrative record, *see* ECF No. 53-3 at USCIS_092-102—require, support, or justify the Ban, *see* ECF No. 21-1 at 13-14; Tr. at 28:11-29:2 (Mar. 17, 2026). Second, Defendants’ asserted justifications for the Ban, Ban at 2-3, remain false, unsupported, and illogical. The administrative record provides no factual support for the Ban’s conclusory statements that: (1) nongovernmental voter registration assistance at administrative naturalization ceremonies was “sporadic”; (2) the Ban was necessary to ease the administrative

¹ *See* Compl. Count Two, ECF No. 2 ¶¶ 103-07; Pls.’ Mot. for Prelim. Inj., ECF No. 21-1 at 11-19; Pls.’ Reply in Support of Mot. for Prelim. Inj., ECF No. 30 at 7-9.

² As noted in the League Plaintiffs’ opposition to Defendants’ motion to dismiss, *see* ECF No. 35 at 17 n.4 & 22 n.6, Defendants do not dispute that, provided the Voter Registration Ban is reviewable, Plaintiffs have adequately alleged that it is arbitrary and capricious. Accordingly, this supplemental briefing has no bearing on Defendants’ motion to dismiss, which should be denied for all the reasons Plaintiffs have already explained. *See generally* ECF Nos. 35 & 36.

burden of verifying nonpartisanship of participating nongovernmental organizations; (3) excluding nongovernmental organizations will “ensur[e] fair and impartial voter registration services” in light of partisanship concerns; (4) USCIS “does not primarily rely on nongovernment organizations for voter registration services” and excluding such organizations does not “impact[] new citizens’ access to information and applications to register to vote”; (5) the availability of online voter registration means there is a reduced need for nongovernmental organizations’ voter registration assistance; and (6) neither aliens nor nongovernmental organizations have any reliance interests related to being present at administrative naturalization ceremonies. *See* ECF No. 21-1 at 14-19; Tr. at 29:3-36:10.

The administrative record does nothing to rebut Plaintiffs’ arguments or otherwise demonstrate that the Voter Registration Ban is the consequence of reasoned decisionmaking grounded in a review of relevant facts and information. To the contrary, the administrative record confirms that no reasoned decisionmaking occurred; if there was *any* decisionmaking process, there would be at least *one* document associated with it. There is not. When considering an arbitrary and capricious claim, courts must conduct a “searching and careful inquiry of the administrative record” to understand “whether the agency considered the relevant factors and whether a clear error of judgment was made.” *Casa de Maryland v. U.S. Dep’t of Homeland Sec.*, 924 F.3d 684, 703 (4th Cir. 2019) (citation modified). Here, a “searching and careful inquiry” of the administrative record reinforces that the Ban rests on unsubstantiated claims.

The record consists of publicly available USCIS documents memorializing the prior rules, as well as the new rule, the Executive Orders cited on the face of the Ban, and one internal USCIS document notifying field offices of the Ban on the same day it was issued. None of these documents contain *any* facts to support Defendants’ justifications for the Ban. Nor do any of these documents

show that there was a reasoned process that led to adoption of the Ban. There is no evidence in the record that even attempts to explain how either of the Executive Orders relied upon by Defendants supports or requires the Ban. The administrative record likewise includes no evidence to support any of USCIS's factual justifications for the Ban, as it is devoid of information regarding: USCIS's use of nongovernmental organizations to provide voter registration services; the administrative burden or costs associated with such use; the frequency of nongovernmental organizations' attendance at administrative naturalization ceremonies; any purported concerns of partisan activity on behalf of participating organizations; analysis of the impact of the Ban on naturalized citizens' access to voter registration; or examination of any potential reliance interests.

Considering this nonexistent factual record, there can be no question that the Voter Registration Ban is arbitrary and capricious. "Where the agency has failed to provide even [a] minimal level of analysis," the resulting action is "arbitrary and capricious." *Encino Motorcars, LLC v. Navarro*, 579 U.S. 211, 221 (2016). To comply with the APA, USCIS was required to "examine the relevant data and articulate a satisfactory explanation for its action, including a rational connection between the facts found and the choice made." *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co.*, 463 U.S. 29, 43 (1983) (internal quotations omitted); *see also Appalachian Voices v. State Water Control Bd.*, 912 F.3d 746, 753 (4th Cir. 2019). USCIS failed in that obligation. The Ban upends prior USCIS policy, makes conclusory statements about why that change was undertaken that are "unsupported by any evidence," and is accordingly arbitrary and capricious. *Safe Extensions, Inc. v. F.A.A.*, 509 F.3d 593, 605 (D.C. Cir. 2007) (citation omitted); *see also Flyers Rts. Educ. Fund, Inc. v. Fed. Aviation Admin.*, 864 F.3d 738, 741 (D.C. Cir. 2017) (a "vaporous record will not do—the Administrative Procedure Act requires reasoned decisionmaking grounded in actual evidence"). Because the administrative record reveals a

complete absence of factual support for USCIS’s final policy decision, *see Sierra Club v. U.S. Dep’t of the Interior*, 899 F.3d 260, 293 (4th Cir. 2018), Defendants’ justifications for the Voter Registration Ban amount to nothing more than “contrived” “explanation[s] for agency action that [are] incongruent with what the record reveals about the agency’s priorities and decisionmaking process,” *Dep’t of Com. v. New York*, 588 U.S. 752, 785 (2019).

CONCLUSION

Absent consideration of the relevant facts, data, reliance interests, and minimum factors the agency should have assessed before issuing the Voter Registration Ban, the challenged rule plainly violates the APA’s prohibition on arbitrary and capricious agency action. Accordingly, this Court should grant Plaintiffs’ motion for a preliminary injunction on Count Two of their Complaint. *See* ECF No. 2 ¶¶ 103-07; ECF No. 21-1 at 11-19; ECF No. 30 at 7-9.³

Dated: April 22, 2026

Respectfully submitted,

³ While Plaintiffs have not yet moved for summary judgment, the utter dearth of evidence in the administrative record supporting the Voter Registration Ban establishes that Plaintiffs’ arbitrary-and-capricious claim is ripe for final adjudication.

/s/ Bruce V. Spiva

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CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2026, I filed a copy of the foregoing with the Clerk of the Court using the CM/ECF system.

/s/ Bruce V. Spiva
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