

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

REPUBLICAN NATIONAL COMMITTEE,
et al.,

Plaintiffs,

v.

JARED DEMARINIS, *et al.*,

Defendants.

No. 1:25-cv-03989-SAG

* * * * *

MARYLAND STATE BOARD OF ELECTIONS' REPLY TO PLAINTIFFS'
CONSOLIDATED OPPOSITION TO THE MOTIONS TO DISMISS

**I. PLAINTIFFS' MULTIPLE THEORIES OF STANDING ARE FACTUALLY AND
LEGALLY UNSUPPORTED.**

Plaintiffs offer this Court three theories for the standing to maintain their complaint. First, they conclude without support that “political parties are no different from the candidates they represent,” entitling the parties to candidate standing under *Bost v. Illinois State Bd. of Elec.*, 607 U.S. 71 (2026). (ECF 41 at 7.) Second, they argue that *Republican Nat’l Committee v. North Carolina State Bd. of Elec. (NCSBOE)*, 120 F.4th 390 (2024) broadly stands for the principal that a political party has “standing to sue based on injury to their organizational activities caused by the State’s improper list maintenance.” (ECF 41 at 8.) And third, they contend that Mr. Sullivan and Ms. Ambrose are exemplar NVRA plaintiffs because of their heightened political engagement and its alleged erosion stemming from election integrity concerns. (ECF 41 at 12.)

All three theories collapse under rudimentary examination. *Bost* itself forecloses plaintiffs’ assertion of candidate standing in this case. *See* 607 U.S. at 77-78. *NCSBOE* is not as

broad as plaintiffs characterize—it does not permit a political party to allege unquantified harm from the possibility of misconduct. *See* 120 F.4th at 396-97. And the Fourth Circuit has already rejected the individual plaintiffs’ theory of Article III injury. *See Maryland Election Integrity, LLC v. Maryland State Bd. of Elections*, 127 F.4th 534, 540 (4th Cir. 2025).

A. Plaintiffs Lack Candidate Standing

Plaintiffs’ lead standing theory—political candidate standing under *Bost* (ECF 41 at 6-8)—is entirely absent from their complaint. For good reason. *Bost* was carefully limited: “a candidate for office ... has standing to challenge the rules that govern *the counting of votes* in his election.” 607 U.S. at 83 (emphasis added). Plaintiffs are not candidates, identify no candidate in their complaint, and are not challenging a rule regulating vote counting. That precludes them from asserting candidate standing.

Bost explained that political candidates have standing to challenge vote-counting rules because a “candidate’s interest *differs in kind*” from those of actors who merely “lend their support” to a candidate’s campaign. *Id.* at 78 (emphasis added). That was because candidates have a unique “interest in a fair process” because “[t]hey seek to represent the people,” an aim that “cannot be severed from their interest in the electoral process” itself. *Id.* at 77. And “[r]ules that undermine the ‘integrity of the electoral process’ also undermine the winner’s political legitimacy,” which is “particularly concrete for those whose very jobs depend on the support of the people.” *Id.* at 78. These twin interests give candidates an unrivaled “personal stake in how [a] result is determined and regarded.” *Id.* at 78. That interest is “particularized” to the “candidate,” and it flows directly from the “counting” of votes. *Id.* at 77-79; *see Mackinac Ctr. for Pub. Policy v. Department of Educ.*, No. 24-1784, 2026 WL 1266009, at *6 (6th Cir. May 8, 2026) (agreeing).

A political party challenging a voter registration regulation does not share a candidate's sui generis interest in a vote counting rule. Parties do not themselves “seek to represent the people” in public office, nor do they hold elected positions that “depend on the support of the people.” *Bost*, 607 U.S. at 77-78. That deprives them of the “distinct interest[s]” in election regulation that candidates possess. *Voters Organized for Trusted Election Results in Ga. v. Election Assistance Comm’n*, No. 4:25-cv-316, 2026 WL 1298979, at *8 (S.D. Ga. May 12, 2026). Indeed, Plaintiffs allege that they “work[] to elect Republican candidates” (ECF 32 ¶¶ 12, 15), placing them firmly in the camp of those “who lend their support” to candidates and thus lack a particularized interest in vote-counting rules, *Bost*, 607 U.S. at 78.

Plaintiffs’ related associational standing claim based on the “candidates” they “represent” also fails. (ECF 41 at 7.) An organization claiming associational standing “must ‘make specific allegations establishing that at least one identified member had suffered or would suffer harm.’” *Southern Walk at Broadlands Homeowner’s Ass’n, Inc. v. OpenBand at Broadlands, LLC*, 713 F.3d 175, 184 (4th Cir. 2013) (quoting *Summers v. Earth Island Inst.*, 555 U.S. 488, 498 (2009)). But the only allegation Plaintiffs cite does not “identify a single specific” candidate who is “injured by” Maryland’s rolls, *id.*, much less one who is their member. (See ECF 32 ¶ 12.) “This failure ... doom[s] [Plaintiffs’] claim.” *Southern Walk at Broadlands*, 713 F.3d at 184-85; accord *Maryland Election Integrity* 127 F.4th at 538 n.5.

But even if political parties could assert candidate standing, *Bost* exclusively concerned “rules that govern the *counting* of votes.” *Id.* at 77-78, 82 n.7 (emphasis added). This case involves voter registration, not “the counting of votes,” so the challenged conduct lacks the necessary relationship to “an accurate vote tally” that was crucial to the result in *Bost*. *Id.* at 76, 78. Plaintiffs’ own complaint proves the point: it purports to identify oversubscription on

Maryland’s rolls but does not identify a single instance of that alleged oversubscription translating to an ineligible vote or miscounted vote. (ECF 32 ¶ 86). That deprives them of standing. *See Voters Organized*, 2026 WL 1298979, at *1, *8, *10 (holding that *Bost* did not permit Republican Party groups in Georgia to challenge the use of a particular voting machine, because the challenge did not concern “rules that ... govern the counting of votes,” and also did not plead that any “identified candidate member” would suffer harm).

B. Plaintiffs Lack Organizational Standing

Plaintiffs’ organizational standing claim fails because voter roll maintenance does not “directly ... interfere[]” with plaintiffs’ “core business activities,” and they cannot “spend [their] way into standing.” *Food & Drug Admin. v. Alliance for Hippocratic Med. (AHM)*, 602 U.S. 367, 395 (2024). Plaintiffs do not dispute that using the State list for electioneering is voluntary, do not dispute that they chose to use it well-aware that overinclusiveness is inevitable under the NVRA, and do not dispute that they are free to replace the list with any other data they like. *Cf. Republican Nat’l Committee v. Aguilar*, No. 2:24-cv-518, 2024 WL 4529358, at *8 (D. Nev. Oct. 18, 2024). Plaintiffs chose to build operational systems around Maryland’s voter rolls, chose to spend money on mailings and canvassing that rely on those rolls, and now claim those expenditures as injury. But those choices created the alleged harm—the definition of a self-inflicted injury under *AHM*. When plaintiffs spend money while leveraging the list, they aren’t incurring costs to “mitigate” an “independent harm,” *Bost*, 607 U.S. at 82, they are making an “uncompelled choice to” use Maryland’s list to pursue their goals, *NCSBOE*, 120 F.4th at 396.

The Fourth Circuit’s decision in *NCSBOE*—which Plaintiffs concede was “unique” (ECF 41 at 8) and where no party disputed standing—was categorically different. The plaintiffs in *NCSBOE* identified a specific statutory violation that led directly to the alleged improper registration of 225,000 voters, imposing a concrete “election security” risk to which the plaintiffs

had to respond by diverting resources from other activities to their efforts to “combat[]” improper voting. 120 F.4th at 396-97. The State’s statutory violation supplied an “independent harm” impairing election security, *Bost*, 607 U.S. at 82, and the RNC’s diversion of resources was “evidence that the organization’s [core election security] activities [were] ‘perceptibly impaired,’” (ECF 41 at 11 (quoting *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982))). Here, by contrast, Plaintiffs assert an unquantified, and unquantifiable, injury to their ability to “elect[] Republican candidates and turn[] out Republican voters.” (ECF 32 ¶ 14). They do not allege that the State’s misconduct has directly interposed some “threat” to this mission that they are now actively “combatting.” *NCSBOE*, 120 F.4th at 396-97. Absent such affirmative, measurable interference, plaintiffs “cannot manufacture standing by voluntarily incurring costs.” *Bost*, 607 U.S. at 82.

What’s more, the allegations in *NCSBOE* were far more concrete than the allegations here. The distinction is not the “scale” of the alleged harm (*contra* ECF 41 at 10), it is the specificity. The *NCSBOE* plaintiffs identified a specific pool of 225,00 registrants whose votes would be unlawful, which could be redressed through a defined remedy (removing those 225,000 people from the voter registration list). *NCSBOE*, 120 F.4th at 397-98; *see id.* at 411-12 (Diaz, C.J., concurring). Here plaintiffs offered generalized allegations that could be (and have been) recited in identical complaints across the country, which cannot be addressed by a remedial order. They do not plead facts suggesting that votes may arise from a defined pool of voters who have unlawfully remained on the voter registration list. Plaintiffs fail to identify a single instance of voter fraud taking place in Maryland, and do not remotely substantiate their suggestion that such fraud would harm Republicans in a particularized way. Moreover, the remedy they request (removing all ineligible voters from the voter registration list) would not directly address the

general threat of voter fraud posed to the political party and its voters. There is no non-speculative causal chain between any alleged violation and any injury that plaintiffs could possibly be forced to “combat.”

Plaintiffs summarize a list of electioneering activities (ECF 41 at 9, 13-14) but then ask the Court to simply assume that Maryland’s voter registration list burdens those activities in a way that an NVRA-compliant list does not, and that the “obey-the-law” injunction they seek would redress. *Silver Star Props. REIT, Inc. v. Hartman VREIT XXI, Inc.*, Civil No. 23-2720, 2024 WL 308945, at *4 (D. Md. Jan. 26, 2024). They have never identified how overinclusive they believe Maryland’s list to be beyond the overinclusiveness the NVRA requires, they have never identified any wasted contacts involving registrants the State could lawfully have removed, and they have failed to articulate how their requested remedy would avoid eliminating eligible, but inactive, registered Republicans they are trying to reach. They point to an allegation about \$1.5 million in mailing expenditures (ECF 41 at 13), but that number was explicitly invented, as a hypothetical, in the complaint. (ECF 32 ¶ 35.) And on top of all that, plaintiffs cite only two allegations that purport to identify imminent harm (ECF 41 at 14), but those allegations at best “amount[] to a conclusory allegation that [plaintiffs] will continue to be injured,” which does not suffice, *Republican Nat’l Committee v. Benson*, No. 24-1985, 2025 WL 2731704, at *2 (6th Cir. Sept. 25, 2025).

Plaintiffs ultimately attempt to reframe their injury in another way that departs from the complaint, contending they are harmed because Maryland’s list “interferes with their ability to identify their represented registrants.” (ECF 41 at 10.) They start by mischaracterizing Maryland law, citing a provision that addresses the number of signatures needed to form a new political party but that says nothing about how a party defines its membership going forward. (ECF 41 at

10 (citing Elec. Law § 4-102(b)(2)(i)).) Moreover, the complaint pleads no facts identifying any organizational function the State’s list has purportedly impaired. Plaintiffs attempt to repurpose two paragraphs of unrelated allegations to underwrite this theory (ECF 41 at 10-11 (citing ECF 32 ¶¶ 23, 36)), but those allegations bear little on the political party’s ability to define and ascertain its own membership. The complaint does not allege that Maryland’s list-maintenance practices have prevented plaintiffs from identifying registered Republicans for any concrete party-governance purpose. It certainly contains no allegation that the rolls have somehow impaired a Republican primary election or jeopardized plaintiffs’ party status. For all these reasons, plaintiffs fail to allege organizational standing.

C. Plaintiffs Lack Individual Standing

Fourth Circuit precedent forecloses the individual plaintiffs’ allegations that they have standing based on “their diminished confidence in Maryland’s electoral process.” (ECF 41 at 12.) *Maryland Election Integrity* squarely held that “vote dilution caused by the counting of an unknown number of invalid third-party votes affects all voters in a State in the same way,” and is too “generalized” to “support Article III standing.” 127 F.4th at 540; *accord NCSBOE*, 120 F.4th at 395 n.1. Plaintiffs cannot “repackag[e] their fear of vote dilution” as “lack of confidence in the electoral process” to evade Fourth Circuit precedent. *Mussi v. Fontes*, No. CV-24-01310, 2024 WL 4988589, at *8 (D. Ariz. Dec. 5, 2024), *aff’d*, 2026 WL 753171 (9th Cir. Mar. 17, 2026); *see Quinn v. Secretary of State for Georgia*, No. 25-11843, 2026 WL 1278727, at *5 (11th Cir. May 11, 2026). Even if they could, vague claims of undermined confidence are too generalized and speculative to confer standing. *Benson*, 2025 WL 2731704, at *2-3; *Quinn*, 2026 WL 1278727, at *5; *Mussi*, 2026 WL 753171, at *1-2; *Aguilar*, 2024 WL 4529358, at *3-6; *Voters Organized*, 2026 WL 1298979, at *4-5.

That leaves the individual plaintiffs to argue that, as “active party members and leaders,” inaccurate rolls make their “personal participation in campaigning ... more difficult” and their “representation of Maryland Republicans ... skewed.” (ECF 41 at 13.) Those allegations reprise the organizational plaintiffs’ allegations, but an individual may no more “voluntarily” “manufacture standing” than an organization, and the individual plaintiffs’ allegations are also entirely conclusory. *FEC v. Cruz*, 596 U.S. 289, 297 (2022). Moreover, Mr. Sullivan is a “former Montgomery County GOP Chairman,” so any injury he alleges is generalized and undifferentiated from that of any other voter or campaign volunteer in Maryland. (ECF 32 ¶¶ 39-40 (emphasis added).) Meanwhile, Ms. Ambrose’s isolated allegation that her “position is made more difficult by inaccurate voter rolls and ballot fraud” is wholly conclusory. (ECF 32 ¶ 44.) She does not explain what her position entails, how it is affected by state voter rolls, or why relief in this case would redress her purported harms. The individual plaintiffs should be dismissed for lack of standing.

II. PLAINTIFFS’ CLAIM FOR RELIEF RESTS ON A MISUNDERSTANDING OF STATUTORY LANGUAGE AND A DRAMATIZATION OF MARYLAND’S VOTER REGISTRATION RATE.

Plaintiffs argue that their complaint raises a “plausible” inference that Maryland is not making a reasonable effort to conduct voter registration list maintenance. (*See e.g.* ECF 41 at 2.) In support of that argument, though, plaintiffs do not define what a reasonable effort is, how this Court may quantify it, or how Maryland, specifically, is failing to make it. Instead, they argue that the failure to initiate the removal process for inter-county movers is a violation *per se* of the NVRA. And they use words like “impossible,” “drastic,” “unexplained,” and “remarkably improbable” to describe their voter registration calculations. (ECF 41 at 20, 24-25.)

However, plaintiffs’ interpretation of the NVRA’s application to inter-county movers is

demonstrably wrong. Counties are not “registrar’s jurisdiction[s]” in Maryland. 52 U.S.C. 20507(j). And the predicate adjectives plaintiffs use to describe Maryland’s voter registration rate are colorful, but otherwise unsupported by any meaningful analysis. This Court thus need not accept the terms “abnormal” and “impossible” in the complaint at face value. (ECF 32 at ¶¶ 77, 83); *see also Chambers v. King Buick GMC, LLC*, 43 F.Supp.3d 575, 586 (D. Md. 2014) (noting that a court need not agree with “conclusory factual allegations devoid of any reference to actual events”).

A. Maryland Administers its Voter Registration Database at a Statewide Level

Plaintiffs argue that the “registrar’s jurisdiction” in Maryland is a county. They assert that the State cannot be the “registrar’s jurisdiction” because local boards of elections share in the work processes for the statewide voter registration list. (ECF 41 at 17.) They also assert that the State Administrator’s role in voter registration amounts to nothing more than a designation separately required by the NVRA. (ECF 41 at 18.)

By default, the “registrar’s jurisdiction” is not a county (as plaintiffs would have it); it is “an incorporated city, town, borough, or other form of municipality.” 52 U.S.C. § 20507(j)(1). The registrar’s jurisdiction becomes a county only when the county, or other “unit of government that governs a larger geographic area than a municipality” maintains voter registration within that geographic area. 52 U.S.C. § 20507(j)(2). And if voter registration is “maintained on a consolidated basis” by an “office that performs all of the functions of a voting registrar,” then the “registrar’s jurisdiction” is the consolidated geographic area.

A local board of elections is not a unit of government, like a county, and it does not “govern” a geographical area. 52 U.S.C. § 20507(j)(2). A local board of elections is not even an instrumentality of a county; it is a “state agency.” *Citizens Against Slots at Mall v. PPE Casino*

Resorts Maryland, LLC, 429 Md. 176, 189 (2012). Each local board of elections is “subject to the direction and authority of the State Board and is accountable to the State Board for its actions in all matters regarding’ the election law.” *Id.* (quoting Elec. Law § 2-201(a)(2)). And the State’s authority over a local board is even more pronounced in the realm of voter registration. *See* Elec. Law § 3-101(d) (“Registration shall be conducted continuously under the supervision of the State Administrator and in accordance with the provisions of this title, applicable federal law, and regulations adopted by the State Board.”) The “pervasive state administrative control” over local boards and their conduct of voter registration is a “compelling indication” that voter registration “be strictly a state function.” *County Council for Montgomery County v. Montgomery Ass’n, Inc.*, 274 Md. 52, 62 (1975).

In Maryland, voter registration is “maintained on a consolidated basis” at the State level. 52 U.S.C. § 20507(j)(3). The State Administrator “define[s], maintain[s], and administer[s]” the voter registration database.¹ Elec. Law § 3-101(c)(1). All voter registration processes are conducted under the State Administrator’s supervision and in accordance with the State Board’s regulations. *Id.* at § 3-101(d). The “statewide” voter registration application is produced “exclusively” by the State Board. *Id.* at § 3-202(a)(5)(i). All electronic voter registration applications from voter registration agencies are transmitted to the State Board for processing, *id* at § 3-203(a)(4)(iii), (e), and only the State Board may “operate” an online voter registration system, *id* at § 3-204.1(a). Finally, the State Administrator acts as the central node for collecting

¹ Plaintiffs’ argument in opposition—that this delegation of voter registration authority amounts to no more than the NVRA’s required designation of a “chief election official” (ECF 41 at 18 (citing 52 U.S.C. § 20509))—is plainly wrong. Maryland complies with the NVRA designation requirement, naming the State Administrator as the “chief State election official,” at Election Law § 2-103(b)(9). The separate grant of authority at Election Law § 3-101(c)(1) to “maintain and administer” the statewide voter registration database is more than the designation of a chief election official required by 52 U.S.C. § 20509.

information to maintain the accuracy of the voter registration list. *Id.* at §§ 3-101(e), 3-504(a).

To the extent that local boards participate in voter registration processes, they do so at the direction, and under the supervision, of the State Administrator. Elec. Law § 3-101(c), (d). And they do so as part of a unified, State apparatus that administers Maryland’s elections. *Citizens Against Slots*, 429 Md. at 189. Local boards in Maryland are not county instrumentalities delegated registrar duties by the state’s legislature. *See North Carolina St. Conf. of the NAACP v. North Carolina St. Bd. of Elec.*, No. 1:16-CV-1274, 2016 WL 6581284, at *3 n.3 (M.D.N.C. 2016) (citing N.C. Gen. Stat. § 163-82.1)); *see also American Civ. Rights Union v. Matinez-Rivera*, 166 F.Supp.3d 779, 792 (W.D. Tex. 2015) (citing Tex. Elec. Code Ann. § 12.011)). Local board participation in voter registration thus does not make counties the “registrar’s jurisdiction” in Maryland.

Maryland meets the statutory condition to maintain voter registration “on a consolidated basis for more than one [county] ... by an office that performs all of the functions of a voting registrar.” 52 U.S.C. § 20507(j)(3). And nowhere is that clearer than the mandate of Election Law § 3-101(f)(1) that a registered voter “remain registered when the voter moves to another county in the State.” Plaintiffs argue without meaningful analysis that the NVRA preempts Election Law § 3-101(f)(1) because the State law “depart[s] from federal requirements.” (ECF 41 at 28.) But there is no preemption of the Election Law provision because there is no conflict between it and the NVRA.

The NVRA does not impose any requirements through 52 U.S.C. § 20507(j). In fact, the goal of defining “registrar’s jurisdiction” disjunctively was to invite states to maintain the administrative organization that suited them best. It was “not intended to dictate to the States their actual administrative structure for the purpose of registering voters.” S. Rep. 103-6 at 33

(1993); *see also* H.R. Rep 103-09 at 17 (1993). Election Law § 3-101(f)(1) therefore cannot conflict preemptively with 52 U.S.C. § 20507(j). Far from being “an obstacle to the accomplishment and execution of the full purposes and objectives of Congress,” *GenBioPro, Inc. v. Raynes*, 144 F. 4th 258, 275 (4th Cir. 2025) (quotation marks omitted), the State law is a direct response to Congress’s legislative invitation.

Plaintiffs’ allegations regarding inter-county movers fail as a matter of law. Because the State is the “registrar’s jurisdiction” in Maryland, and a voter must “remain registered” when moving from one county to another, Elec. Law § 3-101(f)(1), the NVRA removal process need not be initiated when a Maryland voter moves from one county to another.²

B. Maryland’s Voter Registration Rate Does Not Indicate a Lack of Reasonable Efforts

Plaintiffs rest their “reasonable efforts” claim on a speculative assertion: “[t]he evidence of high registration rates coupled with the lack of ‘any other Maryland-specific’ explanation for the abnormally high registration rates permits a reasonable inference.” (ECF 41 at 26; *see also* ECF 32 at ¶ 90.) The problem with that assertion, though, is that there is no legal problem with a State achieving a high registration rate. And plaintiffs’ effort to characterize Maryland’s rate as anything more problematic rests on nothing more than dramatic language. Plaintiffs describe Maryland’s rate as “[i]mpossibly high,” (ECF 41 at 2), but fail to explain how or why the rate is “impossible” given comparable statistics from other states and the NVRA requirement that a list

² Plaintiffs attempt to illustrate their argument about inter-county movers by citing to a statistic alleged in their complaint. (ECF 41 at 27.) The statistic incorrectly alleges that 1.5 million of Maryland’s NVRA confirmation notices were unreturned between 2022 and 2024. (ECF 32 ¶ 100; *see also* ECF 41 at 27.) In fact, only 652,673 confirmation notices went unreturned. United States Election Assistance Commission, *Errata Note: 2024 EAVS Comprehensive Report and Accompanying Dataset* at 5, available at https://www.eac.gov/sites/default/files/2026-02/Errata_Note_2024_EAVS_v2.pdf (Feb. 12, 2026)

remain potentially oversubscribed for two federal, general elections. Plaintiffs thus present this Court with nothing more than “a mere possibility of misconduct,” precluding their entitlement to relief. *Republican Nat’l Comm. v. Benson*, 754 F.Supp.3d 773, 793 (W.D. Mich 2024) *aff’d* No. 24-1985, 2025 WL 2731704 (6th Cir. 2025).

The only comparative support plaintiffs provide on this point is a contrast between the voter registration rates of Maryland and six of its 24 constituent counties, and a “national average.” (ECF 41 at 24-25.) They assert without attribution that “[a]verage registration rates across the nation are closer to 70%.” (ECF 41 at 2 (citing ECF 32 ¶¶ 83-86³.) And they conclude that the “massive gap” between 70% and rates high in the 90th percentile “alone raise an inference that [Maryland is] violating the NVRA.” (ECF 41 at 25.)

At most recent estimate, though, the United States enjoys an 87.5% active voter registration rate. Election Assistance Comm’n, *EAVS Data Interactive: EAVS Voter Registration I – Active Registrations and CVAP* accessible at <https://tinyurl.com/2uj2uu83> (Jan. 12, 2026) (“EAVS Tool”). Twenty-eight jurisdictions have an active voter registration rate greater than that average. *Id.* And 18 jurisdictions have a rate greater than 90%, like Maryland. *Id.* Nearly every single one of those 18 jurisdictions (saving the District of Columbia) has constituent counties with rates greater than 100%. *Id.* For instance, Alabama enjoys a 90.6% active voter registration rate, with seven counties posting rates greater than 100%. *Id.* Kentucky similarly enjoys a 95% rate, with 15 counties posting rates greater than 100%. *Id.* And 94.7% of eligible civilians are registered in South Dakota, with 16 of the state’s counties posting rates greater than 100% (and Hanson County reporting a 137.9% registration rate). *Id.* Maryland is no outlier

³ The citation to the complaint provides no attribution for the statistic. Paragraphs 83-86 in the complaint only provide that that rates are “[a]ccording to the U.S. Census Bureau.” (ECF 32 ¶ 83.)

amongst its peers.

Notably, eight jurisdictions⁴ reported voter registration rates less than 80%. *Id.* Under plaintiffs' view, an inference arises that these jurisdictions are violating the voter removal provisions of the NVRA by straying too far from the national mean. These eight jurisdictions are not making "reasonable efforts" because their processes for removal are too aggressive. Or, alternatively, there is an inference that these jurisdictions *must* be violating some other provision of the NVRA to report voter registration rates so remarkably low. Plaintiffs would be as justified serving notice of an NVRA claim on all eight jurisdictions as they were serving their notice on Maryland. And plaintiffs would be entitled to discovery in each case, as the inference of misconduct, alone, is sufficient at the pleading stage. Congress could not have intended such an absurd result by granting a private cause of action in the NVRA.

Finally, plaintiffs assert that no explanation exists for why Maryland would have a high voter registration rate, and why a small subset of its counties could have rates near or above 100%. (ECF 41 at 20, 26.) On the latter point, plaintiffs ignore the NVRA requirement to keep potentially-ineligible voters on a voter registration lists for up to four years as a protective measure against overaggressive list-purging—a point the Election Assistance Commission makes multiple times in its report (upon which plaintiffs rely). Election Assistance Comm'n, *Election Administration and Voting Survey 2024 Comprehensive Report* at 131, 161 accessible at <https://tinyurl.com/5n8pcnhs> (June 2025). As for explaining the State's overall registration rate, plaintiffs need to look no further than the Election Law Article for straightforward explanations:

1. Maryland uses an automatic voter registration program that operates through the State's Department of Motor Vehicles and its Health Benefits Exchange. Elec. Law § 3-203. It is one of 25 jurisdictions to run an automatic voter registration program.

⁴ Those jurisdictions are Louisiana, West Virginia, Ohio, Puerto Rico, Hawaii, Oklahoma, Wyoming, and Arkansas. EAVS Tool at 1.

- National Conf. of St. Legislatures, *Summary: Automatic Voter Registration* accessible at <https://tinyurl.com/4pe5c4hx> (July 21, 2025).
2. The State Board maintains an online voter registration system, permitting Maryland residents to apply electronically through a computer or phone. Elec. Law § 3024.1. Maryland is one of 42 jurisdictions currently using such a system. National Conf. of St. Legislatures, *Online Voter Registration* accessible at <https://tinyurl.com/6c6mzsmw> (May 19, 2026).
 3. Maryland provides for same day registration, permitting residents to register at polling places during an election's early voting period and on election day. Elec. Law §§ 3-305, 3-306. Only sixteen other states permit similar same-day registration. National Conf. of St. Legislatures, *Brief: Same-Day Voter Registration* accessible at <https://tinyurl.com/5n6c64rw> (Mar. 27, 2026).
 4. Maryland permits residents as young as 16 to register to vote, with full voting privileges available at age 18. Elec. Law § 3-102(a). Only 18 other jurisdictions similarly permit such preregistration. National Conf. of St. Legislatures, *Summary: Preregistration for Young Voters* accessible at <https://tinyurl.com/jhnm4zy6> (Feb. 26, 2025).

Maryland's strong voter registration rate derives from the State's multiple efforts to support the franchise and make voter registration as accessible and convenient as possible for its residents. Maryland is thus achieving what the NVRA set out to accomplish. *See* 52 U.S.C. § 20501(a)(2) ("it is the duty of the Federal, State, and local governments to promote the exercise of [the right to vote]").

CONCLUSION

For the reasons set forth above, the motion to dismiss should be granted for lack of subject matter jurisdiction and for failure to state a claim upon which relief may be granted.

Respectfully submitted,

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