

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS; TEXAS LEAGUE OF UNITED
LATIN AMERICAN CITIZENS; LEAGUE OF
UNITED LATIN AMERICAN
CITIZENS COUNCIL 102; and COMMON
CAUSE,

Plaintiffs,

v.

JANE NELSON, in her official capacity as the
Texas Secretary of State; PAUL ADAMS, in his
official capacity as Dallas County Elections
Department Administrator; FRANK PHILLIPS,
in his official capacity as Denton County
Elections Administrator; and KALEB
BREAUX, in his official capacity as Collin
County Elections Administrator,

Defendants.

Case No. 1:26-cv-00729-ADA

**PLAINTIFFS' RESPONSE IN OPPOSITION TO DALLAS, DENTON, AND
COLLIN COUNTY DEFENDANTS' MOTIONS TO DISMISS**

TABLE OF CONTENTS

INTRODUCTION AND CONCISE STATEMENT	1
LEGAL BACKGROUND	2
FACTUAL AND PROCEDURAL BACKGROUND.....	3
LEGAL STANDARD.....	5
ARGUMENT	6
I. Plaintiffs have satisfied the NVRA’s notice provision with regard to County Defendants	6
II. Defendants’ Rule 12(b)(1) Motion should be denied because Plaintiffs have sufficiently alleged standing	9
A. All Plaintiffs adequately plead injury-in-fact	10
i. Plaintiffs have sufficiently pleaded associational standing	11
ii. Plaintiffs have organizational standing	12
B. Plaintiffs’ alleged injuries are traceable to and redressable by county defendants	15
C. Plaintiffs’ alleged injuries are particularized and concrete.....	16
III. This case does not present a non-justiciable political question	17
IV. Plaintiffs have sufficiently alleged a claim under Section 8(b) of the NVRA.....	18
V. Plaintiffs are entitled to declaratory relief	20
CONCLUSION.....	20

INTRODUCTION AND CONCISE STATEMENT

Section 8(b)(1) of the National Voter Registration Act (“NVRA”) requires that voter list maintenance programs—the process through which election jurisdictions ensure that state voter lists are accurate and up-to-date—must be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). As detailed in Plaintiffs’ Complaint, Defendants in this suit, the Texas Secretary of State and certain Texas counties at the Secretary of State’s instruction, have undertaken a voter purge program that violates this mandate, relying on unvetted, outdated citizenship data to remove voters from the rolls in a discriminatory and inconsistent manner (the “Purge Program”). In undertaking this purge, Defendants ignored citizenship data that the State of Texas collects, which would make clear that numerous voters were baselessly removed. As administered by Defendants, the Purge Program discriminates against and wrongfully removes naturalized, derived, and acquired U.S. citizens, requiring them to prove their citizenship to maintain their ability to vote, a step not required of their U.S.-born peers. The Purge Program violates federal law by failing to ensure that U.S. citizens born abroad are afforded the same voting rights and protections as all other U.S. citizen voters.

In their motions to dismiss, ECF No. 25 (“Phillips and Breaux MTD Br.”) and ECF No. 28 (“Adams MTD Br.”), Defendants Dallas County Election Administrator Paul Adams, Denton County Elections Administrator Frank Phillips, and Collin County Elections Administrator Kaleb Breaux (“County Defendants”) make cursory arguments contesting Plaintiffs’ standing, the justiciability of this suit, and the requirements of the National Voter Registration Act. Rather than engage with the well-pled facts set out in Plaintiffs’ Complaint, County Defendants deflect responsibility for implementing the Purge Program and ignore the requirements of federal law. Their arguments fail.

Plaintiffs’ Complaint plainly states a claim for violation of the NVRA’s prohibition against

non-uniform or discriminatory voter list maintenance and sufficiently alleges facts demonstrating standing and Article III injury as a result of that violation. The County Defendants’ motions to dismiss should be denied.

LEGAL BACKGROUND

“For many years, Congress left it up to the States to maintain accurate lists of those eligible to vote in federal elections.” *Husted v. A. Philip Randolph Inst.*, 584 U.S. 756, 761 (2018). In 1993, Congress imposed minimum federal standards for voter registration and voter roll list maintenance by enacting the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.* The NVRA balances “two main objectives: increasing voter registration and removing ineligible persons from the States’ voter registration rolls.” *Husted*, 584 U.S. at 761; *see* 52 U.S.C. § 20501(b).

To achieve the first objective, Congress required covered States to allow citizens to register by mail, at designated state agencies, and when applying for a driver’s license. 52 U.S.C. §§ 20503-20506. In addition, to prevent the cancellation of valid registrations and avoid requiring unnecessary re-registrations, Congress limited the circumstances in which States may remove names from their voter rolls. *See* 52 U.S.C. § 20507(a)(3), (b), (c), and (d). To achieve the second objective, Congress requires States to engage in general list maintenance programs to remove the names of voters who have died or moved away and permits States to remove other ineligible individuals under certain circumstances. 52 U.S.C. § 20507(a)(3), (4).

This case concerns Section 8(b)(1) of the NVRA, which requires that list maintenance programs undertaken by States and election jurisdictions responsible for maintaining voter rolls be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). This provision protects against list maintenance programs that are not uniform or that discriminate against particular groups, such as naturalized citizens. *See Mi Familia Vota v. Fontes*, 129 F.4th 691, 714-15 (9th Cir. 2025).

A person “aggrieved” by a violation of the NVRA must provide notice of the violation to

the chief election officer of the relevant state prior to filing suit. 52 U.S.C. § 20510(b)(1). If the violation is not corrected within 90 days, or within 20 days if the violation occurred within 120 days before a federal election, the aggrieved person may file suit for declaratory or injunctive relief in federal court. *Id.* § 20510(b)(2).

FACTUAL AND PROCEDURAL BACKGROUND

In March 2025, the Texas Secretary of State’s office signed a memorandum of agreement with the United States Citizenship and Immigration Service (“USCIS”) allowing the State of Texas to compare Texas voter registration records with USCIS’s Systematic Alien Verification for Entitlement (“SAVE”) system of records. Compl. ¶ 81.¹ The SAVE system was not designed as a voter registration tool. Instead, in the rush to create a national citizenship database, the agency transformed a pre-existing data set that had no information on U.S.-born persons by relying on data sources that are known to be stale, unreliable, and incomplete in launching the updated SAVE system. Compl. ¶¶ 107-40.

USCIS allowed states, including Texas, to begin using SAVE for voter verification even while the agency knew of SAVE’s shortcomings and inaccuracies, and as the federal government continued to try to tweak the system to address those known problems. *Id.* The result is a SAVE system that, when used for voter verification, consistently provides incomplete and unreliable

¹ SAVE is a federal system that was previously used by government agencies to verify noncitizens’ eligibility for benefits. The overhauled SAVE system is now being used for voter verification in some states, despite being prone to errors stemming from unreliable data, particularly for non-U.S. born citizens. *See* Compl. ¶ 101-21. A federal court recently vacated and set aside the modifications made to SAVE, finding that “states have partnered with the federal government to access the database and are actively removing United States citizens from voter rolls based on inaccurate information.” And that deploying SAVE for voter verification “trampled on the privacy rights of American citizens in a manner that threatens the sacred right to vote.” The court held that the modifications made to the SAVE system by the federal government violated the Privacy Act, the Social Security Act, and the Administrative Procedure Act. *League of Women Voters v. U.S. Dep’t of Homeland Sec.*, No. 1:25-cv-3501 (SLS), 2026 WL 1784297, at *1 (D.D.C. June 22, 2026), *appeal docketed*, No. 26-5243 (D.C. Cir. June 29, 2026).

information, particularly for naturalized, acquired, and derived citizens. Compl. ¶¶ 188-205. Indeed, USCIS has specifically said that it is up to a state to decide how to use SAVE data and whether individuals flagged by SAVE should be removed from voter rolls. Compl. ¶ 121.

Nonetheless, in October 2025, the Texas Secretary of State chose to use SAVE data to conduct a purge of Texas’s voter rolls. Compl. ¶ 92. The Secretary of State did so without any evidence of the reliability or origin of the data and without taking any steps to check its own citizenship verification data maintained by the State’s own Department of Public Safety (“DPS”).² Compl. ¶¶ 141-63.

Based on the results of matching SAVE data to the voter registration list, the Secretary of State sent lists of purported non-citizens to county election officials (“Purge Lists”). Compl. ¶ 13. Counties implemented the purge directed by the State in various, non-uniform ways. Compl. ¶¶ 164-87. Some counties took no action in response to the Purge Lists, while others undertook further investigation before removing voters. *Id.* Each of the Defendant Counties here undertook no further investigation (such as consulting DPS records) before sending notice letters demanding that voters prove their citizenship within a number of days or else be removed from the voter rolls. Collin County mailed its notices one day after receiving the State Purge Lists. Compl. ¶¶ 175, 182. Likewise, Dallas County sent its notice letter to over 100 voters without conducting any preliminary investigation. Compl. ¶ 179. And Denton County sent its notice letter to 84 people without doing any preliminary investigation. Compl. ¶ 180. Many voters had their registration cancelled as a result of not responding to these notices (including those who did not receive it in

² DPS maintains a record of the proof of citizenship or proof of legal residence documents provided by individuals who apply for Texas driver’s licenses or identification cards. These records are, of course, snapshots in time that can become stale for some immigrants who subsequently naturalize. But they are reliable records of citizenship for those whose proof of citizenship is provided at the time of their DPS interaction.

the first place due to returned mail). Defendant Denton County Elections Administrator Frank Phillips stated to the press that he was concerned that many of those cancelled are in fact citizens. Compl. ¶ 181.

In letters sent on January 15, 2026 and February 24, 2026, Plaintiffs provided notice of their intent to sue unless the violations of Section 8(b)(1) were corrected, Compl. ¶¶ 206-08, and thereafter filed this lawsuit on March 26, 2026.

LEGAL STANDARD

A Rule 12(b)(1) motion to dismiss for lack of subject matter jurisdiction “should be granted only if it appears certain that the plaintiff cannot prove any set of facts in support of his claim that would entitle plaintiff to relief.” *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001). Plaintiffs’ burden varies depending upon the stage of the litigation. To survive a motion to dismiss at the pleading stage, plaintiffs need only “allege facts that give rise to a plausible claim” of standing. *Cornerstone Christian Schs. v. Univ. Interscholastic League*, 563 F.3d 127, 134 (5th Cir. 2009). In evaluating a motion to dismiss, courts presume “that general allegations embrace those specific facts that are necessary to support the claim.” *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992).

In assessing a 12(b)(6) motion, the court must “accept all well-pleaded facts as true and draw all reasonable inferences in favor of the nonmoving party.” *Morgan v. Swanson*, 659 F.3d 359, 370 (5th Cir. 2011) (en banc). A complaint cannot be dismissed “unless the court determines that it is beyond doubt that the plaintiff cannot prove a plausible set of facts that support the claim and would justify relief.” *Lane v. Halliburton*, 529 F.3d 548, 557 (5th Cir. 2008).

ARGUMENT

I. Plaintiffs have satisfied the NVRA’s notice provision with regard to County Defendants.

County Defendants’ argument that they did not receive the statutorily required notice prior to Plaintiffs’ filing this lawsuit is baseless. Plaintiffs gave County Defendants extensive notice of their violation of Section 8(b)(1) of the NVRA.

Under the NVRA, “[a] person who is aggrieved by a violation . . . may provide written notice of the violation to the chief election official of the state involved.” 52 U.S.C. § 20510(b)(1). The purpose of the NVRA’s notice provision is to “provide states an opportunity to attempt compliance before facing litigation.” *Scott v. Schedler*, 771 F.3d 831, 836 (5th Cir. 2014) (cleaned up). While the Fifth Circuit has upheld as sufficient a notice letter that described “NVRA violations only in broad terms[,]” *Id.* at 836, 839-40, Plaintiffs’ notice letters here did much more than that.

On January 15, 2026, League of United Latin American Citizens (“LULAC”), Texas LULAC, and LULAC Council 102 (collectively “LULAC Plaintiffs”), through their counsel, sent two NVRA notice letters: one to county officials, including County Defendants, and another to Defendant Secretary Nelson. *See* Ex. A, Emailed NVRA Notice Letter to County Officials; Ex. B, LULAC NVRA County Notice Letter; ECF No. 1-11. County Defendants were copied on the notice letter to Defendant Nelson. ECF No. 1-11 at 6. In addition, LULAC Plaintiffs attached and incorporated therein the notice letter to Defendant Secretary Nelson in the notice letter they sent to County Defendants. Ex. B, LULAC NVRA County Notice Letter at 2. On February 24, 2026, Common Cause Plaintiff, through their counsel, sent two NVRA notice letters: one to County Defendants and one to Defendant Secretary Nelson, once again copying County Defendants. Ex. C, Common Cause NVRA County Notice Letter; Ex. D, Certified Mail Confirmations to County

Defendants;³ ECF No. 1-12. County officials and Secretary Nelson, therefore, received multiple notice letters describing ongoing NVRA violations that warranted their attention and correction.

In the letters, Plaintiffs directly notified Defendants Breaux, Adams, and Phillips that their offices’ “practice of relying on citizenship status results from the USCIS SAVE system to initiate voter registration list maintenance activities violates the NVRA.” Ex. B at 2; Ex. C at 2. Pointing County Defendants directly toward the violation to be corrected, Plaintiffs explained that the counties’ reliance on Defendant Secretary Nelson’s Purge Program “has already resulted in errors requiring U.S. citizens to provide additional proof of their U.S. citizenship to either remain on the voter registration rolls or reinstate their voter registration.” Ex. B at 2; Ex. C at 1.

The letters sent to the Secretary—both of which County Defendants received—elaborated even further. In those letters, Plaintiffs wrote:

In Denton County alone, at least fourteen individuals have already come forward and provided proof of their citizenship. That represents nearly 17% of the 84 Denton voters identified by your office as potential non-citizens and that error rate is surely far underinclusive because many voters will simply not respond to the notices.

ECF No. 1-11 at 3; ECF No. 1-12 at 3. In the same letters, Plaintiffs also attached various news reports that identified specific issues with removing eligible naturalized citizen voters in their counties. ECF No. 1-11 at 3; ECF No. 1-12 at 3. In pointing Defendants to the specific Section 8(b) violations, Plaintiffs noted that the referenced reporting “confirms that the victims of this faulty system are not random but instead are, in large part, naturalized U.S. citizens and other non-

³ Defendant Phillips, like the other County Defendants, was mailed the Common Cause notice letter using certified USPS mail. USPS attempted delivery on February 27 and left a notice requesting the recipient—Defendant Phillips—reschedule delivery or pick up the mail at the post office. Therefore, if Defendant Phillips failed to receive the second NVRA notice from Common Cause, it was due only to Defendant Phillips’s own failure to abide by USPS’s Notice Left (No Authorized Recipient Available) notice. *See* United States Postal Service, *Where is my package? Tracking Status Help*, https://faq.usps.com/s/article/Where-is-my-package#NO_AUTHORIZED_RECIPIENT (last visited July 8, 2026).

native born U.S. citizens.” ECF No. 1-11 at 3; ECF No. 1-12 at 3. County Defendants were aware or should have been aware of the Secretary of State’s use of the flawed and inaccurate federal SAVE system, *see* ECF No. 1-3; ECF No. 1-6, and how the use of stale citizenship data places naturalized citizens at risk of being improperly purged from the voter rolls. ECF No. 1-11 at 3-4; ECF No. 1-12 at 3-4. “[R]eliance on an unvetted federal data system that relies on data *known* to be stale, unreliable, and incomplete to identify voters for removal unlawfully targets non-native born United States citizens and therefore violates Section 8(b) of the NVRA.” ECF No. 1-11 at 3-4; ECF No. 1-12 at 3-4.

In their motions to dismiss, County Defendants assert that “there [was] no request that the Counties do anything at all[,]” and no request “to take any type of corrective action at all.” Phillips and Breaux MTD Br. at 6-7. This is simply untrue. Plaintiffs’ January 15 and February 24 letters were addressed directly to County Defendants, and in those letters, Plaintiffs wrote “[w]e *urge your office* to cease any reliance solely on SAVE results to conduct voter registration list maintenance and reinstate any voters’ whose registrations were cancelled solely based on the SAVE results.” Ex. B at 2; Ex. C at 2 (emphasis added).

Plaintiffs further clarified the extent of the NVRA violation and the requested relief by (1) enclosing and incorporating the NVRA notice letters to Defendant Secretary of State Nelson, which provided a detailed explanation of the ongoing NVRA violations, *see supra* at 8-9, and (2) including a clarifying footnote that read:

This request only relates to voters who were removed from the rolls solely based on the SAVE results. It does [not] address circumstances where the SAVE results led your office to investigate and identify other reasons on which to base removal (i.e. a person self-identifying as a non-citizen on their application).

Ex. B. at 2 n.1; Ex. C at 2 n.1. Plaintiffs’ notices to County Defendants surely gave them more than “enough information to diagnose the problem.” *Am. C.R. Union v. Martinez-Rivera*, 166 F.

Supp. 3d 779, 795 (W.D. Tex. 2015) .

County Defendants further state that “[t]he notice letters certainly do not state that Plaintiffs intended to sue Denton County or Collin County seeking injunctive relief for any alleged violations of the NVRA[.]” Phillips and Breaux MTD Br. at 6-7. This, again, is incorrect. Both the January 15 and February 24 letter state:

This letter serves as written notice pursuant to 52 U.S.C. § 20510(b) that your Office’s practice of relying on citizenship status results from the USCIS SAVE system to initiate voter registration list maintenance activities violates the NVRA. As you know, the next election for federal offices will occur on March 3, 2026, which is less than 120 days away. *If the violations identified above are not corrected within 20 days, the undersigned may seek declaratory and injunctive relief to remedy these violations. See 52 U.S.C. § 20510(b).*

Ex. B at 2; Ex C at 2 (emphasis added). County Defendants had ample time to correct the NVRA violations raised in Plaintiffs’ notice letters. Indeed, with receipt of the January 15 letter, County Defendants had over a month of notice prior to the letter on February 24, providing a cumulative two plus months of time to act to remedy the violations and avoid the litigation Plaintiffs filed on March 26. *See Martinez-Rivera*, 166 F. Supp. at 795 (After being notified of NVRA violation, it is “Defendant[s]’ responsibility to attempt to cure the violation.”).

Plaintiffs provided very specific notice of County Defendants’ ongoing NVRA violations in relation to the Voter Purge Program and waited the statutorily required 20 days before suing. Plaintiffs have met their burden to notice Defendants pursuant to the NVRA. 52 U.S.C. § 20510(b)(1).

II. Defendants’ Rule 12(b)(1) Motion should be denied because Plaintiffs have sufficiently alleged standing.

A plaintiff establishes constitutional standing by demonstrating that it “(1) [suffered] an ‘injury in fact’ (2) that is ‘fairly traceable’ to the challenged conduct and (3) redressable by a favorable decision.” *Lewis v. Hughes*, 475 F. Supp. 3d 597, 611 (W.D. Tex. 2020) (quoting *Lujan*,

504 U.S. at 560-61). This standard applies equally to individuals and entities. *OCA-Greater Houston v. Texas*, 867 F.3d 604, 612 (5th Cir. 2017). The injuries suffered by Plaintiffs under the Purge Program are direct injuries to its members that establish associational standing and injuries to their core work that establish organizational standing.

County Defendants’ arguments fall short because Plaintiffs have sufficiently pleaded standing. LULAC Plaintiffs are organizations that provide voter registration and education services to their members and other Texas voters, particularly naturalized citizens. *See* Compl. ¶¶ 25-41. Their politically engaged membership includes registered voters born outside of the United States. Common Cause is a grassroots organization that works to increase civic participation, including by promoting voter participation among its Texas members. Common Cause assists voters experiencing registration-related problems. *See* Compl. ¶ 45. Its membership is politically engaged with registered voters and includes naturalized citizens. *See* Compl. ¶¶ 42-50. Each Plaintiff alleges that the Purge Program will put its registered voter members at heightened risk of removal, hamper voter registration and engagement efforts, force Plaintiffs to expend more resources to recruit and train volunteers to assist voters experiencing problems due to Defendants’ actions, and cause a diversion of resources from other core program priorities to combat the harm caused by the Program. These harms are fairly traceable to County Defendants and can be redressed by a decision permanently enjoining Defendants from implementing the Program.

A. All Plaintiffs adequately plead injury-in-fact.

The Fifth Circuit has made clear that the Article III injury-in-fact requirement is “qualitative, not quantitative, in nature,” and that the injury “need not be substantial.” *OCA-Greater Houston*, 867 F.3d at 612 (citation omitted). Plaintiffs satisfy the injury in fact requirement if they can demonstrate harm amounting to anything more than an “identifiable trifle.” *Id.* (quoting *Ass’n of Cmty. Orgs. for Reform Now v. Fowler*, 178 F.3d 350, 358 (5th Cir. 1999)). “At the

pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice, for on a motion to dismiss we presume that general allegations embrace those specific facts that are necessary to support the claim." *Apodaca-Fisk v. Allen*, No. EP-19-cv-00259-DCG, 2020 WL 7493196, at *6 (W.D. Tex. Dec. 21, 2020) (quoting *Lujan*, 504 U.S. at 889).

1. Plaintiffs have sufficiently pleaded associational standing.

Associational standing exists when an entity's "members would otherwise have standing to sue in their own right, the interests at stake are germane to the [entity's] purpose, and neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *La Union del Pueblo Entero v. Abbott*, 614 F. Supp. 3d 509, 517 (W.D. Tex. 2022) (finding that LULAC had associational standing to challenge a Texas voting statute). Defendants argue that Plaintiffs lack associational standing because Plaintiffs "fail to identify any particular person" impacted by the Purge Program. Adams MTD Br. at 13; Phillips and Breaux MTD Br. at 9. But an organization does not need to "set forth the name of a particular member in its complaint in order to survive a Rule 12(b)(1) motion to dismiss based on a lack of associational standing." *Hancock Cty. Bd. of Supervisors v. Ruhr*, 487 F. App'x 189, 198 (5th Cir. 2012). Where an association generally alleges "that some of its members" fall within the group of affected citizens, the associational plaintiff has "adequately alleged that some of its members were suffering a concrete, particularized injury" and has standing to proceed. *Id.* at 198-99; see *Lewis*, 475 F. Supp. 3d at 613.

Plaintiffs meet this pleading standard. LULAC Plaintiffs and Common Cause Plaintiff each have members who are registered voters across the entire state of Texas. Compl. ¶¶ 25-50. Plaintiffs have sufficiently alleged that the Purge Program will harm this membership. LULAC alleges that its non-U.S. born citizen members have standing because they "are acutely at risk of being erroneously removed from the voter rolls" and that its volunteers will be deterred from their

voter registration and education activities. Compl. ¶¶ 27-28, 30-33. Texas LULAC and LULAC Council 102 similarly allege that their primarily Latino membership is at heightened risk of removal as a result of the Purge Program and that their voter registration and engagement programs targeting newly naturalized citizens will be frustrated. Compl. ¶¶ 34-41. And Common Cause alleges that its members include registered Texas voters, many of whom are naturalized citizens who are especially vulnerable to being improperly flagged and removed from the voter rolls under the Purge Program. Compl. ¶ 44. The factual allegations in Plaintiffs' Complaint satisfy Plaintiffs' burden at the pleading stage to make "general factual allegations" demonstrating at least a minimal showing of injury. *See Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992); *Hancock*, 487 F. App'x at 198-99; *Lewis*, 475 F. Supp. 3d at 612-13. Courts have found standing in similar circumstances where purge programs put naturalized citizens at a higher risk of removal because of errors databases produce in checking citizenship status. *See Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1341 (11th Cir. 2014) (organizations had associational standing where naturalized citizen members established that government program relied on databases that produced errors in checking immigration status in the 90 days before an election); *Mi Familia Vota v. Fontes*, 719 F. Supp. 3d 929, 986-87 (D. Ariz. 2024) (finding standing where "relatively clear" at least one of each organization's members would be impacted by database checks).

i. Plaintiffs have organizational standing.

Plaintiffs have also established injury in fact under an organizational standing theory by demonstrating that they have "diverted significant resources to counteract the defendant's conduct" where that conduct "significantly and 'perceptibly impaired' the organization's ability to provide its 'activities—with the consequent drain on the organization's resources'" *NAACP v. City of Kyle, Tex.*, 626 F.3d 233, 238 (5th Cir. 2010) (quoting *Havens Realty Corp. v. Coleman*, 455 U.S. 363 (1982)). In *Havens*, the plaintiff alleged that "its efforts to assist equal access to

housing through counseling and other referral services” were frustrated because it “had to devote significant resources to identify and counteract” the defendant’s discriminatory program. 455 U.S. at 379; *see Food & Drug Admin. v. Alliance for Hippocratic Med.*, 602 U.S. 367, 395 (2024) (finding it “[c]ritical[]” that plaintiff “not only was an issue-advocacy organization but also operated a . . . service[]”). In finding standing, the Court relied on the defendant’s interference with plaintiff’s core business activities, which “perceptibly impaired HOME’s ability to provide” its services, such that the organization “suffered injury in fact”—a “concrete and demonstrable injury to [its] activities” with a “consequent drain on [its] resources.” *Havens*, 455 U.S. at 379.

Alliance clarified that an organization “cannot ‘spend [its] way into standing’ by voluntarily using resources to counter” the challenged action. *Tenn. Conf. of NAACP v. Lee*, 139 F.4th 557, 565 (6th Cir. 2025) (quoting *Alliance*, 602 U.S. at 394). Applying that standard, the *Alliance* Court found the plaintiffs lacked standing when they only expended resources on “public advocacy and . . . education” to “oppose [the defendant’s] actions[,]” instead of showing that the defendant’s actions impeded their core activities. 602 U.S. at 394-95. The Court held that an organization that has not suffered a concrete injury “cannot spend its way into standing simply by expending money to gather information and advocate against” the action, but it did not disturb *Havens*’ rule that organizational standing exists when a policy impairs core activities or forces a diversion of resources from those activities. *Id.* Unlike *Alliance*, Plaintiffs allege direct interference with core activities: registering and assisting voters. Plaintiffs thus fall within the scope of *Havens*.

The Complaint plausibly alleges that the Purge Program directly impairs the LULAC Plaintiffs’ core activities, including their voter registration and education efforts, as well as other programs designed to increase voter turnout among its members and the Hispanic community in Texas. The Purge Program relies on SAVE and its underlying citizenship data for voter purges,

despite its inaccuracy for non-U.S. born citizens and will result in the erroneous removal of eligible voters. Compl. ¶¶ 80-100; 107-21. This will undermine the efficacy of LULAC’s core activities by making it more difficult to register and engage with non-U.S. born citizens who are eligible voters. *Id.* ¶¶ 32-33; 35-37; 40-41; 48-50. The Complaint further alleges that to continue registering voters, particularly naturalized citizens, LULAC Plaintiffs must “divert resources to mitigate the Program’s effects and to educate LULAC’s constituents and members—especially non-U.S. born citizen voters—on how to respond to unlawful removals and how to attempt to re-register to vote.” *Id.* ¶ 30. Because the challenged provisions require LULAC Plaintiffs to divert resources to continue to provide voter registration assistance, they have concretely and demonstrably injured Plaintiffs beyond a mere “setback to the organization’s abstract social interests[.]” leaving “no question that [Plaintiffs] ha[ve] suffered injury in fact.” *Havens*, 455 U.S. at 379.

The Complaint also alleges that the Purge Program impairs Common Cause’s core activities “dedicated to empowering Americans, including Texans, to increase their civic participation and make their voices heard in the political process.” Compl. ¶ 43. Crucial to this mission are Common Cause’s voter registration activities to make voter registration easier and more accurate. As alleged in the Complaint, the Purge Program hampers Common Cause’s core activities by “threatening the registration status of voters and adding barriers to register or maintain registration.” *Id.* ¶ 46. The Complaint further alleges that the Program will cause it to “divert resources to assisting its members” including naturalized citizens who are vulnerable to being improperly flagged and removed under the Purge Program because of their previous citizenship status. *Id.* ¶ 47. This is not diversion of resources to advocate against the Defendant’s program, like in *Alliance*, but rather diversion of resources to counteract the specific harms caused by the Program to Common Cause’s core voter registration efforts. To counteract those harms, Common

Cause must divert time and resources that it has budgeted for other core activities, including, but not limited to, “organizing petition campaigns directed to state and local government officials, letter-writing and phone-banking campaigns, town halls, workshops and rallies.” *Id.* ¶ 48.

The factual allegations include precisely the kind of concrete operational harm—the ability to reach fewer people in furtherance of an organization’s mission—that the Fifth Circuit has held sufficient for standing purposes. *See OCA-Greater Houston*, 867 F.3d at 610 (finding that OCA had standing to challenge a statute which frustrated its ability to “get out the vote[,]” which was a vital part of its mission); *Scott v. Schedler*, 771 F.3d 831, 837 (5th Cir. 2014) (finding that injury due to increased time spent on voter registration drives constituted sufficient injury in fact to confer standing); *see also Lewis*, 475 F. Supp. 3d at 613 (finding that organizational plaintiffs may establish standing when “getting out their membership’s vote is germane to their purpose”). Therefore, these allegations are more than sufficient at the pleading stage to challenge the implementation of the Purge Program under a diversion of resources theory.

County Defendants’ reliance on *Campaign Legal Center* to support that Plaintiffs lack standing is also misplaced. *Adams* MTD Br. at 13-14; *Phillips and Breaux* MTD Br. at 8-10. Plaintiffs have alleged concrete and particularized injury in support of their theories of standing. In the Complaint and above, Plaintiffs offer several examples of the consequences that will flow from their injury and more than enough facts to sufficiently allege that these consequences will impact their members, including eligible Texas voters. *See infra* at 12-14. And Plaintiffs do not rely on an informational standing theory for any claim against County Defendants.

B. Plaintiffs’ alleged injuries are traceable to and redressable by County Defendants.

If Defendants ceased operation of the Purge Program—the injunctive relief sought by the Complaint—it would substantially lessen the alleged harm by eliminating those harms in those Counties. This demonstrates that the injuries are traceable to and redressable by Defendants.

Plaintiffs may satisfy the traceability element by showing “a causal connection between the injury and the conduct complained of.” See *OCA-Greater Houston*, 867 F.3d at 610 (quoting *Kyle*, 626 F.3d at 237). Plaintiffs may satisfy the redressability requirement by showing that “it is likely . . . that the injury will be redressed by a favorable decision.” *Friends of the Earth, Inc. v. Laidlaw Env'tl. Servs. (TOC), Inc.*, 528 U.S. 167, 181 (2000). Showing that the desired relief “could potentially lessen its injury” is sufficient. See *Sanchez v. R.G.L.*, 761 F.3d 495, 506 (5th Cir. 2014).

As explained, Plaintiffs’ injuries are traceable to Defendants, who are the county actors charged with the administration and enforcement of the Purge Program in their respective counties. Each of the Defendants could have, but did not, seek out the State’s own citizenship data before removing any voters from the rolls based on the SAVE system results alone. Indeed, some counties did so. Compl. ¶ 157. County Defendants argue that they are not at fault but merely followed the Secretary’s instructions and Texas law.⁴ That is not the relevant inquiry. Even if County Defendants bear no culpability for the Program because it was instigated by the Secretary, the County Defendants are undeniably the actors that take implementing actions, and Plaintiffs’ injuries can be redressed by an injunction against them. Because the injunctive relief sought will lessen that harm, traceability and redressability are satisfied.

C. Plaintiffs’ alleged injuries are particularized and concrete.

Plaintiffs do not represent members of the general public asserting a generalized grievance; Plaintiffs’ members are individuals who have been specifically targeted for unlawful removals and

⁴ County Defendants argue that they did “exactly what the law requires” and that Plaintiffs’ “concern lies with the statutory scheme under which the County-level Defendants are authorized to act.” Adams MTD Br. at 6; Phillips and Breaux MTD Br. at 8-9. That is an argument about the merits of the lawfulness of their actions under the NVRA, not standing. In any event, they do not explain why their actions would comply with the relevant provision of Section 8 of the NVRA.

volunteers whose activities are threatened by the Purge Program.⁵

County Defendants’ argument that Plaintiffs’ injuries are speculative and easily remedied is similarly unpersuasive. As described above, Plaintiffs have sufficiently alleged that they have and will divert resources as a result of the Purge Program. *See supra* at 13-15. Plaintiffs have also sufficiently alleged that, because their non-U.S. citizen registered voter members are more likely to have stale data in the SAVE system, those members are differently situated and more vulnerable to being purged than the general public. Indeed, Plaintiffs have specifically alleged that, even based on incomplete data, the removals instigated by County Defendants were subject to high error rates. *See, e.g.*, Compl. ¶¶ 195, 199. Defendant Philips himself has said: “What is bugging me is I think our voter rolls may be more accurate than this database. . . . My gut feeling is more of these are citizens than not.” Compl. ¶ 181. Finally, the fact that the Texas Election Code provides a process for reinstating improperly cancelled registrations does not address the harm alleged in the Complaint. Wrongful removal from the voter rolls itself is a harm and the existence of a mechanism to repair that harm does not absolve Defendants of the initial wrongful removal, nor does it erase their responsibility for implementing a discriminatory Purge Program.

III. This case does not present a non-justiciable political question.

Defendants contend that this Court lacks jurisdiction over Plaintiffs’ claims because they present non-justiciable political questions. Specifically, Defendants argue that Plaintiffs cannot challenge “the Texas Legislature’s policy determination, through the actions of the State Secretary of State, about the conduct of local elections, the operation of voting sites, and the State’s

⁵ County Defendants’ reliance on *Lance v. Coffman* to argue that Plaintiffs assert only a generalized grievance and do not have standing is misplaced. 549 U.S. 437, 442 (2007). In *Lance*, Plaintiffs alleged only that the law had not been followed, not that they were targeted by or at heightened risk of harm from unlawful government action. *Id.* Thus, *Lance* is inapplicable here, and Plaintiffs’ Complaint sufficiently pleads particularized injury.

obligations under the NVRA” because the Constitution “explicitly commits to the States the authority to determine the time, place, and manner of elections.” Adams MTD Br. at 18; Phillips and Breaux MTD Br. at 15. County Defendants fundamentally misunderstand the political question doctrine. The political question doctrine bars adjudication only where there is a “textually demonstrable constitutional commitment of the issue to a coordinate political department.” *Baker v. Carr*, 369 U.S. 186, 217 (1962). Here, the Constitution’s Elections Clause commits to Congress the right to preempt any state laws with respect to the time, place, and manner of federal elections. U.S. Const. art. 1, § 4, cl. 1. Congress used that authority to pass the NVRA. *Arizona v. ITCA*, 570 U.S. 1, 13-14 (2013). And Congress expressly committed NVRA enforcement to federal courts by authorizing any “person aggrieved by a violation” to bring a civil action. 52 U.S.C. § 20510(b). This Court’s determination of whether Defendants complied with the NVRA is not only permitted but is a mandate of the statute. *See Stringer v. Pablos*, 320 F. Supp. 3d 862, 888 (W.D. Tex. 2018).

IV. Plaintiffs have sufficiently alleged a claim under Section 8(b) of the NVRA.⁶

Defendants’ argument fails because Plaintiffs allege sufficient facts to demonstrate that the Purge Program violates Section 8(b)(1)’s requirement that voter list maintenance programs be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1).

First, Plaintiffs sufficiently alleged that the Purge Program is not uniform and therefore violates Section 8(b)(1) of the NVRA. “The term ‘uniform’ is intended to mean that any purge program or activity must be applied to an entire jurisdiction.” S. Rep. No. 103-6, 103rd Cong., at 31 (1993). The factual allegations illustrate that County Defendants have applied the Program in a disjointed, non-uniform way. Compl. ¶¶ 164-70 (explaining that launch of the Purge Program without key implementation guidance led to uneven application). In the absence of state guidance,

⁶ Plaintiffs bring their claims under the NVRA’s private right of action, not 42 U.S.C. § 1983.

counties approached the purge lists in varied—and sometimes reckless—ways. *Id.* ¶¶ 174-87 (describing how counties implemented the Purge Program differently). Not one of the County Defendants took the time to engage in additional investigative steps to verify the results on their Purge Lists before sending out SAVE Non-Citizenship Notices. Compl. ¶ 175. For example, the Complaint details how Collin County sent SAVE Non-Citizenship Notices to all voters on the Purge List just one day after receiving it from the State. Compl. ¶¶ 174-75, 178. Other counties did not act on the Purge Lists at all, and therefore, did not remove any voters based on the Purge Lists. Still other counties investigated the Purge Lists without guidance from the Secretary of State, engaging in their own removal process. Compl. ¶¶ 183-86. Some counties that reviewed available DPS data found that individuals on Purge Lists were U.S. citizens. Compl. ¶¶ 202-03.

Second, Plaintiffs allege sufficient facts that the Purge Program is discriminatory and therefore violates Section 8(b)(1) of the NVRA. Plaintiffs allege that the Purge Program targets and will result in the disproportionate removal of naturalized, acquired, and derived citizens who are more likely to be flagged as noncitizens in the SAVE system based on outdated data. Compl. ¶¶ 192-204. These citizens are subject to an additional and greater risk of removal than U.S.-born citizens because the Purge Program was designed to rely on stale SAVE data that does not accurately reflect voters' current status as citizens and eligible voters. *Id.* The factual allegations in the Complaint are sufficient to demonstrate that Texas's Voter Purge Program will discriminatorily burden the rights of naturalized citizen and foreign-born U.S. citizen voters.

County Defendants do not make any argument that the facts as pleaded do not plausibly violate Section 8 of the NVRA.⁷ Defendants argue that because they “complied precisely with the

⁷ Instead, Defendants make an inapposite argument based on the standard for custom or policy municipal liability for constitutional violations under Section 1983. That standard has no applicability here where the only violations alleged are under the National Voter Registration Act. Adams MTD Br. at 15; Phillips and Breau MTD Br. at 16.

procedures set out in the Texas Elections Code Section 16.0332 regarding ‘Cancellation Because Of Citizenship Status,’” they cannot be held responsible for violations of the NVRA. Adams MTD Br. at 9; Phillips and Breaux MTD Br. at 3. Defendants’ argument runs into federal preemption doctrine. *Mut. Pharm. Co., Inc. v. Bartlett*, 570 U.S. 472, 479-80 (2013) (“Accordingly, it has long been settled that state laws that conflict with federal law are ‘without effect.’”). Further, there is no statute *requiring* this Program, and Defendants do not argue otherwise. And Defendants make no mention of Texas Election Code § 16.0332, which requires election administrators to consider “only a voter’s [citizenship] information in the database of the Department of Public Safety” that is derived from documents presented after a person becomes a registered voter. As Plaintiffs describe in the Complaint, this requirement was born of a settlement agreement resulting from a previous Purge Program that similarly discriminated against naturalized citizen voters. Compl. ¶ 15. County Defendants cannot evade responsibility for NVRA violations simply by pointing to Texas law, particularly when some Defendants have failed to take steps the State has acknowledged as best practice and codified in other areas of the Texas Election Code. *Id.*

Therefore, Plaintiffs’ Complaint clearly states a claim upon which relief can be granted.

V. Plaintiffs are entitled to declaratory relief.

Defendants’ argument that the Court should “dismiss Plaintiffs’ claim for declaratory relief” is without merit. As Plaintiffs have a valid cause of action against Defendants under the NVRA, Plaintiffs are entitled to declaratory relief. *See* 52 U.S.C. § 20510(b) (private right of action for declaratory and injunctive relief); *Arcia*, 772 F.3d at 1348 (11th Cir. 2014) (remanding with instructions to enter order declaring that Secretary’s program violated NVRA).

CONCLUSION

For the foregoing reasons, Defendants’ motions to dismiss pursuant to Rules 12(b)(1) and 12(b)(6) should be denied.

Dated: July 9, 2026

Richard Alan Grigg
Texas Bar # 08487500
Attorney at Law
Law Office of Dicky Grigg, PC
1900 Pearl Street
Austin, TX 78705
Tel: (512)474-6061
Fax: (512)582-8560
dicky@grigg-law.com
mel@grigg-Law.com

Respectfully submitted,

/s/ Alexis Grady

Alexis Grady*
Danielle Lang*
Anna Baldwin*
Sejal Jhaveri*
Renata O'Donnell*
Daniel Brophy*
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005
Tel: (202)736-2200
Fax: (202)736-2222
agrady@campaignlegalcenter.org
dlang@campaignlegalcenter.org
abaldwin@campaignlegalcenter.org
sjhaveri@campaignlegalcenter.org
rodonnell@campaignlegalcenter.org
dbrophy@campaignlegalcenter.org

**Admitted pro hac vice*

Counsel for Plaintiffs League of United Latin American Citizens; Texas League of United Latin American Citizens; League of United Latin American Citizens Council 102; and Common Cause

CERTIFICATE OF SERVICE

I hereby certify that on July 9, 2026, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, Western District of Texas, using the electronic case filing system of the court. The electronic filing system sent a “Notice of Electronic Filing” to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

/s/ Alexis Grady
Alexis Grady