

**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.

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**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

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