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11 *Attorneys for Defendant Arizona*  
12 *Secretary of State Adrian Fontes*

13 **IN THE UNITED STATES DISTRICT COURT**  
14 **FOR THE DISTRICT OF ARIZONA**

15 United States of America,

16  
17 Plaintiff,

18 v.

19 Adrian Fontes, in his official capacity as  
20 Secretary of State for the State of Arizona,

21 Defendant.

No. CV-26-00066-PHX-SMB

**ARIZONA SECRETARY OF  
STATE’S REPLY IN SUPPORT  
OF MOTION TO DISMISS**

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1 The National Voter Registration Act of 1993 (the “NVRA”) requires states to  
2 “conduct a general program that makes a reasonable effort to remove the names of  
3 ineligible voters from the official lists of eligible voters by reason of—(A) the death of  
4 the registrant; or (B) a change in the residence of the registrant.” 52 U.S.C. §  
5 20507(a)(4). The Help America Vote Act of 2002 (“HAVA”) imposes similar  
6 obligations on states with respect to the single statewide computerized list of voters. 52  
7 U.S.C. § 21083(a)(2). These requirements, commonly called “list maintenance” are  
8 tasks committed to the states by the NVRA, HAVA, and the United States Constitution’s  
9 Elections Clause, U.S. Const. Art. 1, § 4, cl. 1.

10 Yet Plaintiff the United States, acting through its Department of Justice (the  
11 “DOJ”), has embarked on a massive data collection effort, demanding that Arizona and  
12 dozens of other states turn over their complete, unredacted voter registration databases.  
13 In Arizona, that database includes a vast cache of information about voters, including  
14 driver’s license numbers, the last four digits of social security numbers, birth dates,  
15 mother’s maiden names, signatures, political party choice, and voting history. And it  
16 also includes names, addresses, and other information that could be used to locate  
17 protected voters, including victims of stalking and sexual violence and government  
18 officials like prosecutors and judges.

19 Correspondence between the DOJ and Arizona’s Secretary of State (the  
20 “Secretary”) asserted that the ostensible purpose for DOJ’s demand for “an electronic  
21 copy of Arizona’s complete and current [voter registration database (the “VRDB”)] was  
22 “to ascertain Arizona’s compliance with the list maintenance requirements of the NVRA  
23 and HAVA. (Doc. 8-3, at 2). But instead of using the NVRA’s enforcement provisions,  
24 Plaintiff has invoked in inapt law, the Civil Rights Act of 1960 (the “CRA”), and  
25 attempted to have the Court treat this case as a summary proceeding which would bar  
26 this Court from reviewing whether Plaintiff has stated a proper basis and purpose for its  
27 demand.

28 But the Federal Rules of Civil Procedure plainly apply to this action, which

1 Plaintiff initiated by filing a civil complaint. *See* Fed. R. Civ. P. 3. That complaint fails  
2 to state a claim, however, because (1) Plaintiff failed to meet the CRA requirement that  
3 it state both a proper basis and a purpose for the records demand, (2) even if Plaintiff  
4 were entitled to the records it requests, it has failed to comply with several federal  
5 privacy laws that protect records about individuals—here approximately five million  
6 Arizona voters, and (3) redaction of sensitive information from the VRDB is permitted  
7 by the relevant federal laws and required by Arizona law. Accordingly, under Fed. R.  
8 Civ. P. 12(b)(6), this case should be dismissed without leave to amend.

## 9 ARGUMENT

### 10 I. The Civil Rights Act of 1960 Does Not Require Arizona to Disclose its 11 Complete, Unredacted Voter Registration Database.

#### 12 A. This is case is not a “summary proceeding.”

13 As a threshold matter, this Court has authority to review Plaintiff’s compliance  
14 with the CRA. Contrary to Plaintiff’s argument for a summary proceeding, this is a  
15 traditional civil action, subject to the Federal Rules. (*See* Doc. 35, at 4-5 (citing  
16 *Kennedy v. Lynd*, 306 F.2d 222, 225-26 (5th Cir. 1962)). “Nothing in the text of Title III  
17 [of the CRA] requires a special statutory proceeding or any abbreviated procedures.”  
18 *United States v. Weber*, No. CV-25-09149-DOC-ADS, 2026 WL 118807, at \*8 (C.D.  
19 Cal. Jan. 15, 2026). Indeed, the Supreme Court has confirmed that the Federal Rules  
20 govern the federal government’s document demands even if a summary proceeding is  
21 authorized by statute. *See Becker v. United States*, 451 U.S. 1306, 1307-08 (1981); *see*  
22 *also* Fed. R. Civ. P. 81(a)(5). As another court addressing Plaintiff’s demand for a  
23 complete state voter registration list noted, the Supreme Court has “squarely reject[ed]  
24 Plaintiff’s contention and reliance on *Lynd*.” *United States v. Oregon*, No. CV-25-  
25 01666-MTK, 2026 WL 318402, at \*8 (D. Or. Feb. 5, 2026) (citing *United States v.*  
26 *Powell*, 379 U.S. 48 (1964)). Plaintiff tries to distinguish *Powell* while also arguing that  
27 the case actually supports its demand for records. (*See* Doc. 35, at 12-13). But the fact  
28 remains that “[t]here is no current or binding authority for the proposition that Title III

1 [of the CRA] precludes the Court from evaluating the sufficiency of Plaintiff's  
2 allegations regarding [the Secretary's] alleged failure to comply with Title III." *Oregon*,  
3 2026 WL 318402, at \*8.

4 **B. Plaintiff's asserted purpose for demanding the VRDB is outside the**  
5 **CRA, which is limited to investigations voting discrimination.**

6 Plaintiff asserts that its purpose in demanding the VRDB is to "ascertain  
7 Arizona's compliance with the list maintenance requirements of the NVRA and  
8 HAVA." (Doc. 35, at 3). But the CRA "was not passed as a tool for NVRA  
9 compliance." *Weber*, 2026 WL 118807, at \*9. And that alleged purpose demonstrates  
10 that Plaintiff is not investigating voting discrimination. As explained in the Secretary's  
11 Motion to Dismiss, nothing in the CRA addresses list maintenance or removing  
12 registered voters from the voter rolls due to death or relocation. (Doc. 25, at 6-9)  
13 (discussing the text and legislative history of the CRA). The CRA's records provisions  
14 were enacted as a tool to enforce the voting rights laws that protect against race  
15 discrimination in exercising the right to vote. *See Weber*, 2026 WL 118807 at \*8-9.  
16 CRA records demands must, therefore, "relate to a purpose of investigating violations of  
17 individuals' voting rights" *Oregon*, 2026 WL 318402 at \*10.

18 Here, however, because Plaintiff's stated purpose "lack[s] any reference or  
19 relation to the purposes for which [the CRA] was enacted . . . [the] demand for records is  
20 deficient and cannot trigger any duty to produce such records." *Oregon*, 2026 WL  
21 318402 at \*10; *see also Weber*, 2026 WL 118807 at \*9. Indeed, nothing in Plaintiff's  
22 original demand or its Complaint suggests that Plaintiff is concerned about voting  
23 discrimination in Arizona, nor that it is investigating any discriminatory conduct.

24 **C. Plaintiff's asserted basis for demanding the VRDB is woefully**  
25 **insufficient to comply with the CRA.**

26 The CRA requires a statement of both the basis and the purpose for a records  
27 demand. 52 U.S.C. § 20703 ("This demand *shall* contain a statement of the basis *and*  
28 the purpose therefor.") (emphasis added). As such, even if Plaintiff had stated a purpose

1 for its demand that comes within the CRA, it has failed to provide the necessary basis.  
2 Indeed, in its Response, Plaintiff for the first time tries to describe a basis for its demand  
3 for the VRDB that is separate from the stated purpose. In particular, Plaintiff stated that  
4 “[t]he basis for the demand was twofold: Title III of the CRA and several counties’  
5 failure to provide accurate data for the Election Assistance Commission’s Election  
6 Administration and Voting Survey (EAVS).” (Doc 35, at 3).<sup>1</sup>

7 “Basis” in 52 U.S.C. § 20703 refers to a “factual basis for investigating a  
8 violation of a federal statute.” *Oregon*, 2026 WL 318402 at \*8; *see also Weber*, 2026  
9 WL 118807 at \*9. Accordingly, the mere reference to the CRA does not constitute a  
10 proper basis under that law. As for Arizona’s EAVS responses, that basis appears to be  
11 entirely pretextual. *See Oregon*, 2026 WL 318402 at \*9 (stating that a “patchwork and  
12 post hoc effort to stitch together a legally sufficient ‘statement of the basis’ fails”).  
13 Plaintiff demanded a complete copy of the VRDB in its July 28, 2025 letter, *before* the  
14 Secretary had even had an opportunity to answer Plaintiff’s questions about its EAVS  
15 responses. (Doc. 8-1). Once the Secretary responded to those questions, Plaintiff asked  
16 for no further information about the state’s list maintenance practices. If Plaintiff truly  
17 had questions about the state’s EAVS responses, which it alleges lack accurate data from  
18 some counties, it could have sought further information about the specific EAVS  
19 responses it deems deficient. Instead, the Secretary heard nothing from the DOJ  
20 regarding list maintenance after Plaintiff’s August 14, 2025 letter until it filed this action  
21 on January 6, 2026.

22 Moreover, Plaintiff does not need access to the unredacted VRDB to assess  
23 compliance with list maintenance duties, which federal law assigns to the states. *See*  
24 *Weber*, 2026 WL 118807 at \*9 (“DOJ states no reason why an unredacted version of  
25 California’s voter list is necessary under the NVRA.”); 52 U.S.C. §20507(a)(4). Voter-  
26 specific personal information, such as full birth date, social security number, driver’s  
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28 <sup>1</sup> The Secretary disputes that its EAVS responses contained inaccurate information, but  
this Court need not resolve that issue to decide the pending Motion to Dismiss.

1 license number, or signature is not needed to assess whether Defendants are complying  
2 with the NVRA’s requirement to remove voters upon death or change in residence. *See*  
3 52 U.S.C. § 20507(d). In fact, compliance with list maintenance requirements is  
4 principally assessed by evaluating a state’s procedures, not each individual voter’s data.  
5 *See Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 624-25 (6th Cir. 2025); *Bellitto v.*  
6 *Snipes*, 935 F.3d 1192, 1205 (11th Cir. 2019). Arizona’s list maintenance procedures  
7 are extensive and detailed. And the Secretary pointed DOJ to those procedures in his  
8 August 29, 2025 letter. (Doc. 8-4, at 1-3 (citing Arizona’s 2023 Election Procedures  
9 Manual)).<sup>2</sup>

10 Moreover, it is implausible that alleged concerns about Arizona’s list  
11 maintenance practices establish a ground for demanding the unredacted voter list. The  
12 sensitive data of Arizona voters is not necessary or relevant to assessing list maintenance  
13 compliance. Questions about list maintenance processes do not establish a basis to  
14 demand the unredacted voter registration list because the unredacted voter list would not  
15 answer those process and systems-based questions. Nor would it provide any  
16 information relevant to those alleged list maintenance issues that the publicly available  
17 list would not also provide. Because private and sensitive voter data is irrelevant to  
18 assessing list maintenance compliance, it does not provide a basis for the demand for the  
19 unredacted VRDB.

20 In lieu of providing a legitimate basis and purpose for its request, Plaintiff  
21 contends that this Court cannot scrutinize them. (Doc. 35, at 7 (stating that “Defendants  
22 cannot challenge the Attorney General’s basis and purpose to investigate Arizona’s  
23 HAVA and NVRA compliance”). That is not an accurate statement of the law. Instead,  
24 “the requirement that [DOJ] state their purpose and basis is not merely perfunctory—it is  
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26 <sup>2</sup> Pursuant to A.R.S. § 16-452, the Secretary issues an Elections Procedures Manual (the  
27 “EPM”) at the end of every odd-numbered year. The 2025 EPM is available on the  
28 Secretary’s website at the following link:  
[https://apps.azsos.gov/election/files/epm/2025/Election-Procedures-Manual-2025--  
FINAL-12-22-25.pdf](https://apps.azsos.gov/election/files/epm/2025/Election-Procedures-Manual-2025--FINAL-12-22-25.pdf). The current list maintenance procedures appear at pages 41-53.

1 a critical safeguard that ensures the request is legitimately related to the purpose of the  
2 statute” and helps to prevents “a fishing expedition of voter records.” *Weber*, 2026 WL  
3 118807 at \*9. This Court can and should interrogate whether Plaintiff has sufficiently  
4 stated a basis for its sweeping records demand. Because it has not, the Complaint should  
5 be dismissed.

6 **D. Plaintiff Misunderstands Arizona’s DPOC Law.**

7 In his Motion, the Secretary explained how Arizona’s unique requirement that  
8 prospective voters provide “satisfactory evidence of United States citizenship” when  
9 registering to vote makes the VRDB an inappropriate tool for revealing violations of  
10 federal law or aiding enforcement of immigration laws. A.R.S. § 16-166(F) (listing the  
11 documents that provide such evidence (“DPOC”)); (Doc. 25, at 10). Plaintiff attempts to  
12 counter that explanation with four assertions, each of which inaccurately describes the  
13 relevant law. (*See Resp.* at 8).

14 *First*, Plaintiff relies on a quote from one of the Senate proponents of the CRA,  
15 which is the entire substance of the Fifth Circuit’s opinion in *Coleman v. Kennedy*, 313  
16 F.2d 867 (5th Cir. 1963), and provides no support for Plaintiff’s demand for the VRDB  
17 in this case. (Doc. 35, at 8). Specifically, it does not provide support for using the  
18 CRA’s records provision as a means to investigate potential violations of the NVRA,  
19 which was enacted decades later and has its own enforcement and records provisions.  
20 *See* 52 U.S.C. §§ 20507(i), 20510(a); *see also Weber*, 2026 WL 118807, at \*9.

21 *Second*, Plaintiff asserts that Arizona’s DPOC requirement “applies only to state  
22 registration forms.” (*Resp.* at 8). This misstates Arizona law. The DPOC requirement  
23 is found in A.R.S. § 16-166(F), and applies to all voter registrations, regardless of  
24 whether the registrant used the state form or the federal form. In *Arizona v. Inter Tribal*  
25 *Council of Arizona, Inc.*, 570 U.S. 1, 20 (2013) (“*ITCA*”), the Supreme Court held that  
26 the NVRA’s requirement that states “accept and use” the federal voter registration form  
27 meant that Arizona could not refuse to register a voter who used the federal form, but  
28 did not provide DPOC. After *ITCA*, the state instituted a bifurcated voter registration

1 system. *See* 2025 Arizona Elections Procedures Manual (the “EPM”), at 3-4; *see also*  
2 Ariz. Op. Atty. Gen’l, I13-011, 2013 WL 5676943 (Oct. 7, 2013). That bifurcated  
3 system divides Arizona voters into “full-ballot” voters and “federal-only” voters. EPM,  
4 at 3-4. Full-ballot voters can vote for federal, state, and local races. *Id.* at 4. Federal-  
5 only voters can vote only for federal candidates (*i.e.*, President, United States Senator, or  
6 United States Representative). *Id.* The difference between the state form and the federal  
7 form only comes into play if a county recorder is unable to access DPOC for the  
8 registrant. If that happens, a registrant using a state form is not registered, while a  
9 registrant using a federal form is registered as a federal-only voter. *Id.*; *see also*  
10 *generally* EPM, at 3-16 (providing detailed procedures for processing voter registration  
11 forms and implementing the DPOC requirement).

12 *Third*, Plaintiff makes an even more egregious misstatement of Arizona law,  
13 asserting that “DPOC does not apply to elections for federal office.” (Resp. at 8 (citing  
14 *ITCA*, 570 at 17-20). As noted above, the DPOC requirement applies to every person  
15 registering to vote in Arizona. If a registrant uses a federal form, but fails to satisfy the  
16 DPOC requirement, and the county recorder’s statutorily required checks of various  
17 government records do not supply DPOC, the registrant becomes a federal-only voter.  
18 *See* EPM at 10. As of January 2, 2026, approximately 35,747 Arizona voters are  
19 classified as federal-only because they have not provided DPOC.<sup>3</sup> That represents 0.73  
20 percent of Arizona’s nearly five million registered voters.<sup>4</sup> Both full-ballot voters (those  
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22 <sup>3</sup> Federal Only Registrants as of January 2, 2026 (Active and Inactive Voters), available  
23 at: [https://apps.azsos.gov/election/VoterReg/2026/Statistics-Federal-Only-Registrants-  
24 January-2nd-2026.pdf](https://apps.azsos.gov/election/VoterReg/2026/Statistics-Federal-Only-Registrants-January-2nd-2026.pdf). This Court may take judicial notice of this government  
25 document, which is published on the Secretary’s website. *See Tampa Elec. Co. v.*  
26 *Nashville Coal Co.*, 365 U.S. 320, 332 n.10 (1961) (taking judicial notice of government  
27 published documents that were not hosted on a government website); *Daniels-Hall v.*  
28 *Nat’l Educ. Ass’n*, 629 F.3d 992, 998–99 (9th Cir. 2010) (taking judicial notice of  
government published documents hosted on a government website).

<sup>4</sup> As of January 2, 2026, Arizona had 4,928,982 registered voters, counting both active  
and inactive voters. *See* State of Arizona Registration Report, at 1, 6 (Jan. 2, 2026),  
available at: [https://apps.azsos.gov/election/VoterReg/2026/State-Voter-Registration-  
January-2026.pdf](https://apps.azsos.gov/election/VoterReg/2026/State-Voter-Registration-January-2026.pdf).

1 who have provided DPOC) and federal-only voters are eligible to vote for federal  
2 candidates. And as the voter registration numbers above show, only a tiny fraction of  
3 Arizona voters who vote on federal candidates have not provided DPOC.<sup>5</sup>

4 *Fourth*, Plaintiff erroneously asserts that “the 9th Circuit has enjoined Arizona  
5 law’s requirements for DPOC.” (Resp. at 8 (citing *Mi Familia Vota v. Fontes*, 129 F.4th  
6 691 (9th Cir. 2025)). The DPOC requirement itself was not challenged in *Mi Familia*  
7 *Vota*. Instead, the plaintiffs challenged recently-enacted laws, including ones that  
8 attempted to prevent federal-only voters from voting by mail or voting in “presidential  
9 elections.” A.R.S. §§ 16-121.01(E), -127. The district court enjoined those laws, and  
10 the Ninth Circuit affirmed. *Mi Familia Vota*, 129 F.4th at 706, 732. Simply put, neither  
11 the district court’s judgment nor the Ninth Circuit’s decision enjoined the DPOC  
12 requirement and it remains in full force and effect.

## 13 **II. Plaintiff Has Not Complied with Federal Privacy Laws.**

### 14 **A. The Privacy Act bars Plaintiff’s massive data collection effort.**

15 Plaintiff asserts that its effort to obtain a complete unredacted copy of the VRDB  
16 (and those of dozens of other states) complies with the Privacy Act of 1974, but its  
17 argument does not hold up. Subject to narrow exceptions, the Privacy Act “serves as a  
18 protection for Americans against the disclosure of information collected by the  
19 government.” *Weber*, 2026 WL 118807 at \*17. Moreover, the Privacy Act prevents  
20 Plaintiff from collecting the sensitive personal data it seeks here, including information  
21 concerning Arizonans’ exercise of their First Amendment rights. *See* 5 U.S.C. §  
22 552a(e)(7). Indeed, as the court held in *Weber*, the “Privacy Act bars DOJ’s request for  
23 [a state’s] unredacted voter roll because fulfillment of that request would include  
24 information regarding previous election participation and party affiliation,” which are  
25 types of political expression protected by the First Amendment. *Weber*, 2026 WL

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27 <sup>5</sup> Indeed, the existence of federal-only voters in Arizona is a function of the NVRA, the  
28 very statute Plaintiff claims to be seeking information to enforce. But Arizona’s  
*compliance* with the NVRA is certainly not a basis to investigate it for *violating* the  
NVRA.

1 118807 at \*17.

2 Plaintiff argues that “[t]here is no basis for the Defendant to fail or refuse to  
3 disclose information to a federal agency for law enforcement purposes”—by which it  
4 presumably means its efforts to investigate Arizona’s compliance with the NVRA’s and  
5 HAVA’s list maintenance provisions. (Doc. 35, at 16; *see also* Doc. 8-3, at 3). But  
6 Plaintiff cannot obtain this data by relying on this characterization of “law enforcement.”

7 The Ninth Circuit takes “a narrow reading of ‘law enforcement activities’ [to]  
8 better serve[] the goal of privacy and avoid[] infringing on the overall First Amendment  
9 concerns of section (e)(7).” *MacPherson v. I.R.S.*, 803 F.2d 479, 482 (9th Cir. 1986).  
10 Accordingly, courts review whether the law enforcement exception applies “on an  
11 individual, case-by-case basis.” *Id.* at 484. And they require the government to show  
12 “good reason to believe” the records are “relevant” to the claimed law enforcement  
13 basis. *Garris v. F.B.I.*, 937 F.3d 1284, 1299 (9th Cir. 2019) (internal citation omitted).  
14 Here, by contrast, DOJ seeks to collect individualized data from millions of voters to  
15 supposedly enforce the NVRA’s requirement to conduct a general voter list maintenance  
16 program. The full, unredacted VRDB list is neither “pertinent to” nor “within the  
17 scope” of either law enforcement purpose, and Plaintiff has not provided “good reason  
18 to believe” otherwise. *Garris*, 937 F.3d at 1299 (government’s burden not met by a  
19 “remote possibility” that records would provide a “minuscule” “potential advantage” in  
20 an investigation); 5 U.S.C. § 552a(e)(1). If a federal agency has not satisfied the Privacy  
21 Act’s requirements, it cannot lawfully receive the records, barring DOJ here from  
22 receiving the records requested.

23 In addition, Plaintiff has not complied with the Privacy Act requirement that it  
24 publish a System of Records Notice (“SORN”) that would apply to Arizona’s VRDB  
25 before it could collect that information. In its Response, Plaintiff simply cites to a table  
26 of every SORN ever issued by the DOJ. (Doc. 35, at 15) (citing 82 Fed. Reg. 24147-01  
27 (May 25, 2017)). But Plaintiff made no effort to explain how any SORN could be read  
28 to encompass Arizona’s VRDB or how Plaintiff has fulfilled the procedural safeguards

1 of the Privacy Act. Indeed, because list maintenance is a state function, it is likely that  
2 no previously issued SORN covers state voter registration databases. Because of this  
3 failure, the Privacy Act prohibits Plaintiff from obtaining—and then collecting,  
4 maintaining, and using—Arizona’s VRDB.

5 **B. E-Government Act.**

6 Plaintiff asserts that the E-Government Act, Pub. L. No. 107-347 (“E-Gov’t Act”) is  
7 inapplicable because it is “not initiating a new process” of “contacting individuals for  
8 information,” because Arizona already maintains the VRDB. (Doc. 35, at 16). This  
9 misreads the statute, which requires federal agencies to conduct a privacy impact  
10 assessment (“PIA”) before “initiating a new collection of information that” permit  
11 “contacting of a specific individual.” E-Gov’t Act, § 208(b)(1)(A)(ii); *see Weber*, 2026  
12 WL 118807 at \*19 (“[T]he request made by the DOJ to California is a new one, thus  
13 initiating a new collection of data.”). Plaintiff’s request for voter data is governed by the  
14 Act. As such, the PIA it cited—from 2012—is unrelated to the current effort to collect  
15 voter data from Arizona and other states, is insufficient to satisfy Plaintiff’s obligations  
16 under the E-Gov’t Act. (Doc. 35, at 16 n.17).

17 **C. Plaintiff’s Demand Violates the Driver’s Privacy Protection Act.**

18 Finally, Plaintiff incorrectly asserts that its collection of private and sensitive  
19 voter data is permissible under the governmental function exception to the Driver’s  
20 Privacy Protection Act (“DPPA”). (Doc. 35, at 17). Plaintiff asserts that a “government  
21 agency performing a statutorily mandated function” constitutes a governmental function  
22 for purposes of the exception. (*Id.*) But it has not explained why it needs the driver’s or  
23 non-operating identification license numbers of every Arizona voter to investigate the  
24 state’s list maintenance practices or how those numbers will be “used for the identified  
25 purpose.” *See Senne v. Vill. Of Palatine, Ill.*, 695 F.3d 597, 606 (7th Cir. 2012) (en  
26 banc) (describing scope of DPPA’s disclosure authorization); *see also Weber*, 2026 WL  
27 118807 at \*19 (“DOJ has not identified how the use of millions of Californians’ driver’s  
28 license numbers would help it understand whether California conducts a general

1 program that makes a reasonable effort to remove persons from its voter rolls due to  
2 death or change in residence.”). Nor has Plaintiff explained why it needs the driver’s  
3 license numbers of every Arizona voter to inquire into the state’s compliance with its  
4 general program of list maintenance. This is particularly true because, in compliance  
5 with HAVA, Arizona assigns a unique identifying number to every voter’s registration  
6 record. *See* 52 U.S.C. § 21083 (a)(1)(A)(iii).

7 **III. The CRA, the NVRA, and HAVA Do Not Preempt Arizona Law Limiting**  
8 **Access to Information in the VRDB.**

9 Plaintiff argues that the federal voting laws at issue in this case preempt state law  
10 privacy protections. (Doc. 35, at 13-14). The Secretary does not dispute that those  
11 laws, enacted through Congress’s Election Clause power can supplant contrary state  
12 laws. But courts that have considered requests for election records under such laws have  
13 concluded that NVRA’s disclosure provisions do not prohibit the redaction of sensitive  
14 voter information. *See Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir.  
15 2024) (finding that “the appropriate redaction of uniquely or highly sensitive personal  
16 information in the voter file” was permissible where the NVRA did not prohibit such  
17 redactions). The courts that have already decided cases concerning Plaintiff’s similar  
18 demands for California, Oregon, and Michigan’s voter registration databases have  
19 followed *Bellows*. *See United States v. Benson*, No. CV-25-1148, 2026 WL 362789, at  
20 \*3 (W.D. Mich. Feb. 10, 2026) (collecting cases); *Oregon*, 2026 WL 318402, at \*6  
21 (same); *Weber*, 2026 WL 118807 at \*12-13 (noting the Plaintiff has previously taken the  
22 position that “the NVRA does not prohibit States from redacting ‘uniquely sensitive  
23 information’ like voters’ Social Security Numbers before disclosing records”).

24 **CONCLUSION**

25 For the foregoing reasons, the United States’ Complaint fails to state a claim for  
26 relief and should be dismissed without leave to amend.

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RESPECTFULLY SUBMITTED this 20th day of March, 2026.

Kristin K. Mayes  
Attorney General

/s/ Karen J. Hartman-Tellez  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 20th day of March, 2026, I filed the forgoing document electronically through the CM/ECF system, which caused all parties or counsel of record to be served by electronic means, as more fully reflected on the Notice of Electronic Filing.

/s/ Monica Quinonez