

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

REPUBLICAN NATIONAL
COMMITTEE,

Plaintiff,

C.A. No. _____

v.

ANTHONY J. ALBENCE, in his official
capacity as State Election Commissioner of
Delaware,

Defendant.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff Republican National Committee (the “RNC”), by and through its counsel, brings this action for violations of Section 8(i) of the National Voter Registration Act of 1993 (the “NVRA”), 52 U.S.C. § 20507(i), stating as follows:

BACKGROUND

1. By this action, Plaintiff RNC seeks injunctive relief to compel Defendant State Election Commissioner Anthony J. Albence’s (“Defendant”) compliance with Section 8(i) of the NVRA. Despite repeated efforts by the RNC to seek Defendant’s cooperation under the NVRA, Defendant has, to date, refused to comply. The RNC has been forced to file this action seeking to enforce its rights.

2. Specifically, the RNC seeks an order directing Defendant to permit the inspection and copying of records concerning programs and activities undertaken to maintain the accuracy and currency of Delaware’s official lists of eligible voters, pursuant to 52 U.S.C. § 20507(i).

JURISDICTION AND VENUE

3. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331, as the

action arises under the laws of the United States. This Court also has jurisdiction under 52 U.S.C. § 20510(b), as the RNC seeks injunctive relief under the NVRA.

4. Venue in this Court is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this district.

PARTIES

5. The RNC is the national organization of the Republican Party, as defined in 52 U.S.C. § 30101(14), with its principal place of business at 310 First Street SE, Washington, DC 20003. The RNC represents over thirty-five million registered Republicans in all fifty states, the District of Columbia, and the U.S. territories. It comprises 168 voting members representing state and territorial Republican Party organizations. In addition to managing the Republican Party's business at the national level, the RNC supports Republican candidates for public office at all levels, including in Delaware, coordinates fundraising and election strategy, and develops and promotes the national Republican Platform.

6. The RNC routinely obtains voter registration records from the State of Delaware and uses them to identify individuals eligible to vote, including those not yet registered, to communicate with them, and to promote voter engagement and turnout. Additionally, the RNC routinely reviews state voter roll maintenance procedures to assess the accuracy of the voter registration records upon which it relies, provide voter education, support affiliated committees, and ensure adherence to federal and state election laws that govern elections in which the RNC and its subordinate parties and nominees compete for votes. The RNC is harmed by inaccurate voter registration lists and its inability to confirm list accuracy.

7. Defendant, in his official capacity as State Election Commissioner of Delaware, oversees Delaware's Department of Elections (the "Department"), including the Department's

voter list maintenance activities conducted pursuant to the NVRA.

8. Federal law requires Defendant, as Delaware's Chief Election Official, to coordinate Delaware's responsibilities under the NVRA, including Delaware's list maintenance obligations under 52 U.S.C. § 20507(c). 52 U.S.C. § 20509. *See United States v. Missouri*, 535 F.3d 844, 849–50 (8th Cir. 2008) (The NVRA “clearly envisions [the State] will actively oversee the general program. After all, the term ‘conduct’ is an active verb, encompassing the concept of providing leadership. Under the NVRA’s plain language, [the State] may not delegate the responsibility to conduct a general program to a local official and thereby avoid responsibility if such a program is not reasonably conducted.”).

FACTUAL ALLEGATIONS

9. The NVRA expressly exists “to establish procedures that will increase the number of eligible citizens who register to vote in elections for federal office,” “to make it possible for Federal, State, and local governments to implement [the NVRA] in a manner that enhances the participation of eligible citizens as voters in elections for Federal office,” “to protect the integrity of the electoral process,” and “to ensure that accurate and current voter registration rolls are maintained.” 52 U.S.C. § 20501(b).

10. To give effect to these purposes, the NVRA requires each state to “conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of . . . the death of the registrant[] or a change in the residence of the resident.” *Id.* § 20507(a)(4).

11. To ensure compliance with this measure, “[e]ach State,” including the State of Delaware, “shall maintain for at least 2 years and make available for public inspection and, where available, photocopying at a reasonable cost, **all records** concerning the implementation of

programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered” (“Voter List Maintenance Records”). 52 U.S.C. § 20507(i)(1) (emphasis added).

12. By letter dated March 25, 2025, the RNC submitted a public records request seeking sixteen categories of Voter List Maintenance Records in the possession, custody, or control of Defendant (the “March 25 Request”) (attached hereto as **Exhibit A**).

13. The March 25 Request sought the Voter List Maintenance Records in electronic format and requested that Defendant produce them on a rolling basis—*i.e.*, that they be produced as they were collected, and promptly after any necessary review was completed. Ex. A at 6.

14. For over two months, Defendant refused to acknowledge the March 25 Request or to provide any responsive records.

15. Seventy days after the RNC submitted the March 25 Request, on June 3, 2025, the RNC sent a follow-up letter, enclosing the March 25 Request and requesting a status update by June 10, 2025 (attached hereto as **Exhibit B**).

16. On June 4, 2025, Defendant acknowledged receipt of the March 25 Request and directed the RNC to complete a voter registration report order form. At this time, Defendant did not provide any records responsive to any of the RNC’s requests.

17. On July 21, 2025, with no production by Defendant since his June 4 letter, the RNC notified Defendant that the State of Delaware was in violation of the NVRA, in accordance with 52 U.S.C. § 20510(b)(1) (the “Violation Letter”) (attached hereto as **Exhibit C**).

18. In August 2025, even though the RNC’s letter was an adequate request under the NVRA, the RNC submitted the voter registration report order form, as requested by Defendant.

The RNC attached a copy of the March 25 Request to this order form and specified on the order form that it sought the data described in the form's attachment. The RNC also submitted a check with this form, as payment for the requested data.

19. On August 21, 2025, Defendant provided the RNC with the Delaware voter registration file and stated: "The State Election Commissioner and the Deputy Attorney General are working on the other parts of your NVRA request." (Defendant's August 21 email is attached hereto as **Exhibit D.**)

20. The voter registration file produced by Defendant on August 21, 2025, was only responsive to Request No. 6, which sought "[e]ach record that lists or identifies inactive voters from March 2023 until the date of your response to this request." It did not list or identify voters **removed** for the reasons identified in Request No. 2 (*i.e.*, death, relocation, criminal conviction, non-citizenship, duplicate registrations, administrative error, inactivity, or failure to respond to a mailed or public cancellation notice).

21. To date, the RNC has not received a single record responsive to Requests Nos. 1-5 or 7-16. Defendant's refusal to provide such information, in any form whatsoever, constitutes a failure to produce records in violation of the 52 U.S.C. § 20507(i).

22. As a result, the RNC has now been forced to bring the instant action to seek legal redress for Defendant's refusal to comply with lawful requests pursuant to federal law.

CLAIMS FOR RELIEF

FIRST CAUSE OF ACTION **(Declaratory Judgment for** **Violation of the NARA, 52 U.S.C. § 20507(i))**

23. The RNC incorporates the allegations in the foregoing paragraphs of the Complaint as if set forth fully herein.

24. The March 25 Request demanded public records that the State of Delaware is

required to maintain and disclose pursuant to 52 U.S.C. § 20507(i).

25. Defendant has failed to provide Voter List Maintenance Records under the NVRA, as described above. This information is essential for the RNC to assess the accuracy of the voter registration data it purchases from Delaware, for the purpose of conducting voter communications, get-out-the-vote activities, and other political activities, as well as for its efforts to ensure election integrity and to support election administration. The information is also essential to the RNC's political efforts to assess whether the State of Delaware is conducting "a general program that makes a reasonable effort to remove the names of ineligible voters" from its official voter registration lists, as required under the NVRA, *id.* § 20507(a)(4), and critical to the RNC's political mission.

26. The NVRA requires Defendant to provide "all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters, except to the extent that such records relate to a declination to register to vote or to the identity of a voter registration agency through which any particular voter is registered." 52 U.S.C. § 20507(i).

27. Defendant's failure to produce the Voter List Maintenance Records responsive to Requests No. 1-5 and 7-16, as set forth in the March 25 Request, violates the NVRA.

28. Moreover, Defendant's failure to produce records responsive to Request No. 2, even after the RNC submitted an order form specifically requesting data of voters removed for the reasons listed therein, violates the NVRA.

29. Unless and until ordered to do so by this Court, Defendant's refusal to provide these records constitutes a continuing violation of federal law.

PRAYER FOR RELIEF

The RNC respectfully requests the following relief:

- A. Declare that Defendant’s refusal to provide “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” violates Section 8 of the NVRA. 52 U.S.C. § 20507(i)(1).
- B. Order Defendant to provide to the RNC all requested records concerning programs and activities undertaken to maintain the accuracy and currency of Delaware’s official lists of eligible voters, as set forth in the March 25 Request.
- C. Award the RNC reasonable attorneys’ fees, including litigation expenses and costs, pursuant to 52 U.S.C. § 20510(c).
- D. Order such further relief as the Court deems just and proper.

Dated: March 27, 2026

Respectfully submitted,

/s/ Theodore A. Kittila

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