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18 *Citizens*

19 **IN THE UNITED STATES DISTRICT COURT**
20 **DISTRICT OF ARIZONA**

21 United States of America,
22 *Plaintiff,*
23 vs.
24 Arian Fontes, in his official capacity as
25 Secretary of State for the State of Arizona,
26 *Defendant.*

No. 2:26-cv-00066-SMB

**UNOPPOSED BRIEF OF AMICUS
CURIAE THE LEAGUE OF UNITED
LATIN AMERICAN CITIZENS
("LULAC") IN SUPPORT OF
DEFENDANT'S MOTION TO
DISMISS**

INTRODUCTION

1
2 Since May 2025, the United States Department of Justice (“DOJ”) initiated legal
3 suit against twenty-nine states and the District of Columbia seeking expansive, unredacted
4 voter records containing sensitive, personally identifiable information for millions of
5 registered voters. This action against the Arizona Secretary of State is the twenty-second
6 such lawsuit filed by DOJ.

7 The basis of this lawsuit is Title III of the Civil Rights Act, 52 U.S.C.A. § 20703,
8 which DOJ alleges authorizes the Attorney General to demand “all fields” within Arizona’s
9 statewide voter registration list. Yet, the statute upon which DOJ relies to justify its demand
10 for “all fields” on each state’s voter registration list requires the Attorney General to
11 provide a basis and purpose for the demand. DOJ has failed to meet this requirement.

12 While DOJ’s asserted purpose for its demand is to investigate voter registration “list
13 maintenance,” the true purpose, as two federal district courts have observed, is more likely
14 connected to immigration enforcement. Reports indicate that the Department of Homeland
15 Security’s (“DHS”) sub-agency, U.S. Citizenship and Immigration Services (“USCIS”),
16 has already begun incorporating into its Systematic Alien Verification for Entitlements
17 (“SAVE”) Program data from state voter registration records supplied by states that ceded
18 to DOJ’s demands. DOJ’s stated purpose for demanding the data is thus pretextual. DOJ is
19 not investigating voter registration “list maintenance.” It is hoarding voters’ private data
20 for its own unfettered use. Title III does not authorize the Attorney General to demand
21 voter records for such a purpose.

22 The League of United Latin American Citizens (“LULAC”) files this amicus brief
23 in support of Defendant Secretary Fontes’s motion to dismiss because, as several other
24 federal district courts have now concluded, Title III does not justify DOJ’s sweeping
25 demand for Arizona’s unredacted voter file. This brief highlights that DOJ’s actions not
26 only contort Title III beyond its proper purpose but also have a profound chilling effect on
27 LULAC’s members and the communities it serves. In the Latino communities in which
28 LULAC works, heightened immigration enforcement has generated widespread fear that

1 personal information shared with government agencies will be used to target alleged
2 noncitizens.

3 In this environment, DOJ's actions have had and will continue to have a chilling
4 effect on Latino citizens' willingness to exercise their constitutional right to participate in
5 the election process. And in this way, DOJ's actions also serve to frustrate LULAC's
6 mission as a trusted voter registration organization in the community to register Latino
7 citizens to vote. LULAC therefore submits this amicus brief to protect its members' rights
8 to participate in elections without fear of reprisal from the federal government and to
9 protect LULAC's mission to facilitate Latino citizens' continued ability to exercise their
10 right to vote. LULAC respectfully requests that this Court deny DOJ's Motion for Order
11 to Compel and grant Secretary Fontes's Motion to Dismiss.

12 **STATEMENT OF INTEREST**

13 LULAC is the largest and oldest Latino civil rights organization in the United States
14 with more than 420 councils nationwide and over 575,000 members. *See* Declaration of
15 Juan Proaño ¶ 2, attached as Exhibit A to the Motion for Leave to File Amicus Brief.
16 Founded in 1929, LULAC's mission is to improve the lives of Latino families throughout
17 the United States and to protect their civil rights, including their voting rights. *Id.* ¶¶ 2–3.

18 The Arizona State Council of LULAC ("Arizona LULAC") has more than 4,000
19 members across more than 40 local councils in the state. *Id.* ¶ 11. Helping voters register
20 to vote is a core activity of Arizona LULAC. *Id.* ¶ 19. Arizona LULAC helps register its
21 Latino members and constituents at supermarkets, parks, and other public places in the
22 barrios, as well as at naturalization ceremonies, churches, college campuses, and Hispanic
23 heritage events such as Cinco de Mayo and Day of the Dead. *Id.* ¶ 13.

24 During these events, Arizona LULAC volunteers hand out voter registration forms,
25 talk to prospective registrants about voting, and encourage them to register to vote. *Id.* ¶ 14.
26 Arizona LULAC often partners with other community organizations, such as Mi Familia
27 Vota, to run voter registration events as well as Univision—the largest Spanish-language
28

1 network in the United States—to help register U.S. citizens who are members of the Latino
2 community. *Id.* ¶ 16–17.

3 Because Arizona requires additional information from prospective registrants to
4 vote in state elections, Arizona LULAC volunteers generally use the state voter registration
5 form so that registrants can vote in both state and federal elections. *Id.* ¶ 15. Volunteers
6 also distribute the federal voter registration form, which in Arizona registers voters only
7 for federal elections. *Id.*

8 When Arizona LULAC volunteers to help members register to vote using the state
9 voter registration form, they walk voters through the various fields in the state form, e.g.,
10 Tribal ID number; Alien registration, naturalization, or citizenship certificate numbers;
11 country of birth; occupation; father’s name or mother’s maiden name; email address; and
12 signature of the registrant. *Id.* ¶ 14. These applications and the information they contain,
13 become a part of the statewide voter registration file. *Id.* ¶¶ 22, 28.

14 Arizona LULAC has a strong interest in appearing as amicus in this case. DOJ’s
15 demand for the unredacted voter file, including personal and sensitive voter information
16 has already had a chilling effect on Arizona LULAC’s members. *Id.* ¶ 24. Since DOJ filed
17 its lawsuit, the organization has witnessed a steady decline in the number of voter
18 registrations from eligible voters in the Latino community. *Id.* ¶ 34. At events, Arizona
19 LULAC volunteers have observed that potential voters are reluctant to engage with
20 volunteers when they learn that the conversation is about voting. *Id.* As a result, they have
21 been declining to interact with volunteers or to share information needed for volunteers to
22 assist them in completing voter registration forms. *Id.* This has frustrated Arizona
23 LULAC’s mission, which is to help register as many eligible Arizonans as possible,
24 particularly those in the Latino community, and encourage them to vote. *Id.* ¶ 36–37.

25 DOJ’s lawsuit also jeopardizes the credibility of Arizona LULAC as an
26 organization. *Id.* ¶ 30. For decades, LULAC has been viewed as a trusted and reliable
27 organization in the community. *Id.* ¶¶ 28, 30. In the past, LULAC was able to reassure
28 prospective registrants that their information was safe and secure. *Id.* ¶ 29. Relying on these

1 assurances, members of the community registered to vote with LULAC volunteers. *Id.*
2 ¶¶ 28–29. Now, individuals whom the organization previously assisted have returned to
3 express concern that LULAC misled them when it explained that their information would
4 remain confidential. *Id.* ¶ 30.

5 ARGUMENT

6 I. DOJ’s blanket demand for sensitive voter data has a chilling effect on 7 LULAC’s primarily Latino membership and constituency.

8 The Supreme Court has long recognized that “the right to exercise the franchise in
9 a free and unimpaired manner is preservative of other basic civil and political rights.”
10 *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). That right is “preservative of all rights”
11 because it is the cornerstone of our democracy. *Yick Wo v. Hopkins*, 118 U.S. 356, 370
12 (1886); see *No Labels Party of Ariz. v. Fontes*, 142 F.4th 1226, 1231 (9th Cir. 2025)
13 (“Voting is, without a doubt, of the most fundamental significance under our constitutional
14 structure.”) (internal quotation omitted).

15 DOJ’s demand for Arizona’s unredacted statewide voter registration list threatens
16 to undermine that foundational right for LULAC’s Latino voters. DOJ seeks an order to
17 compel the state to turn over “the current electronic copy of Arizona’s computerized
18 statewide voter registration list, with *all fields*, including each registrant’s full name, date
19 of birth, residential address, and either their state driver’s license number, the last four
20 digits of their Social Security number, or HAVA unique identifier” within 5 days of a Court
21 order. Compl. Prayer for Relief (B), (Doc. 1) (*italics in original*); Mot. to Compel, Prayer
22 for Relief B, (Doc. 7). This sweeping demand for “all fields” has the potential to encompass
23 a wide array of confidential information and, by its breadth, deter participation among
24 LULAC’s members and constituents. Ex. A, Proaño Decl. ¶ 24.

25 The chilling effect stems not only from the request for especially sensitive data such
26 as social security numbers, birthdates, and driver’s license numbers, but also from DOJ’s
27 insistence on “all fields,” which raises a serious risk that additional confidential
28 information collected by Arizona will be swept in. *Id.* The Arizona state voter registration

1 form collects a registrant’s country of birth, alien registration number, naturalization
2 certificate or citizenship certificate number, and father’s name or mother’s maiden name.
3 *Id.* ¶ 22. While Arizona law expressly protects many of these fields from public inspection
4 or disclosure, *see* A.R.S. § 16-168(C), (F), county recorders still maintain the information
5 subject to state confidentiality provisions. As the Secretary notes in his motion to compel,
6 the Arizona’s Voter Registration Database “includes names and mailing addresses *and*
7 *consists largely of voters’ answers to standardized questions on the voter registration*
8 *application.*” Resp. to Mot. to Compel 16, (Doc. 26) (italics added). Therefore, confidential
9 information beyond social security numbers and driver’s license numbers may also be
10 included in an unredacted version of the state voter file.

11 The chilling effect created by DOJ’s request for this broad swath of data is especially
12 acute on LULAC’s naturalized citizen members. A large percentage of LULAC’s
13 prospective eligible voters are naturalized citizens who are particularly concerned that
14 federal acquisition of Arizona’s unredacted voter registration list would lead to them being
15 misidentified as “illegal voters” *Id.* ¶ 25. This is because naturalized citizens typically have
16 both alien registration numbers, assigned to them by DHS, from before they become
17 citizens and naturalization certificate numbers, which they receive after they become
18 citizens. *Id.* Therefore, in the state’s voter databases, a naturalized citizen may also have
19 an alien registration number listed next to their name which, if wrongly screened, may flag
20 them as noncitizens. *Id.* If federal officials obtain this information as part of an unredacted
21 statewide voter list and run SAVE database checks, naturalized citizens are more likely to
22 be erroneously labeled as noncitizens. *Mi Familia Vota v. Fontes*, 129 F.4th 691, 723 (9th
23 Cir. 2025) (noting disproportionate impact on naturalized citizens’ right to vote when local
24 registrars run immigration numbers of naturalized citizens or noncitizens through SAVE
25 database because they have “reason to believe” a person is not a citizen). This threat is not
26 theoretical—in states that have handed over their voter rolls to DOJ, the use of this data in
27 the SAVE database has led to “persistent mistakes, particularly in assessing the status of
28 people born outside the U.S.,” with hundreds of voters “being mistakenly flagged as

1 noncitizens.” Jen Fifield & Zach Despart, *A federal tool to check voter citizenship keeps*
2 *making mistakes. It led to confusion in Texas.*, Texas Tribune (Feb. 13, 2026),
3 [https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-](https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/)
4 [confusion/](https://www.texastribune.org/2026/02/13/save-voter-citizenship-tool-mistakes-confusion/).

5 The same is true for country of birth, another “field” that could be disclosed as part
6 of an unredacted file. Because naturalized citizens are typically born outside the United
7 States, they are more likely to be flagged as noncitizens if country of birth is used as a
8 proxy or trigger for further scrutiny. Consequently, despite DOJ’s assertion that it seeks
9 the unredacted list to determine Arizona’s compliance with National Voter Registration
10 Act (“NVRA”) and Help America Vote Act (“HAVA”), fears abound among LULAC’s
11 membership that DOJ may use the information to target them as “illegal voters,” especially
12 those who are foreign-born or who have immigration-related numbers listed in their
13 records. Ex. A, Proaño Decl. ¶ 26. For LULAC’s membership, this is alarming, confusing,
14 and has had a concrete chilling effect on registration. *Id.*

15 Moreover, some of LULAC’s members who are eligible voters live in mixed-status
16 families (e.g., U.S. citizens living with undocumented relatives). DOJ’s request for “all
17 fields” in the statewide voter file could include father’s name or mother’s maiden name,
18 which in turn would provide the federal government with identifying information about
19 family members. *Id.* ¶ 31. LULAC’s members worry that such information could be used
20 by immigration authorities to investigate or locate their relatives for immigration purposes,
21 despite DOJ’s ostensible purpose to investigate violations of NVRA and HAVA. *Id.* In the
22 Latino communities that have experienced aggressive immigration enforcement,
23 perception and trust matter. And the possibility—real or perceived—that their sensitive
24 voter registration data could be shared for immigration enforcement has discouraged
25 LULAC’s members in these communities from registering or voting in the future. *Id.* ¶ 32.

26 Finally, DOJ’s request for the unredacted voter file has resulted in a chilling effect
27 because many community members believe that even eligible voters should keep
28 themselves and their loved ones safe by not voting. *Id.* ¶ 33. They fear that voting could

1 expose the immigration statuses of family members and friends. *Id.* These fears have
2 chilled the participation of newer citizens, first-time voters, and voters who are a part of
3 mixed-status families in Latino communities across the state. *Id.*

4 **II. DOJ’s insufficient “statement of the basis and purpose” for its demand**
5 **compounds the chilling effect on LULAC’s membership and constituency.**

6 The chilling effects of DOJ’s demand are compounded by the fact that it appears to
7 have no basis to make that demand. Title III of the Civil Rights Act requires DOJ, when
8 seeking records, to provide “a statement of the basis and purpose” of its demand. 52 U.S.C.
9 § 20703. But DOJ has failed to articulate either, which further indicates that its real purpose
10 in seeking Arizona’s unredacted voter file is for purposes unrelated to facilitating voter
11 participation.

12 As an initial matter, “basis” and “purpose” are distinct concepts under Title III. In
13 *Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962), the Fifth Circuit explained that the “basis”
14 refers to the underlying information providing grounds for the complaint—why the
15 Attorney General believes there is a violation of federal civil rights law—while the
16 “purpose” explains how the requested records would help determine whether a violation
17 exists. *Id.* at 228 n.4; *see In re Coleman*, 208 F. Supp. 199, 199-200 (S.D. Miss. 1962),
18 *aff’d sub nom. Coleman v. Kennedy*, 313 F.2d 867 (5th Cir. 1963). Further, any stated basis
19 or purpose should be related to a potential violation of federal civil rights law. *See e.g.*,
20 *United States v. Oregon*, No. 6:25-CV-01666-MTK, 2026 WL 318402, at *8 (D. Or. Feb.
21 5, 2026) (finding no authority for the proposition that “basis” means a violation of any
22 federal statute, regardless of its relation to civil rights violations.); *Id.*, 2026 WL 318402,
23 at *10 (holding “purpose” required in a demand for records under Title III must relate to a
24 purpose of investigating violations of individuals’ voting rights). Here, DOJ seeks “the
25 current electronic copy of Arizona’s computerized statewide voter registration list, with *all*
26 *fields*,” for “the Attorney General’s investigation into Arizona compliance with federal
27 election law, particularly the NVRA and HAVA.” Doc. 1 ¶ 9 (*italics in original*). But DOJ
28 has not articulated any “basis”—no underlying information providing grounds for its

1 investigation— for why an investigation is necessary to evaluate Arizona’s purported non-
2 compliance with “federal election law, particularly Doc. 1 ¶ 9.

3 Even if enforcement of the NVRA and HAVA qualified as a valid “basis” to demand
4 the statewide voter registration list, the Complaint does not explain DOJ’s “purpose,” and
5 specifically why DOJ needs *every field* in the list or an entirely unredacted version of it.
6 Under the NVRA and HAVA, states are charged with determining voter eligibility and
7 conducting list maintenance. 52 U.S.C. § 21083(a)(2)(A) (section of HAVA requiring
8 states to maintain computerized statewide voter registration list); 52 U.S.C. § 20507(a)(4),
9 (c)(1) (section of NVRA describing obligation of states to conduct general program that
10 makes reasonable effort to remove ineligible voters from voter rolls). In line with these
11 statutes, Arizona continues to implement measures for state and local officials to determine
12 registration eligibility and ensure that the rolls are current and accurate, making it even less
13 clear why DOJ needs sensitive personal identifiers. *Mi Familia Vota*, 129 F.4th at 723–24
14 (observing states are authorized to investigate the citizenship status of registered voters)
15 (relying on *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 17 (2013)).

16 Further, DOJ’s claim that it must investigate Arizona’s compliance with federal law,
17 including NVRA and HAVA—stands in sharp contrast to officials’ public statements about
18 how DOJ intends to use voter roll data.

19 Leaders within DOJ’s Civil Rights Division have publicly said that the voter roll
20 data is “being screened for ineligible voter entries” and the Assistant Attorney General for
21 Civil Rights confirmed DOJ “had checked 47.5 million voter records.” Sam Levine, *Alarm*
22 *as Trump DOJ pushes for voter information on millions of Americans*, The Guardian (Jan.
23 15, 2026), [https://www.theguardian.com/us-news/2026/jan/15/justice-department-voter-](https://www.theguardian.com/us-news/2026/jan/15/justice-department-voter-information)
24 [information](https://www.theguardian.com/us-news/2026/jan/15/justice-department-voter-information); Devlin Barrett and Nick Corasaniti, *Trump Administration Quietly Seeks to*
25 *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>;
27 *Weber*, 2026 WL 118807, at *11. And the *Oregon* court also found suspicious that Attorney
28

1 General Pam Bondi’s letter to Minnesota’s governor related to immigration enforcement
2 also demanded Minnesota’s voter registration lists. *Oregon*, 2026 WL 318402, at *11.

3 DOJ has since confirmed that it is sharing lists with DHS and developing a national
4 voter database. *See* Tr. 120:6–121:2, *Weber*, No. 2:25-cv-09149, ECF No. 92; Jonathan
5 Shorman, *DOJ Is Sharing State Voter Roll Lists with Homeland Security*, Stateline (Sept.
6 12, 2025), [https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-](https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security/)
7 [homeland-security/](https://stateline.org/2025/09/12/doj-is-sharing-state-voter-roll-lists-with-homeland-security/). The sharing of this information comes while DHS has expanded its
8 own database to check a person’s citizenship status. *See* Levine, *supra* DHS has run nearly
9 50 million voter registrations through that database and referred approximately 10,000
10 people for further investigation of noncitizenship. Alexandra Berzon & Nick Corasaniti,
11 *Initial Review Finds No Widespread Illegal Voting by Migrants, Puncturing a Trump*
12 *Claim*, N.Y. Times (Jan. 14, 2026),
13 <https://www.nytimes.com/2026/01/14/us/politics/noncitizen-voters-save-tool.html>.

14 The clear dissonance between DOJ’s claimed “purpose” in demanding the voter data
15 and its subsequent admission of its actual use of the data has led some courts to conclude
16 that DOJ’s asserted purpose is pretextual. *United States v. Weber*, No. 2:25-cv-09149, 2026
17 WL 118807, at *10 (C.D. Cal. Jan. 15, 2026) (“[t]he Court is not required to accept
18 pretextual, formalistic explanations untethered to the reality of what the government has
19 said outside of the courtroom”); *United States v. Oregon*, No. 6:25-cv-01666, 2026 WL
20 318402, at *11 (D. Or. Feb. 5, 2026) (noting DOJ has “continued to engage in conduct
21 raising suspicion about the purposes for which it seeks statewide unredacted voter
22 registration lists”).

23 Against this backdrop and amid an increase in violent immigration raids, which
24 disproportionately affect Latino communities and where even U.S. citizens have been
25 detained and subjected to inhumane conditions—that Latino voters are increasingly
26 unwilling to engage with the federal government in any way, even through a voter
27 registration form. Faced with such risks, many of LULAC’s Latino members have
28

1 experienced a chilling effect on the civic participation that federal voting rights laws were
2 meant to protect. Ex. A, Proaño Decl. ¶ 32.

3 **III. DOJ’s attempted use of Title III runs counter to the history and purpose of**
4 **the Civil Rights Act.**

5 Given the chilling effect of DOJ’s demand, and the lack of justification for that
6 demand, it is clear that DOJ’s use of Title III runs counter to the history and purpose of this
7 section of the Civil Rights Act. The history of Title III shows that the statute was designed
8 to promote voter participation, not discourage it. Congress enacted the Civil Rights Acts
9 of 1957 and 1960 (of which Title III is a part) to “satisfy the clear commands of the
10 Fifteenth Amendment” by confronting racial discrimination in voting. *South Carolina v.*
11 *Katzenbach*, 383 U.S. 301, 309–13 (1966). Title III, in particular, was intended to provide
12 a tool to allow DOJ to investigate states and local efforts to destroy or hide voting and
13 registration records of Black voters to evade federal investigation.

14 The problem of records destruction at the state and local level was well-documented.
15 Historical accounts describe how “some southern officials, in order to hamper
16 investigations by the Department of Justice and the Civil Rights Commission, had been
17 destroying or impounding voting and registration records.” Daniel M. Berman, *A Bill*
18 *Becomes a Law: Congress Enacts Civil Rights Legislations* 9 (2d ed. 1966). Even where
19 records were not destroyed, states would often refuse to provide them to the federal
20 government, stonewalling the government’s efforts to investigate race-based
21 disenfranchisement. 1959 U.S. Comm’n on Civil Rights Rep. 137.

22 Title III sought to solve this specific problem by “gi[ving] the Attorney General
23 access to local voting records” so that the federal government could investigate race-based
24 discrimination in voting. *Katzenbach*, 383 U.S. at 313. House debates on Title III make
25 plain this specific purpose. As one representative put it on the floor of the House in 1960:

26 Title III of the bill under consideration pertains to Federal election
27 records. Nobody can deny, Mr. Chairman, that in certain parts of the
28 country, colored citizens are simply not permitted to vote. The
subterfuges range from the ingenious to the primitive, but the end

1 result is the same: if your skin is black you cannot vote, no matter
2 what the Constitution says. . . .

3 Title III is, of course, merely a beginning. It does no more than
4 facilitate investigations regarding denials of the right to vote. The
5 necessity for a Federal law requiring the retention of Federal election
6 records, and authorizing inspection of such records in certain
7 specified circumstances, was demonstrated during the hearings of the
8 Commission on civil rights. In Alabama, State officials threw up
9 roadblocks in the way of the Commission with a degree of enthusiasm
10 that was worthy of nobler endeavors. While the Civil Rights
11 Commission was in the midst of examining the election records of
12 Alabama counties, the legislature of that State simply passed a bill
13 authorizing the destruction of rejected application forms. Thus the
14 tracks were covered, and nobody would ever know who was denied
15 the vote or why. Obviously, the 15th amendment would be reduced to
16 a dead letter if that State law were allowed to stand.

10 106 Cong. Rec. 5309 (1960) (statement of Rep. Addonizio),
11 <https://www.govinfo.gov/content/pkg/GPO-CRECB-1960-pt4/pdf/GPO-CRECB-1960->
12 [pt4-9-2.pdf](https://www.govinfo.gov/content/pkg/GPO-CRECB-1960-pt4/pdf/GPO-CRECB-1960-). The House Committee referred to Title III as “an essential step in the process
13 of enforcing and protecting the right to vote.” *State of Alabama ex rel. Gallion v. Rogers*,
14 187 F. Supp. 848, 853 (M.D. Ala. 1960) (citing H.R. Rep. No. 86-956, at 7 (1959)), *aff’d*
15 *sub nom. Dinkens v. Att’y Gen. of United States*, 285 F.3d 430 (5th Cir. 1961); *see also*
16 Judge J. Michelle Childs, *Voting Rights: Mechanism for Social Change*, 76 Ala. L. Rev.
17 603, 609–10 (2025). The goal of Title III was simple: addressing racial discrimination in
18 voting to provide greater access to the franchise.

19 Throughout the early 1960s, that goal was met. Multiple United States Attorneys
20 General relied on Title III to investigate and combat race-based voter discrimination
21 following passage of the Civil Rights Act. By mid-1961, the Attorney General requested
22 voting records in 26 southern counties. *See* 1961 U.S. Comm’n on Civil Rights Rep. 97.
23 These investigations uncovered evidence of discriminatory voting practices that resulted
24 in DOJ filing 19 voter discrimination cases against those counties by the end of 1962.
25 Childs, *supra*, at 610. Such “frequent[] and effective[]” employment of Title III
26 demonstrated its primary purpose as an investigative tool to assist the federal government
27 in combatting “discriminatory denials of the right to vote.” 1961 Report, *supra*, at 99. But
28 today, DOJ attempts to use Title III to gain unfettered access to Arizona’s voter rolls,

1 outside of any specific investigation and without any evidence of malfeasance. This attempt
2 is not facilitating the right to vote; it is chilling it.

3 Title III was written to eliminate barriers to voting. DOJ's current demand for
4 Arizona's unredacted statewide voter file instead erects barriers by deterring eligible
5 citizens from registering to vote and from voting. Because DOJ's demand has the opposite
6 effect of what Congress intended—erecting new barriers to the franchise rather than
7 dismantling old ones—it is wholly inconsistent with Title III's purpose.

8 **CONCLUSION**

9 For the foregoing reasons, LULAC respectfully requests that the Court grant the
10 Motion to Dismiss for Failure to State a Claim filed by Adrian Fontes in his official
11 capacity as Arizona Secretary of State, ECF No. 25, and deny the Motion to Compel filed
12 by DOJ, ECF No. 26.

1 DATED this 16th day of March, 2026.

2 Respectfully submitted,

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