

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD, ILLINOIS**

PUBLIC INTEREST LEGAL FOUNDATION, INC.,)	
)	
Plaintiff,)	
)	
-vs-)	20-cv-3190-SEM-TSH
)	
STEVE SANDVOSS, in his official Capacity as)	
Executive Director of the Illinois State Board of)	
Elections, KYLE THOMAS, in his official capacity)	
as Director of Voting Systems and Registration,)	
CHERYL HOBSON in her Official capacity as Deputy)	
Director of Voting and Registration, and the)	
ILLINOIS STATE BOARD OF ELECTION,)	
)	
Defendants.)	

MOTION FOR SUMMARY JUDGMENT

NOW COMES Defendants, BERNADETTE MATTHEWS,¹ KYLE THOMAS, CHERYL HOBSON, and ILLINOIS STATE BOARD OF ELECTIONS, by and through their attorney, Kwame Raoul, Attorney General for the State of Illinois, and in support of their Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56, state as follows:

1. Plaintiff has filed a Complaint for Declaratory and Injunctive Relief, asking this Court to declare Defendants in violation of Section 8(i) of the National Voter Registration Act (NVRA) (52 U.S.C. § 20507(i)(1)) by refusing to allow Plaintiff to inspect and copy requested list maintenance data and voter registration list. (Doc. 1, p. 10).

2. Plaintiff further asks this Court to declare Section 8(i) of the NVRA preempts and supersedes 10 ILCS 5/1A-25(4) (Doc. 1, p. 10), which generally restricts those allowed to receive a copy of voter registration list to State or local political committees and governmental entities,

¹ Bernadette Matthews is the Acting Executive Director of the Illinois State Board of Elections, and therefore is automatically substituted for former Executive Director Steve Sandvoss. Fed. R. Civ. Pro. 25(d).

except as otherwise provided under two exceptions within that statute. *See* 10 ILCS 5/1A-25(4) (West 2020).

3. Plaintiff requests this Court order Defendants to produce the statewide list maintenance data and voter registration list, permanently enjoin Defendants from denying requests to inspect similar list maintenance data attached to voter registration lists in the future.

4. Defendants, KYLE THOMAS, CHERYL HOBSON, and ILLINOIS STATE BOARD OF ELECTIONS, have filed a motion to dismiss, which is currently pending before the Court. (Doc. 9).

5. Defendants are entitled to summary judgment because the plain and unambiguous language of Section 8(i) of the NVRA only applies to “records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters,” not voter registration lists. *See* 52 U.S.C. § 20507(i)(1).

6. The undisputed facts show Plaintiff was given access to the complete searchable database of the Illinois voter registration database.

7. Plaintiff fails to meet its burden of showing Illinois’ modest limitations on obtaining copies of voter registration lists are preempted by the NVRA.

8. The SBE is entitled to summary judgment because barring voluntary waiver or congressional override it cannot be sued in federal court due to the State of Illinois’ sovereign immunity under the Eleventh Amendment.

9. Defendants Thomas and Hobson are entitled to summary judgment because they are not proper parties to this litigation.

10. For the reasons more fully explained in Defendants’ Memorandum of Law, Defendants are entitled to summary judgment and Plaintiff’s claims should be dismissed.

11. Defendant contemporaneously files and incorporate a memorandum of law in support of this motion.

WHEREFORE, for the above and foregoing reasons, Defendant, BERNADETTE MATTHEWS, VOSS, KYLE THOMAS, CHERYL HOBSON, and ILLINOIS STATE BOARD OF ELECTIONS respectfully request this Honorable Court grant their Motion for Summary Judgment and dismiss Plaintiff's claims.

Respectfully submitted,

BERNADETTE MATTHEWS, KYLE
THOMAS, CHERYL HOBSON, and
ILLINOIS STATE BOARD OF
ELECTIONS,

Defendants,

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Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on September 20, 2021, the foregoing document, *Motion for Summary Judgment* was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Kaylan Phillips	Kphillips@publicinterestlegal.org
Christine Svenson	christine@svensonlawoffices.com
Sue Becker	sbecker@PublicInterestLegal.org

and I hereby certify that on the same date, I caused a copy of the foregoing document to be mailed by United States Postal Service, to the following non-registered participant: NONE

Respectfully submitted,

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