

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

THE COMMITTEE FOR  
MASSACHUSETTS VOTER  
IDENTIFICATION BALLOT QUESTION,

Plaintiff,

v.

HON. WILLIAM FRANCIS GALVIN, in his  
official capacity as Secretary of the  
Commonwealth of Massachusetts,

Defendant.

Civil Action No.: 1:24-cv-12029

**COMPLAINT**

Plaintiff The Committee for Massachusetts Voter Identification Ballot Question hereby brings its Complaint against Defendant the Hon. William Francis Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts (“Commonwealth”), and alleges as follows:

**NATURE OF ACTION**

1. This is an action for declaratory and injunctive relief against Defendant for violations of 52 U.S.C. § 20507(i)(1) (the “Public Disclosure Provision” of the National Voter Registration Act of 1993 (“NVRA”)).

**JURISDICTION AND VENUE**

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1331 because the action arises under the laws of the United States. This Court also has jurisdiction under 52 U.S.C. § 20510(b) because the action seeks declaratory and injunctive relief under the NVRA.

3. Venue in this Court is proper under 28 U.S.C. § 1391(b)(1) because the Defendant resides in this district, and under 28 U.S.C. § 1391(b)(2) because a substantial part of the events or omissions giving rise to the claim occurred in this district.

### **PARTIES**

4. Plaintiff is a political committee registered with the Massachusetts Office of Campaign and Political Finance (CPF ID 95517) and with its principal place of business located at 167 Washington Street, Norwell, MA 02061-1797. Its purpose is to promote the integrity of elections by supporting a Voter ID ballot question in the Commonwealth of Massachusetts. It is comprised of grass roots activists who, among other activities, research and analyze public records to determine whether voter rolls are current, accurate, and comply with federal and state law.

5. On information and belief, Defendant is the Chief Election Official of the Commonwealth, with a principal place of business located at 1 Ashburton Place, Boston, MA 02108-1512.

### **FACTS**

6. The NVRA provides, in relevant part, that “[e]ach State shall maintain for at least 2 years and shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i)(1).

7. The Public Disclosure Provision “embodies Congress’s conviction that Americans who are eligible under law to vote have every right to exercise their franchise, a right

that must not be sacrificed to administrative chicanery, oversights, or inefficiencies.” *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334-35 (4th Cir. 2012).

8. The Public Disclosure Provision is designed to “ensure that election officials are fulfilling their list maintenance duties” and is “available to any member of the public.” *Bellitto v. Snipes*, No. 16-cv-61474, 2018 U.S. Dist. LEXIS 103617, at \*12 (S.D. Fla. Mar. 30, 2018). The Public Disclosure Provision “convey[s] Congress’s intention that the public should be monitoring the state of the voter rolls and the adequacy of election officials’ list maintenance programs. ... Accordingly, election officials must provide full public access to all records related to their list maintenance activities, including their voter rolls.” *Id.* at \*12-13 (emphasis added).

9. On December 3, 2023 Plaintiff’s then President, Joanne Miksis, requested a copy of the Massachusetts statewide voter registration list and copies of all Member Data files that the Commonwealth transmitted since January 1, 2023 to the Electronic Registration Information Center, Inc. (“ERIC”) pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022. *See* Ex. A.

10. On December 18, 2023 Defendant’s office responded (i) that it would provide the requested list provided that Plaintiff first sign a “licensing agreement,” and (ii) that it had no responsive records with respect to the Member Data files. *See* Ex. B.

11. Plaintiff attempted to get the licensing agreement from Defendant’s office three times: on December 22, 2023; January 4, 2024; and January 10, 2024. *See* Ex. C. Notwithstanding these attempts, Plaintiff has not received the licensing agreement.

12. In a Notice Letter dated April 2, 2024 and sent pursuant to 52 U.S.C. § 20510(b), Plaintiff notified Defendant that Defendant was in violation of the NVRA for

failure to permit inspection of its voter list maintenance records and Member Data Files as 52 U.S.C. § 20507(i) requires. *See* Ex. D. The Notice Letter notified Defendant that the requested list and Member Data files fall within the scope of NVRA. *Id.*

13. Defendant received the hardcopy of the Notice Letter on April 3, 2024. *See* Ex. E.

14. Defendant has not cured its violation of the NVRA within ninety days of receipt of the Notice Letter as the statute requires. 52 U.S.C. § 20510(b)(2).

15. The requested list and Member Data files are records within the scope of the NVRA's Public Disclosure Provision because they relate to voter list registration and maintenance activities.

16. Indeed, on February 2, 2024, the First Circuit Court of Appeals confirmed that the State of Maine's "Voter File plainly relates to the carrying out of Maine's voter list registration and maintenance activities and is thereby subject to disclosure under Section 8(i)(1)."<sup>1</sup> *Pub. Int. Legal Found., Inc. v. Bellows*, 94 F.4th 36, 47 (1st Cir. 2024).

17. Defendant's violations of the NVRA are causing Plaintiff to suffer a concrete informational injury because Plaintiff does not have records and information to which it is entitled under federal law. *FEC v. Akins*, 524 U.S. 11, 21 (1998) ("[A] plaintiff suffers an 'injury in fact' when the plaintiff fails to obtain information which must be publicly disclosed pursuant to a statute."). This "informational injury" is causing Plaintiff to suffer additional adverse effects.

18. Plaintiff gathers information about the state of the voter rolls across the Commonwealth for the purpose of assessing the accuracy and currency of the rolls and

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<sup>1</sup> Section 8(i) of the NVRA is codified at 52 U.S.C. § 20507(i).

whether officials are complying with state and federal voter list maintenance requirements and standards, as well as other best practices.

19. Plaintiff intends to use the requested list and Member Data files to further study and investigate the Commonwealth's voter list maintenance activities and the Commonwealth's compliance with state and federal law, and other best practices.

20. Defendant's denial of the requested list and Member Data files affects Plaintiff's efforts and will influence where Plaintiff deploys its resources for further investigations, communications with certain election officials, and necessary remedial measures.

21. Defendant's failure to provide the requested list and Member Data files pursuant to federal law causes harm to Plaintiff, as Plaintiff is required to expend additional resources and staff, while limiting Plaintiff's ability to fund other pending investigations.

22. Plaintiff needs to keep its institutional knowledge current and accurate so it can operate efficiently and effectively, including for the purposes that Congress intended under the NVRA. 52 U.S.C. § 20501(b). The failure of Defendant to provide the requested list and Member Data files impairs and directly frustrates Plaintiff's accumulation of institutional knowledge about government officials' practices to maintain the integrity of voter rolls in the Commonwealth. This impairment harms Plaintiff's ability to accurately and comprehensively educate the public and election officials about numerous circumstances, including the state of their own voter rolls. This impairment harms Plaintiff's ability to accurately and comprehensively educate members of Congress about numerous circumstances, including possible amendments to the NVRA, compliance with federal law by state officials, and the effectiveness of the NVRA's four articulated legislative purposes. *Id.*

23. By denying Plaintiff the ability to obtain the requested list and Member Data files, Defendant is also impairing Plaintiff's ability to, *inter alia*, (1) study and analyze the Commonwealth's voter list maintenance programs and activities; (2) assess the Commonwealth's enforcement of state and federal voter eligibility requirements; (3) assess the Commonwealth's compliance with state and federal voter list maintenance obligations, and other best practices; and (4) aid the Commonwealth in carrying out voter list maintenance programs and activities, and other best practices, thus injuring Plaintiff.

24. Plaintiff intends to request similar records from the Defendant in the future.

### **COUNT I**

#### **Violation of 52 U.S.C. § 20507(i)**

25. Plaintiff realleges and incorporates herein by reference the allegations set forth in paragraphs 1-24.

26. On information and belief, the requested list and Member Data files are in Defendant's possession, custody, and control.

27. Defendant is denying Plaintiff access to records within the scope of the NVRA's Public Disclosure Provision and thereby violating the NVRA's Public Disclosure Provision.

28. Plaintiff is entitled to relief but has no adequate remedy at law.

### **PRAYER FOR RELIEF**

A. WHEREFORE, Plaintiff prays for relief as follows:

B. Declaring that Defendant is in violation of 52 U.S.C. § 20507(i) for denying Plaintiff the opportunity to inspect and copy at reasonable cost the requested list and Member Data files.

C. Declaring that 52 U.S.C. § 20507(i) preempts and supersedes any state statute, code, regulation, practice, and/or policy that prevents Plaintiff from inspecting and copying the requested list and Member Data files, or data contained in them.

D. Ordering that Defendant provide the requested list and Member Data files to Plaintiff.

E. Permanently enjoining Defendant from denying similar requests in the future.

F. Ordering Defendant to pay Plaintiff's reasonable attorney's fees, including litigation expenses and costs, pursuant to 52 U.S.C. § 20510(c); and

G. Granting Plaintiff such other relief as this Court may deem just and proper.

Respectfully submitted,

Dated: August 6, 2024

/s/Brian M. Gaff  
Brian M. Gaff (BBO No. 642297)  
215 South Broadway, Suite 308  
Salem, NH 03079-3374  
857-719-0100  
781-581-9134 (fax)  
[bgaff@lawbmg.com](mailto:bgaff@lawbmg.com)

*Attorney for The Committee for Massachusetts Voter  
Identification Ballot Question.*

**EXHIBIT A**

From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>  
Date: On Sunday, December 3rd, 2023 at 9:03 PM  
Subject: Public Records Request  
To: [Elections@sec.state.ma.us](mailto:Elections@sec.state.ma.us) <[Elections@sec.state.ma.us](mailto:Elections@sec.state.ma.us)>  
CC: [debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us) <[debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us)>

Hello -

This is a request pursuant to Massachusetts Public Records Law (Mass. General Laws ch. 66, sec. 10).

The Committee for Massachusetts Voter Identification Ballot Question (CPF ID 95517; "Committee") hereby requests a copy of the Massachusetts statewide voter registration list, maintained in the Massachusetts Voter Registration Information System or elsewhere, required to be implemented pursuant to 52 U.S.C. ch.209, sec. 21083(a)(1).

Please include on this list the information contained in the Annual Register as described in Mass. General Laws ch. 51, sec. 37. In addition, please include on this list the following information for each voter:

- Voter ID Number
- Mailing Address
- Date of Birth
- Date of Registration
- Party Affiliation
- Ward Number
- Precinct Number
- Voter Status (Active or Inactive)

Also, the Committee requests copies of all Member Data filesthat the Commonwealth of Massachusetts ("Commonwealth")has transmitted since January 1, 2023, to the Electronic Registration Information Center, Inc. ("ERIC") pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022, further described in Exhibits A and B thereto.

Please provide the information requested above in electronic format, preferably as a CSV, delimited text, or Microsoft Excel file. Please include column headers in the electronic file that identify the contents of each column of data.

Lastly, the Committee requests a copy of all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters pursuant to 52 U.S.C. ch. 205, sec. 20507(i).

Thank you for your assistance. Please contact the Committee if you have any questions.

Joanne Miksis



**EXHIBIT B**

**From:** "O'Malley, Debra (SEC)" <[debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us)>

**Date:** December 18, 2023 at 4:14:13 PM EST

**To:** Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

**Cc:** [Sec.RAO@sec.state.ma.us](mailto:Sec.RAO@sec.state.ma.us)

**Subject:** RE: Public Records Request

Hello,

As your public records request contains several different requests for records, I have responded below in the order in which these records were listed in your email.

Your first request was for the statewide voter file. Under section 47C of chapter 51 of the Massachusetts General Law, the voter file is not a public record available from this office. Therefore, it is exempt from the Public Records Law under Exemption (a) in that law. Nonetheless, your ballot question committee is entitled to access the state voter list from this office, though you must sign a licensing agreement with our office first. If you have already done so, please submit your request for an updated voter file to John Rosenberry in our State House office.

Your second request was for "...all Member Data filesthat the Commonwealth of Massachusetts ("Commonwealth")has transmitted since January 1, 2023, to the Electronic Registration Information Center, Inc. ("ERIC") pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022, further described in Exhibits A and B thereto." This office has no records responsive to this request.

Finally, you requested "a copy of all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters pursuant to 52 U.S.C. ch. 205, sec. 20507(i)." It is unclear from this wording what specific records you may be seeking. If you could clarify or narrow the scope of your request, it would assist us in identifying any responsive records.

Regards,

**Debra O'Malley**

Elections Division

Secretary of the Commonwealth

(617) 727-2828

*Please be advised that you may appeal this response to the Supervisor of Public Records within 90 days or seek judicial review by commencing a civil action in superior court. G.L. c. 66 §10(A); 950 CMR 32.08(1).*

**EXHIBIT C**

From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

Date: On Fri, Dec 22, 2023 at 11:59 AM

Subject: Fw: Public Records Request

To: <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>

Cc:

Hello John,

My name is Joanne Miksis, president of the Committee for Massachusetts Voter ID Ballot Question, OCPF number 99517. I understand from Deb O'Malley's response to a public records request that I need to enter into a licensing agreement in order to obtain a copy of the state's voter roll. Please advise next steps in order for me to enter into that agreement.

I also understand that a member of our committee had asked you about the state's relationship with ERIC, and that you were going to look into it. If you have any insights regarding that relationship please share with me, otherwise I can follow up with Deb O'Malley directly.

Thank you very much,  
Joanne Miksis

From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

Date: On Thursday, January 4th, 2024 at 12:25 PM

Subject: Public Records Request

To: [john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us) <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>

Hello John -

This is a follow up to my email dated December 22, 2023. Please email a copy of the licensing agreement to me review and advise me of the necessary next steps in order for me to enter into that agreement. I would appreciate if you would email the copy to me this week.

Thanks so much,  
Joanne Miksis

From: Edie <[edieldr@protonmail.com](mailto:edieldr@protonmail.com)>

Date: On Wednesday, January 10th, 2024 at 7:43 AM

Subject: Licensing Agreement

To: [john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us) <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>

CC: [debra.omallev@sec.state.ma.us](mailto:debra.omallev@sec.state.ma.us) <[debra.omallev@sec.state.ma.us](mailto:debra.omallev@sec.state.ma.us)>, Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

John,

I'm writing on behalf of Joanne Miksis, copied on this email, who is travelling today. She was advised to reach out to you by Deb O'Malley in a response to a public records request she made for a copy of the state's voter rolls. The response indicates that she is entitled to a copy of the rolls but must sign a licensing agreement first and pointed Joanne to your office. Joanne has twice requested the licensing agreement for the voter rolls from you, first on December 22, 2023 and again on January 4, 2024. She has received no response from you.

Please email a copy of the licensing agreement to her today for her review and advise her of the necessary next steps in order for her to enter into that agreement.

Thank you,  
Edie Risser

**EXHIBIT D**

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B R I A N M . G A F F

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A T T O R N E Y A T L A W

ADMITTED IN MASSACHUSETTS, NEW HAMPSHIRE, NEW YORK, CALIFORNIA,  
U.S. PATENT AND TRADEMARK OFFICE, AND THE UNITED KINGDOM (ENGLAND AND WALES)

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April 2, 2024

**VIA EMAIL** ([Elections@sec.state.ma.us](mailto:Elections@sec.state.ma.us); [cis@sec.state.ma.us](mailto:cis@sec.state.ma.us))

Confirmation by Priority Mail (9489303699300000781852; 9489303699300000781869)

The Hon. William Francis Galvin  
Secretary of the Commonwealth  
1 Ashburton Place  
Boston, MA 02108-1512

RE: Notice of Violation pursuant to 52 U.S.C. § 20510.

Dear Secretary Galvin:

I represent The Committee for Massachusetts Voter Identification Ballot Question (CPF ID 95517) ("Committee") in certain matters.

On December 3, 2023 the Committee requested a copy of the Massachusetts statewide voter registration list. The request sought a copy of the list that the Commonwealth is required to maintain pursuant to 52 U.S.C. § 21083. Presumably, this list complies with the requirements of G.L. c. 51 §§ 37 and 47C. The request sought the records referred to in 52 U.S.C. § 20507(i) as well. *See* Exhibit 1 attached hereto.

In an emailed response dated December 18, 2023, Ms. Debra O'Malley of your office stated that the Secretary's office would provide the Committee with the requested list, provided that the Committee first sign a license agreement. Ms. O'Malley identified Mr. John Rosenberry as the party who would provide the license ([john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)). *See* Exhibit 2 attached hereto.

The Committee sought the license from Mr. Rosenberry three times: on December 22, 2023; January 4, 2024; and January 10, 2024. *See* Exhibit 3 attached hereto. Notwithstanding these attempts, the Committee has not received the license.

As you are probably aware, on February 2, 2024 the United States Court of Appeals for the First Circuit issued an opinion in the *Public Interest Legal Foundation v. Bellows* case (No. 23-1361; 92 F.4th 36). The First Circuit ruled that a state's voter registration file is included among the records described in 52 U.S.C. § 20507(i). The information in the file comprises at least the following:

[T]he voter's name, residence address, mailing address, year of birth, enrollment status, electoral districts, voter status, date of registration, date of change of the voter record if applicable, voter participation history, voter record number and any special designations indicating uniformed service voters, overseas voters or

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B R I A N M . G A F F  
A T T O R N E Y A T L A W

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The Hon. William Francis Galvin  
April 2, 2024  
Page 2 of 6

township voters.

*Id.* at 42. Additionally, the First Circuit ruled that the federal statute preempted a state's restrictions on the use and publication of the voter registration file.

The Committee has not received the copy of the statewide voter registration list that it requested on December 3, 2023. The Commonwealth's failure to provide the list violates 52 U.S.C. § 20507(i). Furthermore, requiring a license as a condition for providing the copy would appear to be an impermissible restriction that the federal statute preempts.

The Committee's December 3 request also sought:

Copies of all Member Data files that the Commonwealth transmitted since January 1, 2023 to the Electronic Registration Information Center, Inc. ("ERIC") pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022, further described in Exhibits A and B thereto.

*See* Exhibit 4 attached hereto.

The Member Data files are clearly within the scope of "records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters ... ." 52 U.S.C. § 20507(i). Ms. O'Malley's reply that the Secretary's office "has no records responsive to this request" strains credulity. I ask that your office revisit this request to provide responsive records. If it is your position that another office of the Commonwealth is responsible for complying with the Membership Agreement that your office signed with ERIC, please identify that office and the corresponding contact person.

This letter serves as a written notice of violation pursuant to 52 U.S.C. § 20510. Please take all necessary steps to correct this violation within the ninety (90) days that the statute prescribes. That includes providing the Committee with a copy of the statewide voter registration list Member Data files as it originally requested.

Very truly yours,



Brian M. Gaff

Enclosures

cc: Debra O'Malley, Elections Division ([debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us))



**EXHIBIT D**

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**B R I A N   M .   G A F F**

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A T T O R N E Y   A T   L A W

The Hon. William Francis Galvin

April 2, 2024

Page 3 of 6

**EXHIBIT 1**

From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>  
Date: On Sunday, December 3rd, 2023 at 9:03 PM  
Subject: Public Records Request  
To: [Elections@sec.state.ma.us](mailto:Elections@sec.state.ma.us) <[Elections@sec.state.ma.us](mailto:Elections@sec.state.ma.us)>  
CC: [debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us) <[debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us)>

Hello -

This is a request pursuant to Massachusetts Public Records Law (Mass. General Laws ch. 66, sec. 10).

The Committee for Massachusetts Voter Identification Ballot Question (CPF ID 95517; "Committee") hereby requests a copy of the Massachusetts statewide voter registration list, maintained in the Massachusetts Voter Registration Information System or elsewhere, required to be implemented pursuant to 52 U.S.C. ch.209, sec. 21083(a)(1).

Please include on this list the information contained in the Annual Register as described in Mass. General Laws ch. 51, sec. 37. In addition, please include on this list the following information for each voter:

- Voter ID Number
- Mailing Address
- Date of Birth
- Date of Registration
- Party Affiliation
- Ward Number
- Precinct Number
- Voter Status (Active or Inactive)

Also, the Committee requests copies of all Member Data filesthat the Commonwealth of Massachusetts ("Commonwealth")has transmitted since January 1, 2023, to the Electronic Registration Information Center, Inc. ("ERIC") pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022, further described in Exhibits A and B thereto.

Please provide the information requested above in electronic format, preferably as a CSV, delimited text, or Microsoft Excel file. Please include column headers in the electronic file that identify the contents of each column of data.

Lastly, the Committee requests a copy of all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters pursuant to 52 U.S.C. ch. 205, sec. 20507(i).

Thank you for your assistance. Please contact the Committee if you have any questions.

Joanne Miksis

**EXHIBIT D**

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**B R I A N   M .   G A F F**

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**A T T O R N E Y   A T   L A W**

The Hon. William Francis Galvin

April 2, 2024

Page 4 of 6

**EXHIBIT 2****From:** "O'Malley, Debra (SEC)" <[debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us)>**Date:** December 18, 2023 at 4:14:13 PM EST**To:** Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>**Cc:** [Sec.RAO@sec.state.ma.us](mailto:Sec.RAO@sec.state.ma.us)**Subject:** RE: Public Records Request

Hello,

As your public records request contains several different requests for records, I have responded below in the order in which these records were listed in your email.

Your first request was for the statewide voter file. Under section 47C of chapter 51 of the Massachusetts General Law, the voter file is not a public record available from this office. Therefore, it is exempt from the Public Records Law under Exemption (a) in that law. Nonetheless, your ballot question committee is entitled to access the state voter list from this office, though you must sign a licensing agreement with our office first. If you have already done so, please submit your request for an updated voter file to John Rosenberry in our State House office.

Your second request was for "...all Member Data filesthat the Commonwealth of Massachusetts ("Commonwealth") has transmitted since January 1, 2023, to the Electronic Registration Information Center, Inc. ("ERIC") pursuant to the Membership Agreement between the Commonwealth and ERIC dated June 16, 2022, further described in Exhibits A and B thereto." This office has no records responsive to this request.

Finally, you requested "a copy of all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters pursuant to 52 U.S.C. ch. 205, sec. 20507(i)." It is unclear from this wording what specific records you may be seeking. If you could clarify or narrow the scope of your request, it would assist us in identifying any responsive records.

Regards,

**Debra O'Malley**

Elections Division

Secretary of the Commonwealth

(617) 727-2828

*Please be advised that you may appeal this response to the Supervisor of Public Records within 90 days or seek judicial review by commencing a civil action in superior court. G.L. c. 66 §10(A); 950 CMR 32.08(1).*

**EXHIBIT D**B R I A N M . G A F FA T T O R N E Y A T L A W

The Hon. William Francis Galvin

April 2, 2024

Page 5 of 6

**EXHIBIT 3**From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

Date: On Fri, Dec 22, 2023 at 11:59 AM

Subject: Fw: Public Records Request

To: <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>

Cc:

Hello John,

My name is Joanne Miksis, president of the Committee for Massachusetts Voter ID Ballot Question, OCPF number 99517. I understand from Deb O'Malley's response to a public records request that I need to enter into a licensing agreement in order to obtain a copy of the state's voter roll. Please advise next steps in order for me to enter into that agreement.

I also understand that a member of our committee had asked you about the state's relationship with ERIC, and that you were going to look into it. If you have any insights regarding that relationship please share with me, otherwise I can follow up with Deb O'Malley directly.

Thank you very much,  
Joanne Miksis

From: Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

Date: On Thursday, January 4th, 2024 at 12:25 PM

Subject: Public Records Request

To: [john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us) <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>

Hello John -

This is a follow up to my email dated December 22, 2023. Please email a copy of the licensing agreement to me review and advise me of the necessary next steps in order for me to enter into that agreement. I would appreciate if you would email the copy to me this week.

Thanks so much,  
Joanne Miksis

From: Edie <[edieldr@protonmail.com](mailto:edieldr@protonmail.com)>

Date: On Wednesday, January 10th, 2024 at 7:43 AM

Subject: Licensing Agreement

To: [john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us) <[john.rosenberry@sec.state.ma.us](mailto:john.rosenberry@sec.state.ma.us)>CC: [debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us) <[debra.omalley@sec.state.ma.us](mailto:debra.omalley@sec.state.ma.us)>, Joanne Miksis <[jmsis1234@gmail.com](mailto:jmsis1234@gmail.com)>

John,

I'm writing on behalf of Joanne Miksis, copied on this email, who is travelling today. She was advised to reach out to you by Deb O'Malley in a response to a public records request she made for a copy of the state's voter rolls. The response indicates that she is entitled to a copy of the rolls but must sign a licensing agreement first and pointed Joanne to your office. Joanne has twice requested the licensing agreement for the voter rolls from you, first on December 22, 2023 and again on January 4, 2024. She has received no response from you.

Please email a copy of the licensing agreement to her today for her review and advise her of the necessary next steps in order for her to enter into that agreement.

Thank you,  
Edie Risser

**EXHIBIT D**

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B R I A N   M .   G A F F  
A T T O R N E Y   A T   L A W

The Hon. William Francis Galvin  
April 2, 2024  
Page 6 of 6

**EXHIBIT 4**



**EXHIBIT D****EXHIBIT 4****EXHIBIT A****ELECTRONIC REGISTRATION INFORMATION CENTER, INC.****MEMBERSHIP AGREEMENT**

This membership agreement (this “Agreement”) is made and entered into as of the 16<sup>th</sup> day of June 2022 (the “Effective Date”), by and between Electronic Registration Information Center, Inc., a Delaware nonstock corporation (“ERIC”) and MA SOC (the “Member”).

**WHEREAS**, ERIC was formed for charitable and educational purposes to engage in meaningful, evidence-based reform of the election system in the United States; and

**WHEREAS**, ERIC seeks to lessen the burdens of government by facilitating the collaboration of states and local government units to conduct research, develop technology, and perform other charitable and educational activities designed to reduce the costs and increase the accuracies and efficiencies associated with their use of voter registration systems; and

**WHEREAS**, ERIC seeks the direct involvement of states and local government units in furthering its charitable and educational purposes by such states and local government units becoming members of ERIC and furnishing voter registration and other data to help ERIC understand the needs of states and local government units with respect to their use of voter registration systems, and assist state and local government units in making their voter registration lists and processes more accurate, more complete, and fully compliant with federal, state and local laws; and

**WHEREAS**, in consideration for the Member’s performance as described below, ERIC will provide the service to the Members of sharing and processing data that relates to the maintenance of their voter registration lists and provide regular (at least on a monthly basis) reports to the Member.

**NOW THEREFORE**, in consideration of the foregoing, the terms and conditions hereinafter set forth and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Annual Dues. The Member shall pay annual dues to ERIC as determined by the ERIC Membership, pursuant to Article II, Section 5 of ERIC’s Bylaws. The Executive Directors shall invoice Members for dues and set a reasonable payment deadline. If the Member fails to pay dues by the payment deadline, ERIC shall not deliver, nor shall the Member receive, any services or data from ERIC until such payment is received. Any Member that fails to pay dues within ninety (90) days of a payment deadline shall be *automatically removed* as a Member in accordance with ERIC’s Bylaws (the “Bylaws”).
2. Voter Files and Motor Vehicle Records. The Member shall transmit to ERIC the following data related to its voter files and motor vehicle records (collectively, the “Member Data”).
  - a. A reasonable time after admission, the Corporation and the Member will agree upon a ‘Certification Date’ that obligates the Member to the following two sections

**EXHIBIT D****EXHIBIT 4****EXHIBIT A**

herein. The Member shall be notified in writing by the Corporation of the Certification Date.

- b. Within sixty (60) days of the Certification Date, and at least every sixty (60) days thereafter, the Member shall transmit: (1) all inactive and active voter files (excluding those records that are confidential or protected from disclosure by law), including those fields identified in Exhibit B, and (2) all licensing or identification records contained in the motor vehicles database (excluding those fields unrelated to voter eligibility, such as fields related to an individual's driving record), including those fields identified in Exhibit B. Under no circumstances shall the Member transmit an individual's record where the record contains documentation or other information indicating that the individual is a non-citizen of the United States. Should Member believe it has an alternative source of data that is equivalent to or better than the motor vehicle database ("Alternative Data Source"), Member may apply in writing to the Executive Director of ERIC to substitute the Alternative Data Source for motor vehicle data. Such written application shall explain the basis for Member's assertion that the Alternative Data Source is equivalent or better and why using it will effectively serve the goals of ERIC. If, in the Executive Director's assessment, the request is reasonable, the Executive Director shall submit the Member's request to the ERIC Board of Directors ("ERIC Board" or "Board") for approval. If membership in ERIC is contingent upon a jurisdiction's ability to use an Alternative Data Source, the jurisdiction may seek approval of a data substitution request in advance of joining ERIC.
  - c. If the Member fails to transmit the required Member Data as described above, ERIC shall not deliver, nor shall the Member receive, any Data or services from ERIC until ERIC receives the required Member Data from the Member. Should Member fail to transmit Member Data in any sixty (60) day period as provided in sub-section b, Member shall, upon written notice from ERIC, have a thirty (30) day grace period in which to provide such Member Data. Should this grace period expire without a transmission to ERIC of Member Data from the Member, the Member shall be *automatically removed* from membership in accordance with the Bylaws. Member may submit a written appeal to the Executive Director of ERIC for a reasonable extension of the grace period deadline if Member is unable to meet that deadline because of a technical issue or a problem accessing or receiving the Member Data. Whether or not to grant the extension or to proceed to automatic removal shall be in the sole discretion of ERIC's Executive Director.
3. State Agency Records. The Member shall use its best efforts to transmit, on a regular basis, data relating to individuals that exists in the records of other agencies within its jurisdiction that perform any voter registration functions, including, but not limited to, those required to perform voter registration pursuant to the National Voter Registration Act, 43 U.S.C. 1973gg-5 ("Additional Member Data"). Notwithstanding this section, a state's failure to transmit Additional Member Data under this section shall not affect the Member's compliance with this Section or its standing as a member of ERIC.

**EXHIBIT D****EXHIBIT 4****EXHIBIT A**4. Privacy; Use of Data.

- a. **Use and Protection of Data:** The Member and ERIC shall use their best efforts to prevent the unauthorized use or transmission of any private or protected Member Data; Additional Member Data; and data included in reports provided by ERIC (“ERIC Data”) (Member Data, Additional Member Data and ERIC Data shall be collectively referred to as “Data”) in its possession. The Member represents and warrants that all uses and transmissions of Data originating from the Member to ERIC and/or ERIC’s agents, contractors or subcontractors comply fully with applicable state, federal and local laws, rules and regulations. The Member shall not use or transmit any ERIC Data for any purpose other than the administration of elections under state or federal law. Should a Member receive a request to disclose ERIC Data and determines that it is legally obligated, in whole or in part, to comply with such request, it shall not make the disclosure without first obtaining a court order compelling it to do so, a copy of which shall be provided to ERIC.
- b. **Unauthorized Use or Disclosure of Data--Member:** Should there be an unauthorized or impermissible use, disclosure or transmission of Data, regardless of whether it is accidental or intentional (for example, Member intentionally sells, distributes, publishes or uses any ERIC Data for any purpose other than election administration, including any commercial purpose) or the responsibility of a third party (collectively, “Unauthorized Disclosure”), Member shall, within ninety (90) days of ERIC receiving notice of the Unauthorized Disclosure a) explain in writing to ERIC that such Unauthorized Disclosure has been cured and how it was cured or, if the breach is not curable, provides a written explanation to ERIC of what steps it has taken to mitigate the risks to ERIC and its Members resulting from such breach; and b) provide a written explanation of what processes it has implemented to prevent such Unauthorized Disclosure in the future. Upon written application, the Executive Director of ERIC, in consultation with the Board Chair, may extend the deadline for Member to comply with this section. At its first meeting following the Member’s compliance with sub-sections a and b above, the Board will consider the information submitted by the Member and vote on Member’s continued membership. Should Member fail to provide any information in response to sub-sections a and/or b above, Member shall be *automatically removed*. To the extent permitted under each Member’s state law, the Member agrees to indemnify, defend and hold harmless ERIC against any claims related to the Unauthorized Disclosure.
- c. **Notice to ERIC:** Each Member shall report to the Executive Director of ERIC as soon as is practicable if a Member is required by law to sell, distribute, publish, disclose or use any ERIC Data for any purpose other than election administration. Each Member shall report to the Executive Director of ERIC immediately upon learning of any Unauthorized Disclosure.
- d. **Unauthorized Disclosure of Data-ERIC:** Should there be an unauthorized disclosure of motor vehicle data by ERIC, whether accidental or intentional or the

**EXHIBIT D****EXHIBIT 4****EXHIBIT A**

responsibility of a third party (“ERIC Unauthorized Disclosure”), ERIC shall immediately give notice to Members. Understanding that ERIC’s primary source of funds are fees and dues paid by Members, and subject to consultation and approval by the Board, ERIC agrees to indemnify, defend and hold harmless state motor vehicle agencies against any claims related to an ERIC Unauthorized Disclosure of Data.

This provision 4 shall not be construed to limit any Member’s sovereign immunity, rights, claims or defenses which arise as a matter of law or pursuant to any other provision of this Agreement.

5. State Voter Registration Systems. To foster ERIC’s goal of improving the accuracy of state voter registration data, Members are strongly encouraged to establish a regular schedule for requesting ERIC Data with a minimum of one request every calendar year. When a Member Representative requests ERIC Data, upon receipt of such ERIC Data, the Member shall take the following actions in connection with the improvement of its state voter registration systems. (If Member rescinds in writing its request for ERIC Data within seven (7) business days of making its original request, the following requirements will not apply.) If a Member fails to make at least one request for ERIC Data for 425 days, ERIC will automatically provide ERIC Data within seven (7) business days of the 425th day, thereby triggering the following requirements.
  - a. When the Member receives ERIC Data regarding eligible or possibly eligible citizens who are not registered to vote, the Member shall, at a minimum, initiate contact with each and every eligible or possibly eligible citizen and inform them how to register to vote. Each Member shall have until October 1 or fifteen (15) days before the close of registration, whichever is earlier, of the next Federal General Election year to initiate contact with at least 95% of the eligible or potentially eligible citizens on whom data was provided and address validation was performed, as described above. Members shall not be required to initiate contact with eligible or possibly eligible voters more than once at the same address, nor shall Members be required to contact any individual who has affirmatively confirmed their desire not to be contacted for purposes of voter registration or is otherwise ineligible to vote in the Member’s jurisdiction. Should a Member need a brief extension in order to comply with the requirements of this section 5(a), Member may submit a written request to ERIC’s Executive Director setting forth the reasons for the extension request and providing a specific date when the required mailing will be sent. Members shall make every effort to submit extension requests at least two weeks before the deadline. Whether or not to grant an extension request or to proceed to automatic removal is in the sole discretion of ERIC’s Executive Director, and the timeliness of the request shall be a factor in the Executive Director’s determination. Members are entitled to request only one extension per Federal General Election cycle. No later than December 1 (or, if December 1 falls on a weekend, the next business day) following the Federal General Election, the Member Representative shall provide a written certification

**EXHIBIT D****EXHIBIT 4****EXHIBIT A**

to the Executive Director of ERIC that Member has or has not complied with the provisions of this section. Members that have not complied with this section, or do not provide the written certification, shall be *automatically removed* from membership. If a Member adopts legislation or policies that have the potential to accomplish the objectives of this section by alternative means, Member may apply to ERIC for an exemption from the requirements of this section of the Membership Agreement by sending a written request to the Executive Director of ERIC and the Chair of the Board. Such written application shall explain the basis for Member's assertion that the alternative means will effectively achieve the objectives of this section. If the Executive Director of ERIC and the Chair of the Board believe the request is reasonable, it shall be presented to the Board for a vote and, if granted, a determination on the timing of implementation of the exemption.

- b. When the Member receives credible ERIC Data (meaning the state has validated the data) indicating that information in an existing voter's record is deemed to be inaccurate or out-of-date, the Member shall, at a minimum, initiate contact with that voter in order to correct the inaccuracy or obtain information sufficient to inactivate or update the voter's record. Each Member has ninety (90) days after the data was sent to initiate contact with at least 95% of the voters on whom data indicating a record was inaccurate or out-of-date, as described above, was provided.

Within ten (10) business days of the ninetieth day, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section and, if out of compliance, the extent of such non-compliance. If Member is out of compliance, Member shall have a 30-day grace period, which begins on the 91<sup>st</sup> day, within which to complete the required contacts. Within ten (10) business days following the expiration of the grace period, the Member Representative shall provide a written certification to the Executive Director of ERIC that Member has complied or not complied with this section. If Member is still out of compliance, or fails to provide the certification, Member shall be *automatically removed*.

- c. The Member shall use its best efforts to provide for a mechanism by which any eligible voter whose registration appears to have been erroneously processed or unprocessed shall be offered the opportunity to cast a ballot that will be counted, unless the voter is otherwise ineligible.
- d. The Member shall use its best efforts to provide for a mechanism by which an eligible voter may register to vote over the internet without need to complete and/or deliver a paper voter registration form.
- e. The Member shall use its best efforts to provide for a mechanism by which voter registration transactions performed at state agencies is more fully automated and reduces or eliminates paper transactions.

**EXHIBIT D****EXHIBIT 4****EXHIBIT A**

6. Voter Participation Data. ERIC recognizes that the appearance of improper voting, allegations of improper voting, and actual improper voting undermines public confidence in the electoral process and election outcomes. ERIC can be a tool to identify potentially improper votes, and refer them to Members for further investigation consistent with each state's laws. For the purposes of this Agreement, "improper votes" means votes cast by an individual who may have voted more than once in the Member jurisdiction at the same election, voted in more than one Member jurisdiction at the same election, or voted on behalf of a deceased voter within the Member jurisdiction.

Upon the written request of a Member Representative, ERIC shall provide the Member with data identifying voters who appear to have cast improper votes in a preceding election. Members shall not be required to request these data. Use or acceptance of these data shall not be a condition of membership.

To receive these data, Members shall submit a written request to the Executive Director at least 30 calendar days before the applicable election. In the written request, the Member must: (1) specify the election for which it requests data identifying voters who appear to have cast improper votes, (2) affirm that it will submit to ERIC voting history data for the applicable election in a manner consistent with how voter files and motor vehicle records are submitted to ERIC, (3) affirm that it will accept the requested data from ERIC, (4) affirm that it will complete a reasonable internal investigation of any possible improper votes before publicly releasing information about the data, and (5) affirm that it can protect the confidentiality of the individual-level data, either by state law or administrative rule, until the internal investigation is complete and the findings are turned over to law enforcement.

7. Single Point of Transfer. The Member shall designate and maintain a single point of transfer of data and a single data source/point of data per data feed.
8. Performance Data. Within 30 days of the date of execution of this agreement, and every one hundred eighty (180) days thereafter, the Member shall report to ERIC data relating to performance under this Agreement, as described in Exhibit C.
9. State Specific Requirements. From time to time, legislation or implementing regulations enabling states to become members of ERIC will contain state-specific membership requirements not applicable to all Members. Such state-specific requirements are set forth in Exhibit D.
10. Publicity. The Member shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of ERIC, or use any logo, trademark, service mark, or business or trading name of ERIC or any other Member of ERIC without the prior written approval of ERIC or the affected Member, as applicable. Furthermore ERIC shall not make or permit any person connected with it to make any announcement or statement purporting to be on behalf of any Member, or use any logo, trademark, service



**EXHIBIT D****EXHIBIT 4****EXHIBIT A**

mark, or business or trading name of any Member of ERIC without the prior written approval of the affected Member.

11. Waiver. No waiver by any party for any breach by the other of any of the provisions of this Agreement shall be deemed a waiver of any preceding or succeeding breach of the same or any other provisions hereof. No such waiver shall be effective unless in writing and then only to the extent expressly set forth in writing.
12. Severability. The provisions of this Agreement are separate and severable, and the invalidity of any of them shall not affect or impair the validity or enforcement of the remaining provisions.
13. Assignment. ERIC may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without a majority vote of the entire Membership. The Member may not sell, assign, or otherwise transfer any of its rights or interests or delegate any of its duties or obligations in this Agreement, without the prior written consent of ERIC. Any sale, assignment, or transfer in violation of this Section is void and without effect.
14. No Partner or Agency. This Agreement does not constitute or create a partnership or joint venture with any Member or among the Members; appoint any Member as an agent for ERIC or any other Member, or appoint ERIC as an agent for any Member; or create any fiduciary obligations among the Members, except as may be expressly set forth in this Agreement.
15. Amendments. Amendments or modifications of this Agreement shall be effective immediately upon approval of such changes by the entire Membership in accordance with Article VI, Section 5 of the Bylaws.
16. Communications; Notices. All communications and notices that are required to be given by ERIC or a Member pursuant to this Agreement must be in writing and sent to the recipient either by electronic mail, personal delivery, overnight commercial courier service, or facsimile. Members may request a preferred method of delivery and the Corporation will make all reasonable efforts to oblige such requests. Communications and notices must be sent using the Notice Details set forth on the signature page of this Agreement, unless these details are changed by delivery of a written notice to ERIC, if the change related to a Member, or the Member, if the change relates to ERIC. The Executive Director of ERIC shall maintain or cause to be maintained a roster of Members that contains a compilation of Notice Details for each Member, and which shall be distributed periodically to the Members.
17. Counterparts. This Agreement may be executed in two (2) or more counterparts, each of which when fully executed shall be an original, and all of said counterparts taken together shall be deemed to constitute one and the same agreement.

**EXHIBIT D**

**EXHIBIT 4**

**EXHIBIT A**

18. Complete Agreement. This Agreement is the parties' final and binding expression of their agreement and the complete and exclusive statement of its terms. This Agreement cancels, supersedes and revokes all prior negotiations, representations and agreements between the parties, whether oral or written, relating to the subject matter of this Agreement.
19. Headings and Subsections. Section headings are provided for reference and do not constitute part of this Agreement.
20. Definitions. As used herein, the term "state" includes the fifty (50) states, the District of Columbia, and the territories of the United States.



**EXHIBIT D****EXHIBIT 4****EXHIBIT A****ELECTRONIC REGISTRATION INFORMATION CENTER, INC.**

By: \_\_\_\_\_  
 Name: Amanda M. Grandjean  
 Title: Director of Elections and Deputy Assistant Secretary of State  
 Date: June 16, 2022

Notice Details:With a copy to:

Name: Amanda M. Grandjean  
 Title: Director of Elections and Deputy Assistant Secretary of State  
 Address: 22 N. 4th Street  
 Phone: 330-412-4467  
 Fax:

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_

**[MEMBER]**


By: \_\_\_\_\_  
 Name: William Francis Galvin  
 Title: Secretary of the Commonwealth of MA  
 Date: June 15, 2022

Notice Details:With a copy to:

Name: Michelle K. Tassinari  
 Title: Director and Legal Counsel, Elections Division  
 Address: One Asburton Place, Rm 1705, Boston, MA 02108  
 Phone: 617-727-2828  
 Fax: 617-742-3238

Name: \_\_\_\_\_  
 Title: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_  
 Fax: \_\_\_\_\_

**EXHIBIT D**

**EXHIBIT 4**

**EXHIBIT B**

**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.**

**Voter Registration and motor vehicles data fields to be submitted to ERIC by each participating jurisdiction, if collected by the Member State**

1. All name fields
2. All address fields
3. Driver's license or state ID number
4. Last four digits of Social Security number
5. Date of birth
6. Activity dates as defined by the Board of Directors
7. Current record status
8. Affirmative documentation of citizenship
9. The title/type of affirmative documentation of citizenship presented
10. Phone number
11. E-mail address or other electronic contact method

**EXHIBIT D**

**EXHIBIT 4**

**EXHIBIT C**

**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.**

**Performance data to be submitted to ERIC by each participating jurisdiction**

Each jurisdiction will have two types of performance data submission:

- A. Prior to receiving the first ERIC reports, the jurisdiction will submit a set of baseline data for a representative period of time to use for comparisons.
- B. After receiving the first ERIC reports, the jurisdiction will begin submitting data for the activity within the specified time period.

**Performance Data Points**

1. Number of voter registration applications new to the Member's jurisdiction submitted by the voter on a paper form
2. Number of new voter registration applications new to the Member's jurisdiction submitted by the voter electronically
3. Number of updates to a voter's existing voter registration submitted by the voter on a paper form
4. Number of updates to a voter's existing voter registration submitted by the voter electronically
5. Number of records reported from ERIC on In-state Movers report who updated through the jurisdiction's online voter registration system (if available)
6. Election statistics, totals for any federal elections within the period of:
  - a. Number of new voters to the Member's jurisdiction who registered and voted on the same day, where applicable
  - b. Number of updates to a voter's existing registration submitted on the same day on which they voted, where applicable
  - c. Total number of provisional ballots cast
  - d. Total number of provisional ballots counted
  - e. Total number of provisional ballots uncouned, by reason (if available)

*Note: for context, ERIC will use voter turnout data from the United States Elections Project ([www.electproject.org](http://www.electproject.org))*
7. Number of individuals for whom contact was initiated and invited to register as a result of reports received from ERIC within the period
8. Number of individuals for whom contact was initiated and invited to correct their registration as a result of reports received from ERIC within the period

**EXHIBIT D**

**EXHIBIT 4**

**Exhibit D**

**ELECTRONIC REGISTRATION INFORMATION CENTER, INC.**

**State-Specific Requirements**

**Illinois:**

In addition to the voter files and motor vehicle records Members must provide to ERIC under section 2 of the Membership Agreement, Illinois, in accordance with state law, is required to transmit to ERIC identification records contained in the Department of Human Services, the Department of Healthcare and Family Services, the Department of Aging, and the Department of Employment Security databases (excluding those fields unrelated to voter eligibility, such as income or health information).

**EXHIBIT E****USPS Tracking<sup>®</sup>**

FAQs &gt;

Tracking Number:

Remove X

**9489303699300000781852**

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)**Latest Update**

Your item was delivered to an individual at the address at 11:55 am on April 3, 2024 in BOSTON, MA 02108 to SECRETARY. The item was signed for by J FORTE.

**Delivered****Delivered, Left with Individual**

BOSTON, MA 02108

April 3, 2024, 11:55 am

[See All Tracking History](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)**Text & Email Updates****Proof of Delivery****Product Information****See Less** ^

Track Another Package

Enter tracking or barcode numbers

**EXHIBIT E****USPS Tracking®**

FAQs &gt;

Tracking Number:

Remove X

**9489303699300000781869**

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)**Latest Update**

Your item was delivered to an individual at the address at 11:55 am on April 3, 2024 in BOSTON, MA 02108 to SECRETARY. The item was signed for by J FORTE.

**Delivered****Delivered, Left with Individual**

BOSTON, MA 02108

April 3, 2024, 11:55 am

[See All Tracking History](#)[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)**Text & Email Updates****Proof of Delivery****Product Information****See Less** ^

Track Another Package

Enter tracking or barcode numbers

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

The Committee for Massachusetts Voter Identification  
Ballot Question

(b) County of Residence of First Listed Plaintiff Plymouth  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Brian M. Gaff (BBO No. 642297)  
215 South Broadway, Suite 308, Salem, NH

**DEFENDANTS**

Hon. William Francis Galvin, in his official capacity as  
Secretary of the Commonwealth of Massachusetts

County of Residence of First Listed Defendant Suffolk  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                        | DEF                        |   | PTF                        | DEF                        |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice <b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education <b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from Another District (specify) ☐ 6 Multidistrict Litigation - Transfer ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
52 U.S.C. § 20507(i)(1)

Brief description of cause:

Violation of 52 U.S.C. § 20507(i)(1) for failure to provided requested records.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE

SIGNATURE OF ATTORNEY OF RECORD

08/06/2024

/s/Brian M. Gaff

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

1. Title of case (name of first party on each side only) The Committee for Massachusetts Voter Identification Ballot Question v. Hon. William Francis Galvin, in his official capacity as Secretary of the Commonwealth of Massachusetts
2. Category in which the case belongs based upon the numbered nature of suit code listed on the civil cover sheet. (See local rule 40.1(a)(1)).
- ☐ I. 160, 400, 410, 441, 535, 830\*, 835\*, 850, 880, 891, 893, R.23, REGARDLESS OF NATURE OF SUIT.
- ☐ II. 110, 130, 190, 196, 370, 375, 376, 440, 442, 443, 445, 446, 448, 470, 751, 820\*, 840\*, 895, 896, 899.
- ☒ III. 120, 140, 150, 151, 152, 153, 195, 210, 220, 230, 240, 245, 290, 310, 315, 320, 330, 340, 345, 350, 355, 360, 362, 365, 367, 368, 371, 380, 385, 422, 423, 430, 450, 460, 462, 463, 465, 480, 485, 490, 510, 530, 540, 550, 555, 560, 625, 690, 710, 720, 740, 790, 791, 861-865, 870, 871, 890, 950.
- \*Also complete AO 120 or AO 121. for patent, trademark or copyright cases.
3. Title and number, if any, of related cases. (See local rule 40.1(g)). If more than one prior related case has been filed in this district please indicate the title and number of the first filed case in this court.
- NONE-
4. Has a prior action between the same parties and based on the same claim ever been filed in this court?
- YES ☐ NO ☒
5. Does the complaint in this case question the constitutionality of an act of congress affecting the public interest? (See 28 USC §2403)
- YES ☐ NO ☒
- If so, is the U.S.A. or an officer, agent or employee of the U.S. a party?
- YES ☐ NO ☒
6. Is this case required to be heard and determined by a district court of three judges pursuant to title 28 USC §2284?
- YES ☐ NO ☒
7. Do all of the parties in this action, excluding governmental agencies of the United States and the Commonwealth of Massachusetts ("governmental agencies"), residing in Massachusetts reside in the same division? - (See Local Rule 40.1(d)).
- YES ☒ NO ☐
- A. If yes, in which division do all of the non-governmental parties reside?
- Eastern Division ☒ Central Division ☐ Western Division ☐
- B. If no, in which division do the majority of the plaintiffs or the only parties, excluding governmental agencies, residing in Massachusetts reside?
- Eastern Division ☐ Central Division ☐ Western Division ☐
8. If filing a Notice of Removal - are there any motions pending in the state court requiring the attention of this Court? (If yes, submit a separate sheet identifying the motions)
- YES ☐ NO ☐

(PLEASE TYPE OR PRINT)

ATTORNEY'S NAME Brian M. Gaff (BBO No. 642297)ADDRESS 215 South Broadway, Suite 308, Salem, NH 03079-3374TELEPHONE NO. 857-719-0100



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

THE COMMITTEE FOR  
MASSACHUSETTS VOTER  
IDENTIFICATION BALLOT QUESTION,

Plaintiff,

v.

HON. WILLIAM FRANCIS GALVIN, in his  
official capacity as Secretary of the  
Commonwealth of Massachusetts,

Defendant.

Civil Action No.: 1:24-cv-12029

**PLAINTIFF'S DISCLOSURE STATEMENT PURSUANT TO FED. R. CIV. P. 7.1**

Plaintiff The Committee for Massachusetts Voter Identification Ballot Question, by and through its attorneys, hereby files this Disclosure Statement in accordance with Rule 7.1 of the Federal Rules of Civil Procedure and states that:

- (1) It has no parent corporation; and
- (2) No publicly held corporation owns 10% or more of Plaintiff's stock.

Respectfully submitted,

Dated: August 6, 2024

/s/Brian M. Gaff  
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[bgaff@lawbmg.com](mailto:bgaff@lawbmg.com)

*Attorney for The Committee for Massachusetts Voter  
Identification Ballot Question.*

**CERTIFICATE OF SERVICE PURSUANT TO LOCAL RULE 5.2(B)**

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 6, 2024.

/s/Brian M. Gaff  
Brian M. Gaff (BBO No. 642297)