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25 Registrar-Recorder/County Clerk

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27 UNITED STATES DISTRICT COURT
28 CENTRAL DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

STATE OF CALIFORNIA, SHIRLEY
N. WEBER, in her official capacity as
the California Secretary of State, and
DEAN C. LOGAN, in his official
capacity as the County of Los Angeles
Registrar-Recorder/County Clerk,

Defendants.

Case No. 2:26-cv-12025

**DEFENDANT DEAN C. LOGAN,
IN HIS OFFICIAL CAPACITY AS
THE COUNTY OF LOS ANGELES
REGISTRAR-
RECORDER/COUNTY CLERK'S
NOTICE OF MOTION AND
MOTION TO DISMISS
PLAINTIFF UNITED STATES OF
AMERICA'S COMPLAINT**

Date Action Filed: October 15, 2026

Hearing Date:

December 7, 2026

Ex Parte Requested Hearing:

October 30, 2026

Time: 8:30 a.m.

PUBLIC RIGHTS PROJECT

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Kyra Sikora

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Registrar-Recorder/County Clerk

**TO THE PARTIES PLAINTIFF AND THEIR ATTORNEYS OF
RECORD:**

PLEASE TAKE NOTICE that on October 30, 2026, at 08:30 A.M., or as soon thereafter as the matter may be heard, in Courtroom 10A of the United States District Court for the Central District of California, located at Ronald Reagan Federal Building and United States District Court, 411 West 4th Street, Santa Ana, California 92701, Defendant Dean C. Logan, in his official capacity as the County of Los Angeles Registrar-Recorder/County Clerk (the “County”), will and hereby does move the Court for an order dismissing the Complaint for Declaratory and Injunctive Relief ([ECF No. 1](#)) (the “Complaint”) filed by Plaintiff United States of America (the “Executive”) as against the County.¹

This Motion is made pursuant to [Federal Rule of Civil Procedure 12\(b\)\(1\)](#), on the ground that the Executive lacks Article III standing, and pursuant to [Federal Rule of Civil Procedure 12\(b\)\(6\)](#), on the ground that the Complaint’s sole claim for relief—a Supremacy Clause claim alleging that California’s lawful conduct in implementing its election procedures and refusing to follow the Executive’s unlawful demands somehow violates [18 U.S.C. § 611](#) “as applied” to the County—fails to state a claim upon which relief can be granted. Because these defects cannot be cured by amendment, dismissal should be without leave to amend.

This Motion is based upon this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities, the [Declaration of Christopher Pelham](#), the pleadings and papers on file in this action—including the County’s Opposition to Plaintiff’s Ex Parte Application for Temporary Restraining Order ([ECF No. 32-1](#)) and supporting Declarations filed therewith (ECF Nos. 32-2, 32-3, 32-4), which are incorporated herein by reference—and

¹ Filed concurrently with this Motion is Defendant Dean C. Logan’s opposed ex parte application to specially set a briefing schedule and advance the hearing on the Motion to October 30, 2026. (See [Dkt. 57](#).) The State Defendants joined in that application. ([Dkt. 61](#).) As explained therein, exigent circumstances call for a ruling on the matters presented in this Motion before the November 3, 2026 General Election.

1 such further evidence and argument as may be presented at or before the hearing.

2 This Motion is made following the conference of counsel pursuant to L.R.
3 7-3, which took place on October 19, 2026. The parties are at an impasse on the
4 grounds for the motion and briefing schedule.

5
6
7 Dated: October 21, 2026

**NORTON ROSE FULBRIGHT US
LLP**
CHRISTOPHER PELHAM
ABIGAIL URQUHART
ALEX SCANDROLI

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11 By: 

CHRISTOPHER PELHAM
Attorneys for Defendant DEAN C.
LOGAN, in his official capacity as the
County of Los Angeles Registrar-
Recorder/County Clerk

12
13
14 Dated: October 21, 2026

PUBLIC RIGHTS PROJECT
JOSHUA KARSH (*pro hac vice*
forthcoming)
TOBY R. MERRILL (*pro hac vice*
forthcoming)
KYRA SIKORA
SHARANYA MOHAN (*request for*
admission pending)

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19 By: /s/ Joshua Karsh

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1	<u>TABLE OF CONTENTS</u>		
2			Page
3	I. INTRODUCTION		11
4	A. The County’s Election Procedures.....		11
5	B. DHS’s July 2026 Letter to the Secretary of State		14
6	C. DOJ’s October 2026 Ultimatum to the County and the County’s Response.....		14
7	D. The Complaint.....		17
8	1. The Executive’s Description Of The October List And The Additional Review It		
9	Seeks		18
10	2. Comparing The Executive’s List To Current County Records Shows Indicia Of		
11	Unreliability		19
12	II. LEGAL STANDARDS		20
13	III. THE COMPLAINT SHOULD BE DISMISSED FOR LACK OF SUBJECT MATTER		
14	JURISDICTION UNDER <u>FED. R. CIV. P. 12(B)(1)</u>		21
15	A. The Complaint Alleges No Actual or Certainly Impending Injury.....		21
16	1. A Bare Assertion of Sovereign Injury from Preemption Is Insufficient.		22
17	2. The Complaint Does Not Plead That the County Has Impeded Any Federal		
18	Operation or Function.		23
19	3. The Executive Cannot Manufacture Standing By Pleading Self-Inflicted Harm.		23
20	4. Vote Dilution Is a Speculative, Generalized Grievance.....		24
21	5. The Asserted Injuries are Not Fairly Traceable to the County		24
22	6. The Requested Relief Would Not Redress the Alleged Injury		26
23	B. The Claim Is Not Ripe, and the Alleged Injury Rests on a Speculative Chain of		
24	Contingencies.....		27
25	C. The Declaratory Judgment Act and <u>28 U.S.C. § 1345</u> Do Not Cure These Defects		29
26	IV. THE COMPLAINT SHOULD BE DISMISSED FOR FAILURE TO STATE A CLAIM		
27	UNDER <u>FED. R. CIV. P. 12(b)(6)</u>		29
28	A. The Complaint Fails to State a Preemption Claim.....		29
	B. Preemption Requires a Conflict with Federal Law, Not with Federal Enforcement		
	Preferences, and No Such Conflict Exists Here.....		30
	C. Section 611 Does Not Displace California’s Rules for Administering This Election ..		32
	D. Declining to Help Federal Investigators Is Not Obstruction, and Section 611 Imposes		
	No Duty on County Officials to Assist		34
	E. The Complaint’s “Knowing Facilitation” Theory Fails as a Matter of Law and Is		
	Refuted by the Complaint’s Own Allegations		35
	1. Norwood Supplies No Preemption Rule		35
	2. Norwood Undercuts the Remedy the Executive Seeks.....		36
	3. The Complaint Does Not Plausibly Allege Knowledge		36
	F. Even if the Complaint Stated a Claim, the Court Could Not Grant the Relief the		
	Executive Seeks		38
	G. The Complaint Does Not Allege That Any Listed Voter in Los Angeles County Has		
	Cast a Ballot, and Relief Against Mr. Logan Could Reach No One Else.....		40
	V. CONCLUSION		40

TABLE OF AUTHORITIES

Page(s)

Cases

<i>Arcia v. Fla. Sec’y of State,</i> <u>772 F.3d 1335</u> (11th Cir. 2014)	28, 39
<i>Arizona Dream Act Coal. v. Brewer,</i> <u>855 F.3d 957</u> (9th Cir. 2017)	31
<i>Arizona v. Inter Tribal Council of Ariz., Inc.,</i> <u>570 U.S. 1</u> (2013)	25, 35
<i>Arizona v. United States,</i> <u>567 U.S. 387</u> (2012)	22
<i>Armstrong v. Exceptional Child Ctr., Inc.,</i> <u>575 U.S. 320</u> (2015)	22
<i>Ashcroft v. Iqbal,</i> <u>556 U.S. 662</u> (2009)	20, 29, 37
<i>Balistreri v. Pacifica Police Dep’t,</i> <u>901 F.2d 696</u> (9th Cir. 1988)	20
<i>Baughcum v. Jackson,</i> <u>92 F.4th 1024</u> (11th Cir. 2024)	41
<i>Bell Atl. Corp. v. Twombly,</i> <u>550 U.S. 544</u> (2007)	20, 37
<i>Central Bank of Denver, N.A. v. First Interstate Bank of Denver,</i> <i>N.A.,</i> <u>511 U.S. 164</u> (1994)	24, 38, 39
<i>Clapper v. Amnesty International USA,</i> <u>568 U.S. 398</u> (2013)	21, 24, 27
<i>Crosby v. Nat’l Foreign Trade Council,</i> <u>530 U.S. 363</u> (2000)	31, 32
<i>Democracy N.C. v. N.C. State Bd. of Elections,</i> <u>476 F. Supp. 3d 158</u> (M.D.N.C. 2020)	40
<i>Election Integrity Project Cal., Inc. v. Weber,</i> <u>113 F.4th 1072</u> (9th Cir. 2024)	24, 33
<i>Food & Drug Admin. v. All. for Hippocratic Med.,</i> <u>602 U.S. 367</u> (2024)	24
<i>Gill v. Whitford,</i> <u>585 U.S. 48</u> (2018)	24
<i>Kansas v. Garcia,</i> <u>589 U.S. 191</u> (2020)	31, 32, 36

1	<i>Khoja v. Orexigen Therapeutics, Inc.</i> , 899 F.3d 988 (9th Cir. 2018)	20
2	<i>Kokkonen v. Guardian Life Ins. Co. of Am.</i> , 511 U.S. 375 (1994)	19
3	<i>La. Pub. Serv. Comm’n v. FCC</i> , 476 U.S. 355 (1986)	33
4	<i>La Union del Pueblo Entero v. Abbott</i> , 604 F. Supp. 3d 512 (W.D. Tex. 2022)	22
5	<i>League of Women Voters v. U.S. Dep’t of Homeland Sec.</i> , 835 F. Supp. 3d 79 (D.D.C. 2026)	28
6	<i>Leite v. Crane Co.</i> , 749 F.3d 1117 (9th Cir. 2014)	20
7	<i>Lujan v. Defs. of Wildlife</i> , 504 U.S. 555 (1992)	20, 21, 24, 25
8	<i>Mathews v. Eldridge</i> , 424 U.S. 319 (1976)	40
9	<i>Mendiondo v. Centinela Hosp. Med. Ctr.</i> , 521 F.3d 1097 (9th Cir. 2008)	20
10	<i>Mi Familia Vota v. Fontes</i> , 129 F.4th 691 (9th Cir. 2025)	28, 39, 41
11	<i>Murphy v. Nat’l Collegiate Athletic Ass’n</i> , 584 U.S. 453 (2018)	22, 30, 31
12	<i>Norwood v. Harrison</i> , 413 U.S. 455 (1973)	36, 37
13	<i>Puerto Rico Dep’t of Consumer Affs. v. Isla Petroleum Corp.</i> , 485 U.S. 495 (1988)	31
14	<i>Raetzel v. Parks/Bellemont Absentee Election Bd.</i> , 762 F. Supp. 1354 (D. Ariz. 1990)	40
15	<i>Rosemond v. United States</i> , 572 U.S. 65 (2014)	38
16	<i>Safe Air for Everyone v. Meyer</i> , 373 F.3d 1035 (9th Cir. 2004)	20, 28
17	<i>Ex parte Siebold</i> , 100 U.S. 371 (1879)	35
18	<i>Skelly Oil Co. v. Phillips Petroleum Co.</i> , 339 U.S. 667 (1950)	29
19	<i>Texas v. United States</i> , 523 U.S. 296 (1998)	27
20	<i>Thomas v. Anchorage Equal Rts. Comm’n</i> , 220 F.3d 1134 (9th Cir. 2000) (en banc)	27

1	<i>TransUnion LLC v. Ramirez</i> , <u>594 U.S. 413</u> (2021)	24
2	<i>United States v. Benson</i> , <u>179 F.4th 470</u> (6th Cir. 2026)	22
3	<i>United States v. California</i> , <u>921 F.3d 865</u> (9th Cir. 2019)	22, 35
4	<i>United States v. Cox</i> , No. 0:25-cr-60249-DSL, <u>2026 WL 2948729</u> (S.D. Fla. Oct. 1, 2026)	34
5	<i>United States v. King County</i> , <u>122 F.4th 740</u> (9th Cir. 2024)	22, 23
6	<i>United States v. Missouri</i> , <u>114 F.4th 980</u> (8th Cir. 2024)	22
7	<i>Vermont Agency of Natural Resources v. United States ex rel.</i> <i>Stevens</i> , <u>529 U.S. 765</u> (2000)	22
8	<i>Virginia Uranium, Inc. v. Warren</i> , <u>587 U.S. 761</u> (2019) (plurality opinion)	31
9	<i>Watison v. Carter</i> , <u>668 F.3d 1108</u> (9th Cir. 2012)	20
10	<i>Whole Woman's Health v. Jackson</i> , <u>595 U.S. 30</u> (2021)	41
11	Rules and Statutes	
12	<u>18 U.S.C. § 2</u>	37, 38
13	<u>18 U.S.C. § 611</u>	18, 22, 24, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37
14	<u>18 U.S.C. § 611(a)</u>	17, 32, 33, 35, 36
15	<u>18 U.S.C. § 611(b)</u>	28
16	<u>28 U.S.C. § 1345</u>	29
17	<u>28 U.S.C. §§ 2201, and 2202</u>	29
18	<u>52 U.S.C. § 10307(a)</u>	26, 27, 39, 40
19	<u>52 U.S.C. §§ 10308(d), 20510(a), 21111</u>	28
20	<u>52 U.S.C. §§ 20505(a)(1), 20507(b)(1), (c)(2)(A), 20508(b)(2)</u>	13, 25-6, 33-4, 38-40
21	<u>52 U.S.C. §§ 20505, 20507(c)(2)</u>	13
22	<u>52 U.S.C. §§ 20505(a)(1), 20508(b)(2)</u>	25, 33
23	<u>52 U.S.C. § 20507(b)(1)</u>	40

1	<u>52 U.S.C. § 20507(b)(1), (c)(2)(A)</u>	26
2	<u>52 U.S.C. § 20507(c)(2)(A)</u>	39
3	<u>52 U.S.C. § 20508(b)(2)</u>	11, 17
4	<u>52 U.S.C. §§ 20510(a), 21111</u>	34
5	<u>52 U.S.C. § 20702</u>	22
6	<u>52 U.S.C. § 21081(a)(1)(C)</u> (Help America Vote Act)	12, 27
7	<u>Cal. Code Regs. tit. 2, §§ 20960, 20990–20991</u>	17, 38
8	<u>Cal. Elec. Code §§ 2101</u>	31
9	<u>Cal. Elec. Code § 2111</u>	11, 17, 37
10	<u>Cal. Elec. Code § 2201(a)(8)</u>	13
11	<u>Cal. Elec. Code § 2300</u>	12
12	<u>Cal. Elec. Code § 3000.5</u> , and	12, 17, 38
13	<u>Cal. Elec. Code §§ 3011, 3019</u>	17, 38
14	<u>Cal. Elec. Code §§ 3001, 4005(a)(8)(A)</u>	12
15	<u>Cal. Elec. Code § 3017(a)(3)</u>	41
16	<u>Cal. Elec. Code §§ 15307, 15372, 15501(b)</u>	13
17	Civil Rights Act	40
18	Congress, the Voting Rights Act	22
19	Declaratory Judgment Act	29
20	HAVA	13, 22, 33, 34, 38
21	Immigration and Nationality Act	31
22	National Voter Registration Act	13
23	NVRA	16, 22, 33, 34, 38, 39
24	Voting Rights Act	39
25	Other Authorities	
26	§ 2942 Availability of Injunctive Relief—In General, 11A Fed. Prac. & Proc. Civ. § 2942 (3d ed.)	29
27	<u>Cal. Const., art. II, § 2</u>	31
28	<u>Cal. Const., art. II, § 7</u>	12, 26, 27
	<u>U.S. Const. art. I, § 4, cl. 1</u>	33

1	<u>U.S. Const. art. II, § 3</u>	34
2	<u>US. Const. Art. III</u>	27-33
3		
4		
5		
6		
7		
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10		
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12		
13		
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MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Los Angeles County is administering the November 3, 2026 General Election the same way it administers every election: according to applicable laws, regulations, and practices – that includes applicable federal law California law, California Code of Regulations and a clear aim—to ensure that every eligible voter has access to voting, that the election is conducted securely with integrity, and that every valid ballot submitted is counted and included in the certified returns. The County has not changed. The Federal Government’s posture has. Weeks before Election Day, the United States asks this Court to intrude on the administration of an election. But the Constitution assigns the administration of elections to the States and their localities, and the federal government may enter that domain only where Congress has authorized it and only where it has suffered a cognizable injury. Neither is true here. The Complaint should be dismissed.

A. The County’s Election Procedures

Defendant Dean C. Logan is sued in his official capacity. (Compl. ¶ 16.) The County’s administration of the November 3, 2026 General Election is the largest and most complex local election operation in the nation, serving 88 cities, 55 general and special districts, 140 unincorporated areas, and 19 languages. (Declaration of Monica Flores in Support of the County’s Opposition, [ECF No. 32-4](#) ¶ 5.) The County serves approximately 5.9 million registered voters, with 5,000 voting precincts for countywide elections. (*Id.*)

To register to vote, under state law, a person “may prove he or she is a citizen by his or her certification under penalty of perjury on the affidavit of registration.” (Cal. Elec. Code § 2111; *see also* [52 U.S.C. § 20508\(b\)\(2\)](#) (federal mail voter registration form must include “an attestation that the applicant meets each such requirement,” including citizenship, and “require[] the signature of the applicant, under penalty of perjury”).) Consistent with California and federal law

1 for registration, the County must rely on the under-oath representation for proof
2 of an individual's citizenship and each registration must be cleared through the
3 statewide voter registration database administered by the Secretary of State; no
4 additional verification is required. ([ECF No. 32-4 ¶ 8.](#))

5 California law requires the County to mail a vote-by-mail ("VBM") ballot
6 to every active registered voter 29 days before the election—here, by October 5,
7 2026. ([Cal. Elec. Code §§ 3000.5\(a\), 3001, 4005\(a\)\(8\)\(A\).](#)) All VBM ballots
8 require voter and signature verification before the vote can be counted. ([ECF No.](#)
9 [32-4 ¶ 21.](#)) This process includes a comparison of signatures on envelopes to the
10 signatures on the voter registration file. (*Id.*) If a signature is missing or does not
11 compare to the signature on file, state law requires county election officials to
12 reach out to voters to confirm that they sent in the associated ballot, and if so, to
13 verify their signature to ensure that their ballot can be counted. (*Id.*)

14 The County is currently conducting the November 2026 General Election.
15 (*Id.* ¶ 22.) The County has mailed approximately 5.9 million VBM ballots to
16 County registered voters, and there are 491 active contests in the General
17 Election. (*Id.* ¶ 23.) As of October 13, 2026, the date the County received the
18 Executive's list of purported noncitizen registrants (the "October List"), there
19 were no ballots waiting to be mailed other than replacement ballots. (*Id.*) The
20 County has put more than 420 VBM ballot drop boxes for the General Election
21 into operation and also began its VBM ballot processing operations on October
22 5, 2026. (*Id.* ¶ 24.) VBM ballots are currently being returned to the County's
23 office by mail and scheduled VBM ballot drop box retrievals. (*Id.*)

24 Since the County began its VBM ballot processing operations on October
25 11, 2026, the County has processed more than 331,000 VBM ballots to date and
26 anticipates much higher volumes of VBM ballots to be received as Election Day
27 approaches. (*Id.*) Regardless of voting method, voters are entitled to cast a secret
28 ballot, and voting is fully anonymous—even to the County itself, in compliance
with California and federal law. ([Cal. Const., art. II, § 7](#); [Cal. Elec. Code § 2300](#);

1 52 U.S.C. § 21081(a)(1)(C) (Help America Vote Act (“HAVA”)).) Once a VBM
2 ballot has been removed from its return envelope, or an in-person ballot has been
3 cast, there is no way to associate the voter with that ballot. (ECF No. 32-4 ¶ 18.)

4 County officials must begin reporting results to the Secretary of State no
5 more than two hours after they begin tallying votes after the polls close. (*Id.* ¶
6 30.) County officials then continue to report results periodically throughout
7 Election Night until all vote totals have been reported. (*Id.*) County officials are
8 required to conduct a public 1% post-election manual tally audit of the ballots
9 tabulated by the County’s voting system in order to verify the accuracy of the
10 automated count. (*Id.* ¶ 33.) The final County results must be submitted by
11 December 3, 2026 to the Secretary of State, who in turn, must certify the count
12 by December 11, 2026. (Cal. Elec. Code §§ 15307, 15372, 15501(b); ECF No.
13 32-4 ¶ 34.) Los Angeles County has publicly noticed its intent to certify County
14 returns on November 27, 2026.

15 The County has never attempted a “temporary ballot segregation,” such as
16 what the Executive demands here, nor received a request from a federal agency
17 to do so. (ECF No. 32-4 ¶¶ 36, 45.) The County has no authority under state or
18 federal law to withhold or set aside the ballot of a registered voter on the basis of
19 a third party’s assertion that the voter may not be a citizen, nor to cancel a
20 voter’s registration on that basis. (*Id.* ¶ 3, 15.) The limited exceptions permitting
21 cancellation involve notifications that a voter is deceased, notification of felony
22 incarceration, or a specific court order of incompetence for purposes of voting
23 — none of which apply here. (*Id.* ¶ 15.) Depending on the nature of the
24 information received, the County has limited authority to inactivate a registration
25 and issue a confirmation notice seeking clarifying information. (*Id.*)

26 California law permits cancellation upon proof of ineligibility. Cal. Elec.
27 Code § 2201(a)(8). Federal law also governs registration and list maintenance.
28 The National Voter Registration Act (“NVRA”) requires acceptance and use of
the Federal Form for voter registration and prescribes safeguards for list

1 maintenance, including a 90-day “quiet period” before any federal election,
2 prohibiting systematic removal of voters during this time. 52 U.S.C. §§
3 20505(a)(1), 20507(c)(2). In other words, federal law prohibits mass re-
4 examination of voter rolls between August 5, 2026 and Election Day. HAVA
5 requires a statewide computerized registration list and coordination with the
6 NVRA’s removal requirements. *Id.* § 21083(a)(1)–(4).

7 **B. DHS’s July 2026 Letter to the Secretary of State**

8 On July 16, 2026, Department of Homeland Security (“DHS”) Secretary
9 Markwayne Mullin wrote to Secretary of State Shirley N. Weber asserting that a
10 “[p]reliminary review” of California’s publicly available voter data revealed
11 “there may be as many as 190,832 non-citizens registered to vote in California.”
12 (Compl. Ex. A.) On July 23, 2026, Secretary Weber responded that she had
13 “serious doubts about the reliability of [DHS’s] data,” noting that her office had
14 never shared the statewide voter registration list with DHS, and requested a
15 “detailed description of the methodology utilized by DHS to identify these
16 allegedly ineligible voters, including . . . all data sources, software, and matching
17 criteria,” and whether artificial intelligence was used. (Compl. Ex. B.) Secretary
18 Weber also advised that her office would comply with the NVRA’s prohibition
19 on systematic cancellation of registrations within 90 days of a federal election—a
20 period that began on August 5, 2026. (*Id.*) DHS did not provide the requested
21 methodology, any list of such alleged records, or otherwise respond to Secretary
22 Weber.

23 **C. DOJ’s October 2026 Ultimatum to the County and the County’s**
24 **Response**

25 On October 13, 2026, the Department of Justice (“DOJ”) hand-delivered a
26 letter to a County office, addressed to Mr. Logan (the “October 13 Letter”),
27 enclosing a password-protected thumb drive that contained “a list of names of
28 people the Federal Government believes are likely noncitizens who were sent a
vote-by-mail ballot to participate in the November 2026 federal election” (*i.e.*, the

1 October List). (Compl. Ex. C.) The October 13 Letter contains extraordinary
2 demands: that the County (i) review the list within 48 hours; (ii) for anyone whose
3 citizenship the County cannot independently confirm, (a) instruct election officials
4 to “segregate—not cancel—those individuals’ [VBM] ballots until their
5 citizenship can be determined,” (b) if those individuals “have not yet been sent a
6 [VBM] ballot, take all immediate and reasonable steps to not provide a ballot to
7 those individuals until we confirm their citizenship status,” and (c) if their VBM
8 ballot has been returned, “instruct the appropriate elections official not to verify
9 the signature and/or tabulate the ballot until citizenship can be determined.” (*Id.*)

10 On October 14, 2026—the day after receiving the October 13 Letter and
11 before the Executive’s deadline—Mr. Logan issued a public statement confirming
12 that the County had received the October 13 Letter “21 days prior to Election Day”
13 and was “reviewing the information in coordination with the California Secretary
14 of State and Attorney General to determine the next appropriate steps.”
15 (Declaration of Christopher Pelham in Support of the County’s Opposition, ECF
16 No. 32-2 ¶ 4; Ex. C.) The County noted that the October 13 Letter did “not specify
17 the number of individuals involved or describe the information contained in the
18 records,” and that under federal and state law “any action to remove a voter from
19 eligibility must be based on verifiable information, not assertions of unconfirmed
20 data matching.” (*Id.*)

21 The next day, October 15, 2026, at approximately 8:48 a.m.—before the
22 Executive’s deadline—the County sent the Executive a written response (the
23 “County Response”). (ECF No. 32-2 ¶ 5; Ex. D.) In doing so, the County noted
24 that a preliminary review of the October List showed that it was not specific to
25 Los Angeles County and contained addresses throughout California. (*Id.*) The
26 County further noted that the Executive provided no information on how the list
27 of “likely noncitizens” was compiled or on what evidentiary basis it suspected that
28 the listed individuals were noncitizen registrants. (*Id.*) Further, although the
October 13 Letter asked the County to “independently confirm citizenship status,”

1 the Executive provided no process or information enabling the County to do so.
2 (*Id.*) In addition to noting that the Executive’s requests would violate California
3 and federal law, the County observed that it was impossible to review the more
4 than 20,000 individuals on the October List in the less than 48 hours the Executive
5 afforded or at all for records not associated with individuals or addresses outside
6 of Los Angeles County. (*Id.*)

7 Minutes after the 9:00 a.m. deadline passed, the Executive filed this action
8 claiming the County “failed” to conduct its review by the deadline and
9 mischaracterized the County’s response as “a total lack of commitment to work
10 with the Federal Government.” (Compl. ¶ 4.) The Complaint omits the County
11 Response to the October 13 Letter entirely. The Executive’s Ex Parte Application
12 for Temporary Restraining Order (the “Application”) repeats that
13 mischaracterization, asserting that the County “made clear it would not do
14 anything to prevent noncitizen voting.” (Appl. at 13.) But the County said no such
15 thing: it provided a well-reasoned and legally sound explanation for why it could
16 not segregate ballots. ([ECF No. 32-2 ¶ 5](#); Ex. D.)

17 On October 16, 2026—the day after filing suit—DOJ sent a letter
18 responding to the County’s objections (the “October 16 Letter”). ([ECF No. 32-2](#)
19 [¶ 6](#), Ex. E.) The October 16 Letter confirms, rather than answers, the deficiencies
20 the County identified. The Executive simply concludes that it sent “credible
21 evidence that certain ballots may be unlawful to count.” (*Id.*) It did not. The
22 Executive did not explain how a single list of more than 20,000 names generated
23 by bulk database-matching constitutes individualized evidence. (*Id.*) Nor did the
24 Executive attempt to address the County’s concerns that segregation would violate
25 the NVRA among other laws, and result in votes not being counted. In fact, since
26 its October 13 Letter, the Executive has provided no additional guidance to the
27 County about how an individualized citizenship analysis should be conducted by
28 either side, how either side can afford satisfactory due process to a suspected
noncitizen voter before refusing to certify their vote, or how the County can still

1 satisfy election timelines in the course of that analysis.

2 The October 16 Letter closes with bald threats to individual County
3 officials. It warns that the County’s position risks “significant federal scrutiny
4 and legal exposure” and suggests that declining to set aside ballots could amount
5 to “aiding or abetting a federal offense.” (*Id.*)

6 **D. The Complaint**

7 The Complaint primarily focuses on the California Secretary of State and
8 has few allegations specifically against Mr. Logan in his official capacity or Los
9 Angeles County. In fact, the sole two allegations against Mr. Logan specifically
10 are that “Defendant Dean C. Logan is the County of Los Angeles Registrar-
11 Recorder / County Clerk. In that role, he is responsible for registering voters,
12 maintaining voter files, and administering federal elections” and that he issued a
13 press release. (Compl. ¶¶ 4, 16.) The sole specific allegation mentioning Los
14 Angeles County is that the October List includes “many addresses listed in Los
15 Angeles County.” (*Id.* ¶ 46.) Notably, while the October List includes addresses
16 for individuals located throughout California, the Complaint does not allege that
17 the County has any authority over the administration of elections in any other
18 county.

19 The Complaint alleges that federal law makes it “unlawful for any alien to
20 vote” in a federal election, [18 U.S.C. § 611\(a\)](#), and that a noncitizen who
21 violates that prohibition “may be fined or imprisoned.” (Compl. ¶¶ 17–19.) It
22 further alleges that California law requires election officials to mail a VBM
23 ballot to “every registered voter” no later than 29 days before each election, [Cal.](#)
24 [Elec. Code § 3000.5](#), and to verify the signature on each returned VBM ballot
25 envelope before counting it. (Compl. ¶¶ 22–23, 26–29 (citing [Cal. Elec. Code §§](#)
26 [3011](#), [3019](#); [Cal. Code Regs. tit. 2, §§ 20960](#), [20990–20991](#))).) The Complaint
27 does not dispute that consistent with California and federal law, a registrant
28 proves citizenship by certifying it under penalty of perjury on the affidavit of
registration. [Cal. Elec. Code § 2111](#); *see* [52 U.S.C. § 20508\(b\)\(2\)](#). Rather, it

1 alleges California and the County are required to take additional steps with
2 respect to the October List voters.

3 1. *The Executive's Description Of The October List And The*
4 *Additional Review It Seeks*

5 To create the October List, the Complaint describes a process of
6 comparing un-sourced voter information with immigration records,
7 supplementing incomplete information through third-party software, assigning
8 confidence levels, and conducting additional checks. (Compl. ¶¶ 34–43.) It is
9 purportedly ranked by confidence by reference to the strength of the identity link
10 between voter information and federal records. (*Id.* ¶ 34.) The list then passes to
11 additional investigators for further work. (*Id.* ¶¶ 38–43.)

12 The Complaint asserts one claim: that California's mailing and counting
13 procedures, as applied to persons on the October List, obstruct 18 U.S.C. § 611
14 in violation of the Supremacy Clause. (*Id.* ¶¶ 50–61.) It requests withholding
15 ballots until citizenship is verified beyond the registration attestation. (*Id.* ¶¶ 6,
16 63.) The proposed order would require confirmation for each listed voter who
17 returns a ballot and would not permit reliance solely on the registration-related
18 attestation. (ECF No. 22-8 at 6–7.)

19 The Executive acknowledges that it cannot practicably investigate
20 thousands or tens of thousands of listed individuals before the election
21 concludes. (Compl. ¶ 60.) It nevertheless asks that the County and State
22 indefinitely segregate returned ballots associated with its unconfirmed list of
23 around 20,000 records while citizenship is determined. (*Id.* ¶¶ 6, 63.) The
24 proposed order identifies associated authority for the requested actions, no
25 adequate notice-and-response procedure for accused voters, any standard for
26 adjudicating citizenship, or any deadlines or guidance to assure resolution before
27 the applicable counting deadlines. (ECF No. 22-8 at 6–7.) Meanwhile,
28 prosecution efforts continue and, following the filing of the Complaint, the
Executive announced criminal charges against 28 listed persons. (Appl. at 1.)

2. *Comparing The Executive's List To Current County Records Shows Indicia Of Unreliability*

The County identified 7,035 records bearing County addresses on the October List and compared a sample of two hundred of the individuals listed with County voter records. (Declaration of Aman Bhullar in Support of the County's Opposition, [ECF No. 32-3](#) ¶ 25.) That sampling showed the following:

- 42.9% of the list sampled had canceled voter registration records in the County's system; 42.4% of the list samples had active records, i.e., that the record has cleared verification through the statewide database and has met all legal requirements for voter registration; and 14.6% are considered inactive records, meaning there is an issue in the record that has been flagged such as the mail being undeliverable, not responding to a confirmation notice, or not voting. (*Id.* ¶ 24.)
- 86 of the sample listed individuals who had ballots mailed to them in the November 2026 General Election; all 112 individuals where ballots were not mailed to them had either canceled or inactive records. (*Id.*)
- 71.2% of the list sampled had never voted in the past elections. (*Id.*)
- Among the records for which birthplace information was meaningfully reported, 38.9% indicated that they were born in the United States. (*Id.*)

These figures describe the composition of the records, not the citizenship of individual registrants. When comparing this data with the Executive's efforts to implement voter roll maintenance in other jurisdictions through the Systematic Alien Verification for Entitlements ("SAVE") program, there is no basis to support the Executive's supposition that the October List constitutes credible evidence of noncitizen voting.²

² Other jurisdictions that have shown SAVE data to be too unreliable in identifying noncitizens include Nevada and North Carolina. ([ECF No. 32-2](#) ¶¶ 7-8.) Nevada is particularly instructive. In July 2026, DHS told Nevada that "as many as" 15,903 noncitizens were registered there. (*Id.* ¶ 7; Ex. F.) In an August 2026 meeting, a DHS official acknowledged that the figure was preliminary and had not received "a full manual review of each one." (*Id.*) DHS later revised the number of confirmed noncitizens to 185. (*Id.*) Nevada then reviewed those 185 registrants and reported to DHS: "[O]ur records indicate that they were citizens. You have provided nothing of substance to suggest otherwise." (*Id.*)

1 **II. LEGAL STANDARDS**

2 *Rule 12(b)(1)*. Federal courts are courts of limited jurisdiction. *Kokkonen*
3 *v. Guardian Life Ins. Co. of Am.*, [511 U.S. 375, 377](#) (1994). The plaintiff bears
4 the burden of establishing standing. *Lujan v. Defs. of Wildlife*, [504 U.S. 555, 561](#)
5 (1992). A Rule 12(b)(1) challenge may be facial or factual. *Safe Air for*
6 *Everyone v. Meyer*, [373 F.3d 1035, 1039](#) (9th Cir. 2004). In a facial attack, the
7 movant asserts that the allegations of the complaint are insufficient on their face
8 to invoke federal jurisdiction. *Id.* In a factual attack, the court may review
9 evidence beyond the complaint and need not presume the truthfulness of the
10 plaintiff's allegations. *Id.*; *see also Leite v. Crane Co.*, [749 F.3d 1117, 1121–22](#)
11 (9th Cir. 2014). The County's motion presents both.

12 *Rule 12(b)(6)*. To survive a motion to dismiss, a complaint must contain
13 sufficient factual matter, accepted as true, to “state a claim to relief that is
14 plausible on its face.” *Ashcroft v. Iqbal*, [556 U.S. 662, 678](#) (2009) (quoting *Bell*
15 *Atl. Corp. v. Twombly*, [550 U.S. 544, 570](#) (2007)). “Threadbare recitals of the
16 elements of a cause of action, supported by mere conclusory statements, do not
17 suffice,” and the Court is “not bound to accept as true a legal conclusion
18 couched as a factual allegation.” *Id.* The Court may take judicial notice of
19 matters of public record and may consider documents incorporated by reference
20 into the complaint without converting the motion into one for summary
21 judgment. *Khoja v. Orexigen Therapeutics, Inc.*, [899 F.3d 988, 998](#) (9th Cir.
22 [2018](#)). When a complaint lacks a cognizable legal theory or sufficient facts to
23 support a cognizable legal theory, dismissal is appropriate. *Mendiondo v.*
24 *Centinela Hosp. Med. Ctr.*, [521 F.3d 1097, 1104](#) (9th Cir. 2008); *see also*
25 *Balistreri v. Pacifica Police Dep’t*, [901 F.2d 696, 699](#) (9th Cir. 1988). Where
26 amendment would be futile, dismissal without leave to amend is proper. *See*
27 *Watison v. Carter*, [668 F.3d 1108, 1117](#) (9th Cir. 2012).
28

1 **III. THE COMPLAINT SHOULD BE DISMISSED FOR LACK OF**
2 **SUBJECT MATTER JURISDICTION UNDER FED. R. CIV. P.**
3 **12(B)(1)**

4 The Executive invokes a federal interest that no one disputes: noncitizens
5 may not vote in federal elections. California law says the same thing. But an
6 interest in enforcing the law is not an injury, and a federal prohibition does not
7 dispense with Article III. The Executive, like any other plaintiff, must identify a
8 concrete injury, actual or imminent, fairly traceable to the County’s conduct and
9 likely to be redressed by the requested relief. *Lujan*, 504 U.S. at 560–61. The
10 Complaint identifies none.

11 The Executive’s theory rests on a chain of possibilities: that registered
12 voters identified through federal database matching are noncitizens; that some
13 will cast ballots; that the County will count those ballots; and that doing so will
14 impair a federal interest. (Compl. ¶¶ 58–60.) But the Complaint does not allege
15 that any identified voter has cast an unlawful ballot, much less that the County
16 has counted one. (See Compl. ¶¶ 62–63.) Nor does it identify any federal
17 investigation or prosecution that the County has obstructed; what the Executive
18 principally alleges is that federal authorities cannot complete their own
19 investigations before the election concludes. (Compl. ¶ 60.) That is not an injury
20 attributable to the County.

21 **A. The Complaint Alleges No Actual or Certainly Impending Injury**

22 Article III requires an injury that is concrete and particularized and actual
23 or imminent, not conjectural or hypothetical. *Lujan*, 504 U.S. at 560. When a
24 plaintiff seeks prospective relief against anticipated conduct, the threatened
25 injury must be “certainly impending,” or there must be a substantial risk that it
26 will occur. *Clapper v. Amnesty International USA*, 568 U.S. 398, 409, 414 n.5
27 (2013). A speculative chain of future events will not suffice. *Id.* at 410–14.

28 The Complaint identifies no concrete, particularized injury to the
Executive. It offers four theories: an abstract sovereign interest in preemption

(Compl. ¶ 9), an alleged impediment to federal enforcement (*id.* ¶ 60), a self-inflicted drain on federal resources (*id.* ¶ 10), and dilution of citizens’ votes (*id.* ¶¶ 6, 10). None satisfies Article III.

1. *A Bare Assertion of Sovereign Injury from Preemption Is Insufficient.*

The Complaint’s standing theory rests almost entirely on a single assertion: that the Executive has “standing to vindicate its sovereign interests, including its legally protected interest in enforcing federal law, such as 18 U.S.C. § 611,” (Compl. ¶ 9.) That falls short of the bar for standing. Alleging that California’s procedures “are preempted and thus violate the Supremacy Clause” (*id.* ¶ 62) does not establish a concrete injury. The Supremacy Clause “provides ‘a rule of decision’”; it is not a source of federal rights. *Murphy v. Nat’l Collegiate Athletic Ass’n*, 584 U.S. 453, 477 (2018); *Armstrong v. Exceptional Child Ctr., Inc.*, 575 U.S. 320, 324–25 (2015). At most, sovereign injury arises where state action “imped[es] the operations or functions of the federal government.” *United States v. King County*, 122 F.4th 740, 751 (9th Cir. 2024). A County that follows state and federal election law, but declines to take unlawful action to assist the federal government with its own enforcement priorities, impedes nothing. *See United States v. California*, 921 F.3d 865, 888–89 (9th Cir. 2019) (“[R]efusing to help [the federal government] is not the same as impeding.”); *United States v. Benson*, 179 F.4th 470 (6th Cir. 2026) (rejecting argument that local officials’ actions trying to comply with NVRA and HAVA mandates to update and maintain voter rolls interfered with enforcement of criminal prohibition on altering records under 52 U.S.C. § 20702).³

³ The Complaint’s authorities are not to the contrary. *Arizona v. United States*, 567 U.S. 387, 401–07 (2012), involved state statutes creating state immigration crimes in a field of exclusive federal concern, and the Court did not address standing. *Vermont Agency of Natural Resources v. United States ex rel. Stevens*, 529 U.S. 765, 771 (2000), concerned whether a qui tam relator may sue for the government’s proprietary injury from false claims. *United States v. Missouri*, 114 F.4th 980, 983 (8th Cir. 2024), involved the State’s explicit refusal to comply with actual statutes passed by Congress (among other acts) surrounding gun control. *La Union del Pueblo Entero v. Abbott*, 604 F. Supp. 3d 512, 527–28 (W.D. Tex. 2022), involved the State’s explicit violation of another statute passed by Congress, the Voting Rights Act. None

1 2. *The Complaint Does Not Plead That the County Has Impeded*
2 *Any Federal Operation or Function.*

3 Any sovereign injury that could support standing here would require that
4 the County has impeded the operation of a federal function, and the Complaint
5 does not plead that it has. Courts have recognized this theory only where local
6 measures directly obstructed federal operations. In *King County*, a county order
7 barred airport service providers from servicing federal immigration charter
8 flights, forcing the flights elsewhere at added cost. 122 F.4th at 750–52. In
9 *United States v. City of Arcata*, municipal ordinances barred military recruiters
10 from contacting minors. 629 F.3d at 989–90. The Complaint alleges nothing
11 comparable. It identifies no law or County policy that prohibits, regulates, or
12 burdens any federal investigation or prosecution. To the contrary, it concedes
13 that the Executive “actively investigates and prosecutes incidents of unlawful
14 voting.” (Compl. ¶ 60.) And the Executive’s own announcements, of which the
15 Court may take judicial notice, confirm that it is doing exactly that in
16 California.⁴ See ECF No. 31-4, Ex. G (Oct. 19, 2026 press release announcing
17 arrests of 11 foreign nationals in California and charges against 17 more).

18 What the Executive alleges instead is that completing its investigations of
19 thousands of suspected noncitizens before the election ends is not “practicable or
20 feasible.” (Compl. ¶ 60.) The County’s refusal and lack of authority to undertake
21 the additional verification the Executive requested does not prevent federal
22 officials from investigating anyone.

23 3. *The Executive Cannot Manufacture Standing By Pleading*
24 *Self-Inflicted Harm.*

25 The Complaint next asserts that, by sending ballots to persons on its list,
26 Defendants “have made it nearly impossible for the United States to investigate
27 and enforce federal law,” imposing “a substantial drain on federal resources.”
28

involved a federal criminal statute directed at private individuals. None found standing based on a State’s refusal to adopt procedures that no federal statute requires.

⁴ The County has cooperated through subpoena response.

1 (Compl. ¶ 10.) But the Complaint itself pleads that California law required those
2 ballots to be mailed, and that they were mailed before the Executive delivered its
3 list. (*Id.* ¶¶ 23, 44, 47.) The Executive spent months compiling a list of
4 unconfirmed data and delivered it to the County after ballots were mailed. The
5 Executive cannot charge the resulting difficulty to the County. A party “cannot
6 manufacture standing merely by inflicting harm on [itself].” *Clapper*, 568 U.S.
7 at 416. Nor can it “spend its way into standing.” *Food & Drug Admin. v. All. for*
8 *Hippocratic Med.*, 602 U.S. 367, 394 (2024).

9 4. *Vote Dilution Is a Speculative, Generalized Grievance.*

10 The Complaint’s remaining assertions are that unlawful votes “dilute the
11 votes of citizens” and “undermine[] public faith in federal elections.” (Compl. ¶
12 10.) Those are not concrete and particularized injuries to the Executive. Vote
13 dilution is an injury to individual voters, *Gill v. Whitford*, 585 U.S. 48, 65-68
14 (2018), and the Executive does not vote.

15 The Ninth Circuit likewise cautioned against “judicial second-guessing”
16 of state election administration based on vulnerability to fraud that “can never be
17 completely eliminated.” *Election Integrity Project Cal., Inc. v. Weber*, 113 F.4th
18 1072, 1096 (9th Cir. 2024). And any dilution theory depends on a “highly
19 attenuated chain of possibilities,” that listed registrants are in fact noncitizens,
20 that they will vote, that their votes will be counted, and that those votes will alter
21 an outcome. *Clapper*, 568 U.S. at 410.

22 5. *The Asserted Injuries are Not Fairly Traceable to the County*

23 Even if the Executive had alleged an injury, nothing in the Complaint
24 traces it to the County. Traceability requires a causal connection between the
25 injury and “the challenged action of the defendant,” not “the independent action
26 of some third party not before the court.” *Lujan*, 504 U.S. at 560 (alterations
27 omitted). It fails where the causal chain rests on “speculation about the decisions
28 of independent actors,” *Clapper*, 568 U.S. at 414, or on harm the plaintiff
inflicted on itself, *id.* at 416. And a plaintiff must establish standing as to each

1 defendant and each form of relief. *See TransUnion LLC v. Ramirez*, 594 U.S.
2 413, 431 (2021) (“[S]tanding is not dispensed in gross.”).

3 *First*, any unlawful vote would result from the independent criminal act of
4 a noncitizen, the very conduct Section 611 prohibits, not from any act of the
5 County. (Compl. ¶¶ 17–19.) That is “the independent action of some third party
6 not before the court.” *Lujan*, 504 U.S. at 560. Every act the Complaint attributes
7 to the County is what California law requires and federal law permits: mailing
8 ballots to active registrants, relying on sworn attestations of citizenship,
9 verifying signatures, and tabulating ballots. 52 U.S.C. §§ 20505(a)(1),
10 20508(b)(2); Cal. Elec. Code §§ 2111, 3000.5, 3019; *see Arizona v. Inter Tribal*
11 *Council of Ariz., Inc.*, 570 U.S. 1, 15–20 (2013); (Compl. ¶¶ 23, 44, 48). The
12 Complaint does not allege that the County exercised any independent discretion
13 as to the persons on the October List. Nor does it allege that state law permits the
14 County to withhold a registered voter’s ballot on the strength of a third party’s
15 assertion.

16 *Second*, the only “obstacle” the Complaint identifies is the Executive’s
17 inability to finish investigating its list before Election Day. (Compl. ¶ 60.) That
18 obstacle is of the Executive’s own making. By its own account, the Executive
19 began compiling the October List in May 2026, waited until July to raise its
20 concerns with the Secretary of State, never provided the methodology the
21 Secretary requested, and then waited until ballots had been mailed and were
22 being processed to deliver the list to the County on October 13—with a 48-hour
23 deadline. (Compl. ¶¶ 4, 44, 47 & Exs. A–C.) The Complaint does not explain
24 how the County caused that difficulty. Nor does it identify any federal law
25 requiring the County to complete those investigations on the Executive’s
26 timetable. The obstacle it describes is a calendar, not the County.

27 *Third*, the Complaint’s theory of causation is that the County will count
28 ballots “without verifying the voter’s citizenship.” (Compl. ¶ 59.) But the
Registrar has no power to make the determination whose absence the Executive

1 blames for its injury. His office cannot investigate citizenship beyond the
2 registrant's sworn attestation. (ECF No. 32-4 ¶¶ 8, 44.) It has no guidelines, no
3 access to federal citizenship databases, and no statutory or regulatory authority
4 to adjudicate whether a registered voter is a citizen. (*Id.* ¶¶ 6, 44–46.) Federal
5 and state law affirmatively forbid what the Executive asks of him: the NVRA's
6 uniformity and Quiet Period requirements, 52 U.S.C. § 20507(b)(1), (c)(2)(A);
7 the Voting Rights Act's prohibition on refusing to count a qualified voter's
8 ballot, *id.* § 10307(a); and California's guarantee of ballot secrecy, Cal. Const.,
9 art. II, § 7. An official cannot cause an injury by failing to do what the law gives
10 him no power to do and in fact prohibits. Whatever injury the Executive claims
11 flows from the absence of a federal citizenship determination, not from any act
12 or omission of the Registrar.

13 6. *The Requested Relief Would Not Redress the Alleged Injury*

14 The requested injunction would not remedy the asserted injury: that
15 federal investigators cannot determine the citizenship of thousands of suspected
16 noncitizens before the election concludes. (Compl. ¶ 60.) It would not help
17 federal authorities complete a single investigation, remove any obstacle to
18 prosecution, or restore any federal power the County has impaired. It would
19 instead require the County to withhold the ballots of registered voters until their
20 citizenship could be independently verified (Compl. ¶ 63)—shifting the cost of
21 the Executive's uncertainty from federal investigators to the County and to the
22 affected voters, including citizens whose eligibility no one has actually
23 determined to be in doubt. Article III requires more.

24 The relief sought would also require Mr. Logan to act beyond his office's
25 authority and contrary to the federal and state laws identified above. (*See* ECF
26 No. 32-1 at 27–29.) Relief a court cannot order cannot satisfy redressability.

27 Nor could any order against the County reach (1) ballots already verified,
28 separated from their envelopes, and commingled, which cannot be associated
with any voter, Cal. Const., art. II, § 7; 52 U.S.C. § 21081(a)(1)(C); (ECF No.

1 32-4 ¶¶ 18, 36-38); or (2) any record bearing an address outside Los Angeles
2 County, over which the County has no authority (Compl. ¶ 16; [ECF No. 32-4 ¶](#)
3 6). At a minimum, then, the Executive lacks standing to seek relief against the
4 County as to the roughly two-thirds of the October List not bearing County
5 addresses. ([ECF No. 32-3 ¶ 25.](#))

6 **B. The Claim Is Not Ripe, and the Alleged Injury Rests on a**
7 **Speculative Chain of Contingencies**

8 The Complaint asks the Court to act now against an injury that depends on
9 events that have not occurred and that the Executive itself cannot say will occur.
10 Ripeness, which in its constitutional dimension “coincides squarely with
11 standing’s injury in fact prong,” bars claims that rest “upon contingent future
12 events that may not occur as anticipated, or indeed may not occur at all.”
13 *Thomas v. Anchorage Equal Rts. Comm’n*, [220 F.3d 1134, 1138–39](#) (9th Cir.
14 [2000](#)) (en banc); *Texas v. United States*, [523 U.S. 296, 300](#) (1998). A threatened
15 injury must be “certainly impending” or present a “substantial risk”;
16 “[a]llegations of possible future injury are not sufficient.” *Clapper*, [568 U.S. at](#)
17 [409, 414 n.5](#); *Tex. Voters All.*, [495 F. Supp. 3d at 451–52](#).

18 The Executive’s theory depends on a chain of contingencies as explained
19 above. The Complaint pleads none of these links. It alleges only that noncitizens
20 “might be registered” (Compl. ¶ 59), describes the listed persons as “likely”
21 noncitizens (*id.* ¶¶ 4, 47) and the list as the input to “further investigation” (*id.* ¶¶
22 38–43), and it concedes that investigation cannot be completed before the
23 election ends (*id.* ¶ 60).

24 The County’s review of the list confirms how speculative that chain is,
25 which is consistent with how other federal courts have treated bulk database
26 matching.⁵ Only 7,035 of the more than 20,000 records bear County addresses,

27
28 ⁵ Federal courts have repeatedly found that bulk database matching of the kind underlying the October List is too unreliable to establish that any individual registrant is a noncitizen. The District of Columbia found that “SAVE’s ability to verify citizenship—and particularly the citizenship of acquired or naturalized citizens—is limited,” that the Social Security Administration’s citizenship data “merely represents a snapshot,” and that reliance on that data “present[s] an obvious risk that U.S. citizens will be wrongfully removed from voter

1 and a sample of those records reflects many canceled and inactive registrations,
 2 individuals who have never voted, and reported U.S. places of birth. *See supra* §
 3 I.D.2; ([ECF No. 32-3 ¶¶ 24–25](#); [ECF No. 32-4 ¶ 46](#)). The list contains duplicates
 4 and lacks the unique identifiers the County uses, so any match to a County
 5 registration is approximate. ([ECF No. 32-4 ¶¶ 37-38, 44-48](#).) The Executive’s
 6 declarants concede the underlying data may be “incomplete, outdated, or
 7 mismatched.” ([ECF No. 22-4 ¶ 16](#).) On a factual attack, the Court need not
 8 accept the Complaint’s conclusory assertion that the list identifies noncitizen
 9 voters. *Safe Air*, [373 F.3d at 1039](#).

10 The structure of Section 611 confirms the point. Congress enforces
 11 Section 611 the way it enforces most criminal prohibitions: through after-the-
 12 fact prosecution of the individual who votes unlawfully. [18 U.S.C. § 611\(b\)](#). It
 13 provided no civil action to enforce Section 611, and certainly none against the
 14 officials who administer elections. Where Congress wanted DOJ to sue civilly
 15 over federal elections, it said so. [52 U.S.C. §§ 10308\(d\), 20510\(a\), 21111](#); *see*
 16 *Common Cause*, [2026 WL 3033772](#), at *25. And courts are “reluctant to issue
 17 injunctions against the commission of a crime” because the criminal remedy
 18 ordinarily protects the government’s interest. § 2942 Availability of Injunctive
 19 Relief—In General, 11A Fed. Prac. & Proc. Civ. § 2942 (3d ed.). Where the
 20 Executive had evidence of noncitizen status, it used the remedy Congress
 21 provided: it prosecuted 28 individuals. (Appl. at 1.) That it asks instead to hold
 22 everyone else’s ballots “until citizenship can be determined” (Compl. Ex. D)
 23 confirms that the harm it posits is hypothetical.

24
 25 _____
 26 rolls”—a risk that “is not hypothetical.” *Common Cause*, [2026 WL 3033772](#), at *26, *33.
 27 Another court found that the federal government had “haphazardly combined and repurposed
 28 the private information of millions of Americans, including citizenship data that they knew to
 be unreliable.” *League of Women Voters v. U.S. Dep’t of Homeland Sec.*, [835 F. Supp. 3d 79, 95](#) (D.D.C. 2026). And the Ninth Circuit has held that a “mass computerized data-matching
 process to compare the voter rolls with other state and federal databases” is “likely [to] cause
 inaccurate removals.” *Mi Familia Vota v. Fontes*, [129 F.4th 691, 716–17](#) (9th Cir. 2025)
 (quoting *Arcia v. Fla. Sec’y of State*, [772 F.3d 1335, 1344](#) (11th Cir. 2014)), *cert. granted sub*
nom. Republican Nat’l Comm. v. Mi Familia Vota, No. 25-1017 (U.S. June 29, 2026).

1 **C. The Declaratory Judgment Act and 28 U.S.C. § 1345 Do Not**
2 **Cure These Defects**

3 Nor do the Complaint’s jurisdictional statutes, 28 U.S.C. §§ 1345, 2201,
4 and 2202, help. (Compl. ¶¶ 7–8.) Section 1345 confers statutory jurisdiction over
5 suits by the United States; it does not relieve the United States of Article III’s
6 case-or-controversy requirement. And the Declaratory Judgment Act is
7 procedural only; it neither expands federal jurisdiction nor supplies a cause of
8 action. *Skelly Oil Co. v. Phillips Petroleum Co.*, 339 U.S. 667, 671–72 (1950).

9 **IV. THE COMPLAINT SHOULD BE DISMISSED FOR FAILURE TO**
10 **STATE A CLAIM UNDER FED. R. CIV. P. 12(B)(6)**

11 Even if the Executive could clear the threshold of Article III, its
12 Complaint would fail at the next step. To survive a motion to dismiss, a
13 complaint must “state a claim to relief that is plausible on its face.” *Iqbal*, 556
14 U.S. at 678. The Executive’s lone claim does not come close. It invokes
15 preemption, but it identifies no state law that conflicts with federal law. It
16 invokes Section 611, but that statute prohibits noncitizens from voting; it says
17 nothing about how county officials mail, verify, or count ballots. And it invokes
18 the Supremacy Clause, but what it really seeks to make supreme is not an Act of
19 Congress but the Executive’s own preferred enforcement timetable.

20 **A. The Complaint Fails to State a Preemption Claim**

21 The Complaint pleads a single claim. It alleges that the County and the
22 State have sent VBM ballots to registered voters whom federal agencies have
23 identified as “likely noncitizens,” and that they “ultimately” expect to count
24 those ballots. (Compl. ¶¶ 5, 59, 61–62.) The Executive alleges these “actions”
25 are preempted by 18 U.S.C. § 611, which makes it a crime for noncitizens to
26 vote in federal elections. (*Id.* ¶¶ 5, 59, 61–62.) On the Complaint’s theory,
27 Defendants “frustrate the very purpose and effect” of Section 611 by declining to
28 “agree to work with the Federal Government to verify citizenship status before
 tabulating those voters’ votes.” (*Id.* ¶¶ 58–59.) Those “actions,” the Complaint

1 says, make it “not practicable or feasible for the Executive to investigate”
2 thousands of individuals it suspects of being unqualified voters “before the 2026
3 election concludes.” (*Id.* ¶¶ 59–60.)

4 These allegations do not plead a preemption claim. The Executive
5 identifies no conflict between state and federal law, and its attempt to reframe
6 the County’s noncooperation as obstruction and facilitation of unlawful voting
7 finds no support in the law. (Compl. ¶¶ 58–60.)

8 **B. Preemption Requires a Conflict with Federal Law, Not with**
9 **Federal Enforcement Preferences, and No Such Conflict Exists**
10 **Here**

11 Preemption serves one purpose: it “provides a rule of decision” when state
12 and federal law conflict. *Murphy*, 584 U.S. at 477. The necessary predicate is a
13 conflict between federal law and a state-law requirement. *Id.*; see *Kansas v.*
14 *Garcia*, 589 U.S. 191, 202 (2020) (“There is no federal preemption *in vacuo* . . .
15 .”) (quoting *Puerto Rico Dep’t of Consumer Affs. v. Isla Petroleum Corp.*, 485
16 U.S. 495, 503 (1988)). No conflict, no preemption.

17 Nor can preemption rest on some “brooding federal interest” untethered to
18 a federal legal requirement. *Virginia Uranium, Inc. v. Warren*, 587 U.S. 761, 767
19 (2019) (plurality opinion). Federal law may preempt state restrictions imposed
20 through executive or administrative action, not just legislation. See *Arizona*
21 *Dream Act Coal. v. Brewer*, 855 F.3d 957, 971 (9th Cir. 2017) (holding that a
22 governor’s executive order and resulting agency policy, not a statute,
23 “encroache[d] on the exclusive federal authority to create immigration
24 classifications and so is displaced by the [Immigration and Nationality Act]”).
25 But that is not this case. The Executive identifies no state-law requirement that
26 conflicts with Section 611. (Compl. ¶¶ 58–60.) Instead, it asks the Court to treat
27 the County’s refusal to undertake additional citizenship verification at the
28 Executive’s request as preempted—even though Section 611 regulates individual
voters, not the election officials who administer elections. (*Id.* ¶¶ 17–19, 58–60.)

1 California law does not authorize noncitizens to vote; it forbids them to do
2 so. Cal. Const., art. II, § 2. The California Constitution limits the franchise to
3 citizens. *Id.* State statutes require registrants to attest to citizenship under penalty
4 of perjury, criminalize fraudulent registration, and require cancellation of a
5 registration upon legally sufficient proof of noncitizenship. Cal. Elec. Code §§
6 2101, 2111, 2201(a)(8), 18100. The hypothetical law authorizing noncitizen
7 voting included in the Executive’s allegations (Compl. ¶ 55) is not California’s
8 election law.

9 The Executive alleges obstacle preemption, which, to be sure, does not
10 require a state law expressly authorizing prohibited conduct or making
11 simultaneous compliance impossible. *Crosby v. Nat’l Foreign Trade Council*,
12 530 U.S. 363, 372-73 (2000). It can reach state rules that frustrate the operation
13 of a federal statutory scheme. *Id.* But the inquiry stays tied to the scheme
14 Congress enacted. Section 611, the sole statutory basis for the Executive’s
15 preemption claim, makes it “unlawful for any alien to vote” in a federal election,
16 subject to specified exceptions. 18 U.S.C. § 611(a); (Compl. ¶¶ 17–20). It
17 prescribes no rules for mailing, verifying, or counting ballots, imposes no
18 citizenship-verification duty on county registrars, and creates no federal
19 clearance procedure. Congress did not condition ballot processing on completion
20 of federal investigations or require election officials to preserve the Executive’s
21 ability to isolate every ballot cast by a voter whose citizenship federal authorities
22 may question.

23 Nor does the Complaint identify any interference with a congressionally
24 prescribed enforcement mechanism. It alleges no state prohibition on federal
25 investigation, no refusal to obey federal process, and no immunity from
26 prosecution. Indeed, it concedes that the Executive “actively investigates and
27 prosecutes” unlawful voting. (Compl. ¶ 60.) Its asserted obstacle is that federal
28 officials cannot finish investigating thousands of suspected noncitizens before
the election concludes. (*Id.* ¶¶ 58–60.) That explains why the Executive wants

1 the County to suspend ordinary ballot processing, not how that processing
2 frustrates the operation of Section 611. Treating the absence of additional state
3 assistance as a conflict would allow federal investigators to change election rules
4 whenever they announce that their investigations remain unfinished.

5 The Supreme Court has rejected that understanding of preemption: “the
6 possibility that federal enforcement priorities might be upset is not enough to
7 provide a basis for preemption.” *Garcia*, 589 U.S. at 212. Section 611 is federal
8 law. The proposed hold-until-cleared procedure is the Executive’s proposed
9 means of enforcing it. The former does not give the latter statutory force.
10 Because the Complaint identifies no conflict between California’s election
11 procedures and Section 611, its sole claim fails.

12 C. Section 611 Does Not Displace California’s Rules for Administering
13 This Election

14 Section 611(a) prohibits voting by an alien in an election for specified
15 federal offices, subject to its exceptions. Subsection (b) provides criminal
16 penalties. That is all. Neither provision directs election officials to investigate a
17 federal list, segregate listed voters’ ballots, or withhold those ballots until
18 citizenship is independently verified—the very authority and relief the Executive
19 seeks here. Those requirements appear nowhere in Section 611, or in any other
20 law Congress has enacted.

21 That gap matters. The Executive “literally has no power to act” except as
22 authorized by the Constitution or by Congress. *La. Pub. Serv. Comm’n v. FCC*,
23 476 U.S. 355, 374 (1986). Neither the Constitution nor Congress has given the
24 Executive authority for any of the steps it asks this Court to compel: requiring
25 County registrars to segregate ballots and to implement a new citizenship-
26 verification process.

27 Under the Elections Clause, the States prescribe the “Times, Places and
28 Manner” of congressional elections unless Congress “make[s] or alter[s]” those
regulations. U.S. Const. art. I, § 4, cl. 1. That power belongs to Congress, not the

Executive. *See Weber*, 816 F. Supp. 3d at 1175 (noting that the Elections Clause “has constitutionally prevented the centralization of election management in the Executive”). Congress has legislated extensively on the procedures the Executive seeks to displace here. The NVRA requires States to accept and use the Federal Form, which includes a citizenship attestation under penalty of perjury. 52 U.S.C. §§ 20505(a)(1), 20508(b)(2). HAVA requires a citizenship question on the mail registration form and assigns responsibility for the statewide registration list to state officials. *Id.* § 21083(a)(1), (b)(4)(A)(i). The NVRA also regulates list maintenance and limits systematic removals before federal elections. *Id.* § 20507(b)(1), (c)(2). Those provisions reflect congressional choices about both identifying ineligible registrants and protecting eligible voters against erroneous exclusion. Congress did not delegate any of those roles to the Executive.

Congress has delegated to the Executive an important role in election regulation. For example, it has authorized the Attorney General to sue to enforce the NVRA and HAVA. 52 U.S.C. §§ 20510(a), 21111. But the Complaint asserts no violation of either statute. And under the Constitution, the Executive’s duty is to “take Care that the Laws be faithfully executed,” U.S. Const. art. II, § 3, enforcing the obligations Congress enacted, not new ones the Executive invents or prefers. And Section 611, a criminal prohibition directed at individual aliens who voted, cannot be read as an implied grant of authority to impose an emergency ballot withholding regime that bypasses the safeguards Congress separately adopted in legislation addressing both citizenship attestation and voter roll maintenance.⁶

⁶ The Executive’s reading would also raise a serious constitutional question. At least one court has held that Section 611 regulates voter qualifications, which the Elections Clause does not authorize Congress to set. *United States v. Cox*, No. 0:25-cr-60249-DSL, 2026 WL 2948729, at *1 (S.D. Fla. Oct. 1, 2026). The Court need not decide that question. But reading Section 611 to let the Executive override how a State determines whether its registrants meet those qualifications would only deepen the problem.

1 **D. Declining to Help Federal Investigators Is Not Obstruction, and**
2 **Section 611 Imposes No Duty on County Officials to Assist**

3 Stripped to its essentials, the Complaint’s theory is that the State and
4 County obstruct federal law whenever they decline to help federal investigators.
5 The Complaint alleges that Defendants “declined to work with” federal agencies
6 and would not “independently verify” citizenship on the Executive’s say-so, and
7 that this frustrated federal enforcement. (Compl. ¶¶ 47, 57–60.) That is a
8 grievance about cooperation, not a conflict with federal law. The Ninth Circuit
9 has already drawn that line. In *California*, the United States argued that state
10 laws limiting assistance to federal immigration enforcement were obstacle-
11 preempted because they made the federal task harder. 921 F.3d at 888. The court
12 rejected the argument in terms that preclude this case: “refusing to help is not the
13 same as impeding.” *Id.*; *see id.* at 888–91. The Executive itself concedes that “a
14 State is not required to help the Federal Government investigate and prosecute
15 crimes” (Appl. at 23), yet that is exactly what it seeks to compel here by
16 injunction.

17 The Executive may respond that mailing and counting ballots are
18 affirmative acts, not mere lack of cooperation. The distinction does not hold.
19 *California* also involved the State’s affirmative conduct: state and local officials
20 kept releasing people from their custody without giving the advance notice or
21 arranging the transfers that federal immigration authorities wanted. *California*,
22 921 F.3d at 887–89. The question was never whether the State was doing
23 something. It was whether the State was interfering with federal enforcement or
24 simply carrying on its own functions without lending federal officials a hand.
25 This case is even easier. The County is doing what California law requires and
26 federal law permits: mailing ballots to registered voters and processing them in
27 accordance with applicable state laws, regulations, and procedures. The
28 Executive now asks this Court to halt that work unless County officials adopt a
 new referral-and-clearance process of the Executive’s design.

1 Nothing in Section 611 requires the County to do what the Executive is
2 asking. The statute makes it a crime for a noncitizen to vote in a federal election.
3 It regulates the conduct of individual voters, not the officials who administer
4 elections. 18 U.S.C. § 611(a). It says nothing about federal referrals, ballot
5 holds, or citizenship clearance. Relabeling noncooperation as “facilitation” does
6 not write those duties into it.⁷

7 To be clear, the County does not claim broad immunity from federal
8 election law. Its point is narrower: the Constitution assigns the power to regulate
9 federal elections to Congress, and Congress has not exercised it here. An
10 executive demand letter is not an Act of Congress. Attaching a preemption label
11 to the Executive’s demands does not change that. “The Supremacy Clause gives
12 priority to ‘the Laws of the United States,’ not the criminal law enforcement
13 priorities or preferences of federal officers.” *Garcia*, 589 U.S. at 212.

14 **E. The Complaint’s “Knowing Facilitation” Theory Fails as a**
15 **Matter of Law and Is Refuted by the Complaint’s Own**
16 **Allegations**

17 Unable to identify a conflicting state law, the Complaint recasts the
18 County’s ordinary election procedures as “knowingly facilitat[ing] unlawful
19 voting.” (Compl. ¶¶ 56, 59–61.) For that theory it leans on a single case,
20 *Norwood v. Harrison*, 413 U.S. 455 (1973), which reasoned that a State “may
21 not induce, encourage or promote private persons to accomplish what it is
22 constitutionally forbidden to accomplish.” *Id.* at 465; (Compl. ¶¶ 5, 56). The
23 theory fails three times over.

24 **1. Norwood Supplies No Preemption Rule**

25 *Norwood* was an equal-protection case. Mississippi lent free textbooks to
26 students at private schools with racially discriminatory admissions policies.

27 _____
28 ⁷ The result is no different under the Elections Clause, which the Complaint also
invokes. Congress may supersede state election procedures, but only “so far as
[Congress] . . . exercise[s]” that authority “and no farther.” *Inter Tribal Council*,
570 U.S. at 9 (citation omitted); *see also Ex parte Siebold*, 100 U.S. 371, 384
(1879). Congress did not exercise that authority in Section 611 to prescribe
ballot-verification or counting procedures.

1 *Norwood*, 413 U.S. at 458. The Court held that this tangible aid supported
2 discrimination the State itself could not practice. *Id.* at 463–68. The principle
3 depends on a constitutional prohibition that binds the State. Section 611 binds no
4 State. It forbids noncitizens to vote. 18 U.S.C. § 611(a). A State cannot “induce”
5 others to do what it is “forbidden to accomplish” when federal law forbids the
6 State nothing. The Complaint cites no case turning *Norwood* into a preemption
7 doctrine, and the County is aware of none.

8 2. *Norwood Undercuts the Remedy the Executive Seeks*

9 Even on its own terms, *Norwood* did not presume that every participating
10 school discriminated. It contemplated an individualized determination of
11 whether a given school discriminated, for example, through a certification
12 process. *Id.* at 470–71. California already requires individualized certification.
13 Each registrant attests to citizenship under penalty of perjury, and election
14 officials act on credible, individualized information of ineligibility. Cal. Elec.
15 Code §§ 2111, 2150(a)(1), 2201(a)(8). The Executive asks for the opposite of
16 what *Norwood* required: a blanket hold on thousands of ballots, based on a bulk
17 list, with no individualized determination at all. (Compl. ¶¶ 6, 63.)

18 3. *The Complaint Does Not Plausibly Allege Knowledge*

19 The Complaint’s own allegations defeat the premise that the County
20 “knows” that persons on the October List are noncitizens. It alleges only that the
21 State “knows that noncitizens *might* be registered to vote.” (Compl. ¶ 59
22 (emphasis added).) It describes the listed individuals as “likely” noncitizens. (*Id.*
23 ¶¶ 4, 45, 58.) It explains that USCIS refers its list to HSI “for further
24 investigation,” and that HSI in turn sends it to “criminal investigators in the field
25 for further investigative steps.” (*Id.* ¶¶ 38–43.) And it concedes that the
26 investigation cannot be completed before the election concludes. (*Id.* ¶ 60.) By
27 its author’s own account, then, the list is where an investigation begins, not
28 where it ends. It cannot confer knowledge that any listed person is ineligible.

1 Knowing that an accusation has been made is not knowing that it is true.⁸ The
2 Complaint’s assertion that the County acts “knowingly” is therefore “a legal
3 conclusion couched as a factual allegation,” which the Court need not accept.
4 *Iqbal*, 556 U.S. at 678–79; *Twombly*, 550 U.S. at 555.

5 The Complaint’s passing reference to aiding and abetting does not fill the
6 gap. (Compl. ¶ 19.) Section 2 of Title 18 establishes criminal accomplice
7 liability; it creates no independent civil cause of action. Nor is there a general
8 presumption that civil liability extends to aiders and abettors. *See Central Bank*
9 *of Denver, N.A. v. First Interstate Bank of Denver, N.A.*, 511 U.S. 164, 182
10 (1994). In any event, the Complaint does not allege conduct satisfying § 2.
11 Accomplice liability under 18 U.S.C. § 2 requires an affirmative act in furthering
12 the offense, undertaken with intent to facilitate it and advance knowledge of the
13 circumstances constituting the offense. *Rosemond v. United States*, 572 U.S. 65,
14 71, 76–77 (2014). The Complaint alleges neither intentional assistance nor the
15 requisite knowledge.

16 The County’s alleged conduct consists of administering elections under
17 generally applicable federal and state law, including the NVRA, HAVA, and
18 California’s procedures for mailing, verifying, and counting ballots. *See supra* §
19 IV.C; Cal. Elec. Code §§ 3000.5, 3011, 3019; Cal. Code Regs. tit. 2, §§ 20960,
20 20990–20991. The Complaint identifies no departure from those neutral
21 procedures undertaken with the intent to facilitate unlawful voting. Nor does it
22 allege that any County official intends for a noncitizen to vote or knows that any
23 particular voter has committed or will commit an offense. Notice that federal
24 agencies suspect certain registered voters are noncitizens is not knowledge that
25 those voters are ineligible, much less intent to facilitate unlawful voting.
26

27 ⁸ The Executive’s announcement that it has charged 28 people on its list (Appl.
28 at 1) does not help it. The charges appear nowhere in the Complaint, and a
criminal charge is an accusation, not proof that anyone is a noncitizen or has
voted. Nor do 28 charges, about one-seventh of one percent of the list, say
anything about the other 20,000 names. Above all, the charges show that federal
enforcement is proceeding exactly as Section 611 contemplates, against
individual voters, with nothing the County has done standing in its way.

1 **F. Even if the Complaint Stated a Claim, the Court Could Not**
2 **Grant the Relief the Executive Seeks**

3 Even if the Complaint stated a claim, the injunction it seeks would require
4 County officials to violate federal law. That alone warrants dismissal of the
5 request for injunctive relief. A decree commanding violations of federal and
6 constitutional law cannot serve the public interest, and the Executive’s proposed
7 decree would require four of them.

8 *First*, the NVRA requires States to complete “any program the purpose of
9 which is to systematically remove the names of ineligible voters” no later than
10 90 days before a federal election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). That window
11 closed on August 5, 2026. The Eleventh Circuit has applied the bar to systematic
12 programs aimed at noncitizens. *Arcia*, [772 F.3d at 1344–48](#). The Ninth Circuit
13 has done the same—and has held that sending individual notices after a database
14 comparison does not convert a systematic cancellation of registrations, which,
15 under the NVRA, may not be conducted within 90-days of an election, into an
16 “individualized” removal program, one of the NVRA’s enumerated exceptions..
17 *Mi Familia Vota*, [129 F.4th at 716–17](#). The program the Executive proposes is
18 systematic by design: a bulk list, generated by database matching, applied
19 wholesale on the eve of the election. It would not formally strike names from the
20 rolls. But setting aside the ballots of registered voters until an open-ended
21 federal review ends, less than two weeks before Election Day, accomplishes the
22 same exclusion the 90-day bar exists to prevent. Congress drew that line to keep
23 error-prone, last-minute purges from disenfranchising eligible voters. A ballot
24 hold that achieves the same result under a different name does not escape it.

25 *Second*, the Voting Rights Act forbids any person acting under color of
26 law to “willfully fail or refuse to tabulate, count, and report” the vote of any
27 person “entitled to vote” or “otherwise qualified to vote.” [52 U.S.C. § 10307\(a\)](#).
28 The Executive does not claim that every person on the October List is a
noncitizen. It describes them only as “likely” noncitizens. (Compl. ¶¶ 4, 45, 58.)

1 A blanket hold would therefore necessarily withhold the ballots of qualified
2 citizens, and County officials would have to refuse, knowingly, to count those
3 votes before certification. The Court should not order officials to do what
4 Section 10307(a) prohibits.

5 *Third*, the order would deprive eligible voters of the right to have their
6 ballots counted without the process the Constitution requires. Due process calls
7 for weighing the private interest at stake, the risk of erroneous deprivation, the
8 value of additional safeguards, and the government’s interest. *Mathews v.*
9 *Eldridge*, 424 U.S. 319, 335 (1976). Every factor cuts against the proposed
10 order. The interest is the fundamental right to vote. The list contains disputed
11 matches, so the risk of error is substantial. The proposed order provides no
12 notice, no means of response, no standard for decision, and no deadline. And
13 once the canvass closes, a mistaken exclusion may be impossible to undo.
14 Courts have required a meaningful opportunity to cure before an eligible voter’s
15 ballot is rejected. *See Democracy N.C. v. N.C. State Bd. of Elections*, 476 F.
16 Supp. 3d 158, 228 (M.D.N.C. 2020); *Raetzel v. Parks/Bellefont Absentee*
17 *Election Bd.*, 762 F. Supp. 1354, 1358 (D. Ariz. 1990). A decree that dispenses
18 with those safeguards is not one this Court should enter.

19 *Fourth*, federal law requires that voter-list maintenance be “uniform” and
20 “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). The Civil Rights Act separately
21 bars officials who are assessing a voter’s qualifications from applying standards,
22 practices, or procedures different from those applied to other voters in the same
23 county already found qualified to vote. *Id.* § 10101(a)(2)(A). The Executive’s
24 proposed hold would single out voters based on immigration-related records that
25 may show only that a person was once a noncitizen, or that current citizenship
26 could not be confirmed. It is likely that naturalized citizens would bear scrutiny
27 that native-born citizens do not, solely because of their immigration history,
28 even though both have the same right to vote. The Ninth Circuit found that kind

1 of differential scrutiny unlawful. *Mi Familia Vota*, [129 F.4th at 714–15](#).⁹

2 **G. The Complaint Does Not Allege That Any Listed Voter in Los**
3 **Angeles County Has Cast a Ballot, and Relief Against Mr. Logan**
4 **Could Reach No One Else**

5 Moreover, Mr. Logan’s authority ends at the county line. He administers
6 elections in Los Angeles County. (*See* Compl. ¶ 16.) He has no power to mail,
7 hold, or count ballots anywhere else. *See* [Cal. Elec. Code § 3017\(a\)\(3\)](#) (requiring
8 a county election official to forward to the issuing county any ballot dropped off
9 or voted in another county). The Complaint does not allege how many listed
10 individuals are registered in Los Angeles County, or that any one of them has
11 requested or returned a ballot there. And courts enjoin officials, not laws; an
12 injunction runs only to the conduct of the official before the court. *See Whole*
13 *Woman’s Health v. Jackson*, [595 U.S. 30, 44](#) (2021). An official-capacity
14 defendant can be ordered to do only what his office empowers him to do. *See*
15 *Baughcum v. Jackson*, [92 F.4th 1024, 1033](#) (11th Cir. 2024) (holding plaintiffs’
16 claims against the Commissioner were not redressable because the
17 Commissioner “was not responsible for issuing licenses, nor could he issue them
18 to the plaintiffs if ordered,” as licensing authority lay with the probate judges).
19 Mr. Logan therefore cannot be compelled by injunction to act on the ballots of
20 the approximately 13,000 listed individuals registered outside Los Angeles
21 County.

22 **V. CONCLUSION**

23 Election integrity is measured by making sure every lawful vote counts,
24 guided by established law and untainted by intimidation and threats. The
25 Executive’s Complaint erodes that integrity by sowing doubt across the
26 electorate and seeking to disrupt the core civic functions of County election
27 workers. This Court is the essential check against this overreach, and with
28 ballots already being cast, an order dismissing the Executive’s preemption claim

⁹ The Executive’s request that VBM ballots be held and not counted, but not in-person ballots, is also contrary to the application of uniform and nondiscriminatory standards.

1 as unlawful will confirm that election officials can complete their work and
2 eligible voters are not dissuaded. For these reasons, the County respectfully
3 requests the Court dismiss the Complaint with prejudice, for no amount of
4 amendment can cure the defects.

5
6 Dated: October 21, 2026

**NORTON ROSE FULBRIGHT US
LLP**
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9
10
11 By: 
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LOGAN, in his official capacity as the
County of Los Angeles Registrar-
Recorder/County Clerk

14 Dated: October 21, 2026

PUBLIC RIGHTS PROJECT
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forthcoming)
TOBY R. MERRILL (*pro hac vice*
forthcoming)
KYRA SIKORA
SHARANYA MOHAN (*request for*
admission pending)

15
16
17
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19 By: /s/ Joshua Karsh
20 **JOSHUA KARSH**
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CERTIFICATE OF COMPLIANCE WITH L.R. 11-6.2

The undersigned, counsel of record for Defendant Dean C. Logan, certifies that this brief contains 10,349 words, which complies with the word limit of L.R. 11-6.1 or the Court's order permitting up to 10,500 words.



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October 21, 2026

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27 UNITED STATES DISTRICT COURT
28
CENTRAL DISTRICT OF CALIFORNIA

19 UNITED STATES OF AMERICA,
20 Plaintiff,
21 v.
22 STATE OF CALIFORNIA, SHIRLEY
23 N. WEBER, in her official capacity as
24 the California Secretary of State, and
25 DEAN C. LOGAN, in his official
26 capacity as the County of Los Angeles
27 Registrar-Recorder/County Clerk,
28 Defendants.

Case No. 2:26-cv-12025
The Hon. David O. Carter

**DECLARATION OF
CHRISTOPHER PELHAM IN
SUPPORT OF DEFENDANT
DEAN C. LOGAN'S MOTION TO
DISMISS PLAINTIFF UNITED
STATES OF AMERICA'S
COMPLAINT**

Date Action Filed: October 15, 2026
Hearing Date:
December 7, 2026
Ex Parte Requested Hearing:
October 30, 2026
Time: 8:30 a.m.

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19 Angeles Registrar-Recorder/County Clerk

DECLARATION OF CHRISTOPHER PELHAM

I, Christopher K. Pelham, declare as follows:

1. I am an attorney licensed to practice before this Court, and I am a Partner at the law firm of Norton Rose Fulbright US LLP, counsel of record for Defendant Dean C. Logan, in his official capacity as the County of Los Angeles Registrar-Recorder/County Clerk (the "County"). I have personal knowledge of the facts stated herein, and could and would testify competently thereto if sworn as a witness. I submit this declaration in support of the County's *ex parte* application for an order expedited briefing schedule and hearing on Defendants' motions to dismiss.

2. On October 20 and 21, 2026, I participated in video conferences with government counsel (Department of Justice Counsel Andrew Darlington and Assistant U.S. Attorney Julie Hamill) and counsel for the State Defendants (that is, the State of California and Dr. Shirley N. Weber, in her official capacity as the California Secretary of State).

3. During the call on October 21, 2026, counsel for the State Defendants and I orally explained to government counsel the Defendants' grounds for dismissal under Fed. R. Civ. Proc. 12(b). Plaintiff will oppose the motions to dismiss.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of October, 2026, at Los Angeles, California.



CHRISTOPHER PELHAM