

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

STATE OF CALIFORNIA, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, et al.,

Defendants.

Case No. 1:26-cv-11581-IT

**PLAINTIFF STATES' MOTION FOR SUMMARY JUDGMENT, DECLARATORY
RELIEF, AND PERMANENT INJUNCTION**

Plaintiffs California, Massachusetts, Nevada, Washington, Arizona, Colorado, Connecticut, Delaware, District of Columbia, Illinois, Maine, Maryland, Michigan, Minnesota, New Jersey, New Mexico, New York, North Carolina, Oregon, Rhode Island, Vermont, Virginia, Wisconsin, and Josh Shapiro, in his official capacity as Governor of the Commonwealth of Pennsylvania (“Plaintiff States”), hereby respectfully move, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 7.1, for an order granting summary judgment against Defendants Donald J. Trump, in his official capacity as President of the United States; United States Department of Justice; Todd Blanche, in his official capacity as Acting Attorney General of the United States; United States Department of Homeland Security; Markwayne Mullin, in his official capacity as Secretary for the Department of Homeland Security; United States Citizenship and Immigration Services; Joseph B. Edlow, in his official capacity as Director of the United States Citizenship and Immigration Services; United States Social Security Administration; Frank Bisignano, in his official capacity as Commissioner of the United States Social Security Administration; United

States Postal Service; David Steiner, in his official capacity as Postmaster General and Chief Executive Officer of the Postal Service; Doug Tolino, in his official capacity as Deputy Postmaster General, Chief Operating Officer and Chief Human Resources Officer of the Postal Service and Member of the Postal Service Board of Governors; Amber McReynolds, in her official capacity as Chair of the Postal Service Board of Governors; Derek T. Kan, in his official capacity as Vice Chairman of the Postal Service Board of Governors; Ronald Stroman, in his official capacity as a Member of the Postal Service Board of Governors; Daniel Tangherlini, in his official capacity as a Member of the Postal Service Board of Governors; United States Department Of Commerce; Howard Lutnick, in his official capacity as Secretary of Commerce (“Defendants”).

Plaintiff States also respectfully move for declaratory relief against all Defendants on Counts One, Two, and Three of the First Amended Complaint, Doc. No. 65, and move to permanently enjoin all Defendants except the President, including their officers, agents, servants, and employees from implementing, giving effect to, or enforcing Sections 2, 3, and 5 of Executive Order No. 14399, entitled *Ensuring Citizenship Verification and Integrity in Federal Elections* (“EO”), as to Plaintiff States.

As described in the accompanying memorandum of law in support of this motion, Plaintiff States are entitled to summary judgment on their claims that Sections 2, 3, and 5 of the EO are unlawful. The President has no statutory or constitutional authority to order the provisions contained in Sections 2, 3, and 5. Rather, these provisions constitute an attempt by the President to usurp power over federal elections that rightfully belongs to (and has been exercised by) the States and Congress under the Constitution. Sections 2 and 3 of the EO also arrogate Congress’s exclusive constitutional authority over the postal service to the President.

There is no genuine dispute as to any material fact and Plaintiff States are entitled to judgment as a matter of law. Plaintiff States have proven that:

- Section 2 of the EO is ultra vires, violates the constitutional separation of powers, and effects an unconstitutional commandeering of States' resources;
- Section 3 of the EO is ultra vires, violates the constitutional separation of powers, and effects an unconstitutional commandeering of States' resources; and
- Section 5 of the EO is ultra vires, violates the constitutional separation of powers, and effects an unconstitutional commandeering of States' resources.

Permanent injunctive relief is also necessary to safeguard Plaintiff States from immediate and irreparable harms to their sovereign power to enact and administer their State-specific legal codes governing the administration of federal elections. Plaintiff States are also threatened with imminent and irreparable fiscal harms associated with implementation of the EO's unlawful provisions, which will necessarily require diversion of their limited resources away from critical election administration tasks and damage their ability to effectively administer elections. Plaintiff States also face irreparable harm to their reputations as stewards of federal elections and the loss of public trust that will result from the EO causing voter confusion and disenfranchisement.

In addition to the imminent and substantial harms to Plaintiff States, the balance of equities and public interest weigh strongly in favor of a permanent injunction that forecloses the EO's unlawful attempt to unilaterally dictate how federal elections are administered. This Motion is supported by an accompanying memorandum of law, declarations, an undisputed separate statement of facts, and a request for judicial notice, all of which are submitted as attachments, as well as any oral argument.

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(d), Plaintiff States believe that oral argument would assist the Court because this case concerns complicated and important issues affecting the public interest. Thus, Plaintiff States reiterate their wish to be heard on their Motion, and understand that the Court has scheduled oral argument for Tuesday, June 2, 2026 at 10:00 a.m.

WHEREFORE, Plaintiff States pray that the Court:

(1) Grant declaratory relief against Defendants President Donald J. Trump, United States Department of Justice, Acting Attorney General Todd Blanche, United States Department of Homeland Security, Secretary Markwayne Mullin, United States Citizenship and Immigration Services, Director Joseph B. Edlow, United States Social Security Administration, Commissioner Frank Bisignano, United States Postal Service, Postmaster General David Steiner, Deputy Postmaster General Doug Tolino, Chair Amber McReynolds, Vice Chair Derek T. Kan, Members Ronald Stroman and Daniel Tangherlini, United States Department of Commerce, and Secretary Howard Lutnick, declaring that Sections 2, 3, and 5 of the EO are legally void as they are ultra vires, unconstitutionally violate the separation of powers, and effect an unconstitutional commandeering of the States' resources.

(2) Grant declaratory relief against Defendants President Donald J. Trump, United States Department of Justice, and Acting Attorney General Todd Blanche, declaring that issuance or processing of a ballot for an individual who has not been confirmed to be a citizen or a state resident of voting age by the federal government, as contemplated in the provisions of the EO, does not per se—without further evidence—violate the federal criminal statutes enumerated in the EO, including 18 U.S.C. § 241; 18 U.S.C. § 611; 18 U.S.C. § 1015; 52 U.S.C. § 20511; 18 U.S.C. § 2(a); 18 U.S.C. § 371; 18 U.S.C. § 611(a); 18 U.S.C. § 1001; 18 U.S.C. § 1015; and/or

52 U.S.C. § 10307.

(3) Permanently enjoin Defendants United States Department of Justice, Acting Attorney General Todd Blanche, United States Department of Homeland Security, Secretary Markwayne Mullin, United States Citizenship and Immigration Services, Director Joseph B. Edlow, United States Social Security Administration, Commissioner Frank Bisignano, United States Department of Commerce, and Secretary Howard Lutnick, including their officers, agents, servants, and employees, from implementing, giving effect to, or enforcing Section 2 of the EO as to Plaintiff States, including taking any steps to create a new federal program to superintend and control Plaintiff States' maintenance of their voter rolls; or initiating any investigation or prosecution of Plaintiff States, their officials, local officials, or agents of such state or local officials involved in the administration of federal elections within Plaintiff States, stemming from the unconstitutional provisions in Section 2 of the EO. This requested injunction does not bar the federal government from providing assistance with verifying the citizenship or eligibility of any voter if the assistance is provided at the request of any Plaintiff State.

(4) Permanently enjoin Defendants United States Department of Justice, Acting Attorney General Todd Blanche, United States Postal Service, Postmaster General David Steiner, Deputy Postmaster General Doug Tolino, Chair Amber McReynolds, Vice Chair Derek T. Kan, and Members Ronald Stroman and Daniel Tangherlini, including their officers, agents, servants, and employees, from implementing, giving effect to, or enforcing Section 3(b)(i)–(v) or (d) of the EO as to elections mail for elections administered by Plaintiff States and ballot envelopes used by Plaintiff States, including refusing to transmit mail-in or absentee ballots from voters registered in Plaintiff States to elections officials in Plaintiff States, regardless of the voters' location; or otherwise initiating or completing rulemaking to promulgate the specific regulations outlined in

Section 3(b)(i)–(v) or (d) of the EO as to elections mail for elections administered by Plaintiff States and ballot envelopes used by Plaintiff States. This requested injunction does not bar the federal government from providing non-binding USPS guidance on ballot mail envelopes or from providing assistance with verifying citizenship or eligibility of any voter if the assistance is provided at the request of any Plaintiff State.

(5) Permanently enjoin Defendants United States Department of Justice and Acting Attorney General Todd Blanche, including their officers, agents, servants, and employees, from implementing, giving effect to, or enforcing Section 5 of the EO, or otherwise initiating any investigation or prosecution of Plaintiff States, their officials, local officials, or agents of such state or local officials involved in the administration of federal elections within Plaintiff States, stemming from the unconstitutional provisions in Section 5 of the EO.

(6) Order all Defendants to, in good faith, take such steps as are necessary to prevent explicit or implicit implementation of Sections 2, 3, and 5 of the EO, and to cease and reverse any implementation of those provisions, with respect to Plaintiff States.

(7) Order all Defendants to provide appropriate notice of the Court’s order and their steps towards implementation.

Dated: April 23, 2026

Respectfully submitted.

ROB BONTA

Attorney General of California

By: /s/ Michael S. Cohen

Michael S. Cohen*

Deputy Attorney General

Thomas S. Patterson*

Senior Assistant Attorney General

Seth E. Goldstein*

Supervising Deputy Attorney General

Anne P. Bellows*

Kevin L. Quade*

Lisa C. Ehrlich*

Malcolm A. Brudigam*

Robert William Setrakian*

Deputy Attorneys General

1300 I Street, P.O. Box 944255

Sacramento, CA 95814

(916) 210-6090

Michael.Cohen@doj.ca.gov

Seth.Goldstein@doj.ca.gov

Anne.Bellows@doj.ca.gov

Kevin.Quade@doj.ca.gov

Lisa.Ehrlich@doj.ca.gov

Malcolm.Brudigam@doj.ca.gov

William.Setrakian@doj.ca.gov

Counsel for the State of California

AARON FORD

Attorney General of Nevada

By: /s/ K. Brunetti Ireland

K. Brunetti Ireland*

Chief of Special Litigation

1 State of Nevada Way, Suite 100

Las Vegas, NV 89119

(702) 486-9246

KIreland@ag.nv.gov

Counsel for the State of Nevada

ANDREA JOY CAMPBELL

Attorney General of Massachusetts

By: /s/ Vanessa A. Arslanian

M. Patrick Moore (BBO No. 670323)

First Assistant Attorney General

Vanessa A. Arslanian (BBO No. 688099)

State Trial Counsel

Jared B. Cohen (BBO No. 689217)

Jak Kundl (BBO No. 713951)

Assistant Attorneys General

One Ashburton Place

Boston, MA 02108

(617) 963-2107

Vanessa.Arslanian@mass.gov

Pat.Moore@mass.gov

Jared.B.Cohen@mass.gov

Jak.Kundl@mass.gov

Counsel for the Commonwealth of Massachusetts

NICHOLAS W. BROWN

Attorney General of Washington

By: /s/ Tera M. Heintz

Tera M. Heintz*

Cristina Sepe*

Karl D. Smith*

Deputy Solicitors General

1125 Washington Street SE

PO Box 40100

Olympia, WA 98504-0100

(360) 753-6200

tera.heintz@atg.wa.gov

cristina.sepe@atg.wa.gov

karl.smith@atg.wa.gov

Counsel for the State of Washington

(additional counsel on following page)

KRISTIN K. MAYES
Attorney General of the State of Arizona

By: /s/ Kara Karlson
Kara Karlson*
Karen J. Hartman-Tellez*
Joshua M. Whitaker*
Syreeta Tyrell*
Assistant Attorneys General
2005 North Central Ave.
Phoenix, AZ 85004
(602) 542-8118

Counsel for the State of Arizona

WILLIAM TONG
Attorney General of Connecticut

By: /s/ Maura Murphy
Maura Murphy*
Deputy Associate Attorney General
165 Capitol Avenue
Hartford, CT 06106
(860) 808-5020

Counsel for the State of Connecticut

KATHLEEN JENNINGS
Attorney General of the State of
Delaware

By: /s/ Ian R. Liston
Ian R. Liston*
Director of Impact Litigation
Vanessa L. Kassab*
Deputy Attorney General
820 N. French Street
Wilmington, DE 19801
(302) 683-8899

Counsel for the State of Delaware

PHILIP J. WEISER
Attorney General for the State of Colorado

By: /s/ Shannon Stevenson
Shannon Stevenson*
Solicitor General
Peter Baumann*
Senior Assistant Attorney General
1300 Broadway
Denver, Colorado 80203
(720) 508-6400

Counsel for the State of Colorado

ANTHONY G. BROWN
Attorney General for the State of Maryland

By: /s/ Virginia A. Williamson
Virginia A. Williamson*
Assistant Attorney General
200 Saint Paul Place
Baltimore, MD 21202
(410) 576-6584

Counsel for the State of Maryland

DANA NESSEL
Attorney General of Michigan

By: /s/ Neil Giovanatti
Neil Giovanatti*
Erik Grill*
Assistant Attorneys General
P.O. Box 30736
Lansing, MI 48909
(517) 335-7659

Counsel for the State of Michigan

(additional counsel on following page)

BRIAL L. SCHWALB

Attorney General of the District of
Columbia

By: /s/ Eliza H. Simon

Eliza H. Simon*

Senior Counsel

400 6th St. NW
Washington, D.C. 20001
(202) 741-5221

Counsel for the District of Columbia

KWAME RAOUL

Attorney General for the State of Illinois

By: /s/ Vikas Didwania

Vikas Didwania*

Complex Litigation Counsel

Alex Hemmer*

Deputy Solicitor General

Holly F.B. Berlin*

Assistant Attorney General

115 S. LaSalle St.
Chicago, IL 60603
(312) 814-5526

Counsel for the State of Illinois

AARON M. FREY

Attorney General for the State of Maine

By: /s/ Katherine W. Thompson

Katherine W. Thompson*

Special Counsel

6 State House Station
Augusta, ME 04333-0006
(207) 626-8800

Counsel for the State of Maine

KEITH ELLISON

Attorney General for the State of Minnesota

By: /s/ Angela Behrens

Angela Behrens*

Allen Cook Barr*

Assistant Attorney General

Lindsey E. Middlecamp*

Special Counsel

445 Minnesota Street, Suite 600
St. Paul, MN, 55101
(651) 300-0711

Counsel for the State of Minnesota

JENNIFER DAVENPORT

Attorney General of New Jersey

By: /s/ Meghan K. Musso

Meghan K. Musso*

Jonathan Mangel*

Joshua P. Bohn*

Deputy Attorneys General

124 Halsey Street, 5th Floor
Newark, NJ 07101
(609) 696-5276

Counsel for the State of New Jersey

RAÚL TORREZ

Attorney General of New Mexico

By: /s/ Bailey Colfax

Bailey Colfax*

Assistant Attorney General

408 Galisteo Street
Santa Fe, NM 87501
(505) 490-4060

Counsel for the State of New Mexico

(additional counsel on following page)

LETITIA JAMES

Attorney General of New York

By: /s/ Colleen K. Faherty

Colleen K. Faherty*

Special Trial Counsel

Rabia Muqaddam*

Chief Counsel, Federal Initiatives

28 Liberty Street

New York, NY 10005

(212) 416-6046

Counsel for the State of New York

JEFF JACKSON

Attorney General of North Carolina

Laura Howard

Chief Deputy Attorney General

By: /s/ Daniel P. Mosteller

Daniel P. Mosteller*

Associate Deputy Attorney General

114 W. Edenton Street

Raleigh, NC 27603

Counsel for the State of North Carolina

DAN RAYFIELD

Attorney General, State of Oregon

By: /s/ Thomas H. Castelli

Thomas H. Castelli*

Special Assistant Attorney General

100 SW Market Street

Portland, OR 97201

(971) 673-1880

Counsel for the State of Oregon

CHARITY R. CLARK

Attorney General for the State of Vermont

By: /s/ Ryan P. Kane

Ryan P. Kane*

Deputy Solicitor General

109 State Street

Montpelier, VT 05609

(802) 828-2153

Counsel for the State of Vermont

JAY JONES

Attorney General for the Commonwealth of Virginia

By: /s/ Tillman J. Breckenridge

Tillman J. Breckenridge*

Solicitor General

202 North Ninth Street

Richmond, VA 23219

Counsel for the Commonwealth of Virginia

PETER F. NERONHA

Attorney General of Rhode Island

By: /s/ Kyla Duffy

Kyla Duffy*

Special Assistant Attorney General

150 South Main Street

Providence, RI 02903

Tel: (401) 274-4400

Counsel for the State of Rhode Island

(additional counsel on following page)

JOSHUA L. KAUL
Attorney General for the State of
Wisconsin

By: /s/ Lynn Lodahl
Lynn Lodahl*
Assistant Attorney General
17 West Main Street
Madison, WI 53707-7857
(608) 264-6219

Counsel for the State of Wisconsin

JOSH SHAPIRO
Governor of the Commonwealth of Pennsylvania

By: /s/ Michael J. Fischer
Michael J. Fischer*
Jacob B. Boyer*
Deputy General Counsel
30 North Third Street, Suite 200
Harrisburg, PA 17101
(717) 831-2847

*Counsel for the Governor of the Commonwealth of
Pennsylvania*

**Admitted pro hac vice or pro hac vice applications forthcoming*

7.1 CERTIFICATION

I, Michael S. Cohen, hereby certify that counsel for Plaintiff States conferred with counsel for Defendants via virtual conference on April 10 and April 21, 2026. Counsel were unable to resolve or narrow the issues for review.

Dated: April 23, 2026

/s/ Michael S. Cohen
Michael S. Cohen
Deputy Attorney General
Counsel for the State of California

CERTIFICATE OF SERVICE

I, Michael S. Cohen, 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: April 23, 2026

/s/ Michael S. Cohen
Michael S. Cohen
Deputy Attorney General
Counsel for the State of California