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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO V. AGUILAR, in his Official Capacity
 as Secretary of State for the State of Nevada,

Defendant.

Case No. 3:25-cv-728

**MOTION OF THE ACLU OF
 NEVADA AND YONAS WOLDU
 TO INTERVENE AS
 DEFENDANTS**

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1 The ACLU of Nevada (“ACLUNV”) and Yonas Woldu (collectively, “Proposed
2 Intervenor”) respectfully move to intervene as Defendants pursuant to Rule 24(a) of the Federal
3 Rules of Civil Procedure or, in the alternative, pursuant to Rule 24(b), and set forth the legal
4 argument necessary to support their motion below. *See* L-R 7-2(a). Proposed Intervenor append
5 to this motion a proposed motion to dismiss by way of a response to the United States’ Complaint,
6 while reserving the right to supplement their response to the Complaint within the time allowed
7 for response by Rule 12 after intervention is granted. *See* Fed. R. Civ. P. 24(c).

8 **MEMORANDUM OF POINTS AND AUTHORITIES**

9 **INTRODUCTION**

10 The United States seeks to force Nevada to turn over voters’ sensitive personal information
11 and data. It has been widely reported that the United States will use this data to build an
12 unauthorized national voter database and to target voters for potential challenges and
13 disenfranchisement. These efforts are being driven by self-styled “election-integrity” advocates
14 who have previously used ill-conceived database-matching and database-analysis methods to
15 mass-challenge voters and deny the results of elections, and who now serve in or advise the present
16 Administration.

17 Proposed Intervenor are the ACLU of Nevada, a non-partisan, non-profit organization
18 dedicated to protecting voting rights and civil rights in Nevada, whose own work and whose
19 members’ rights are at risk by the relief sought by the United States in this case, as well as Yonas
20 Woldu, a Nevada voter whose personal, private data is at risk in this litigation. Proposed
21 Intervenor have an extremely strong interest in preventing the United States’ requests for
22 unfettered and total access to the most sensitive aspects of Nevada’s non-public voter data from
23 being used to harass and potentially disenfranchise voters. ACLUNV works to expand access to
24 the ballot and civic engagement, as well as to protect civil liberties, and thus have an interest in
25 protecting the voting and privacy rights of their members and all Nevada voters. This grassroots,
26 volunteer-led work engaging voters is threatened by the United States’ request for sensitive, non-
27 public voter data, which risks discouraging Nevadans from registering to vote. And the interests

1 of Mr. Woldu, as well ACLUNV's members, are also at stake here. Those members include voters
 2 who are under particular threat from the United States' requested form of relief, such as voters like
 3 Mr. Woldu who are naturalized citizens, voters who have a felony conviction, voters who have
 4 previously been registered to vote in another state, voters who registered to vote by mail, and voters
 5 whose personal information is especially sensitive and who thus have heightened privacy interests.

6 Proposed Intervenors are entitled to intervene as of right under Rule 24 because this motion
 7 is timely, because both their rights and interests are at stake, and because those rights and interests
 8 are not adequately represented by the existing Defendant, who unlike Proposed Intervenors, is a
 9 state actor, subject to broader public policy and political considerations external to the legal issues
 10 presented in this case. Their unique interests, perspective, and motivation to interrogate the
 11 purpose of the United States' sweeping request for non-public Nevada voter data in this case will
 12 ensure the full development of the record here and aid the Court in its resolution of this case.
 13 Intervention as of right pursuant to Rule 24(a), or in the alternative permissive intervention
 14 pursuant to Rule 24(b), should be granted.

15 BACKGROUND

16 A. DOJ's Efforts to Obtain Private Voter Information from Nevada

17 Beginning in May 2025, Plaintiff the United States, through its Department of Justice
 18 ("DOJ"), began sending letters to election officials in at least forty states, making escalating
 19 demands for the production of voter registration databases, with plans to gather data from all fifty
 20 states. *See* Kaylie Martinez-Ochoa, Eileen O'Connor, & Patrick Berry, *Tracker of Justice*
 21 *Department Requests for Voter Information*, Brennan Ctr. for Just. (updated Dec. 12, 2025),
 22 <https://perma.cc/MC3M-VS33>. On June 25, 2025, it sent such a letter to Secretary Aguilar,
 23 Nevada's Secretary of State, demanding the state's current computerized statewide voter
 24 registration list. *See* Ex. 1, Letter from Maureen Riordan to Hon. Francisco V. Aguilar dated June
 25 25, 2025, Dkt. No. 3-1, at 2–3 ("June 25 Letter"). The letter also requested information on, among
 26 other things, the state's procedure for identifying and removing voter registrations from people
 27 who were ineligible to vote due to a felony conviction or lack of U.S. citizenship. *Id.* Secretary

1 Aguilar responded on July 25, answering the DOJ's questions and providing a link to the publicly-
2 available statewide voter registration list. *See* Ex. 2, Letter from Hon. Francisco V. Aguilar to
3 Maureen Riordan dated July 25, 2025, Dkt. No. 3-1, at 6–16.

4 On August 14, the DOJ sent a second letter: although the DOJ acknowledged that Nevada
5 had provided its state voter registration list, it now demanded that that Nevada turn over a version
6 of the list, “contain[ing] *all fields*, which includes the registrant’s full name, date of birth,
7 residential address, his or her state driver’s license number or the last four digits of the registrant’s
8 social security number” (“SSN4”)—all within seven days. *See* Ex. 3, Letter from Harmeet K.
9 Dhillon to Hon. Francisco V. Aguilar dated Aug. 14, 2025, Dkt. No. 3-1, at 18–20. The DOJ
10 waved away any privacy issues, claiming that the federal prohibition on sharing voter information
11 obtained under the Civil Rights Act of 1960 with the public was sufficient to assuage concerns.
12 *See id.* at 19 (quoting 52 U.S.C. § 20704).

13 On August 21, Secretary Aguilar’s office responded, noting that it had complied with the
14 DOJ’s request by providing the information it generally does to the public, pursuant to Nev. Rev.
15 Stat. § 293.440. *See* Ex. 4, Letter from Gabriel Di Chiara to Harmeet K. Dhillon dated Aug. 21,
16 2025, Dkt. No. 3-1, at 22–23 (“August 21 Letter”). The letter noted that the DOJ was now
17 requesting additional and “highly sensitive information” that it did not request in the first letter
18 and which is protected from public disclosure under Nevada law. *Id.* at 22. This request was
19 “unprecedented in its scope, its purported basis, and its urgency . . . and lacks any articulated basis
20 beyond a desire for the information.” *Id.* at 23. Because of its obligations to protect the confidential
21 information of Nevada voters, Secretary Aguilar’s office said it would research the legality of the
22 DOJ’s request, rather than responding on the immediate basis it demanded. *See id.*

23 The United States responded by filing this lawsuit, which is one of at least eighteen that
24 DOJ has initiated recently against states and their top election officials, seeking to compel them to
25 hand over this sensitive voter data.¹ Notably, according to public reporting, DOJ’s request for

26 ¹ *See* Press Release, U.S. Dep’t of Just., *Justice Department Sues Four Additional States and One*
27 *Locality for Failure to Comply with Federal Elections Laws* (Dec. 12, 2025),

private, sensitive voter data from Nevada and other states appears to be in connection with efforts by the United States to construct a national voter database, and to otherwise use untested forms of database analysis in order to scrutinize state voter rolls. According to this reporting, DOJ employees “have been clear that they are interested in a central, federal database of voter information.” Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. TIMES, Sept. 9, 2025, <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>. DOJ is coordinating in these unprecedented efforts with the federal Department of Homeland Security (DHS). *Id.*; Jonathan Shorman, *DOJ is Sharing State Voter Roll Lists with Homeland Security*, STATELINE, Sept. 12, 2025, <https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security> (“Shorman, *DOJ Sharing Lists with Homeland Security*”); Sarah Lynch, *US Justice Dept Considers Handing over Voter Roll Data for Criminal Probes, Documents Show*, REUTERS, Sept. 9, 2025, <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09>. One recent article extensively quoted a recently departed lawyer from DOJ’s Civil Rights Division, describing DOJ’s aims in this case and others like it:

“We were tasked with obtaining states’ voter rolls, by suing them if necessary. Leadership said they had a DOGE person who could go through all the data and compare it to the Department of Homeland Security data and Social Security data. . . . I had never before told an opposing party, Hey, I want this information and I’m saying I want it for this reason, but I actually know it’s going to be used for these other reasons. That was dishonest. It felt like a perversion of the role of the Civil Rights Division.”).

<https://perma.cc/TQ5T-FB2A>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Six Additional States for Failure to Provide Voter Registration Rolls* (Dec. 2, 2025), <https://perma.cc/F5MD-NWHD>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Six States for Failure to Provide Voter Registration Rolls* (Sept. 25, 2025), <https://perma.cc/7J99-WGBA>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Oregon and Maine for Failure to Provide Voter Registration Rolls* (Sept. 16, 2025), <https://perma.cc/M69P-YCVC>.

Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. TIMES MAG. (Nov. 16, 2025), <https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html>.

According to additional public reporting, these efforts are being conducted with the involvement of self-proclaimed “election integrity” advocates within and outside government who have previously sought to disenfranchise voters and overturn elections. Those advocates include Heather Honey, who sought to overturn the result of the 2020 presidential election in multiple states and now serves as DHS’s “deputy assistant secretary for election integrity.”² Also involved is Cleta Mitchell, a private attorney and leader of a national group called the “Election Integrity Network,” who has promoted the use of artificial intelligence to challenge registered voters.³ These actors, including some associated with Ms. Honey, have previously sought to compel states to engage in aggressive purges of registered voters, and have abused voter data to mass challenge and attempt to disenfranchise voters in other states. *See, e.g., PA Fair Elections v. Pa. Dep’t of State*, 337 A.3d 598, 600 n.1 (Pa. Commw. Ct. 2025) (determining that complaint brought by group

² *See* Alexandra Berzon & Nick Corasaniti, *Trump Empowers Election Deniers, Still Fixated on 2020 Grievances*, N.Y. TIMES, Oct. 22, 2025, <https://www.nytimes.com/2025/10/22/us/politics/trump-election-deniers-voting-security.html> (documenting “ascent” of election denier Honey); Jen Fifield, *Pa.’s Heather Honey, Who Questioned the 2020 Election, Is Appointed to Federal Election Post*, PA. CAPITAL-STAR (Aug. 27, 2025), <https://penncapitalstar.com/election-2025/pa-s-heather-honey-who-questioned-the-2020-election-is-appointed-to-federal-election-post/>; Doug Bock Clark, *She Pushed to Overturn Trump’s Loss in the 2020 Election. Now She’ll Help Oversee U.S. Election Security*, PROPUBLICA, Aug. 26, 2025, <https://www.propublica.org/article/heather-honey-dhs-election-security>.

³ *See, e.g.,* Matt Cohen, *DHS Said to Brief Cleta Mitchell’s Group on Citizenship Checks for Voting*, DEMOCRACY DOCKET, June 12, 2025, <https://www.democracydocket.com/news-alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters/>; *see also* Jude Joffe-Block & Miles Parks, *The Trump Administration Is Building a National Citizenship Data System*, NPR, June 29, 2025, <https://www.npr.org/2025/06/29/nx-s1-5409608/citizenship-trump-privacy-voting-database> (reporting that Mitchell had received a “full briefing” from federal officials); *see also* Andy Kroll & Nick Surgey, *Inside Ziklag, the Secret Organization of Wealthy Christians Trying to Sway the Election and Change the Country*, PROPUBLICA, July 13, 2024, <https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election> (“Mitchell is promoting a tool called EagleAI, which has claimed to use artificial intelligence to automate and speed up the process of challenging ineligible voters.”).

1 affiliated with current DHS official Honey challenging Pennsylvania's voter roll maintenance
2 practices pursuant to the federal Help America Vote Act, was meritless).⁴

3 DOJ's actions also indicate that it may focus on or target specific groups of voters in its
4 use of the requested data. In its letters to Nevada and other States requesting the same private voter
5 data, the DOJ also requested information about how elections officials, among other things,
6 process applications to vote by mail; identify and remove duplicate registrations; and verify that
7 registered voters are not ineligible to vote, such as due to a felony conviction or lack of citizenship.⁵
8 See June 25 Letter. The Administration has also confirmed that it was sharing the requested
9 information with the DHS. See Jonathan Shorman, *Trump's DOJ Wants State to Turn Over Voter*
10 *Lists, Election Info*, STATELINE, July 16, 2025, [https://stateline.org/2025/07/16/trumps-doj-wants-](https://stateline.org/2025/07/16/trumps-doj-wants-states-to-turn-over-voter-lists-election-info/)
11 [states-to-turn-over-voter-lists-election-info/](https://stateline.org/2025/07/16/trumps-doj-wants-states-to-turn-over-voter-lists-election-info/) (characterizing letters in nine states); Shorman, *DOJ*
12 *Sharing Lists with Homeland Security*.

13
14
15 ⁴ See Carter Walker, *Efforts to Challenge Pennsylvania Voters' Mail Ballot Applications Fizzle*,
16 SPOTLIGHT PA, Nov. 8, 2024, [https://www.spotlightpa.org/news/2024/11/mail-ballot-application-](https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/)
17 [challenges-pennsylvania-fair-elections/](https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/) (describing mass-challenges and noting connection to
18 Honey and her organization "PA Fair Elections"); see also Jeremy Roebuck & Katie Bernard, *'I*
19 *Can't Think of Anything Less American': Right-Wing Activists' Effort to Nullify Hundreds of Pa.*
20 *Votes Met with Skepticism*, PHILA. INQUIRER, Nov. 1, 2024, [https://www.inquirer.com/](https://www.inquirer.com/politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html)
21 [politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html](https://www.inquirer.com/politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html)
22 (noting sworn testimony regarding PA Fair Elections' involvement in the challenges); Hansi Lo
23 Wang, *Thousands of Pennsylvania Voters Have Had Their Mail Ballot Applications Challenged*,
24 NPR, Nov. 5, 2024, [https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-](https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-voter-challenges-trump)
25 [voter-challenges-trump](https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-voter-challenges-trump) (same).

26 ⁵ See, e.g., Br. in Supp. of Mot. to Intervene as Defs., Exhibit No. 1, Letter from Maureen Riordan
27 to Sec'y of State Al Schmidt (June 23, 2025), *United States v. Pennsylvania*, No. 25-cv-01481
(W.D. Pa. Oct. 9, 2025), Dkt. No. 37-1 (Pennsylvania); Mot. for Leave to File Mot. to Dismiss,
Exhibit A, Letter from Michael E. Gates to Sec'y of State Jocelyn Benson (July 21, 2025), *United*
States v. Benson, No. 25-cv-01148 (W.D. Mich. Nov. 25, 2025), Dkt. No. 34-3 (Michigan); Decl.
of Thomas H. Castelli in Supp. of State Defs.' Mot. to Dismiss, Exhibit No. 1, Letter from Michael
E. Gates to Sec'y of State Tobias Read (July 16, 2025), *United States v. Oregon*, No. 25-cv-01666
(D. Or. Nov. 17, 2025), Dkt. No. 33-1 (Oregon); Decl. of Malcolm A. Brudigam in Supp. of Defs.'
Mot. to Dismiss, Exhibit No. 1, Letter from Michael E. Gates to Sec'y of State Shirley Weber (July
10, 2025), *United States v. Weber*, No. 25-cv-09149 (C.D. Cal. Nov. 7, 2025), Dkt. No. 37-2
(California).

B. Proposed Intervenor

Proposed Intervenor ACLUNV is a nonpartisan, non-profit organization committed to, *inter alia*, protecting civil rights and voting rights in Nevada. *See* Ex. 2, Declaration of ACLUNV Executive Director Athar Haseebullah (“Haseebullah Decl.”) ¶¶ 5–6, 21. ACLUNV expends significant resources conducting on-the-ground voter engagement and assistance efforts, including registering qualified individuals to vote, helping voters navigate the vote-by-mail process, encouraging voters to participate, and assisting voters when they experience problems in trying to vote. *See* Haseebullah Decl. ¶¶ 21–23, 26. The success of these efforts, especially with respect to voter registration, depend on voters’ trust that, when they provide personal information to the State as part of the registration process, that information will not be abused, their privacy will be respected, and their right to participate will be honored. *See* Haseebullah Decl. ¶¶ 21–23. Disclosure of the full Nevada voter file would cause ACLUNV to divert resources from its core activities to assist voters and deal with the likely ramifications of voter challenges and disenfranchisement of its members. *Id.* ¶¶ 27–28.

ACLUNV has more than 6,850 active members in Nevada. *See* Haseebullah Decl. ¶¶ 6, 13. Those members include Nevada voters whose personal data will be provided to the federal government if DOJ prevails in this lawsuit, as well as voters who are particularly likely to be caught up in the DOJ’s efforts to remove voters from voter rolls, such as: voters who are naturalized citizens, voters previously registered in other states, voters who have voted by mail in Nevada elections and plan to do so in the future, and voters who have requested their information not be disclosed. *See* Haseebullah Decl. ¶¶ 15–18.

Proposed Intervenor Yonas Woldu is a registered Nevada voter and ACLUNV member who has been a resident of the state for more than two decades. *See* Ex. 3, Declaration of Yonas Woldu (“Woldu Decl.”) ¶¶ 3–5. Mr. Woldu was born in Eritrea and moved to the United States 31 years ago during the civil war in his home country. *Id.* ¶ 6. Mr. Woldu became a naturalized citizen more than 20 years ago. *Id.* ¶ 7. Voting is extremely important to Mr. Woldu, who enthusiastically participates in elections. *Id.* ¶¶ 7–9. Mr. Woldu believes in the importance of privacy for voters

and is concerned about how DOJ might use his sensitive voter data. *Id.* ¶¶ 8, 11. Mr. Woldu cares about the privacy of his own sensitive, personal data, as well for other naturalized citizens, whom he believes are more vulnerable than other groups to false accusations of illegal voting. *Id.* ¶¶ 11–12.

ARGUMENT

I. MOVANTS ARE ENTITLED TO INTEREVE NE AS A MATTER OF RIGHT.

Proposed Intervenor s are entitled to intervene as of right. Rule 24(a)(2):

provides that a court must permit anyone to intervene who, (1) on timely motion, (2) claims an interest relating to the property or transaction that is the subject of the action, and is so situated that disposing of the action may as a practical matter impair or impede the movant’s ability to protect its interest, (3) unless existing parties adequately represent that interest.

Berger v. N.C. State Conf. of the NAACP, 597 U.S. 179, 190 (2022) (internal quotation marks and alterations omitted); *see also Wilderness Soc’y v. U.S. Forest Serv.*, 630 F.3d 1173, 1177 (9th Cir. 2011). Rule 24(a) must be construed “broadly in favor of proposed intervenor s.” *Id.* at 1179 (quoting *U.S. v. City of L.A.*, 288 F.3d 391, 397 (9th Cir. 2002)); *see also Sw. Ctr. for Biological Diversity v. Berg*, 268 F.3d 810, 818 (9th Cir. 2001). Because the Proposed Intervenor s easily meet Rule 24(a)’s requirements, Court should grant their intervention as a matter of right.

A. The Motion to Intervene Is Timely.

There are three “primary factors” that courts consider in evaluating timeliness: “(1) the stage of the proceeding at which an applicant seeks to intervene; (2) the prejudice to other parties; and (3) the reason for and length of the delay.” *Kalbers v. U.S. Dep’t of Just.*, 22 F.4th 816, 822 (9th Cir. 2021) (internal quotation marks and citation omitted). As with the Rule 24(a) inquiry more generally, the Ninth Circuit interprets these factors “broadly in favor of intervention.” *W. Watersheds Project v. Haaland*, 22 F.4th 828, 835 (9th Cir. 2022).

This motion is indisputably timely. The United States filed this suit on December 11, 2025, and an Errata to the Complaint was filed on December 12, 2025. Dkt. 1, 4. Upon receiving notice of the suit, the Proposed Intervenor s promptly prepared this motion just three days after the case, and two days after the Errata, was filed. *See Kalbers*, 22 F.4th at 825 (interval of “just a few weeks”

“weigh[ed] in favor of timeliness”); *United States v. Aerojet Gen. Corp.*, 606 F.3d 1142, 1149 (9th Cir. 2010) (motion to intervene was timely where it was filed within four months of when applicants learned of proposed consent decree); *Issa v. Newsom*, No. 20-cv-1044, 2020 WL 3074351, at *2 (E.D. Cal. June 10, 2020) (finding motion timely where “no substantive proceedings ha[d] occurred”). Secretary Aguilar has not yet filed an answer or a motion to dismiss—and indeed has not yet even been served as of this filing—meaning that this litigation is at its earliest stages and intervention will not unduly delay or prejudice the existing parties.

B. Proposed Intervenors Have Concrete Interests in the Underlying Litigation.

Proposed Intervenors have a “sufficient”—*i.e.*, a “significantly protectable”—interest in the litigation. *Donaldson v. United States*, 400 U.S. 517, 531 (1971). To demonstrate a “significantly protectable interest” relating to the subject matter of the action, the intervenor must (1) assert “an interest that is protected under some law,” and (2) show that “there is a relationship between its legally protected interest and the plaintiff’s claims.” *Kalbers*, 22 F.4th at 827 (internal quotation marks and citation omitted). This is a “practical, threshold inquiry”; no “specific legal or equitable interest need be established.” *Sw. Ctr. for Biological Diversity*, 268 F.3d at 818 (internal quotation marks and citation omitted). This interest requirement is also less stringent than the injury-in-fact requirement for purposes of establishing Article III standing. *See Yniguez v. Arizona*, 939 F.2d 727, 735 (9th Cir. 1991). Here, Proposed Intervenors have multiple, independently sufficient interests that support intervention as of right.

First, Mr. Woldu and ACLUNV’s other members have a right to privacy in the sensitive voter data the United States seeks. The August 14 Letter demanded that Secretary Aguilar turn over voters’ full name, date of birth, residential address, and driver’s license number or SSN. August 14 Letter at 19. This type of sensitive personal information is protected from disclosure by federal law, which prohibits the creation of a national voter database of the type that the United States is reportedly seeking to assemble with the data it seeks. *See* 5 U.S.C. § 552a(e)(7) (provision of the federal Privacy Act prohibiting the creation or maintenance of any database “describing how any individual exercises rights guaranteed by the First Amendment,” which necessarily includes

1 exercising the right to vote). State law also provides Nevada voters with “established protection of
2 personal privacy interests” even in the context of otherwise disclosable public records. *Clark Cnty.*
3 *Sch. Dist. v. L.V. Review-Journal*, 429 P.3d 313, 320 (Nev. 2018). These privacy interests are
4 significant and inure to Mr. Woldu and to ACLUNV’s many members that are registered Nevada
5 voters.

6 *Second*, and based on DOJ’s similar data requests to other States, the data DOJ seeks is
7 likely to be used to challenge the voter registration of certain Nevadans, including voters like Mr.
8 Woldu who are naturalized citizens (who may have indicated they were not a citizen on a
9 government form prior to naturalization); voters with felony convictions; voters who have moved
10 within Nevada or left the state and then returned to Nevada (but might be deemed “duplicate”
11 voters or “out-of-state” voters due to a shoddy matching system); voters who vote by mail; and
12 voters who have requested that their information not be disclosed. *See supra* 5–8 & nn.2–4;
13 Haseebullah Decl. ¶ 15; Woldu Decl. ¶¶ 7, 11–13. Mr. Woldu and ACLUNV members fall within
14 many of these categories. *See* Haseebullah Decl. ¶¶ 15–18; Woldu Decl. ¶¶ 7, 11–13. Mr. Woldu
15 and ACLUNV’s members, especially those most likely to be targeted using the information DOJ
16 seeks in this lawsuit, have a concrete interest in not being disenfranchised by so-called “election
17 integrity measures.” *See* Woldu Decl. ¶¶ 10–12; Haseebullah Decl. ¶¶ 20–24, 27–28.

18 *Third*, ACLUNV has protectable interests at stake because its core organizational mission
19 will be harmed if the relief sought is granted. For one, ACLUNV’s voter registration activities will
20 be harmed because voters will be chilled from registering and participating if they believe their
21 sensitive personal data will be provided to the federal government. Haseebullah Decl. ¶¶ 22–24.
22 Moreover, ACLUNV will be further harmed if and when the sensitive voter data sought by the
23 United States is then used to engage in mass challenges of registered voters by “election integrity”
24 activists wielding the power of the federal government. *Id.* ¶¶ 27–28. Such mass challenges will
25 force organizational Proposed Intervenors to redirect resources to educating the public about
26 threats to voting rights and mitigating the disenfranchisement of existing voters, and away from
27 their core activities of registering voters and engaging new voters in the democratic process. *Id.*

Courts routinely find that non-partisan public interest organizations, like the organizational Proposed Intervenor, should be granted intervention in election-related cases, demonstrating the significantly protectable interests such organizations have in safeguarding the electoral process. *See, e.g., Texas v. United States*, 798 F. 3d 1108, 1111–12 (D.C. Cir. 2015); *Donald J. Trump for President, Inc. v. Boockvar*, No. 20-cv-2078, 2020 WL 8262029, at *1 (M.D. Pa. Nov. 12, 2020); *Pub. Int. Legal Found., Inc. v. Winfrey*, 463 F. Supp. 3d 795, 799–800 (E.D. Mich. 2020); *Kobach v U.S. Election Assistance Comm’n*, No. 13-cv-04095, 2013 WL 6511874, at *1–2 (D. Kan. Dec. 12, 2013); *LaRoque v. Holder*, 755 F. Supp. 2d 156, 162 n.3 (D.D.C. 2010), *rev’d in part on unrelated grounds*, 650 F.3d 777 (D.C. Cir. 2011). This case is no exception. Indeed, in a similar case brought by the Department of Justice challenging California’s refusal to turn over sensitive voter information, such organizations were granted intervention. *See Order, United States v. Weber*, No. 25-cv-09149, Dkt. No. 70 (C.D. Cal. Nov. 19, 2025); *see also Op. & Order, United States v. Oregon*, No. 25-cv-01666, (D. Or. Dec. 5, 2025), Dkt. No. 52 (granting intervention in Oregon case).

C. Disposition of this Case May Threaten the Interests of Proposed Intervenor.

Proposed Intervenor also satisfy the third prong of the intervention analysis because the litigation may result in an order that directly affects their interests. To satisfy Rule 24(a)(2)’s interest impairment prong, intervenors “do not need to establish that their interests *will* be impaired. Rather, they must demonstrate only that the disposition of the action ‘may’ impair or impede their ability to protect their interests.” *Brumfield v. Dodd*, 749 F.3d 339, 344 (5th Cir. 2014) (internal citations omitted). “This burden is minimal.” *Grutter v. Bollinger*, 188 F.3d 394, 399 (6th Cir. 1999) (internal quotation marks and citation omitted). Once intervenors establish that they have a significant protectable interest, courts typically “have little difficulty concluding that the disposition” of the case “may, as a practical matter, affect [that interest].” *California ex rel. Lockyer v. United States*, 450 F.3d 436, 442 (9th Cir. 2006).

1 Here, the threat is significant. The United States proposes to summarily dispose of Nevada
2 voters' interests by obtaining an immediate order compelling the disclosure of private voter data,
3 bypassing the normal civil litigation process and any discovery into "the basis and the purpose" of
4 their request, 52 U.S.C. § 20703. *See* U.S. Mot. to Compel Production of Records, Dkt. No. 2. This
5 attempt to secure the irrevocable disclosure of private voter data to actors who may misuse it in
6 any number of ways, including by mass-challenging or otherwise attacking Nevadans' right to
7 vote, at the very beginning of the case militates strongly in favor of allowing Proposed Intervenors
8 into the case to represent voters' interests now.

9 **D. Secretary Aguilar's Interests Are Different from Those of Proposed**
10 **Intervenors.**

11 Courts in this Circuit consider three factors in evaluating adequacy of representation:
12 "(1) whether the interest of a present party is such that it will undoubtedly make all of a proposed
13 intervenor's arguments; (2) whether the present party is capable and willing to make such
14 arguments; and (3) whether a proposed intervenor would offer any necessary elements to the
15 proceeding that other parties would neglect." *Citizens for Balanced Use v. Mont. Wilderness Ass'n*,
16 647 F.3d 893, 898 (9th Cir. 2011) (internal quotation marks and citation omitted). The Supreme
17 Court has determined that Proposed Intervenors' "burden of making [this] showing should be
18 treated as minimal," and that Proposed Intervenors need not show that representation of their
19 interests *will* be inadequate, but rather only that "representation [of their interests] *may be*
20 inadequate." *Trbovich v. United Mine Workers of Am.*, 404 U.S. 528, 538 n.10 (1972) (emphasis
21 added); *see also Berger*, 597 U.S. at 195 (noting that "[the Supreme] Court has described the
22 Rule's test as presenting proposed intervenors with only a minimal challenge."); *Citizens for*
23 *Balanced Use*, 647 F.3d at 898 (describing burden as "minimal" (internal quotation marks and
24 citation omitted)). Proposed Intervenors need not show that representation of their interests *will* be
25 inadequate, but rather only that "representation [of their interests] *may be* inadequate." *Trbovich*,
26 404 U.S. at 538 n.10; *see also Citizens for Balanced Use*, 647 F.3d at 898.

1 Proposed Intervenor meet this minimal burden here. As a government official, Secretary
2 Aguilar has a generalized interest in carrying out his office’s legal obligations under federal and
3 state laws, and in minimizing burdens on governmental employees and resources. He also must
4 consider broader public policy concerns, in particular the need to maintain working relationships
5 with federal officials. In contrast, Proposed Intervenor will “add [a] missing element” to this
6 litigation, making the existing representation inadequate: the perspective of civil rights groups
7 whose sole commitment is to ensuring access to the ballot and the perspective of individual voters
8 whose very own private information is at risk. *T-Mobile Northeast LLC v. Town of Barnstable*,
9 969 F.3d 33, 40 (1st Cir. 2020). There may be arguments and issues that the Defendant may not
10 be able or willing to raise that are critical to Proposed Intervenor. For example, individual voters
11 have a more direct injury than states under the Privacy Act for misuse of their personal data,
12 especially given that the Privacy Act grants individuals an express right to bring suit. *See* 5 U.S.C.
13 § 552a(g)(1)(D) (“Whenever an agency fails to comply with any other provision of this section . . .
14 in such a way as to have an adverse effect on an individual, the individual may bring a civil action
15 against the agency”). As another example, courts have found a risk that political considerations
16 external to the legal issues presented by case like this can motivate elections officials to pursue a
17 settlement that would jeopardize the private information of Mr. Woldu and/or ACLUNV members.
18 *See Judicial Watch, Inc. v. Ill. State Bd. of Elections*, No. 24-C-1867, 2024 WL 3454706, at *5
19 (N.D. Ill. July 18, 2024) (allowing intervention in NVRA case and observing that “potential
20 intervenors can cite potential conflicts of interests in future settlement negotiations to establish
21 that their interests are not identical with those of a named party”); *cf. Berger*, 597 U.S. at 198
22 (reversing denial of motion to intervene where North Carolina Board of Elections was “represented
23 by an attorney general who, though no doubt a vigorous advocate for his clients’ interests, is also
24 an elected official who may feel allegiance to the voting public or share the Board’s administrative
25 concerns”).

26 These diverging perspectives—between the government’s general need to balance various
27 considerations and the Proposed Intervenor’s personal and particular interest in the privacy of their

own data—present a classic scenario supporting intervention. *See, e.g., Am. Farm Bureau Fed’n v. EPA*, 278 F.R.D. 98, 110–11 (M.D. Pa. 2011) (allowing public interest groups to intervene, “[b]ecause the EPA represents the broad public interest . . . not only the interests of the public interest groups” and similar stakeholders); *Kobach*, 2013 WL 6511874, at *4 (finding that applicants who had interests in protecting voter rights, particularly in minority and underprivileged communities, may have private interests that diverge from the public interest of an elections agency). Put simply, “the government’s representation of the public interest may not be ‘identical to the individual parochial interest’ of a particular group just because ‘both entities occupy the same posture in the litigation.’” *Citizens for Balanced Use*, 647 F.3d at 899 (internal citation omitted). Such is the case here.

Moreover, the United States requests the data at issue pursuant to purported public disclosure provisions in the Civil Rights Act of 1960, but any requests pursuant to those provisions must come with “a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703. The motivations and purposes for DOJ’s requests, including whether they will be used to create an unauthorized national database as has been reported, and whether they are a prelude to mass challenges based on faulty data-matching techniques, are highly relevant and potentially dispositive here. Proposed Intervenors’ unique interest as a good-government, pro-democracy organization in pursuing this highly relevant line of factual inquiry and argument is further strong grounds to support intervention.

II. IN THE ALTERNATIVE, THE COURT SHOULD GRANT PERMISSIVE INTERVENTION

If the Court declines to grant intervention as of right, it should grant permissive intervention under Federal Rule of Civil Procedure 24(b). The Court may utilize its broad discretion to grant permissive intervention when the movant files a “a timely motion” and raises a claim or defenses that shares “a common question of law and fact” with the “main action.” *Callahan v. Brookdale Senior Living Cmty., Inc.*, 42 F.4th 1013, 1022 (9th Cir. 2022) (internal quotation marks and citation omitted). “In exercising its discretion,” a court “must consider whether the intervention

1 will unduly delay or prejudice the adjudication of the original parties' rights." Fed. R. Civ. P.
2 24(b)(3). Other factors that courts often evaluate include "the nature and extent of the intervenors'
3 interest," the "legal position [the intervenors] seek to advance," and "whether parties seeking
4 intervention will significantly contribute to full development of the underlying factual issues in
5 the suit and to the just and equitable adjudication of the legal questions presented." *Callahan*, 42
6 F.4th at 1022 (citation omitted).

7 Permissive intervention is appropriate here. As discussed above, this motion is timely,
8 coming a mere three days after Plaintiff initiated suit and prior to any discovery or motion practice.
9 *See Kalbers*, 22 F.4th at 825. Because Proposed Intervenors seek to join the case at the earliest
10 possible stage of the litigation, their involvement runs no risk of delaying proceedings.

11 Moreover, Proposed Intervenors' defense goes directly to the issues already presented in
12 this lawsuit, such as (1) whether federal law permits the United States to force Nevada to give it
13 the personal information it seeks; (2) whether legal protections for individual privacy prohibit the
14 disclosure of that information; and (3) whether the United States' motivations and its potential
15 uses for the data sought are permissible. Proposed Intervenors' distinct perspective on the legal
16 and factual issues before the Court will thus complement or amplify Defendant's arguments and
17 sharpen the issues and the quality of the record, aiding the Court in resolving the issues before it.
18 The proposed "intervention would not add any new issues to this litigation"; instead, Proposed
19 Intervenors are trying to offer their unique perspective, including the perspective of naturalized
20 citizens, to resolve the existing ones. *Ceja-Corona v. CVS Pharmacy, Inc.*, No. 12-cv-1868, 2014
21 WL 792132, at *3 (E.D. Cal. Feb. 26, 2014).

22 Because of this unique perspective, district courts routinely grant permissive intervention
23 to advocacy organizations, even when a government party defends a challenged action. *See, e.g.,*
24 *Thomas v. Andino*, 335 F.R.D. 364, 371 (D.S.C. 2020) (granting permissive intervention to state
25 political party in challenge related to election laws); *Tirrell v. Edelblut*, No. 24-cv-251, 2025 WL
26 1939965, at *4 (D.N.H. July 15, 2025) (allowing "a membership-based organization that
27 represents cisgender athletes" to intervene as a defendant in a suit challenging state restrictions on

transgender athletes); *Judicial Watch, Inc. v. Pennsylvania*, No. 20-cv-708 (M.D. Pa. Nov. 19, 2020), Dkt. No. 50 at 3 (granting permissive intervention in NVRA case to Common Cause and League of Women Voters of Pennsylvania upon finding that “the presence of the intervenors may serve to clarify issues and thereby serve judicial economy” (internal quotation marks, citation, and footnote omitted)); *Donald J. Trump for President, Inc.*, 2020 WL 8262029, at *1 (granting Rule 24(b) motion where voters and organizations “have an interest in the constitutionality of Pennsylvania’s voting procedures, which goes to the heart of Plaintiffs’ action” (internal quotation marks and citation omitted)).

The recent decision in *Republican National Committee v. Aguilar* is instructive on this point. There, various groups sought to intervene in a case where plaintiffs sought to “compel the State to remove from the [voter] rolls voters whom they claim[ed were] ineligible” to vote. No. 24-cv-518, 2024 WL 3409860, at *1, *3 (D. Nev. July 12, 2024). The court granted permissive intervention, finding that intervenors would “contribute to the just and equitable resolution of the issues before” it because they had a “singular purpose” of “ensur[ing] voters [were] retained on or restored to the rolls,” which provided a “counterbalance” to plaintiffs that the state-defendant could not provide due to its “split mission” of “easing barriers to registration and voting” and “protecting electoral integrity.” *Id.* at *3. The same reasoning applies here. As such, if it does not grant intervention as of right, this Court should exercise its discretion to allow permissive intervention under Rule 24(b).

CONCLUSION

For the reasons stated above, the Court should grant the Motion to Intervene as Defendants as of right, or in the alternative, via permissive intervention.

Dated: December 14, 2025

Respectfully submitted,

/s/ Sadmira Ramic

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* *application for admission pro hac vice
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record and by email on counsel for the United States and Secretary Aguilar.

/s/ Sadmira Ramic

INDEX OF EXHIBITS

Exhibit No.	Description
1	Motion to Dismiss of Intervenor-Defendants the ACLU of Nevada and Yonas Woldu
2	Declaration of Athar Haseebullah
3	Declaration of Yonas Woldu

DATED: December 14, 2025.



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EXHIBIT 1

MOTION TO DISMISS OF INTERVENOR-DEFENDANTS THE ACLU OF NEVADA AND YONAS WOLDU

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* *application for admission pro hac vice forthcoming*

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

FRANCISCO V. AGUILAR, in his Official Capacity
 as Secretary of State for the State of Nevada,

Defendant.

Case No. 3:25-cv-728

**MOTION TO DISMISS OF
 INTERVENOR-DEFENDANTS
 THE ACLU OF NEVADA AND
 YONAS WOLDU**

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

In this action, the United States seeks to compel the disclosure of sensitive personal voter data to which it is not entitled, using the civil rights laws as a pretext. Because the United States failed to disclose the basis and purpose of its request for the data, dismissal should be granted, and its attempt to summarily dispose of this case via an improper motion to compel should be rejected.

The right to vote is “of the most fundamental significance under our constitutional structure.” *No Labels Party of Ariz. v. Fontes*, 142 F.4th 1226, 1231 (9th Cir. 2025) (quoting *Burdick v. Takushi*, 504 U.S. 428, 433 (1992)). It is “preservative of all rights” because it serves as a check against tyrannical rule while simultaneously ensuring the competition of ideas amongst our elected officials. *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886).

Congress has repeatedly legislated to protect the franchise, including through Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C. § 20701 *et seq.*, as well as the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*, and the Help America Vote Act (“HAVA”), 52 U.S.C. § 20901 *et seq.* These statutes were enacted for the purpose of ensuring that all eligible Americans—especially racial minorities and voters with disabilities—have the opportunity to participate in free, fair, and secure elections. As the United States Department of Justice itself explains, Title III of the CRA, the election records provision invoked in the Complaint here, was designed to “secure a more effective protection of the right to vote.” U.S. Dep’t of Just., Civ. Rts. Div., *Federal Law Constraints on Post-Election “Audits”* (Jul. 28, 2021), <https://perma.cc/74CP-58EH> (citing *State of Ala. ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960) and H.R. Rep. No. 86-956, at 7 (1959)).

The United States’ demand for Nevada’s unredacted voter file—which contains sensitive personal information such as full birth dates, driver’s license numbers, and Social Security numbers from every voter in the state—undermines these statutes’ core purposes and is contrary to law. The public disclosure of state voting records is important to ensure transparency and the accuracy of the voter rolls, especially by ensuring that citizens are not erroneously removed from

1 the voter records. But releasing the State’s voter records *without redaction* and for purposes far
2 afield from protecting voter access would only deter voter participation and undermine the right
3 to vote. That is especially so here where the United States has failed to fully and accurately set
4 forth “the basis and the purpose” for their request for this data, as required by the very statute that
5 it purports to invoke. 52 U.S.C. § 20703. Because the United States has failed to establish its
6 entitlement to a complete, unredacted Nevada voter file, the Court should dismiss this action.

7 **BACKGROUND**

8 Beginning in May 2025, Plaintiff the United States, through its Department of Justice
9 (“DOJ”), began sending letters to election officials in at least forty states, making escalating
10 demands for the production of statewide voter registration databases, with plans to gather data
11 from all fifty states. *See* Kaylie Martinez-Ochoa, Eileen O’Connor & Patrick Berry, Brennan Ctr.
12 for Just., *Tracker of Justice Department Requests for Voter Information* (updated Dec. 12, 2025),
13 <https://perma.cc/MC3M-VS33>.

14 On June 25, 2025, DOJ sent such a letter to Secretary Aguilar, Nevada’s Secretary of State,
15 demanding the state’s current computerized statewide voter registration list. *See* Ex. 1, Letter from
16 Maureen Riordan to Hon. Francisco V. Aguilar dated June 25, 2025, Dkt. No. 3-1, at 2–3 (“June
17 25 Letter”). The letter also requested information on, among other things, the state’s procedure for
18 identifying and removing voter registrations from people who were ineligible to vote due to a
19 felony conviction or lack of U.S. citizenship. *Id.* Secretary Aguilar responded on July 25,
20 answering the DOJ’s questions and providing a link to the publicly-available statewide voter
21 registration list. *See* Ex. 2, Letter from Hon. Francisco V. Aguilar to Maureen Riordan dated July
22 25, 2025, Dkt. No. 3-1, at 6–16.

23 On August 14, the DOJ sent a second letter: although the DOJ acknowledged that Nevada
24 had provided its state voter registration list, it now demanded that that Nevada turn over a version
25 of the list, “contain[ing] *all fields*, which includes the registrant’s full name, date of birth,
26 residential address, his or her state driver’s license number or the last four digits of the registrant’s
27 social security number” (“SSN4”)—all within seven days. *See* Ex. 3, Letter from Harmeet K.

1 Dhillon to Hon. Francisco V. Aguilar dated Aug. 14, 2025, Dkt. No. 3-1, at 18–20 (“August 14
2 Letter”). The DOJ waved away any privacy issues, claiming that the federal prohibition on sharing
3 voter information obtained under the Civil Rights Act of 1960 with the public was sufficient to
4 assuage concerns. *See id.* at 19 (quoting 52 U.S.C. § 20704).

5 On August 21, Secretary Aguilar’s office responded, noting that it had complied with the
6 DOJ’s request by providing the information it generally does to the public, pursuant to Nev. Rev.
7 Stat. § 293.440. *See* Ex. 4, Letter from Gabriel Di Chiara to Harmeet K. Dhillon dated Aug. 21,
8 2025, Dkt. No. 3-1, at 22–23 (“August 21 Letter”). The letter noted that the DOJ was now
9 requesting additional and “highly sensitive information” that it did not request in the first letter
10 and which is protected from public disclosure under Nevada law. *Id.* at 22. This request was
11 “unprecedented in its scope, its purported basis, and its urgency . . . and lacks any articulated basis
12 beyond a desire for the information.” *Id.* at 23. Because of its obligations to protect the confidential
13 information of Nevada voters, Secretary Aguilar’s office said it would research the legality of the
14 DOJ’s request, rather than responding on the immediate basis it demanded. *See id.*

15 According to documents in the public record, DOJ never responded to Secretary Aguilar’s
16 August 21 letter or provided additional legal arguments to support its position or address Secretary
17 Aguilar’s objections and concerns. Instead, months later on December 11, 2025, the United States
18 sued Secretary Aguilar, a legal challenge extremely similar to suits DOJ has now brought in
19 eighteen states.¹

21 ¹ *See* Press Release, U.S. Dep’t of Just., *Justice Department Sues Four Additional States and One*
22 *Locality for Failure to Comply with Federal Elections Laws* (Dec. 12, 2025),
23 <https://perma.cc/TQ5T-FB2A>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Six*
24 *Additional States for Failure to Provide Voter Registration Rolls* (Dec. 2, 2025),
25 <https://perma.cc/F5MD-NWHD>; Press Release, U.S. Dep’t of Just., *Justice Department Sues Six*
26 *States for Failure to Provide Voter Registration Rolls* (Sept. 25, 2025), [https://perma.cc/7J99-](https://perma.cc/7J99-WGBA)
27 [WGBA](https://perma.cc/7J99-WGBA); Press Release, U.S. Dep’t of Just., *Justice Department Sues Oregon and Maine for*
Failure to Provide Voter Registration Rolls (Sept. 16, 2025), <https://perma.cc/M69P-YCVC>; *see also* Kaylie Martinez-Ochoa, Eileen O’Connor & Patrick Berry, *Tracker of Justice Department*
Requests for Voter Information, Brennan Ctr. for Just. (last updated Dec. 5, 2025),
<https://perma.cc/A73C-8YDZ>.

Notably, according to public reporting, DOJ's requests for private, sensitive voter data from Nevada and other states do not appear to relate to list maintenance under the NVRA and HAVA. Rather, they appear to be in connection with unprecedented efforts by the United States to construct a national voter database, and to otherwise use untested forms of database matching in order to scrutinize state voter rolls. According to this reporting, DOJ employees "have been clear that they are interested in a central, federal database of voter information." Devlin Barrett & Nick Corasaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, N.Y. TIMES, Sept. 9, 2025, <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>. DOJ is coordinating these efforts with the federal Department of Homeland Security ("DHS"), according to reported statements from DOJ and DHS. *Id.*; see also, e.g., Jonathan Shorman, *DOJ is Sharing State Voter Roll Lists with Homeland Security*, STATELINE, Sept. 12, 2025, <https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security>; Sarah Lynch, *US Justice Dept Considers Handing over Voter Roll Data for Criminal Probes, Documents Show*, REUTERS, Sept. 9, 2025, <https://www.reuters.com/legal/government/us-justice-dept-considers-handing-over-voter-roll-data-criminal-probes-documents-2025-09-09>. One article extensively quoted a recently-departed lawyer from DOJ's Civil Rights Division describing DOJ's aims in this case and others like it:

We were tasked with obtaining states' voter rolls, by suing them if necessary. Leadership said they had a DOGE person who could go through all the data and compare it to the Department of Homeland Security data and Social Security data. . . . I had never before told an opposing party, Hey, I want this information and I'm saying I want it for this reason, but I actually know it's going to be used for these other reasons. That was dishonest. It felt like a perversion of the role of the Civil Rights Division.

Emily Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. TIMES MAGAZINE, Nov. 16, 2025, <https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html>.

According to additional public reporting, these efforts are being conducted with the involvement of self-proclaimed "election integrity" advocates within and outside the government

1 who have previously sought to disenfranchise voters and overturn elections. Those advocates
 2 include Heather Honey, who sought to overturn the result of the 2020 presidential election in
 3 multiple states and now serves as DHS’s “deputy assistant secretary for election integrity.”² Also
 4 involved is Cleta Mitchell, a private attorney and leader of a national group called the “Election
 5 Integrity Network,” who has, among other things, promoted the use of artificial intelligence to
 6 challenge registered voters.³ Such actors, including actors associated with Ms. Honey, have
 7 previously sought to compel states to engage in aggressive purges of registered voters, and have
 8 abused voter data to make mass challenges to disenfranchise voters in other states. *See, e.g., PA*
 9 *Fair Elections v. Pa. Dep’t of State*, 337 A.3d 598, 600 n.1 (Pa. Commw. Ct. 2025) (determining
 10 that complaint brought by group affiliated with current DHS official Honey, challenging
 11 Pennsylvania’s voter roll maintenance practices pursuant to the federal Help America Vote Act,
 12 was meritless).⁴

13
 14 ² *See* Alexandra Berzon & Nick Corasaniti, *Trump Empowers Election Deniers, Still Fixated on*
 15 *2020 Grievances*, N.Y. TIMES, Oct. 22, 2025, <https://www.nytimes.com/2025/10/22/us/politics/trump-election-deniers-voting-security.html>
 16 (documenting “ascent” of election denier Honey); Jen Fifield, *Pa.’s Heather Honey, Who*
 17 *Questioned the 2020 Election, Is Appointed to Federal Election Post*, PA. CAPITAL-STAR, Aug. 27,
 18 2025, [https://penncapital-star.com/election-2025/pa-s-heather-honey-who-questioned-the-2020-](https://penncapital-star.com/election-2025/pa-s-heather-honey-who-questioned-the-2020-election-is-appointed-to-federal-election-post)
 19 [election-is-appointed-to-federal-election-post](https://penncapital-star.com/election-2025/pa-s-heather-honey-who-questioned-the-2020-election-is-appointed-to-federal-election-post); Doug Bock Clark, *She Pushed to Overturn Trump’s*
 20 *Loss in the 2020 Election. Now She’ll Help Oversee U.S. Election Security*, PROPUBLICA, Aug. 26,
 21 2025, <https://www.propublica.org/article/heather-honey-dhs-election-security>.

19 ³ *See, e.g.,* Matt Cohen, *DHS Said to Brief Cleta Mitchell’s Group on Citizenship Checks for*
 20 *Voting*, DEMOCRACY DOCKET, June 12, 2025, [https://www.democracymarket.com/news-](https://www.democracymarket.com/news-alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters)
 21 [alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters](https://www.democracymarket.com/news-alerts/dhs-said-to-brief-cleta-mitchells-anti-voting-group-on-checking-citizenship-for-voters); *see also* Jude Joffe-Block & Miles Parks, *The Trump Administration Is Building a National*
 22 *Citizenship Data System*, NPR, June 29, 2025, [https://www.npr.org/2025/06/29/nx-s1-](https://www.npr.org/2025/06/29/nx-s1-5409608/citizenship-trump-privacy-voting-database)
 23 [5409608/citizenship-trump-privacy-voting-database](https://www.npr.org/2025/06/29/nx-s1-5409608/citizenship-trump-privacy-voting-database) (reporting that Mitchell had received a “full
 24 briefing” from federal officials); *see also* Andy Kroll & Nick Surgey, *Inside Ziklag, the Secret*
 25 *Organization of Wealthy Christians Trying to Sway the Election and Change the Country*,
 26 PROPUBLICA, July 13, 2024, [https://www.propublica.org/article/inside-ziklag-secret-christian-](https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election)
 27 [charity-2024-election](https://www.propublica.org/article/inside-ziklag-secret-christian-charity-2024-election) (“Mitchell is promoting a tool called EagleAI, which has claimed to use
 artificial intelligence to automate and speed up the process of challenging ineligible voters.”).

⁴ *See* Carter Walker, *Efforts to Challenge Pennsylvania Voters’ Mail Ballot Applications Fizzle*,
 SPOTLIGHT PA, Nov. 8, 2024, [https://www.spotlightpa.org/news/2024/11/mail-ballot-application-](https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/)
[challenges-pennsylvania-fair-elections/](https://www.spotlightpa.org/news/2024/11/mail-ballot-application-challenges-pennsylvania-fair-elections/) (describing mass-challenges and noting connection to

Here, DOJ's actions also indicate that it may focus on or target specific groups of voters in its use of the requested data. In its letters to Nevada and other States requesting the same private voter data, DOJ also requested information about how elections officials, among other things, process applications to vote by mail; identify and remove duplicate registrations; and verify that registered voters are not ineligible to vote, such as due to a felony conviction, citizenship status, or having moved out of state. *See* June 25 Letter.⁵

LEGAL STANDARD

A court must dismiss a complaint if, accepting all well-pleaded factual allegations as true, it does not "state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6); *accord Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). When considering a motion to dismiss, a court need not accept the complaint's legal conclusions. *Iqbal*, 556 U.S. at 678. A complaint must state a "plausible claim for relief" and contain more than "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements." *Id.* at 678–79.

Honey and her organization "PA Fair Elections"); *see also* Jeremy Roebuck and Katie Bernard, 'I Can't Think of Anything Less American': Right-Wing Activists' Effort to Nullify Hundreds of Pa. Votes Met with Skepticism, PHILA. INQUIRER, Nov. 1, 2024, <https://www.inquirer.com/politics/election/heather-honey-pa-fair-elections-vote-challenges-pennsylvania-20241101.html> (noting sworn testimony regarding PA Fair Elections' involvement in the challenges); Hansi Lo Wang, *Thousands of Pennsylvania Voters Have Had Their Mail Ballot Applications Challenged*, NPR, Nov. 5, 2024, <https://www.npr.org/2024/11/04/nx-s1-5178714/pennsylvania-mail-ballot-voter-challenges-trump> (same).

⁵ *See also* Br. in Supp. of Mot. to Intervene as Defs., Exhibit No. 1, Letter from Maureen Riordan to Sec'y of State Al Schmidt (June 23, 2025), *United States v. Pennsylvania*, No. 25-cv-01481 (W.D. Pa. Oct. 9, 2025), Dkt. No. 37-1 (Pennsylvania); Mot. for Leave to File Mot. to Dismiss, Exhibit A, Letter from Michael E. Gates to Sec'y of State Jocelyn Benson (July 21, 2025), *United States v. Benson*, No. 25-cv-01148 (W.D. Mich. Nov. 25, 2025), Dkt. No. 34-3 (Michigan); Decl. of Thomas H. Castelli in Supp. of State Defs.' Mot. to Dismiss, Exhibit No. 1, Letter from Michael E. Gates to Sec'y of State Tobias Read (July 16, 2025), *United States v. Oregon*, No. 25-cv-01666 (D. Or. Nov. 17, 2025), Dkt. No. 33-1 (Oregon); Decl. of Malcolm A. Brudigam in Supp. of Defs.' Mot. to Dismiss, Exhibit No. 1, Letter from Michael E. Gates to Sec'y of State Shirley Weber (July 10, 2025), *United States v. Weber*, No. 25-cv-09149 (C.D. Cal. Nov. 7, 2025), Dkt. No. 37-2 (California).

Thus, in practice, while courts “accept all factual allegations as true and view them in the light most favorable to Plaintiffs,” they do not “blindly defer to the labels and conclusions provided by the complaint, nor to any naked assertions devoid of further factual enhancement.” *Glazer Cap. Mgmt., L.P. v. Forescout Techs., Inc.*, 63 F.4th 747, 763 (9th Cir. 2023) (internal quotation marks and citations omitted). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (internal quotation marks omitted). To perform this review, courts can also “consider materials incorporated into the complaint or matters of public record.” *Coto Settlement v. Eisenberg*, 593 F.3d 1031, 1038 (9th Cir. 2010).

ARGUMENT

I. THE UNITED STATES’ DEMANDS EXCEED THE STATUTORY AUTHORITY OF THE CRA AND ARE CONTRARY TO LAW.

The United States’ demand for Nevada’s full and unredacted electronic voter file exceeds its statutory authority under the CRA. Against the backdrop of the turmoil of the Jim Crow era, Congress enacted the CRA, including the public records provisions in Title III, to facilitate investigations of civil rights violations preventing eligible citizens from voting due to discrimination. H.R. Rep. No. 86-956, at 7 (1959) (indicating the purpose of Title III “is to provide a more effective protection of the right of all qualified citizens to vote without discrimination on account of race”). But the Attorney General’s access to these records is not unbounded. If the Attorney General makes a demand for records, she must provide “a statement of the basis and the purpose therefor.” 52 U.S.C. § 20703.

The United States’ records request here is contrary to the CRA for at least two distinct reasons. First, in making this sweeping demand for Nevada’s full and unredacted state voter registration list, the United States fails to offer a statutorily sufficient statement of “the basis and the purpose” of its records requests. *Second*, to the extent Plaintiff may be entitled to any records under the CRA, those records should be redacted to vindicate the privacy and constitutional rights

1 of Nevada voters. Nothing in the CRA prevents the appropriate redaction of the sensitive personal
 2 information of voters.

3 **A. Plaintiff’s Demand for Records Fails to Meet the Requisite Statutory**
 4 **Requirements of the CRA.**

5 Title III of the CRA sets out requirements regarding federal election records, including a
 6 requirement in Section 301 for officers of elections to “retain and preserve, for a period of twenty-
 7 two months from the date of any” federal election, “all records and papers which come into [their]
 8 possession relating to any application, registration, payment of poll tax, or other act requisite to
 9 voting in such election,” with certain exceptions regarding delivery and designation of custodians.
 10 52 U.S.C. § 20701. Section 303 requires that “[a]ny record or paper” retained and preserved under
 11 Section 301 “shall, upon demand in writing by the Attorney General or [her] representative
 12 directed to the person having custody, possession, or control of such record or paper, be made
 13 available for inspection, reproduction, and copying at the principal office of such custodian by the
 14 Attorney General or [her] representative.” *Id.* § 20703. “This demand *shall* contain a statement of
 15 *the basis and the purpose* therefor.” *Id.* (emphasis added).

16 Plaintiff’s requests to Nevada fail to provide “a statement of the basis and the purpose”
 17 sufficient to support disclosure of the unredacted voter file. *Id.* Contemporaneous case law
 18 immediately following the enactment of Title III of the CRA shows that the “basis” is the statement
 19 for why the Attorney General believes there is a violation of federal civil rights law and the
 20 “purpose” explains how the requested records would help determine if there is a violation of the
 21 law. *Kennedy v. Lynd*, 306 F.2d 222, 229 n.6 (5th Cir. 1962). Indeed, “basis” and “purpose” under
 22 Title III of the CRA have consistently been treated as distinct concepts. *See id.*; *In re Coleman*,
 23 208 F. Supp. 199, 199–200 (S.D. Miss. 1962), *aff’d sub nom.*, *Coleman v. Kennedy*, 313 F.2d 867
 24 (5th Cir. 1963). As set forth below, the United States’ failure to articulate both a sufficient “basis”
 25 and “purpose” underlying its request for the unredacted voter file warrants dismissal of the CRA
 26 claim.
 27

1 The United States alleges that the “purpose” of its request seeking “an electronic copy of
 2 Nevada’s complete and current [voter registration list]” was “to ascertain Nevada’s compliance
 3 with the list maintenance requirements of the NVRA and HAVA.” Compl. ¶ 23; August 14 Letter
 4 at 19. But neither the Complaint nor the DOJ’s August 14 Letter that invoked the CRA supply a
 5 “basis” for why the United States believes Nevada’s list maintenance procedures might violate the
 6 NVRA or HAVA in the first place. Furthermore, neither the Complaint nor either of DOJ’s two
 7 letters addressed to Secretary Aguilar alleges any anomalies or anything inconsistent with
 8 reasonable list maintenance efforts in the data Nevada reported to EAVS. *See* Compl. ¶¶ 9–25;
 9 June 24 Letter; August 14 Letter.

10 Moreover, even if the United States had provided a proper “basis” for its demand—and it
 11 did not—it fails to explain any connection between its purported “purpose” and the vast scope of
 12 its records request here, seeking the full and unredacted Nevada statewide voter file. It does not
 13 attempt to explain why *unredacted* voter files are necessary to determine whether Nevada has
 14 “conduct[ed] a general program that makes a reasonable effort to remove the names of ineligible
 15 voters” by virtue of “death” or “a change in the residence of the registrant,” 52 U.S.C.
 16 § 20507(a)(4); Compl. ¶ 12. And in fact, such unredacted files are not necessary: A single snapshot
 17 of a state’s voter list does not and could not provide enough information to determine if the state
 18 has made a “reasonable effort” to remove ineligible voters under Section 8 of the NVRA. Compl.
 19 ¶ 12; 52 U.S.C. § 20507(a)(4)(A)–(B). The NVRA and HAVA both leave the mechanisms for
 20 conducting list maintenance within the discretion of the State. *See* 52 U.S.C. § 20507(a)(4); (c)(1);
 21 § 21083(a)(2)(A); § 21085. The *procedures* carried out by a state or locality—which Secretary
 22 Aguilar’s office painstakingly laid out to DOJ in the July 25 Letter—establish its compliance; the
 23 unredacted voter file does not. Even were the United States to use voter file data to identify voters
 24 who had moved or died on Nevada’s voter list at a single point in time, that would not amount to
 25 Nevada failing to comply with the “reasonable effort” required by the NVRA or HAVA. *See, e.g.,*
 26 *Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 624–27 (6th Cir. 2025) (describing a “reasonable
 27 effort” as “a serious attempt that is rational and sensible” and rejecting any “quantifiable, objective

standard” in this context), *petition for cert. filed* (U.S. Oct. 7, 2025) (No. 25-437).⁶ For these reasons, the United States’ demand failed on its face to meet the basis and purpose requirements of the CRA.

The basis and purpose requirements under the CRA are critical safeguards. They prevent the statute from being used as a fishing expedition to obtain records for reasons that are speculative, unrelated to the CRA’s aims, or otherwise impermissible or contrary to law. The statutory basis and purpose requirements are not perfunctory but require a specific statement as to the reason for requesting the information and how that information will aid in the investigatory analysis. In the context of administrative subpoenas, and specifically in addressing an analogous power by which the IRS obtains records for investigations, courts have found that the test of judicial enforcement of such subpoenas includes an evaluation of whether the investigation is “conducted for a legitimate purpose,” *Crystal v. United States*, 172 F.3d 1141, 1143 (9th Cir. 1999) (*quoting United States v. Powell*, 379 U.S. 48, 57-58 (1964)), and that such subpoenas are not in service of “unnecessary examination or investigations,” *Action Recycling Inc. v. United States*, 721 F.3d 1142, 1144 (9th Cir. 2013) (internal quotation marks omitted); *see also Fed. Housing Fin. Agency v. SFR Invests. Pool 1, LLC*, No. 2:17-cv-00914-GMN-PAL, 2018 WL 1524440, at *7 (D. Nev. Mar. 27, 2018) (“An administrative subpoena may not be so broad as to be in the nature of a fishing expedition.” (internal quotation marks omitted)). Indeed, courts have explained that such a purpose requirement ensures that the information sought is relevant to the inquiry and not unduly burdensome. *See, e.g., F.D.I.C. v. Wentz*, 55 F.3d 905, 908 (3d Cir. 1995) (reciting requirements for investigation pursuant to an administrative subpoena).

⁶ Indeed, the inclusion at any particular point in time on Nevada’s voter registration list of some voters who may have potentially moved out of state is to be expected, since Section 8(d) of the NVRA explicitly sets out a specific set of rules and requirements for removals from the voter rolls based on changes of residence, whereby states “shall not remove” voters on these grounds unless these voters directly confirm their change of residence in writing, or unless states first provide notice and then abide by a statutory waiting period until the second general federal election after providing notice. 52 U.S.C. § 20507(d).

As such, even if some portion of the voter file were necessary to investigate “Nevada’s compliance with the list maintenance requirements of the NVRA and HAVA,” Compl. ¶ 23; August 14 Letter at 19, the United States has not provided any justification for why the full *unredacted* voter file is necessary to carry out this purported purpose. It is telling that, for decades, DOJ has neither sought nor required a full and unredacted voter file in its investigations regarding compliance with the NVRA. *See, e.g.*, Press Release, U.S. Dep’t of Just., *United States Announces Settlement with Kentucky Ensuring Compliance with Voter Registration List Maintenance Requirements* (July 5, 2018), <https://perma.cc/G2EZUUA5> (describing letters to all 44 states covered by the NVRA with requests for list maintenance information, but without demanding voter files). The United States’ failure to articulate the basis and the purpose for its demand for the full and unredacted voter file in particular is another ground to hold their demand insufficient as a matter of law.

Title III’s basis and purpose requirement is moreover especially important here, where massive amounts of public reporting and public, judicially noticeable documents show that DOJ in fact did not disclose the main basis and purpose for its demand for Nevada’s full and unredacted voter file: building an unprecedented national voter file for its own use, to be shared with other agencies like DHS for unlawful purposes. *See supra* 4–7 & nn.2–4 (describing this reporting in detail). The creation of such a database has never been authorized by Congress, and indeed likely violates the federal Privacy Act. *See* 5 U.S.C. § 552a(e)(7) (provision of the federal Privacy Act prohibiting the creation or maintenance of any database “describing how any individual exercises rights guaranteed by the First Amendment,” which necessarily includes exercising the right to vote).

DOJ’s failure to fully and accurately provide this information is fatal to its Complaint. Section 303 of the CRA requires a statement of “*the* basis and *the* purpose” of a records request, and by twice using the definite article here, the statute requires not just *a* basis or purpose among many, but *the* complete basis and purpose underlying the request. *See Niz-Chavez v. Garland*, 593 U.S. 155, 165–66 (2021); *see also, e.g., Corner Post, Inc. v. Bd. of Governors of the Fed. Rsrv.*

1 Sys., 603 U.S. 799, 817 (2024) (emphasizing distinction between the definite and the indefinite
2 article). This is yet another ground for dismissal.

3 Moreover, and even setting aside this fatal deficiency, compliance with the NVRA and
4 HAVA also cannot be the true basis and purpose for the data requests at issue here based on the
5 United States’ own more recent statements to States in connection with the requests. In particular,
6 the United States represented in a December 4 hearing in the Central District of California in
7 *United States v. Weber*, No. 25-cv-09149, that it has recently sought for a number of States to sign
8 a memorandum of understanding (“MOU”) regarding its requests for statewide voter files. And
9 far from ensuring compliance with the NVRA and HAVA, this MOU insisted upon by the United
10 States runs afoul of those statutes. *See* Ex. 1, U.S. Dep’t of Just., Civ. Div., Confidential Mem. of
11 Understanding (“MOU”).

12 As noted, the NVRA and HAVA require a state to conduct a “reasonable effort” to remove
13 ineligible voters from the rolls, 52 U.S.C. §§ 20507(a)(4), 21083(a)(4)(A), and indeed the NVRA
14 itself is structured so that potentially ineligible voters *must* necessarily stay on the rolls for two
15 election cycles so as to limit the likelihood of a state removing eligible voters by mistake, *id.*
16 § 20507(d)(1)(B). But the MOU indicates multiple contemplated violations of those statutory
17 requirements. First, the United States seeks to place authority to identify supposed ineligible voters
18 in the hands of the federal government, directly contrary to statutory text, *id.* § 21085 (methods of
19 complying with HAVA “left to the discretion of the State”). MOU at 2, 5. Second, its substantive
20 terms seek to compel states to remove supposedly ineligible voters “within forty-five (45) days,”
21 MOU at 5, in a manner that would violate multiple protections of the NVRA, 52 U.S.C. § 20507.
22 This now-public memorandum, which was apparently made public by officials from the State of
23 Colorado, demonstrates that Plaintiff’s supposed purpose is not in compliance with federal law but
24 aggrandizing authority to a federal agency that is contrary to federal law.⁷

25
26 ⁷ Dismissal on the grounds set forth above would also be proper under Rule 12(c) or after discovery
27 regarding the United States’ purported basis and purpose for its requests pursuant to Rule 56.

1 Under the circumstances here, Plaintiff’s invocation of Title III of the CRA fails in myriad
 2 ways to provide a sufficient “statement of the basis and the purpose” for its demand and
 3 accordingly does not comply with the CRA. Dismissal is proper.

4 **B. Any Records Disclosed Under the CRA Should Be Redacted to Protect the**
 5 **Constitutional Rights of the Voter.**

6 Even had the United States provided a valid basis and purpose sufficient to support its
 7 demands—which it did not—any sensitive personal voter information would still be subject to
 8 redaction. The text of Title III of the CRA does not prohibit redactions to protect voter privacy and
 9 ensure compliance with federal and state law and the Constitution. Indeed, courts have found that
 10 redaction may be required to prevent the disclosure of sensitive personal information that would
 11 create an intolerable burden on the constitutional right to vote.

12 As noted, to justify its demand for data under Title III of the CRA, the United States claims
 13 it is investigating Nevada’s compliance with federal election laws, including the NVRA and
 14 HAVA. Compl. ¶ 23. The United States also discusses additional requirements of the NVRA and
 15 HAVA, including the NVRA’s requirement in Section 8(i) to maintain “all records concerning the
 16 implementation of programs and activities conducted for the purpose of ensuring the accuracy and
 17 currency of official lists of eligible voters” upon request. 52 U.S.C. § 20507(i); Compl. ¶¶ 9–15.
 18 Anyone—including individual voters, groups that protect the right to vote, and government
 19 officials—has the same right to records under the NVRA. Voting rights advocates have
 20 consistently relied on the NVRA to investigate infringements on the right to vote, including
 21 whether election officials have improperly denied or cancelled voter registrations. *See, e.g.,*
 22 *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 333 (4th Cir. 2012) (nonprofit
 23 investigating improper rejection of voter registrations submitted by students at a historically Black
 24 university).

25 While the United States does not rely on Section 8(i) of the NVRA for its demand for data
 26 in this lawsuit, the cases interpreting this provision are instructive, as courts have consistently
 27 found that the information required to be disclosed under the NVRA has limits. These courts,

1 including the Fourth Circuit, have consistently permitted—and in some instances required—states
2 to redact sensitive personal data of voters when disclosing information under the NVRA. Failure
3 to do so can violate the fundamental right to vote protected by the Constitution.

4 Like the CRA, the NVRA is silent as to how sensitive personal information should be
5 treated during disclosure. *See* 52 U.S.C. §§ 20703, 20507(i)(1). Courts must interpret the
6 disclosure provisions in these statutes in a manner that does not unconstitutionally burden the right
7 to vote. *See United States v. Hernandez*, 322 F.3d 592, 594–95 (9th Cir. 2003) (noting “the
8 fundamental principle of judicial restraint that ordinarily requires courts to construe statutes, if it
9 is fairly possible to do so, in a way that avoids unnecessarily addressing constitutional questions”
10 (citing *Zadvydas v. Davis*, 533 U.S. 678, 689 (2001))). Federal courts throughout the country have
11 consistently struck this balance, interpreting the “all records concerning” language in Section 8(i)
12 to permit—and even in some cases require—redaction and the protection of confidential materials.
13 As the First Circuit has noted, “nothing in the text of the NVRA prohibits the appropriate redaction
14 of uniquely or highly sensitive personal information in the Voter File,” and as such, “the proper
15 redaction of certain personal information in the Voter File can further assuage the potential privacy
16 risks implicated by the public release of the Voter File.” *Pub. Int. Legal Found., Inc. v. Bellows*,
17 92 F.4th 36, 56 (1st Cir. 2024); *see also Pub. Int. Legal Found., Inc. v. N.C. State Bd. of Elections*,
18 996 F.3d 257, 266–68 (4th Cir. 2021) (holding that the potential connection to ongoing criminal
19 investigations and the possibility of erroneously labeling a voter as a noncitizen and subjecting
20 them to public harassment warrants maintaining confidentiality of records). Other courts have
21 consistently recognized that the NVRA disclosure provisions do not compel the release of sensitive
22 information that is otherwise protected by federal or state laws. *See, e.g., N.C. State Bd. of*
23 *Elections*, 996 F.3d at 264; *Pub. Int. Legal Found., Inc. v. Dahlstrom*, 673 F. Supp. 3d 1004, 1015–
24 16 (D. Alaska 2023); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 942 (C.D. Ill.
25 2022), *clarified on denial of reconsideration*, No. 20-CV-3190, 2022 WL 1174099 (C.D. Ill. Apr.
26 20, 2022); *Pub. Int. Legal Found. v. Boockvar*, 431 F. Supp. 3d 553, 561–63 (M.D. Pa. 2019).

Redaction may also be affirmatively required to the extent the disclosure of such sensitive material would “create[] an intolerable burden on [the constitutional right to vote] as protected by the First and Fourteenth Amendments.” *Long*, 682 F.3d at 339 (quotation marks and citation omitted). The Fourth Circuit in *Long*, even while granting access to a state’s voter registration applications for inspection and photocopying, ensured the redaction of Social Security numbers, which are “uniquely sensitive and vulnerable to abuse.”⁸ *Id.* In coming to this conclusion, the court emphasized that the NVRA reflected Congress’s view that the right to vote was “fundamental,” and that the unredacted release of records risked deterring citizens from registering to vote and thus created an “intolerable burden” on this fundamental right. *Id.* at 334, 339; *cf. In re Coleman*, 208 F. Supp. 199, 200 (S.D. Miss. 1962) (noting, in the context of a records request under Title III of the CRA, multiple considerations not at issue in that case but which could be “[s]ignificant,” including that “[i]t is not claimed that these official records are privileged, or exempt from discovery for any sound reason of public policy,” or “that an inspection of these records would be oppressive, or any unlawful invasion of any personal constitutional right”). As such, public disclosure provisions such as those in the NVRA and Title III of the CRA must be interpreted to avoid this unconstitutional burden. *See id.*; *Bellows*, 92 F.4th at 56. The danger of imposing those burdens on Nevada voters like Mr. Woldu, and non-partisan, non-profit organizations like ACLUNV, is present here. *See* Mot. to Intervene, Ex. 2, Decl. of ACLUNV Executive Director Athar Haseebullah (“Haseebullah Decl.”) ¶¶ 15–19, 21–28; *See* Mot. to Intervene, Ex. 3, Decl. of Individual Yonas Woldu (“Woldu Decl.”) ¶¶ 7-12.

⁸ Plaintiff itself has stated—on multiple occasions—that the NVRA does not prohibit the States from redacting “uniquely sensitive information” when disclosing voting records. *See, e.g.,* Br. for the United States as Amicus Curiae, *Pub. Int. Legal Found., Inc. v. Bellows* (“United States Amicus Brief”), No. 23-1361 (1st Cir. July 25, 2024), 2023 WL 4882397 at *27–28; Br. for the United States as Amicus Curiae, *Pub. Int. Legal Found. v. Schmidt*, No. 23-1590 (3d Cir. Nov. 6, 2023), <https://perma.cc/3BQ9-36UJ> (“States may redact certain information before disclosing Section 8(i) records.”); Br. for the United States as Amicus Curiae, *Project Vote/Voting for Am., Inc. v. Long*, No. 11-1809 (4th Cir. Oct. 18, 2011), 2011 WL 4947283, at *11, 25–26.

As with any requester of records, the United States would be afforded access to voting records under Section 8(i) of the NVRA. But federal court precedent is clear that this access is not unfettered and instead must always be balanced against privacy protections that are vital to ensuring citizens retain their fundamental right to vote. The same privacy and constitutional concerns that federal courts have found warrant redactions under NVRA records requests apply equally to requests for the same records under the CRA. *Cf. Sheetz v. Cnty. of El Dorado*, 601 U.S. 267, 281–282 (2024) (Gorsuch, J., concurring) (“[O]ur Constitution deals in substance, not form. However the government chooses to act, . . . it must follow the same constitutional rules.”). Indeed, the limited case law considering records requests under the CRA expressly acknowledged that courts retain the “power and duty to issue protective orders,” *Lynd*, 306 F.2d at 230, such as the redaction of sensitive fields that courts have consistently determined are entitled to protection from disclosure.

Thus, even were the United States entitled to records under Title III after having provided a valid statement of the basis and the purpose therefor (which it failed to do here), sensitive personal identifying information, including Social Security numbers and driver’s license numbers, should similarly be redacted. No matter the statutory mechanism, conditioning the right to vote on the release of voters’ sensitive private information “creates an intolerable burden on that right.” *Long*, 682 F.3d at 339 (citation omitted).

II. THE UNITED STATES IS NOT ENTITLED TO SUMMARY DISPOSITION OF ITS CRA CLAIM.

The United States makes expansive claims that Title III of the CRA universally “displaces the Federal Rules of Civil Procedure by creating a special statutory proceeding” where “[a]ll that is required is a simple statement by the Attorney General” that “a written demand for Federal election records and papers covered by the statute” was made, “explaining that the person against whom an order is sought has failed or refused to make the requested records” available. Mem. in Supp. of the Motion for Order to Compel Prod. of Records (“Mot. to Compel”), Dkt. No. 3 at 6 (internal quotation marks omitted); *see also* Compl. ¶¶ 1–4. This argument rests entirely on a single

1 set of non-binding cases decided more than sixty years ago, in the early 1960's, in a different
 2 circuit and a drastically different historical context, including primarily *Kennedy v. Lynd*, 306 F.2d
 3 222 (5th Cir. 1962). *See* Compl. ¶¶ 1–4.

4 The United States briefly acknowledges that “[c]aselaw addressing the CRA in any depth
 5 is confined to courts within the Fifth Circuit in the early years following the CRA’s enactment.
 6 Since then, courts have not had occasion to revisit the issue.” Mot. to Compel at 5 n.1. But the
 7 United States does not provide key historical context that could help explain why this provision of
 8 the CRA would have been addressed primarily in the Fifth Circuit—which at the time those cases
 9 were decided, during the Jim Crow era, included the southern states of Alabama, Florida, Georgia,
 10 Louisiana, Mississippi, and Texas.⁹ In these states, it was widely known that many election
 11 officials were recalcitrant in their refusal to register Black voters.¹⁰ It was against this particular
 12 backdrop that the Fifth Circuit in *Kennedy v. Lynd* fashioned an expedited, summary procedure for
 13 enforcing CRA records requests in those early 1960’s cases. In the face of Jim Crow regimes that
 14 were using every possible means to block Black Americans from registering to vote, including
 15 resistance from judges, the Fifth Circuit in *Lynd* noted that “the factual foundation for, or the
 16 sufficiency of, the Attorney General’s ‘statement of the basis and the purpose’ contained in the
 17 written demand is not open to judicial review or ascertainment.” *Lynd*, 306 F.2d at 226. In that
 18 context, “the factual foundation for” the basis and purpose of the Attorney General’s request was
 19 utterly self-evident, and thus plenary consideration was not required. *See id.* The Fifth Circuit’s
 20 treatment of Section 303 of the CRA cannot be divorced from that context.¹¹

21
 22
 23 ⁹ “Federal Judicial Circuits: Fifth Circuit,” FEDERAL JUDICIAL CENTER, <https://perma.cc/9MSD-EFRB> (last visited Dec. 9, 2025).

24 ¹⁰ *See generally, e.g.,* Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969*
 25 (1976).

26 ¹¹ *See also In re Coleman*, 208 F. Supp. 199, 201 (S.D. Miss. 1962) (acknowledging in the context
 27 of Title III of the CRA that while “[t]he right of free examination of official records is the rule,”
 there could be “exception[s]” where “the purpose is speculative, or from idle curiosity”).

1 By contrast, here, more than sixty years later, the context of *this* records request could not
 2 be more different. The United States has invoked the CRA for unprecedented purposes, to make
 3 sweeping demands for extensive voter data with no showing or claim of legal deficiencies or
 4 violations of rights, while making extraordinary demands for sensitive, non-public personal
 5 identifying information. Even more alarming, there is extensive reporting that the purported basis
 6 and purpose of DOJ’s request are likely pretextual, and that the data at issue is in fact being sought
 7 for unlawful ends.¹²

8 Nothing in the text of Title III of the CRA insulates the sufficiency of the requirement for
 9 a “statement of the basis and the purpose” of a demand from standard judicial review—especially
 10 not in the circumstances presented here. *See* 52 U.S.C. § 20703. Indeed, in the more than sixty
 11 years since *Lynd*, the Supreme Court has reaffirmed that “the Federal Rules apply to proceedings
 12 to compel the giving of testimony or production of documents in accordance with a subpoena
 13 issued by an officer or agency of the United States under any statute of the United States except
 14 as otherwise provided by statute or by rules of the district court or by order of the court in the
 15 proceedings.” *Becker v. United States*, 451 U.S. 1306, 1307–08 (1981) (internal citation and
 16 quotation marks omitted); *see also, e.g., Powell*, 379 U.S. at 57–58 (holding that IRS
 17 Commissioner bears the burden to establish statutory requirements before enforcement of a tax
 18 subpoena); *Sugarloaf Funding, LLC v. U.S. Dep’t of Treasury*, 584 F.3d 340, 347–50 (1st Cir.
 19 2009) (allowing summons recipient opportunity to rebut government’s prima facie case). *Powell*
 20 is especially on point. There, just two years after *Lynd*, the Court held that proceedings to enforce
 21 a statute providing the United States with the power to request records in terms that are materially
 22 identical to the CRA were governed by the Federal Rules. *Powell*, 379 U.S. at 57–58 & n.18 (citing

23
 24 ¹² *See supra* 4–7 & nn.2–4 (citing, *inter alias*, Devlin Barrett & Nick Corasaniti, *Trump*
 25 *Administration Quietly Seeks to Build National Voter Roll*, N.Y. TIMES (Sept. 9, 2025),
 26 <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>; Emily
 27 Bazelon & Rachel Poser, *The Unraveling of the Justice Department*, N.Y. TIMES MAGAZINE (Nov.
 16, 2025), [https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-](https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html?unlocked_article_code=1)
[staff-attorneys.html?unlocked_article_code=1](https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html?unlocked_article_code=1)).

26 U.S.C. § 7604(a)); *compare* 26 U.S.C. § 7604(a) (“[T]he United States district court for the district in which such person resides or is found *shall have jurisdiction by appropriate process* to compel such attendance, testimony, or production of books, papers, records, or other data[.]” (emphasis added)) *with* 52 U.S.C. § 20705 (“The United States district court for the district in which a demand is made . . . or in which a record or paper so demanded is located, *shall have jurisdiction by appropriate process* to compel the production of such record or paper.” (emphasis added)). The United States’ demand for a summary resolution to this case, with no discovery into whether it has a proper statutory basis for its demand, flies in the face of a half-century of precedent as well as the Federal Rules.

Furthermore, even in *Lynd*, the court in explaining its findings noted that “we are not discussing confidential, private papers and effects. We are, rather dealing with public records which ought ordinarily to be open to legitimate reasonable inspection and which by nature relate directly to the most vital of all public functions—the franchise of the citizen.” 306 F.2d at 231. The court also noted that what is now Section 305 of the CRA authorizes only jurisdiction by “appropriate process” to compel document production, which the court had “no doubt” would “include the power and duty to issue protective orders”—such as orders protecting and redacting sensitive information such as that at issue in this case. 52 U.S.C. § 20705; *Lynd*, 306 F.2d at 230. Thus, even in the 1960’s, before sensitive personal identifying information such as Social Security Numbers or driver’s license numbers were widely collected as part of the voter registration record, and before any federal laws had been passed to protect and constrain access to personal information,¹³ the court recognized the distinction between the disclosure of “confidential, private” information and “public records” that would already “ordinarily [] be open to legitimate reasonable

¹³ *E.g.*, Privacy Act of 1974, Pub. L. No. 93-579, 88 Stat. 1896 (1974); Driver’s Privacy Protection Act of 1994, Pub. L. No. 103-322, 108 Stat. 1796 (1994), codified at 18 U.S.C. § 2721 *et seq.*; E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899 (2002); Federal Information Security Modernization Act of 2014, Pub. L. No. 113-283, 128 Stat. 3073 (2014), codified at 44 U.S.C. §§ 3351 *et seq.* (2014).

inspection,” *Lynd*, 306 F.2d at 231, and anticipated the possibility that the “duty to issue protective orders” would arise for certain records requests under the CRA, *id.* at 230.

To argue that the United States is entitled to summary relief and the forced provision of an unprecedented trove of “confidential, private” information, without *any* review of its statutorily required statement of the basis and the purpose for its demand, would go even further than *Lynd* did in the context of the 1960’s Jim Crow South, where, very much unlike here, the federal basis and purpose for the requested voter data were inarguably clear and not apparently pretextual or unlawful. The United States’ attempt to end-run the Federal Rules and the CRA’s requirements must be rejected.

CONCLUSION

The United States’ request for Nevada’s full and unredacted electronic voter file should be denied and the Complaint dismissed.

Dated: December 14, 2025

Respectfully submitted,

/s/ Sadmira Ramic

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** application for admission pro hac vice
forthcoming*

CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2025, a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record and by email on counsel for the United States and Secretary Aguilar.

/s/ Sadmira Ramic

Exhibit A



U.S. Department of Justice

Civil Rights Division

CONFIDENTIAL MEMORANDUM OF UNDERSTANDING

I. PARTIES & POINTS OF CONTACT.

Requester

Federal Agency Name: Civil Rights Division, U.S. Department of Justice

VRL/Data User:

Title:

Address:

Phone:

VRL/Data Provider

State Agency Name:

Custodian:

Title:

Address:

Phone:

The parties to this Memorandum of Understanding (“MOU” or “Agreement”) are the Department of Justice, Civil Rights Division (“Justice Department” or “Department”), and the State of Colorado (“You” or “your state”).

II. AUTHORITY.

By this Agreement, the State of Colorado (“You” or “your state”) has agreed to, and will, provide an electronic copy of your state’s complete statewide Voter Registration List (“VRL” or “VRL/Data”) to the Civil Rights Division of the U.S. Department of Justice (at times referred to as the “Department”). The VRL/Data must include, among other fields of data, the voter registrant’s full name, date of birth, residential address, his or her state driver’s license number or

the last four digits of the registrant's social security number as required under the HAVA to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A).

The authorities by which this information is requested by the Department of Justice are:

- National Voter Registration Act of 1993, 52 U.S.C. § 20501, *et seq.*
- Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).
- Help America Vote Act of 2002, 52 U.S.C. § 20901, *et seq.*
- Attorney General's authority to enforce the Help America Vote Act under 53 U.S.C. § 21111.
- Attorney General authority to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.*
- The Privacy Act of 1974, 5 U.S.C. § 552a, as amended.

III. PURPOSE.

A VRL is a Voter Registration List pursuant to the NVRA and HAVA, commonly referred to as "voter roll," compiled by a state – often from information submitted by counties – containing a list of all the state's *eligible* voters. Regardless of the basis for ineligibility, ineligible voters do not appear on a state's VRL when proper list maintenance is performed by states. The Justice Department is requesting your state's VRL to test, analyze, and assess states' VRLs for proper list maintenance and compliance with federal law. In the event the Justice Department's analysis of a VRL results in list maintenance issues, insufficiency, inadequacy, anomalies, or concerns, the Justice Department will notify your state's point of contact of the issues to assist your state with curing.

The purpose of this MOU is to establish the parties' understanding as to the security protections for data transfer and data access by the Department of Justice of the electronic copy of the statewide voter registration list, including all fields requested by the Department of Justice.

IV. TIMING OF AGREEMENT – TIME IS OF ESSENCE.

Although the Justice Department is under no such obligation as a matter of law, because this Agreement is proposed, made, and to be entered into at your state's request as part of your state's transmission of its VRL to the Justice Department, this Agreement is to be fully executed within seven (7) days of the Justice Department presenting this Agreement to you. Both parties agree that no part of this Agreement or execution is intended to, or will, cause delay of the transmission of your state's VRL to the Justice Department for analysis.

V. TIMING OF VRL/DATA TRANSFER.

You agree to transfer an electronic copy of your state's complete statewide VRL/Data to the Civil Rights Division of the U.S. Department of Justice as described in Section III of this Agreement no later than five (5) business days from the execution of this Agreement, which is counted from the last day of the last signatory.

VI. METHOD OF VRL/DATA ACCESS OR TRANSFER.

The VRL will be submitted by your state via the Department of Justice's secure file-sharing system, i.e., Justice Enterprise File Sharing (JEFS"). A separate application to use JEFS must be completed and submitted by your state through the Civil Rights Help Desk. JEFS implements strict access controls to ensure that each user can only access their own files. All files and folders are tied to a specific user, and each user has defined permissions that govern how they may interact with those files (e.g., read, write, or read-only).

Whenever a user attempts to access a file or folder, JEFS validates the request against the assigned permissions to confirm that the user is explicitly authorized. This process guarantees that users can only access files and folders only where they have permission. Users are also limited to the authorized type of interaction with each file or folder. Within the Department of Justice, access to JEFS is restricted to specific roles: Litigation Support, IT staff, and Civil Rights Division staff.

VII. LOCATION OF DATA AND CUSTODIAL RESPONSIBILITY.

The parties mutually agree that the Civil Rights Division (also “Department”) will be designated as “Custodian” of the file(s) and will be responsible for the observance of all conditions for use and for establishment and maintenance of security agreements as specified in this agreement to prevent unauthorized use. The information that the Department is collecting will be maintained consistent with the Privacy Act of 1974, 5 U.S.C. § 552a. The full list of routine uses for this collection of information can be found in the Systems of Record Notice (“SORN”) titled, JUSTICE/CRT – 001, “Central Civil Rights Division Index File and Associated Records,” 68 Fed. Reg. 47610-01, 611 (August 11, 2003); 70 Fed. Reg. 43904-01 (July 29, 2005); and 82 Fed. Reg. 24147-01 (May 25, 2017). It should be noted that the statutes cited for routine use include NVRA, HAVA, and the Civil Rights Act of 1960, and the Justice Department is making our request pursuant to those statutes. The records in the system of records are kept under the authority of 44 U.S.C. § 3101 and in the ordinary course of fulfilling the responsibility assigned to the Civil Rights Division under the provisions of 28 C.F.R. §§ 0.50, 0.51.

VRL/Data storage is similar to the restricted access provided on JEFS and complies with the SORN: Information in computer form is safeguarded and protected in accordance with applicable Department security regulations for systems of records. Only a limited number of staff members who are assigned a specific identification code will be able to use the computer to access

the stored information. However, a section may decide to allow its employees access to the system in order to perform their official duties.

All systems storing the VRL data will comply with all security requirements applicable to Justice Department systems, including but not limited to all Executive Branch system security requirements (e.g., requirements imposed by the Office of Management and Budget [OMB] and National Institute of Standards and Technology [NIST]), Department of Justice IT Security Standards, and Department of Justice Order 2640.2F.

VIII. NVRA/HAVA COMPLIANT VOTER REGISTRATION LIST.

After analysis and assessment of your state's VRL, the Justice Department will securely notify you or your state of any voter list maintenance issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, the Justice Department found when testing, assessing, and analyzing your state's VRL for NVRA and HAVA compliance, i.e., that your state's VRL only includes eligible voters.

You agree therefore that within forty-five (45) days of receiving that notice from the Justice Department of any issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, your state will clean its VRL/Data by removing ineligible voters and resubmit the updated VRL/Data to the Civil Rights Division of the Justice Department to verify proper list maintenance has occurred by your state pursuant to the NVRA and HAVA.

IX. CONFIDENTIALITY & DEPARTMENT SAFEGUARDS.

Any member of the Justice Department in possession of a VRL/Data will employ reasonable administrative, technical, and physical safeguards designed to protect the security and confidentiality of such data. Compliance with these safeguards will include secure user authentication protocols deploying either: (i) Two-Factor Authentication ("2FA"), which requires users to go through two layers of security before access is granted to the system; or (ii) the

assignment of unique user identifications to each person with computer access plus unique complex passwords, which are not vendor supplied default passwords.

The Department will activate audit logging for the records, files, and data containing the state's VRL/Data in order to identify abnormal use, as well as to track access control, on computers, servers and/or Devices containing the VRL/Data.

For all devices storing records, files, and data containing the VRL/Data: there is (i) up-to-date versions of system security agent software that includes endpoint protection and malware protection and reasonably up-to-date patches and virus definitions, or a version of such software that can still be supported with up-to-date patches and virus definitions, and is set to receive the most current security updates on a regular basis; and (ii) up-to-date operating system security patches designed to maintain the integrity of the personal information.

For all devices storing records, files, and data containing the VRL/Data: there is (i) controlled and locked physical access for the Device; and (ii) the prohibition of the connection of the Device to public or insecure home networks.

There will be no copying of records, files, or data containing the VRL/Data to unencrypted USB drives, CDs, or external storage. In addition, the use of devices outside of moving the records, files, or data to the final stored device location shall be limited.

Any notes, lists, memoranda, indices, compilations prepared or based on an examination of VRL/Data or any other form of information (including electronic forms), that quote from, paraphrase, copy, or disclose the VRL/Data with such specificity that the VRL/Data can be identified, or by reasonable logical extension can be identified will not be shared by the Department. Any summary results, however, may be shared by the Department.

In addition to the Department's enforcement efforts, the Justice Department may use the information you provide for certain routine, or pre-litigation or litigation purposes including:

present VRL/Data to a court, magistrate, or administrative tribunal; a contractor with the Department of Justice who needs access to the VRL/Data information in order to perform duties related to the Department's list maintenance verification procedures. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. § 552a(m).

X. LOSS OR BREACH OF DATA.

If a receiving party discovers any loss of VRL/Data, or a breach of security, including any actual or suspected unauthorized access, relating to VRL/Data, the receiving party shall, at its own expense immediately provide written notice to the producing party of such breach; investigate and make reasonable and timely efforts to remediate the effects of the breach, and provide the producing party with assurances reasonably satisfactory to the producing party that such breach shall not recur; and provide sufficient information about the breach that the producing party can reasonably ascertain the size and scope of the breach. The receiving party agrees to cooperate with the producing party or law enforcement in investigating any such security incident. In any event, the receiving party shall promptly take all necessary and appropriate corrective action to terminate unauthorized access.

XI. DESTRUCTION OF DATA.

The Department will destroy all VRL/Data associated with actual records as soon as the purposes of the list maintenance project have been accomplished and the time required for records retention pursuant to applicable law has passed. When the project is complete and such retention requirements by law expires, the Justice Department will:

1. Destroy all hard copies containing confidential data (e.g., shredding);
2. Archive and store electronic data containing confidential information offline in a secure location; and

3. All other data will be erased or maintained in a secured area.

XII. OTHER PROVISIONS.

- A. Conflicts. This MOU constitutes the full MOU on this subject between the Department and your state. Any inconsistency or conflict between or among the provisions of this MOU, will be resolved in the following order of precedence: (1) this MOU and (2) other documents incorporated by reference in this MOU (e.g., transaction charges).
- B. Severability. Nothing in this MOU is intended to conflict with current law or regulation or the directives of Department, or the your state. If a term of this MOU is inconsistent with such authority, then that term shall be invalid but, to the extent allowable, the remaining terms and conditions of this MOU shall remain in full force and effect.
- C. Assignment. Your state may not assign this MOU, nor may it assign any of its rights or obligations under this MOU. To the extent allowable by law, this MOU shall inure to the benefit of, and be binding upon, any successors to the Justice Department and your state without restriction.
- D. Waiver. No waiver by either party of any breach of any provision of this MOU shall constitute a waiver of any other breach. Failure of either party to enforce at any time, or from time to time, any provision of this MOU shall not be construed to be a waiver thereof.
- E. Compliance with Other Laws. Nothing in this MOU is intended or should be construed to limit or affect the duties, responsibilities, and rights of the User Agency under the National Voter Registration Act, 52 U.S.C. § 20501 *et seq.*, as amended; the Help America Vote Act, 52 U.S.C. § 20901 *et seq.*, as amended; the Voting Rights Act, 52 U.S.C. § 10301 *et seq.*, as amended; and the Civil Rights Act, 52 U.S.C. § 10101 *et seq.*, as amended.
- F. Confidentiality of MOU. To the extent allowed by applicable law, this MOU, its contents, and the drafts and communications leading up to the execution of this MOU are deemed

by the parties as “confidential.” Any disclosures therefore could be made, if at all, pursuant to applicable laws or court orders requiring such disclosures.

SIGNATURES

VRL/Data Provider

State Agency Name:

Signature: _____ Date of Execution: _____

Authorized Signatory Name Printed: _____

Title: _____

Requester

Federal Agency Name: Civil Rights Division, U.S. Department of Justice

Signature: _____ Date of Execution: _____

Authorized Signatory Name Printed: _____

Title: _____

EXHIBIT 2

DECLARATION OF ATHAR HASEEBULLAH

1 **IN THE UNITED STATES DISTRICT COURT**
2 **FOR THE DISTRICT OF NEVADA**

3 THE UNITED STATES OF AMERICA,

4 Plaintiff,

5 vs.

6 FRANCISCO V. AGUILAR, in his Official
7 Capacity as Secretary of State for the State of
8 Nevada,

8 Defendant.

Case No.: 3:25-cv-00728

9
10 **DECLARATION OF ATHAR HASEEBULLAH**

11 I, Athar Haseebullah, Esq. on behalf of American Civil Liberties Union of Nevada,
12 declare under penalty of perjury under the laws of the United States and in accordance with 28
13 U.S.C. § 1746 that the following is true and correct:

14 1. I am over the age of 18 and I am competent to testify.

15 2. I have personal knowledge of the facts set forth in this declaration, and I would
16 testify thereto if I were called as a witness.

17 3. I live in Nevada, and I am an eligible registered voter. Voting is the most
18 fundamental form of democratic participation, and I am proud to be a Nevada voter.

19 4. I am the Executive Director of American Civil Liberties Union of Nevada and an
20 attorney authorized to practice law in Nevada.

21 5. I serve as the primary spokesperson for ACLU of Nevada, working to protect civil
22 rights and civil liberties, including protecting voting rights, a key component of the work of ACLU
23 of Nevada and ACLU nationally.
24

1 6. ACLU of Nevada is a non-partisan, non-profit organization with 6,850 members in
2 Nevada that continually work to defend and advance the civil liberties and civil rights of all
3 Nevadans. ACLU of Nevada is the Nevada affiliate of the American Civil Liberties Union
4 nationally.

5 7. It is part of ACLU of Nevada's mission to uphold to core values of American
6 democracy by creating an open, honest, and accountable government that serves the public interest,
7 promotes equal rights, and empowers people to make their voices heard in the political process.

8 8. ACLU of Nevada has been at the forefront of numerous efforts surrounding voting
9 rights, including bringing forth legal challenges in *ACLU of Nev. v. Cnty. of Nye*, 519 P.3d 36
10 (Nev. 2022); *Martin v. City of North Las Vegas*, No. A-21-845709-W (Eighth Jud. Dist. Ct. Clark
11 Cnty., Nev. filed Feb. 4, 2022); and *ACLU of Nev. v. Cnty. of Elko*, No. DC-CV-24-55 (Fourth
12 Jud. Dist. Ct. Elko Cnty., Nev. filed May. 6, 2024).

13 9. ACLU of Nevada also intervened to defend voters at risk of disenfranchisement in
14 *Citizen Outreach Foundation v. Burgess*, No. CV24-02182 (Second Jud. Dist. Ct. Washoe Cnty.,
15 Nev. filed Sept. 23, 2024) and *Citizen Outreach Foundation v. Burgess*, No. A-24-902351-W
16 (Eighth Jud. Dist. Ct. Clark Cnty., Nev. filed Sept. 23, 2024.)

17 10. The Nevada Supreme Court has found that the ACLU of Nevada has standing to
18 challenge restrictions on voting rights including when conduct of election officials impacts voters'
19 ability to cast their ballots. See e.g. *ACLU of Nev. v. Cnty. of Nye*, 519 P.3d 36 (Nev. 2022).

20 11. ACLU of Nevada moves to intervene in this action in a representative capacity on
21 behalf of its members and as an organization.

22 12. Pursuant to national ACLU policy, ACLU of Nevada membership consists of
23 Nevadans who have made a membership payment during the past fifteen months.
24

1 13. At this time, based upon internal, confidential membership information, the ACLU
2 of Nevada has 6,850 active members who reside in Nevada.

3 14. As Executive Director of ACLU of Nevada, I remain in charge of overseeing the
4 membership of ACLU of Nevada. Yonas Woldu is a member of the ACLU of Nevada .

5 15. ACLU of Nevada membership includes members who are naturalized citizens and
6 registered to vote in Nevada and whose personal information is maintained in the statewide voter
7 registration database held by the Nevada Secretary of State.

8 16. ACLU of Nevada membership includes registered Nevada voters who were
9 previously registered in other states but who are now registered to vote in Nevada.

10 17. ACLU of Nevada membership includes Nevada voters who have voted by mail in
11 Nevada elections and plan to do so in the future.

12 18. ACLU of Nevada membership includes Nevada voters who have requested that
13 their information not be disclosed.

14 19. I am a member of ACLU of Nevada, a registered voter in Nevada who consistently
15 votes in Nevada, including by mail, and I do not want my own sensitive personal information
16 shared with the DOJ.

17 20. If the Nevada Secretary of State discloses the unredacted voter registration file to
18 DOJ, these members' sensitive personal information—including driver's license numbers, and
19 portions of social security numbers – would be unlawfully released, causing an invasion of privacy,
20 chilling participation in the electoral process, and undermining confidence in the integrity of
21 Nevada elections.

22 21. Protecting the fundamental right to vote is a core tenet of ACLU of Nevada's work,
23 and ACLU of Nevada has frequently engaged in systemic work in furtherance of this mission.
24 ACLU of Nevada is committed to ensuring that every eligible Nevadan can register and cast their

1 ballot so that every voice is heard, and every vote is protected. This goal has been part of ACLU
2 of Nevada's strategic priorities for over three years. The voters we help are now a part of the state's
3 official voter file, and we consider it our duty to safeguard the trust they place in us and in the
4 democratic process.

5 22. ACLU of Nevada's voting rights work includes running one of the largest non-
6 partisan election protection programs within Nevada; assisting its members, communities, and
7 organizational partners in registering Nevadans to vote including during voter registration events;
8 educating the community about voting in the general election, and planning and engaging in get-
9 out-the-vote activities to ensure eligible voters participate in elections. This program provides
10 critical information and assistance to voters around primary and general elections. These include
11 helping voters navigate the vote-by-mail process, encouraging voters to participate, and assisting
12 voters when they experience problems in trying to vote. The success of this program and our ability
13 to effectively identify and respond to issues that hinder voters depend on voters' trust in the election
14 system. When voters fear their personal information could be misused for partisan or punitive
15 reasons they may hesitate to accept help from volunteers, avoid reporting issues at the polls, and
16 disengage from the voting process altogether.

17 23. At public engagement events, we invite Nevadans not only to register but also to
18 verify and update their voter information. As a result, many voters we assist become part of the
19 official statewide voter file. We have a vested interest in protecting the integrity and privacy of
20 that data. Any threat to the security of the voter file, especially one that could result in the misuse
21 of personal information, directly undermines our work, damages public trust, and risks chilling
22 voter participation.

23 24. Disclosure of the entire, unredacted Nevada voter file would undermine ACLU of
24 Nevada's work and risk harm to our members. We rely on public confidence in the security and

1 integrity of voter data to encourage participation. If voters fear their personal information, like a
2 partial Social Security number or driver's license number, could be misused or exposed, they may
3 avoid registering to vote, decline to update their current voter registration record, or withdraw from
4 civic engagement activities altogether.

5 25. Such results undermine ACLU of Nevada's mission to expand access and
6 participation, especially among historically marginalized communities. Knowing that their
7 personal data could be weaponized to question their eligibility to vote would chill engagement
8 with the democratic process. This is especially true for voters in marginalized communities who
9 already face systemic barriers and distrust government surveillance.

10 26. ACLU of Nevada expends significant resources conducting on-the-ground voter
11 engagement and assistance efforts seeking to register voters and engage voters in the democratic
12 process.

13 27. Disclosure of the full Nevada voter file would facilitate unsubstantiated voter
14 challenges, a concern especially for vulnerable communities. Improper and flawed mass challenge
15 programs disproportionately target voters without stable housing or traditional addresses. In
16 partnership with coalition members, ACLU of Nevada actively works to protect these very same
17 disenfranchised Nevadans. Mass challenges, often filed in bulk by activists, can overwhelm local
18 election officials, divert resources from voter outreach and education, and delay or obstruct
19 legitimate registrations and ballot processing. This undermines the infrastructure that ACLU of
20 Nevada and our partners rely upon to ensure smooth, inclusive elections. Diverting resources to
21 address these improper activities weakens our capacity to run voter registration drives, educate
22 voters, and mobilize communities. These sorts of challenges also work to revive historical tactics
23 of voter suppression. Private voter challenges have roots in post-Reconstruction laws used to
24 disenfranchise Black voters. Today, they are increasingly used to target voters of color, Indigenous

1 Peoples, young voters, and those who are unhoused or in transient living situations; all of whom
2 ACLU of Nevada prioritizes in our voter rights.

3 28. If voters' sensitive data is turned over to the federal government and used to
4 promote mass disenfranchisement, ACLU of Nevada will be forced to redirect resources to
5 mitigating the disenfranchisement of existing voters and away from its core activities of registering
6 voters and engaging new voters in the democratic process. ACLU of Nevada will be hindered in
7 its ability to carry out core components of its voting program because it would have to divert from
8 its ordinary work to research, contact, and re-register voters while privacy rights are undermined.

9 29. If Nevada discloses the unredacted voter file, this will work to normalize federal
10 overreach into state-run elections, weakening local control and opening the door to future demands
11 for even more intrusive data. It poses a grave threat to voter privacy and public confidence. This
12 threatens the decentralized structure of U.S. elections, which ACLU of Nevada defends as a
13 safeguard against authoritarianism. The ACLU of Nevada maintains a position that it is the
14 Government that should be transparent and the privacy rights of individuals, including individual
15 voters, should remain protected from such intrusive data.

16
17 This declaration was executed this 13 day of December, 2025, in Clark County, Nevada.

18
19 I declare under penalty of perjury that the foregoing
20 is true and correct.

21 By: Athar Haseebullah
22 ATHAR HASEEBULLAH, ESQ.
23 NV Bar No.: 13646
24 Executive Director
American Civil Liberties Union of Nevada

EXHIBIT 3

DECLARATION OF YONAS WOLDU

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

THE UNITED STATES OF AMERICA,

Plaintiff,

vs.

FRANCISCO V. AGUILAR, in his Official
Capacity as Secretary of State for the State of
Nevada,

Defendant.

Case No.: 3:25-cv-00728

DECLARATION OF YONAS WOLDU

I, Yonas Woldu, hereby declare as follows:

1. I have personal knowledge of the matters in this declaration and this is what I would testify to if called as a witness in Court.
2. I am 45 years old and am otherwise competent to testify.
3. I reside in Las Vegas, Nevada and have been a resident of Nevada for more than two decades.
4. I am registered to vote in Clark County, Nevada.
5. I am a member of the ACLU of Nevada.
6. I am originally from Eritrea and I came to the United States in 1984 during the civil war there. I attended and graduated from college in the United States, where I was a collegiate wrestler.
7. I became a naturalized citizen more than two decades ago. Since that time, I have taken civic participation very seriously.

1 8. I believe in the democratic process and civic engagement. Civic participation is critical and
2 exercising one's right to vote is incredibly important. I encourage many people to vote and
3 believe in our democratic process. I also believe in privacy for voters.

4 9. I enthusiastically participate in elections and take my right to vote seriously.

5 10. I am concerned about voter suppression. I want to exercise my rights as a citizen, but I am
6 worried that some in power do not share my views on the rights of naturalized citizens.


7 11. When I learned that the Department of Justice requested voter records from Nevada,
8 including sensitive data, I became concerned about how they might use these lists and this
9 information. I believe that naturalized citizens like me may be more vulnerable than other
10 groups of voters to false allegations about illegal voting.
11

12 12. I care about the privacy of my personal data and the personal data of other naturalized
13 citizens. I also care deeply about the integrity of the electoral system. I believe that we
14 should make the electoral process welcoming to every eligible voter and make sure that
15 voters are not intimidated from exercising their rights. I also believe that eligible voters
16 should not be removed from registration lists.
17

18 13. Naturalized citizens are people who have chosen to live here and people for whom the right
19 to cast a ballot here is particularly important. They typically have more faith in the
20 American system than many American-born citizens. They deserve a chance to participate
21 in civic life through voting.
22

23 I declare under the penalty of perjury that the above is correct.

24 Executed on: December 13, 2025.
25

26 
Yonas Woldu (Dec 13, 2025 20:31:29 PST)

27 Yonas Woldu