

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DR. DALE G. CALDWELL, in his official
capacity as Lieutenant Governor and Secretary
of State for the State of New Jersey,

Defendant.

Case No. 3:26-cv-2025
(ZNQ-JTQ)

**[PROPOSED] NOTICE
OF MOTION TO
DISMISS**

MOTION DAY:
April 6, 2026

PLEASE TAKE NOTICE that Proposed Defendant-Intervenors the League of Women Voters of New Jersey, Latino Action Network, and Maungsai Somboon (collectively, “Proposed Intervenors” or the “Voter Intervenors”) hereby move to dismiss the Complaint in this matter for failure to state a claim upon which relief can be granted. Fed. R. Civ. P. 12(b)(6).

In support of their motion, Proposed Intervenors rely upon the accompanying memorandum of law and all exhibits and declarations filed in this civil action.

WHEREFORE, Proposed Intervenors respectfully request that the Court grant their motion to dismiss.

Dated: March 4, 2026

Respectfully submitted:

/s/ Liza Weisberg

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record on March 4, 2026.

/s/ Liza Weisberg
Liza Weisberg

Dated: March 4, 2026

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

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DR. DALE G. CALDWELL, in his
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Defendant.

Case No. 3:26-cv-2025
(ZNQ-JTQ)

**[PROPOSED] MEMORANDUM OF LAW IN SUPPORT OF THE MOTION
TO DISMISS OF LEAGUE OF WOMEN VOTERS OF NEW JERSEY,
LATINO ACTION NETWORK, AND MAUNGSAI SOMBOON**

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INTRODUCTION

The United States seeks to compel the disclosure of sensitive personal voter data to which it is not entitled, using civil rights laws as a pretext. But the request propounded by the U.S. Department of Justice (“DOJ”) on the State of New Jersey, as set forth in the Complaint, seeks records outside the scope of the statute it invokes and in any case fail to disclose “the basis and the purpose” as statutorily required. 52 U.S.C. § 20703. And even if the United States could access voter files under the statute, and even if it had complied with the threshold basis and purpose requirement, its request is also unlawful because it seeks unredacted personal information in conflict with federal and state privacy protections and procedures. District courts in California, Oregon, and Michigan have dismissed materially identical claims. *See United States v. Weber*, No. 2:25-cv-09149, 2026 WL 118807 (C.D. Cal. Jan. 15, 2026); *United States v. Oregon*, 6:25-cv-01666, 2026 WL 318402 (D. Or. Feb. 5, 2026); *United States v. Benson*, No. 1:25-cv-1148, 2026 WL 362789 (W.D. Mich. Feb. 10, 2026). This Court should do the same.

The right to vote “is of the most fundamental significance under our constitutional structure.” *Eakin v. Adams Cnty. Bd. of Elections*, 149 F.4th 291, 304-05 (3d Cir. 2025) (quoting *Ill. State Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979)). Congress has repeatedly legislated to protect the franchise, including through Title III of the Civil Rights Act of 1960 (“CRA”), 52 U.S.C.

§§ 20701-20706, the provision the United States (improperly) relies on to supply authority for its demand here. As DOJ itself explains, Title III was designed to “secure a more effective protection of the right to vote.” U.S. Dep’t of Just., C.R. Div., *Federal Law Constraints on Post-Election “Audits”* 2 (Jul. 28, 2021), <https://perma.cc/74CP-58EH> (citing *State ex rel. Gallion v. Rogers*, 187 F. Supp. 848, 853 (M.D. Ala. 1960), and H.R. Rep. No. 86-956 (1959)). The National Voter Registration Act (“NVRA”), 52 U.S.C. §§ 20501-20511, and the Help America Vote Act (“HAVA”), 52 U.S.C. §§ 20901- 21145, were also enacted to ensure that all eligible voters—especially racial minorities and voters with disabilities—have the opportunity to participate in free, fair, and secure elections.

The United States’s demand for New Jersey’s unredacted voter file—which contains sensitive personal information including addresses, dates of birth, driver’s license numbers, and partial Social Security numbers of millions of New Jerseyans—undermines the core objectives of the CRA, NVRA, and HAVA, and is contrary to law. Releasing voter records without redaction and for purposes far afield from protecting voter access would only deter voter participation and undermine the right to vote. Especially so here, where the United States’s *actual* reason for the data demand, as widely reported, is to create an unauthorized and unlawful national voter database and to use this illicit tool to illegally target and challenge voters.

For good reason, there is no statutory right to demand the type of sensitive

voter information at issue here, and certainly not without fully and accurately setting forth “the basis and the purpose” for the data request. 52 U.S.C. § 20703. Because the Complaint fails to establish the United States’s entitlement to a complete, unredacted, non-public New Jersey voter file—much less its entitlement to obtain this sensitive data at the very beginning of the case, without any discovery process or any of the other protections and procedures required by the Federal Rules—this Court should dismiss this action.

BACKGROUND

I. Statutory Background: The Civil Rights Act of 1960

Amidst the turmoil of the Jim Crow era, Congress enacted the Civil Rights Act of 1960, 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”). Title III requires states to retain and preserve “all records and papers which come into [an election official’s] possession relating to any application, registration, payment of poll tax, or other act requisite to voting.” 52 U.S.C. § 20701. These records “shall, upon demand in writing by the Attorney General or his representative . . . be made available for inspection, reproduction, and copying at the principal office of [the] custodian.” *Id.* § 20703.

Title III does not provide for any sort of truncated “special statutory proceeding” that displaces the ordinary operation of the Federal Rules of Civil Procedure. *See* Compl. ¶¶ 3-4 (citing, primarily, *Kennedy v. Lynd*, 306 F.2d 222 (5th Cir. 1962)). The United States’s assertion obscures the relevant context and cases.

In the early 1960s, particularly in Alabama, Florida, Georgia, Louisiana, Mississippi, and Texas, election officials notoriously refused to register Black voters, and civil rights enforcement efforts encountered strong resistance from local officials and courts.¹ Title III proved crucial for uncovering evidence showing why Black voter registration was extraordinarily low and allowed the federal government to bring “pattern or practice” voter discrimination cases. *Lynd*, 306 F.2d at 228 (citing 42 U.S.C. § 1971 (since transferred to 52 U.S.C. § 10101)). Consistent with Title III’s purpose, the 1960s Fifth Circuit required counties to produce documents when a proper statement of basis and purpose was provided. *Id.* (Title III’s “purpose is to enable the Attorney General to determine whether [§ 10101] suits or similar actions should be instituted. And it is to enable him to obtain evidence for use in such cases if and when filed.”). It rejected the argument, made by the Jim Crow states, that the Attorney General needed to prove discrimination before it was entitled to inspect a county’s election records where massive racial disparities with

¹ *See generally, e.g.,* Steven F. Lawson, *Black Ballots: Voting Rights in the South, 1944-1969* (1976).

respect to registration and voting were clear. *See id.* In that context, “the factual foundation for” the basis and purpose of the Attorney General’s requests was held to be utterly self-evident—Jim Crow regimes were using every possible means to block Black Americans from registering to vote—and thus plenary “judicial review or ascertainment” of further facts was not warranted. *Id.* at 226.²

Notably, the 1960s Fifth Circuit cases were decided before sensitive personal identifying information such as Social Security numbers or driver’s license numbers was 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.³ And even in that context, the 1960s Fifth Circuit cases carefully 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.” *Lynd*, 306 F.2d at 231. Because Congress enacted more effective voting rights laws, the

² *See also In re Coleman*, 208 F. Supp. 199, 201 (S.D. Miss. 1962), *aff’d sub nom. Coleman v. Kennedy*, 313 F.2d 867 (5th Cir. 1963) (acknowledging in the context 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”).

³ *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. §§ 2721-2725; 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. §§ 3551-3558 (2014).

Voting Rights Act of 1965 in particular, federal court assessment of Title III has largely been silent since that time.

In any case, nothing in the text of Title III of the CRA, which provides for judicial enforcement of records requests under the statute “by appropriate process,” 52 U.S.C. § 20705, purports to override the Federal Rules of Civil Procedure. *See* 52 U.S.C. § 20703. To the contrary, the Federal Rules “govern the procedure in *all* civil actions and proceedings in the United States district courts,” Fed. R. Civ. P. 1 (emphasis added), with only a narrow set of express exceptions of which the CRA is not one, Fed. R. Civ. P. 81.

Indeed, in the more than sixty years since *Kennedy v. Lynd*, the Supreme Court has held that “the Federal Rules apply” in civil actions seeking to compel the giving of testimony or production of documents in response to federal agency requests. *United States v. Powell*, 379 U.S. 48, 57-58 & n.18 (1964) (holding that “the Federal Rules of Civil Procedure apply” where a federal statute does not specify other enforcement mechanisms).⁴

⁴ *Powell* involved an attempt to enforce a statute providing the United States with the power to request certain books and records relating to taxes and to compel their production “by appropriate process”—terms that are materially identical to the relevant provisions of Title III. 379 U.S. at 57-58 & n.18 (citing 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

II. Factual Background

A. The United States Seeks to Force the Disclosure of Sensitive Voter Data.

Beginning in May 2025, Plaintiff United States, through its DOJ, began sending letters to election officials in at least forty states, making escalating demands to produce voter registration databases, with plans to gather data from all fifty states. See Kaylie Martinez-Ochoa, Eileen O'Connor & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Ctr. for Just. (Feb. 27, 2026), <https://perma.cc/M8Y6-C9KC>.

On July 15, 2025, DOJ sent a letter to Defendant seeking information regarding New Jersey's voter registration and list maintenance procedures and requesting an electronic copy of New Jersey's entire statewide voter registration list ("July 15 Letter"). Compl. ¶¶ 20-21. The July 15 Letter cited the Help America Vote Act ("HAVA") as authority for its demand. Compl. ¶ 21. On July 29, 2025, Donna Barber, Director of the New Jersey Division of Elections, confirmed receipt of the July 15 Letter. Compl. ¶ 24.

On August 14, 2025, DOJ sent a letter renewing its demand for New Jersey's

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)). And the Supreme Court squarely held that the tax records statute being enforced in *Powell* did *not* authorize any special or summary proceeding that might supplant the Federal Rules. 379 U.S. at 57-58 & n.18.

statewide voter registration list (“August 14 Letter”). Compl. ¶ 25. This time, DOJ allegedly cited the Civil Rights Act (“CRA”) as the “basis” for its demand. Compl. ¶¶ 26-27. The August 14 Letter specified that New Jersey’s response must include “all fields,” including voters’ full names, dates of birth, addresses, and driver’s license numbers or last four digits of social security numbers. Compl. ¶ 27. While the United States did not append the August 14 Letter to its Complaint, DOJ sent at least seven other materially identical letters to the top state elections officials of Arizona, Georgia, Illinois, Nevada, Massachusetts, Pennsylvania, and Virginia also on August 14, purporting to demand the unredacted state voter file and to invoke the CRA. *See* Ex. A, Compilation of August 14 Letters of Assistant Attorney General Harmeet Dhillon to the State Election Officials Invoking CRA (“Compilation of August 14 Letters”).

The DOJ’s allegation that the August 14 Letter “stated the basis of the demand was the CRA,” Compl. ¶ 26, is not consistent with the text of the other August 14 Letters, all of which use the same exact language to invoke the CRA and none of which sets forth the “basis” of DOJ’s request. *See* Compilation of August 14 Letters at 2, 5, 8, 11, 14, 17, 20. Consistent with the other August 14 letters from Dhillon to state election officials, the August 14 Letter “stated that the purpose of the request was to ascertain compliance with the list maintenance requirements of the NVRA and HAVA.” Compl. ¶ 27; *accord* Compilation of August 14 Letters at 2, 5, 8, 11,

14, 17, 20.

On August 21, the New Jersey Attorney General’s Office (“NJAG”) sent a letter denying the August 14 demand for New Jersey’s statewide voter registration list and seeking clarification about it. Compl. ¶ 29.

On December 1, the NJAG requested, and DOJ provided, a copy of a proposed Memorandum of Understanding on offer to states who agree to hand over their full voter files. Compl. ¶¶ 30-31. On December 8, the NJAG again denied DOJ’s demand for New Jersey’s statewide voter registration list, citing state privacy protections, including under N.J.S.A. 47:1A-5.3 and 47:1A-1.1, and sought further clarification. Compl. ¶ 32.

The parties conferred by phone on December 19. Compl. ¶ 33. On January 9, 2026, the NJAG sent a letter again declining to comply with DOJ’s demand. Compl. ¶ 34. On January 26, DOJ emailed to inquire whether New Jersey’s position remained unchanged under its new administration, and on January 30, the NJAG confirmed that it did. Compl. ¶¶ 35-36.

About one month later, The United States filed this lawsuit, which is one of at least thirty similar suits seeking disclosure of sensitive voter data.⁵

⁵ See Press Release, U.S. Dep’t of Just., Justice Department Sues Five Additional States for Failure to Produce Voter Rolls (Feb. 26, 2026), <https://perma.cc/7RV7-Z82V>.

B. The United States Seeks to Unlawfully Construct a National Voter Database with the Data.

According to extensive public reporting, DOJ’s requests for private, sensitive voter data from New Jersey and other states appear to be in furtherance of novel efforts by the United States to construct a national voter database, and to otherwise use untested forms of database matching 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 novel efforts with the federal Department of Homeland Security (“DHS”), according to reported statements from DOJ and DHS. *Id.*⁶ 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

⁶ 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 N. 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>.

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 MAG. (Nov. 16, 2025),

<https://www.nytimes.com/interactive/2025/11/16/magazine/trump-justice-department-staff-attorneys.html>.

These efforts are being conducted with the involvement of self-proclaimed “election integrity” advocates within and outside the 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.”⁷ Also involved is Cleta Mitchell, a private attorney and leader of a national group called the “Election Integrity Network,” who has, among other

⁷ 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. CAP.-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://perma.cc/CE7A-6RY6>.

things, promoted the use of artificial intelligence to challenge registered voters.⁸ These actors and their associates have previously sought to compel states to engage in aggressive purges of registered voters, and have abused voter data to make mass challenges to disenfranchise voters. *See, e.g., PA Fair Elections v. Pa. Dep't of State*, 337 A.3d 598, 599 n.1 (Pa. Commw. Ct. 2025) (dismissing as meritless complaint brought by “PA Fair Elections,” a group affiliated with current DHS official Honey, challenging Pennsylvania’s voter roll maintenance practices pursuant to HAVA).⁹

For example, in the months before the 2024 election, Honey and an organization affiliated with her, PA Fair Elections, pushed an effort to remove

⁸ *See, e.g.,* Matt Cohen, *DHS Said to Brief Cleta Mitchell’s Group on Citizenship Checks for Voting*, DEMOCRACY DOCKET (June 12, 2025), <https://perma.cc/E87D-XDRX>; *see also* Jude Joffe-Block & Miles Parks, *The Trump Administration Is Building a National Citizenship Data System*, NPR (June 29, 2025), <https://perma.cc/J8VZ-X4N4> (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://perma.cc/5W2N-SS2Q>.

⁹ *See, e.g.,* Carter Walker, *This Pa. Activist Is the Source of False and Flawed Election Claims Gaining Traction Across the Country*, VOTEBEAT (Feb. 12, 2024), <https://perma.cc/HQ9C-TMT7> (discussing Honey’s “false” claims regarding voting in Pennsylvania in 2020 and her extensive collaboration with Mitchell); *see also* Brett Sholtis, *Pa. Election Integrity Group Met with 2 Architects of 2020 Effort to Overturn Election*, LANCASTERONLINE (July 21, 2024), <https://perma.cc/K92T-L288> (describing Mitchell meeting with PA Fair Elections); Doug Bock Clark, *Trump Officials Attended a Summit of Election Deniers Who Want the President to Take Over the Midterms*, PROPUBLICA (Feb. 28, 2026), <https://www.propublica.org/article/election-denier-summit-trump-midterms> (describing summit attended by high-ranking federal election officials, including Honey, where attendees pushed the president to declare a national emergency to take over the midterms).

thousands of lawful Pennsylvania voters from the rolls, based on faulty sources of voter data such as “Eagle AI,” a voter database analysis tool supported by Mitchell and her Election Integrity Network.¹⁰ Then, on the eve of the 2024 election, over 4,000 Pennsylvania voters were subjected to mass-challenges lodged by individuals affiliated with PA Fair Elections.¹¹ Public reporting and contemporaneous hearing testimony confirmed that PA Fair Elections helped facilitate these challenges, which were based on self-evidently flawed attempts to analyze and match data from the Pennsylvania voter database with external sources.¹² The baseless voter challenges

¹⁰ See Brett Sholtis, *‘PA Fair Elections,’ Tied to Powerful Conservative Groups, Pushes to Remove People from Voter Rolls*, WESA (Sept. 28, 2024), <https://perma.cc/8FNC-5KH9>; see also Kroll & Surgey, *supra* (“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.”).

¹¹ See Carter Walker, *Efforts to Challenge Pennsylvania Voters’ Mail Ballot Applications Fizzle*, SPOTLIGHT PA (Nov. 8, 2024), <https://perma.cc/YL7J-NUV5> (describing mass-challenges and noting connection to Honey and her organization “PA Fair Elections”); Jeremy Roebuck & 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://perma.cc/AMZ5-TFHQ> (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://perma.cc/9993-RZ6E> (same).

¹² E.g., Bethany Rodgers, *Testimony: Pa. Election Denial Group Behind Voter Registration Cancellation Form Mailings*, GOERIE.COM (Nov. 2, 2024), <https://www.goerie.com/story/news/politics/elections/state/2024/11/02/pa-voter-registration-cancellation-letters-chester-county/75996247007>. A challenger in one county testified about PA Fair Elections’ involvement. Chester County, *Nov. 1, 2024 Election Board Hearing* at 50:30-51:34; 58:00-58:47; 1:54:58-1:55:19, <https://chestercopa.portal.civicclerk.com/event/852/media>.

were eventually all rejected. *See, e.g., Walker, Efforts to Challenge Pennsylvania Voters' Mail Ballot Applications Fizzle, supra.*

As another part of its efforts to use novel and unspecified forms of data analysis to scrutinize state voter data and target voters for potential disenfranchisement, DOJ last year asked staffers from the new “Department of Governmental Efficiency” (“DOGE”) to identify noncitizens in state voter rolls by matching voter data with data from the Social Security Administration.¹³ DOJ officials have since claimed that “we’ve checked 47.5 million voter records” and found “several thousand non-citizens who are enrolled to vote in Federal elections,” although public reporting indicates that these efforts are producing false positives—*i.e.*, they are flagging U.S. citizens as being non-citizens who are ineligible to vote.¹⁴

A recent federal court filing by DOJ further corroborates how United States officials have been seeking to use voter data in conjunction with DOGE-inspired data-matching and aggregation techniques, and have been working with outside “election integrity” advocates seeking to deny election results in those efforts. As

¹³ *E.g., Miles Parks & Jude Joffe-Block, Trump's DOJ Focuses in on Voter Fraud, with a Murky Assist from DOGE*, NPR (May 22, 2025), <https://www.npr.org/2025/05/17/nx-s1-5383277/trump-doj-doge-noncitizenvoting>.

¹⁴ Asst. Att’y Gen. Harmeet Dhillon (@AAGDhillon), X (Dec. 5, 2025, at 13:02 ET), <https://x.com/AAGDhillon/status/1997003629442519114>; *see* Jude Joffe-Block, *Trump's SAVE Tool Is Looking for Noncitizen Voters. But It's Flagging U.S. Citizens Too*, NPR (Dec. 10, 2025), <https://www.npr.org/2025/12/10/nx-s1-5588384/savevoting-data-us-citizens>.

detailed in the filing, which was made on behalf of the U.S. Social Security Administration (“SSA”):

[I]n March 2025, a political advocacy group contacted two members of SSA’s DOGE Team with a request to analyze state voter rolls that the advocacy group had acquired. The advocacy group’s stated aim was to find evidence of voter fraud and to overturn election results in certain States. In connection with these communications, one of the DOGE team members signed a “Voter Data Agreement,” in his capacity as an SSA employee, with the advocacy group. He sent the executed agreement to the advocacy group on March 24, 2025.

Notice of Corrections to the Record at 5, *Am. Fed’n of State, Cnty. & Mun. Emps., AFL-CIO v. Soc. Sec. Admin.*, No. 1:25-cv-596-ELH (D. Md. Jan. 16, 2026), Dkt. No. 197; *see also* Kyle Cheney, *Trump Administration Concedes DOGE Team May Have Misused Social Security Data*, POLITICO (Jan. 20, 2026), <https://www.politico.com/news/2026/01/20/trump-musk-doge-social-security-00737245>. The filings, which do not specify the terms of the “Voter Data Agreement” or the activities these DOGE actors or others undertook pursuant to it, also indicated that, around the same period, DOGE actors also shared unknown amounts of social security data on an unapproved third-party server, in a “manner [that] is outside SSA’s security protocols.” Notice of Corrections to the Record, *supra*, at 6.

A recent analysis by experts at the Electronic Privacy Information Center identified a host of other serious security concerns and concluded that DOJ has violated the requirements of the Federal Information Security Modernization Act of

2014 (FISMA) with respect to its collection and retention of voter registration list data from states. *Analyzing DOJ's MOU for Voter Registration List Data for FISMA Compliance*, Elec. Priv. Info. Ctr. (Feb. 2026), <https://epic.org/documents/analyzing-dojs-mou-for-voter-registration-list-data-for-fisma-compliance/>; see Lisa J. Danetz, *The Justice Department's Security Measures for Collecting Voter Rolls Are Inadequate*, Brennan Ctr. for Just. (Feb. 25, 2026), <https://www.brennancenter.org/our-work/analysis-opinion/justice-departments-security-measures-collecting-voter-rolls-are>. The shortfalls include: inadequate encryption of voters' data; insufficient data access controls such as multifactor authentication; and no audit log analysis or defined reporting process, meaning that no one will review or analyze who accesses the data, and there is no required timeframe to report problems back to the states in the event of unauthorized access to information or other data breaches. *Id.* In addition, DOJ has failed to explain how it will ensure that contractors with whom it plans to share data will be vetted and will safeguard voters' private information. *Id.* Finally, DOJ plans to "archive" the data, creating a permanent federal registry of sensitive voter information. *Id.*

C. The United States Seeks to Unlawfully Use the Data to Disenfranchise Voters.

Additional evidence from the federal government indicates how it plans to use voters' sensitive personal data: to assert control over voting eligibility in the states,

to order the disenfranchisement of voters, and potentially to contest the results of state-run elections.

In connection with its requests for states' voter data, the United States has begun asking states to execute MOUs describing how the data will be used. *See, e.g.*, U.S. Dep't of Just., Civ. Div., Confidential Mem. of Understanding ("MOU") (executed version between Texas and DOJ), Ex. B; *see also* Declaration of Erik Neff in Support of Motion to Compel, *United States v. Raffensperger*, No. 26-cv-485-ELR (N.D. Ga. Feb. 19, 2026), Dkt. No. 31-2, ¶ 21 (acknowledging MOU and representing that two states have signed it). The terms of the MOU purport to vest the United States with substantial new authority to identify supposedly ineligible voters on state voter rolls and then to compel states to remove these voters from the rolls, depriving them of the franchise. MOU at 2, 4.

The NVRA and HAVA give states the responsibility of conducting a "reasonable effort" to maintain voter lists and remove actually ineligible voters from the rolls. 52 U.S.C. § 20507(a)(4); § 21083(a)(4)(A). The particular procedures developed for complying with HAVA's requirement to maintain a centralized voter file are thus "left to the discretion of the State." 52 U.S.C. § 21085. Moreover, the NVRA builds in significant protections for voters, requiring that, once identified, certain potentially ineligible voters *must* necessarily stay on the rolls for two election cycles so as to limit the likelihood of a state removing eligible voters by mistake. *Id.*

§ 20507(d)(1)(B). That is consistent with Congress’s core goals in the NVRA of protecting and expanding the right to register to vote and participate in democracy. *E.g.*, 52 U.S.C. § 20501.

The terms of the MOU, however, put DOJ in control. MOU at 2, 5. The MOU makes DOJ a “Custodian” of the state’s voter file, and provides that DOJ will analyze the file and identify “any voter list maintenance issues, insufficiencies, inadequacies, deficiencies, anomalies, or concerns, the Justice Department found when testing, assessing, and analyzing your state’s [voter list] for NVRA and HAVA compliance, i.e., that your state’s [voter list] only includes eligible voters.” MOU at 4-5. And under the MOU’s terms, once federal officials identify supposed “ineligible voters,” states would be required to “remov[e]” these voters “within forty-five (45) days” and then resubmit their voter lists for additional analysis. MOU at 5. These removals would be required under the terms of the MOU notwithstanding the procedural protections afforded to voters by the NVRA, including the statute’s firm bar on systematic removals of voters within 90 days of an election, 52 U.S.C. § 20507.¹⁵

Thus, the government’s own documents and extensive public reporting indicate that the United States’s aim in seeking sensitive voter data on millions of

¹⁵ See also Jonathan Shorman, *Trump’s DOJ Offers States Confidential Deal to Remove Voters Flagged by Feds*, STATELINE (Dec. 18, 2025), <https://stateline.org/2025/12/18/trumps-doj-offers-states-confidential-deal-to-wipe-voters-flagged-by-feds-as-ineligible/>.

Americans is to turn states' own voter rolls into a tool for unlawfully and improperly mass-challenging voters and interfering with the democratic process.

Recent events have highlighted those impermissible aims. On January 24, 2026, Attorney General Pamela Bondi wrote a letter to Minnesota Governor Tim Walz, purporting to discuss DHS's "Operation Metro Surge" activities in the Twin Cities amidst ongoing violence against the civilian population there.¹⁶ The letter sets out three actions that Minnesota—one of the states DOJ has sued to try to obtain sensitive voter data—should take to "restore the rule of law, support ICE officers, and bring an end to the chaos in Minnesota," one of which is to "allow the Civil Rights Division of the Department of Justice to access voter rolls to confirm that Minnesota's voter registration practices comply with federal law as authorized by the Civil Rights Act of 1960."¹⁷

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). A court need not accept a complaint's legal conclusions. *Ashcroft*

¹⁶ *Read Bondi's Letter to Minnesota's Governor*, N.Y. TIMES (Jan. 24, 2026), <https://perma.cc/H5GY-ZKBS> ("Bondi Letter"); *see also* Order, *Tincher v. Noem*, No. 0:25-cv-04669-KMM-DTS (D. Minn. Jan. 16, 2026), Dkt. No. 85 (granting injunction against certain DHS practices towards the civilian population of Minneapolis-St. Paul in connection with purported immigration enforcement operations there).

¹⁷ Bondi Letter at 2, 3.

v. Iqbal, 556 U.S. 662, 678 (2009). Nor can “[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements,” survive a motion to dismiss. *Id.* at 678-79. In ruling on a motion to dismiss, courts may also consider, for example, “matters of public record, orders, exhibits attached to the complaint and items appearing in the record of the case.” *Pension Tr. Fund for Operating Eng’rs v. Mortg. Asset Securitization Transactions, Inc.*, 730 F.3d 263, 271 (3d Cir. 2013); *see also Anspach ex rel. Anspach v. City of Philadelphia, Dep’t of Pub. Health*, 503 F.3d 256, 273 n.11 (3d Cir. 2007) (Courts ruling on motions to dismiss may “take judicial notice of public records.”).

ARGUMENT

The United States fails to state a claim under the CRA for at least three reasons. *First*, the United States seeks records outside the scope of Title III. *Second*, DOJ failed to set forth a statutorily sufficient statement of “the basis and the purpose” of its demand for New Jersey’s unredacted state voter file. Compl. ¶¶ 1-4, 17-19. *Third*, even if the United States had complied with this threshold requirement, the request for the complete, unredacted list is unlawful because it fails to protect the privacy rights and endangers the constitutional rights of New Jersey voters.

I. The United States Seeks Records Outside the Scope of the CRA.

The Western District of Michigan held that the United States’s request for a statewide voter file sought records not covered by Title III. *See Benson*, 2026 WL 362789, at *11. The same is true here.

Section 301 requires elections officials to “retain and preserve, for a period of twenty-two months from the date of any” federal election, “all records and papers which come into [their] possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.” 52 U.S.C. § 20701. Section 303, which grants the Attorney General authority to request records, only obligates officials to turn over those materials “required by [Section 301] to be retained and preserved,” *id.* § 20703—that is, records that have “come into [their] possession,” *id.* § 20701. As the *Benson* court recognized, the phrase “come into . . . possession” refers to records that elections officials receive from prospective voters, rather than those they produce themselves. 2026 WL 362789, at *9 (“Congress frequently uses the phrase ‘come into possession’ to refer to items that a person *obtains* rather than *creates*.” (collecting federal statutes)). This makes sense, because Congress’s primary concern with Title III was empowering the Attorney General to investigate the refusal of registrars in Jim Crow jurisdictions to process the voter registration forms submitted by Black citizens. *See supra* 3-6.

As the district court in *Benson* explained with respect to Michigan, New Jersey’s statewide voter registration file is a live, continuously updated database created by state officials; thus, it is not a record or paper “which come[s] into [election officials’] possession.” *Benson*, 2026 WL 362789, at *6. Because DOJ’s

request therefore falls outside of the scope of Title III, its demand fails as a matter of law, and this case should be dismissed.

II. The United States’s Demand Fails to Meet the Statutory Requirements of the CRA.

When the Attorney General invokes Title III of the CRA to demand voting-related documents from the states, she must provide “a statement of the basis and the purpose” for her request. 52 U.S.C. § 20703. Even if DOJ was seeking documents covered by the statute, its request is also deficient because it has failed to comply with this threshold statutory requirement. The “basis” and “purpose” are distinct concepts. The “basis” is an explanation of why the Attorney General believes there is a violation of federal civil rights law. *See Lynd*, 306 F.2d at 229 n.6; *Oregon*, 2026 WL 318402, at *9 (holding the basis prong requires “a factual basis for investigating a violation of a federal statute”); *Weber*, 2026 WL 118807, at *9 (“The basis is the reasoning provided by the DOJ regarding the evidence behind its investigation of a particular state and specific, articulable facts pointing to the violation of federal law.”). The “purpose” is an explanation of how the requested records would help determine if there is a violation. *See Lynd*, 306 F.2d at 229 n.6; *Oregon*, 2026 WL 318402, at *10 (“[T]he ‘purpose’ required in a demand for records under Title III must relate to a purpose of investigating violations of individuals’ voting rights.”).

The basis and purpose requirement under the CRA is a “critical safeguard that

ensures the request is legitimately related to the purpose of the statute.” *Weber*, 2026 WL 118807, at *9. It prevents the statute from being used for a “fishing expedition” to obtain records for reasons that are speculative, unrelated to the CRA’s aims, or otherwise impermissible or contrary to law. *Id.* The statutory basis and purpose requirement therefore is not perfunctory but requires a specific statement as to the reason for requesting the information and how that information will aid in the investigatory analysis. Courts considering other federal statutes allowing federal agencies to obtain records in service of investigations have adopted a similar understanding and examined whether the underlying investigation is “conducted pursuant to a legitimate purpose,” *F.D.I.C. v. Wentz*, 55 F.3d 905, 908 (3d Cir. 1995) (quoting *Powell*, 379 U.S. at 57). 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., id.* (reciting requirements for investigation pursuant to an administrative subpoena). In assessing federal records requests, the “court’s role is not that of a mere rubber stamp, but of an independent reviewing authority called upon to insure the integrity of the proceeding.” *Wearly v. F.T.C.*, 616 F.2d 662, 665 (3d Cir. 1980).

As detailed below, the United States failed to articulate in its demand and in the Complaint “the basis and the purpose” for its request for New Jersey voters’ sensitive voter information. The United States’s demand fails to meet this

requirement of the CRA for at least three distinct reasons. These failures compel dismissal.

First, the United States simply has not stated a “basis” for its demand. The United States alleges that its August 14 Letter “stated the basis of the demand was the CRA.” Compl. ¶ 26. But the United States never quotes the August 14 Letter in the Complaint or appends it, and to the extent the United States alleges without quoting or including the document that it actually set forth the “basis” for its request in the letter, that allegation would be implausible. The tranche of identical letters sent on August 14 actually state: “[p]ursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of [the state’s] complete and current [voter file]. The purpose of the request is to ascertain [the state’s] compliance with the list maintenance requirements of the NVRA and HAVA.” Compilation of August 14 Letters at 2, 5, 8, 11, 14, 17, 20. These letters never state the basis for the request. Where the exhibits to a complaint and the documents incorporated by reference therein “contradict [the] allegations in the complaint, the exhibits control.” *Vorchheimer v. Philadelphian Owners Ass’n*, 903 F.3d 100, 112 (3d Cir. 2018). That is the case here with respect to the August 14 Letter, which is incorporated by reference in the Complaint and which almost

certainly contains identical operative text to the other six letters that were all sent on the same day to other states by the Assistant Attorney General.¹⁸

And even taking the Complaint at face value, the “basis” that the United States claims it “stated” in its Complaint, Compl. ¶ 26, is circular and facially deficient. Again, the “basis” for a CRA request is a statement of *why* the United States believes there is some relevant violation of law. *See Lynd*, 306 F.2d at 229 n.6; *accord Weber*, 2026 WL 118807, at *9 (“The basis is the reasoning provided by the DOJ regarding the evidence behind its investigation of a particular state and specific, articulable facts pointing to the violation of federal law.”); *Oregon*, 2026 WL 318402, at *9 (“The Court understands ‘basis’ to mean a factual basis for investigating a violation of a federal statute.”). The assertion that the CRA itself was the basis of the United States’s demand, Compl. ¶ 26, says nothing about *why* the United States seeks the requested information or even what potential violations of law it is investigating. When the Attorney General requests records pursuant to Title III, she necessarily asserts her belief that the CRA entitles her to those records. If merely claiming “the CRA requires [it]” was all that was needed to meet the express statutory obligation to specifically set forth, “in writing,” the “basis” for the request, 52 U.S.C. § 20703, that obligation would be rendered “wholly superfluous,” violating the cardinal need

¹⁸ Intervenors reserve the right to update this submission to include a copy of the August 14 Letter once one is obtained or otherwise made public.

“to give effect, if possible, to every clause and word of a statute.” *E.g.*, *Duncan v. Walker*, 533 U.S. 167, 174 (2001) (quoting *United States v. Menasche*, 348 U.S. 528, 538-39 (1955)).

Nor could some “basis” otherwise be extrapolated from the pleadings. Notwithstanding citations apparently included in the July 15 Letter to statistics from the Election Assistance Commission’s 2024 Election Administration and Voting Survey (“EAVS”) regarding New Jersey’s registration and list maintenance practices, the Complaint does not allege any evidence of anomalies or anything inconsistent with reasonable maintenance efforts in the data New Jersey reported to EAVS. *See* Compl. ¶¶ 22-23. The United States’s failure to properly set forth any “basis” for the demand is sufficient grounds for dismissal of this action. *See Weber*, 2026 WL 118807, at *9. The United States’s “patchwork and post hoc effort to stitch together a legally sufficient ‘statement of the basis’ fails.” *Oregon*, 2026 WL 318402, at *9.

Second, even if the United States had provided a proper “basis” for its demand—and it did not—it did not explain, and has not explained, any connection between its stated “purpose” and the vast scope of its records request here. The Complaint does not even attempt to articulate why unredacted voter files are necessary to “ascertain compliance with the list maintenance requirements of the NVRA and HAVA,” Compl. ¶ 27. It does not explain how this information will

enable the United States to determine whether New Jersey is doing what the statute actually says it must do, namely, “conduct a general program that makes a reasonable effort to remove the names of ineligible voters” by virtue of “death” or “a change in the residence of the registrant,” 52 U.S.C. § 20507. *See* Compl. ¶ 27. Nor could it, because such unredacted files would not assist DOJ in examining this question: A single snapshot of a state’s voter list does not and could not provide enough information to determine if the state has made a “reasonable effort” to remove ineligible voters under Section 8 of the NVRA. *Id.*; 52 U.S.C. § 20507(a)(4).

The NVRA and HAVA both leave the mechanisms for conducting list maintenance to the discretion of the State. *See* 52 U.S.C. § 20507(a)(4), (c)(1); § 21083(a)(2)(A); § 21085. Even if the United States used voter file data to identify voters who had moved or died on New Jersey’s voter list at a single point in time, that would not amount to New Jersey failing to comply with the “reasonable effort” required by the NVRA or HAVA. *See, e.g., Pub. Int. Legal Found. v. Benson*, 136 F.4th 613, 624-27 (6th Cir. 2025) (describing a “reasonable effort” as “a serious attempt that is rational and sensible” and rejecting any “quantifiable, objective standard” in this context), *cert. denied*, No. 25-437, 2026 WL 568298 (U.S. Mar. 2, 2026).¹⁹ It is the *procedures* carried out by a state or locality that establish its

¹⁹ Indeed, the inclusion on New Jersey’s voter registration list at any particular point in time of some voters who may have moved out of state is, if anything, to be

compliance with federal list maintenance requirements; the unredacted voter file itself does not.

Moreover, even if some portion of the voter file were necessary to “ascertain compliance with the list maintenance requirements of the NVRA and HAVA,” Compl. ¶ 27, the United States has not pleaded any justification for why the full unredacted voter file is necessary to carry out this purported purpose. *Oregon*, 2026 WL 318402, at *10 n.4 (“Even if investigating NVRA or HAVA compliance were valid purposes for seeking voter registration lists under Title III, neither Plaintiff’s Title III demand nor any of its pleadings before this Court provide any reasonable explanation for why the Sensitive Voter Data in particular serves those purposes.”). 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

expected. 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).

without demanding voter files). For this reason, too, the Complaint does not plausibly plead that DOJ has met the basis and purpose requirements of the CRA.

Third, even if the United States had plausibly set forth some facially sufficient statement of the basis and the purpose for its request, the CRA claim would be subject to dismissal because DOJ's stated reason for requesting the sensitive personal data of millions of New Jersey voters is pretextual.

The CRA requires a statement of “*the* basis and *the* purpose” of a records request. 52 U.S.C. § 20703 (emphasis added). By twice using the definite article, the statute requires not just *a* basis or purpose among many, but *the* complete and genuine 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. Sys.*, 603 U.S. 799, 817 (2024) (emphasizing distinction between the definite and the indefinite article). But the United States has not disclosed the actual purpose for its requests, and this Court “is not obliged to accept a contrived statement and purpose” in place of an accurate one. *Weber*, 2026 WL 118807, at *10.

Public reporting and public, judicially noticeable documents confirm that the United States's *actual* purpose is not to ensure compliance with the NVRA and HAVA, but to build an unprecedented national voter file through novel, error-prone, DOGE-inspired forms of data-matching and then to use this tool to identify ostensibly ineligible voters and challenge their right to vote. *See supra* 10-19.

Considering the same robust set of public reporting and documents, the *Weber* court concluded, “[i]t appears that the DOJ is on a nationwide quest to gather the sensitive, private information of millions of Americans for use in a centralized federal database.” 2026 WL 118807, at *10; *accord Oregon*, 2026 WL 318402, at *13.

The creation of a national voter database—much less one designed for targeting and mass-challenging voters—has never been authorized by Congress, and would violate (among other provisions of federal law) the federal Privacy Act’s prohibition on 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. *See* 5 U.S.C. § 552a(e)(7).

The MOU that the United States has recently asked states to sign in connection with its requests for statewide voter files puts a further lie to the notion that the United States has a purpose of ensuring compliance with the NVRA and HAVA; the MOU runs directly afoul of those statutes.²⁰ For one, the MOU seeks to place authority to identify supposed ineligible voters in the hands of the federal government, directly contrary to statute’s requirement that procedures for complying with HAVA be “left to the discretion of the State.” 52 U.S.C. § 21085; MOU at 2, 5. In addition, the MOU’s substantive terms would allow DOJ to compel states to

²⁰ This Court can take judicial notice of the MOU as a government document produced by DOJ. *See Schmidt v. Skolas*, 770 F.3d 241, 250 (3d Cir. 2014) (finding judicial notice appropriate for “the records of a government agency”).

remove supposedly ineligible voters “within forty-five (45) days,” MOU at 5, in a manner that would violate multiple protections of the NVRA, including the requirement to provide voters with notice prior to their removal from the rolls, and the firm bar against systematic voter removals within 90 days of an election. 52 U.S.C. § 20507. The MOU confirms that DOJ’s stated purpose of ensuring compliance with the NVRA and HAVA is not accurate or plausible, and that its actual purpose for seeking to ingest the sensitive personal information of millions of New Jersey voters involves defying those statutes and the procedural protections they afford in order to unlawfully centralize control over state voter rolls in the hands of the federal executive.

Consider also the Attorney General’s recent letter to Minnesota Governor Tim Walz, demanding that Minnesota turn over voters’ private data in order to help “support ICE officers” and “bring an end to the chaos” being inflicted on the civilian population there by DHS agents ostensibly tasked with enforcing the immigration laws. The Bondi Letter, purporting to connect DOJ’s request for state voter data with the Administration’s draconian immigration-enforcement efforts, further highlights DOJ’s failure to disclose the true purpose of the request here. “The presumption of regularity that has been previously extended to [the United States] that it could be taken at its word—with little doubt about its intentions and stated purposes—no longer holds.” *Oregon*, 2026 WL 318402, at *11.

The United States’s failure to honestly disclose what it is doing and will do with voters’ sensitive personal information—to state *the* true purpose and *the* true basis for the demand for New Jerseyans’ protected personal data—is fatal to the CRA claim. “Congress passed the NVRA, Civil Rights Act, and HAVA to protect voting rights. If the DOJ wants to instead use these statutes for more than their stated purpose, circumventing the authority granted to them by Congress, it cannot do so under the guise of a pretextual investigative purpose.” *Weber*, 2026 WL 118807, at *12.

III. The United States’s Demand Fails to Accommodate the Privacy Rights of Voters and Endangers Their Constitutional Rights.

Even if the United States had provided a valid basis and purpose sufficient to support its demands—which it did not—its request would be legally deficient because it does not allow for redactions, omissions, or other modifications to protect the privacy rights of New Jersey voters. Courts have found that federal and state law and the Constitution may require redaction of voters’ records to protect privacy. *See, e.g., Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 334, 339 (4th Cir. 2012). But the United States has sought here only the full and unredacted voter file. Compl. ¶¶ 21, 27, 33, 41. Because providing the data as demanded would be unlawful, the CRA claim must be dismissed.

Redaction and modification of voting records to ensure voters’ privacy is commonplace before a state discloses such records to a requesting party. Title III of

the CRA has not been invoked in decades, but the NVRA provides a ready analogue. The NVRA requires states to maintain “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters” and to make such records available to anyone for “public inspection” upon request. 52 U.S.C. § 20507(i)(1). Voting rights advocates have consistently relied on the NVRA to investigate infringements of the right to vote, including whether election officials have improperly denied or cancelled voter registrations. See, e.g., *Long*, 682 F.3d at 333. And critically, courts have consistently held that redacting voters’ sensitive personal data is compatible with the NVRA. *Id.* at 339.

Because “nothing in the text of the NVRA prohibits the appropriate redaction of uniquely or highly sensitive personal information in the Voter File,” redaction of “certain personal information” can be required to “assuage the potential privacy risks implicated by the public release of the Voter File.” See *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 56 (1st Cir. 2024). Like the First Circuit, other courts have repeatedly recognized that the NVRA does not compel the release of sensitive information that is otherwise protected by federal or state law. See, e.g., *Pub. Int. Legal Found., Inc. v. N.C. State Bd. of Elections*, 996 F.3d 257, 266-68 (4th Cir. 2021); *Pub. Int. Legal Found., Inc. v. Dahlstrom*, 673 F. Supp. 3d 1004, 1015-16 (D. Alaska 2023); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 942

(C.D. Ill. 2022), *clarified on denial of reconsideration*, No. 20-CV-3190, 2022 WL 1174099 (C.D. Ill. Apr. 20, 2022); *Pub. Int. Legal Found. v. Boockvar*, 431 F. Supp. 3d 553, 561-63 (M.D. Pa. 2019).²¹

Like the CRA, the NVRA is silent as to how sensitive personal information should be treated when disclosed. *See* 52 U.S.C. §§ 20703, 20507(i)(1). So, as with the NVRA, the disclosure provisions of Title III of the CRA must also be construed to avoid intolerable burdens on critical privacy rights and violations of statute. *See Long*, 682 F.3d at 339; *see also Bellows*, 92 F.4th at 56; *N.C. State Bd. of Elections*, 996 F.3d at 264.

Disclosure of voters’ sensitive personal information, such as partial Social Security numbers, which are “uniquely sensitive and vulnerable to abuse,” would also “create[] an intolerable burden on [the constitutional right to vote] as protected by the First and Fourteenth Amendments.” *Long*, 682 F.3d at 334, 339; *see also West v. Bowen*, 879 F.2d 1122, 1132 (3d Cir. 1989) (citing *Califano v. Yamasaki*, 442 U.S. 682, 693 (1979)) (noting the canon of constitutional avoidance, “a long-standing canon of construction that a statute should be read, whenever possible, to avoid constitutional entanglements”). In *Long*, the court emphasized that the NVRA

²¹ The United States has conceded that the NVRA does not prohibit states from redacting “uniquely sensitive information” when disclosing voting records. *See, e.g., Br. for the United States as Amicus Curiae at *27-28, Pub. Int. Legal Found., Inc. v. Bellows* (“United States Amicus Brief”), No. 23-1361 (1st Cir. July 25, 2024), 2023 WL 4882397 (quoting *Long*, 682 F.3d at 339).

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. 682 F.3d at 334, 339; *cf. In re Coleman*, 208 F. Supp. at 200 (noting, in the context of a Title III records request, multiple considerations which could be “[s]ignificant,” including whether “an inspection of these records would be oppressive, or any unlawful invasion of any personal constitutional right”). The disclosure provisions in Title III must be interpreted to avoid this unconstitutional burden. *See Long*, 682 F.3d at 339; *Bellows*, 92 F.4th at 56.

Federal statutory law would meanwhile require (at a minimum) both substantial redaction of sensitive information like Social Security and driver’s license number information, as well as significant additional procedural steps such as a “privacy impact statement” and hard limitations on interagency sharing in order to comply with the guardrails mandated by the Federal Privacy Act, the E-Government Act, and the Driver’s Privacy Protection Act. *Weber*, 2026 WL 118807, at *17-*19 (holding that United States’s request for complete California voter file would violate each of these statutes).²²

²² The Privacy Act flatly prohibits collecting and maintaining records of First Amendment activity, which includes voting history and party affiliation. 5 U.S.C. §§ 552a(a)(3), (a)(5), (e)(4), (e)(7), (f). It also requires the publication of notice in the Federal Register before the collection of data, *id.* § 552a(e)(4), which the United

The limited case law considering records requests under the CRA is not contrary to any of this. Even in the very different context of the Jim Crow South in the early 1960s, the CRA cases expressly acknowledge that courts retain the “power and duty to issue protective orders,” *Lynd*, 306 F.2d at 230, and to shield voters’ private, sensitive personal information from disclosure. *See id.* at 231 (“[W]e 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”); *see also In re Coleman*, 208 F. Supp. at 200 (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”).

What’s more, New Jersey law explicitly shields from disclosure, including

States does not allege it did here, *see Weber*, 2026 WL 118807, at *18. The E-Government Act requires the publication of a “privacy impact assessment” “prior to ‘initiating a new collection of information’ that ‘includes any information in an identifiable form permitting the physical or online contacting of a specific individual’ if the information encompasses ‘10 or more persons.’” *Id.* at *19 (quoting E-Government Act § 208(b)). Again, the United States does not allege it did that here. Finally, the Driver’s Privacy Protection Act “prevents the disclosure of ‘personal information’ that is obtained by” a state Department of Motor Vehicles “in connection with a ‘motor vehicle record.’” *Id.* (quoting 18 U.S.C. §§ 2721(a), 2725(1), (3), & (4); *Reno v. Condon*, 528 U.S. 141, 143 (2000)). New Jersey receives voter information from its Department of Motor Vehicles.

through redaction, the private information of certain categories of residents. Daniel's Law prohibits the disclosure of the home addresses of registered, covered individuals and requires that any public records, including voting records, be redacted accordingly. *See* N.J.S.A. 19:31-18.1; N.J.S.A. 47:1B-1. Covered individuals include active or retired judges, prosecutors, law enforcement officers, child protective investigators, and the immediate family members of these individuals living in the same household. N.J.S.A. 47:1B-1(a)(3). In addition, New Jersey operates a statewide Address Confidentiality Program that furnishes substitute addresses "to enable public agencies to respond to requests for public records without disclosing the location of a victim of domestic violence, stalking, or sexual assault, or reproductive health service patients and providers." N.J.S.A. 47:4-2. Likewise, a person who has experienced domestic violence or stalking and has a permanent restraining order, or the immediate family member of a person who has experienced stalking and has a permanent restraining order, may register to vote without disclosing their street address by attaching to their voter registration form a copy of the restraining order and a contact point where they may receive mail, among other information. N.J.S.A. 19:31-3.2. It is a fourth-degree crime to make public "any information which has been provided by a victim of domestic violence . . . concerning the mailing address, post office box or other contact point of the victim or family member or the election district in which the victim or family member

resides.” N.J.S.A. 19:31-3.2(b).

The privacy and constitutional concerns warranting redactions under the NVRA are bolstered by state law and apply equally to requests under the CRA. *Cf. Sheetz v. County of El Dorado*, 601 U.S. 267, 281-82 (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.”). And the limited case law considering CRA records requests acknowledges 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.

Even if the United States were 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), it would be obligated to redact or omit sensitive personal identifying information. The United States’s claim seeking the full and unredacted voter file and the sensitive personal identifying information of every registered New Jersey voter must be dismissed.

CONCLUSION

For all these reasons, the United States’s case should be dismissed.

Dated: March 4, 2026

Respectfully submitted,

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* Application for admission *pro hac vice* forthcoming

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served via the Court's ECF system on all counsel of record on March 4, 2026.

/s/ Liza Weisberg
Liza Weisberg

Exhibit A



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

The Honorable Adrian Fontes
Arizona Secretary of State
1700 W. Washington Street, Seventh Floor
Phoenix, AZ 85007-2808
sosadmin@azsos.gov

Re: **Arizona’s Voter Registration List Needs All Fields and Response to July 28 Letter**

Secretary Fontes:

This letter responds to your letter of August 8, 2025, in response to the Justice Department’s July 28, 2025 letter, in which we made a request to the Secretary of State of Arizona for information regarding the state’s procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501 *et seq.*

Your August 8, 2025, letter states that it will not be possible to provide the requested records by August 11, 2025, and does not specify a time frame by which the Secretary of State will provide the records.

Please provide responses to our questions regarding Arizona’s answers to the most recent Election Administration and Voting Survey (“EAVS”) by no later than Thursday, August 21. These questions (1 and 2) should be readily answerable based on the state’s procedures for sending confirmation notices and processes for identifying and removing duplicate registrations. For example, Question 1 asks Arizona to explain how Arizona determines who receives a confirmation notice and how Arizona tracks the results of the notices sent. Question 1 also notes counties that reported no response or zero in specific A10 categories (result of confirmation notice) and particular numbers in Arizona’s responses to Questions A10a through A10f and asks Arizona to explain the county- and state-level results and provide missing data. If the Secretary of State does not have access to this information, please explain why and describe how the Secretary of State plans to obtain the information.

We also requested the electronic copy of the statewide voter registration list that the state maintains under Section 303(a) of the Help America Vote Act. 52 U.S.C. § 21083(a). Please produce the list by Thursday, August 21, 2025, as well. Section 8(i) of the NVRA requires states to “make available for public inspection . . . all records concerning the implementation of programs and activities

conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters[.]” 52 U.S.C. § 20507(i).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Arizona’s complete and current VRL. The purpose of the request is to ascertain Arizona’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Arizona must ensure that it contains *all fields*, which includes the 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 HAVA¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

Moreover, HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority as the Justice Department is now doing.

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic VRL with all fields to the Justice Department no later than August 21, 2025. We recognize, however, that other responses to our July 28th letter may take more time. As such, we are prepared to give the Secretary of the Commonwealth until Monday, September 15, to respond to the other requests.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

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U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Brad Raffensperger
Secretary of State
214 State Capitol
Atlanta, GA 30334
soscontact@sos.ga.gov

Re: **Complete Georgia’s Voter Registration List with All Fields**

Secretary Raffensperger:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list (“VRL”) and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department’s request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state’s VRL must include the 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 Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Georgia’s VRL to assess your state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act (“HAVA”), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

General solely responsible for actions to enforce HAVA’s computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Georgia’s complete and current VRL. The purpose of the request is to ascertain Georgia’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Georgia must ensure that it contains *all fields*, which includes either the 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 Help America Vote Act (“HAVA”)² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Blake Evans
Director, Elections Division
Floyd West Tower
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Atlanta, GA 30334
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³ Containing *all fields*, which includes either the 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 by HAVA.



U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Bernadette Matthews
Executive Director
State Board of Elections
2329 S. MacArthur Boulevard
Springfield, IL 62704-4503
bmatthews@elections.il.gov

Re: **Complete Illinois’s Voter Registration List with All Fields**

Executive Director Matthews:

We have received Illinois’s statewide voter registration list (“VRL”). However, as the Attorney General requested, the electronic copy of the statewide VRL must contain *all fields*, including the 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 Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Illinois’ VRL to assess your state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act (“HAVA”), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA’s computerized statewide Voter Registration List requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

(2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Illinois’s complete and current VRL. The purpose of the request is to ascertain Illinois’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Illinois must ensure that it contains *all fields*, which includes the 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 Help America Vote Act (“HAVA”)² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

Moreover, HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority as the Justice Department is now doing.

² In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are preempted by federal law.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department within seven days or by August 21, 2025.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Laura K. Donahue
Chair, State Board of Elections
2329 S. MacArthur Boulevard
Springfield, IL 62704-4503
webmaster@elections.il.gov

³ Containing *all fields*, which includes either the 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 by HAVA.



U.S. Department of Justice
Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable William Francis Galvin
Secretary of the Commonwealth
1 Ashburton Place
Boston, MA 02108
william.galvin@sec.state.ma.us

Re: **Massachusetts’s Voter Registration List Needs All Fields and Response to July 22 Letter**

Secretary Galvin:

This letter responds to correspondence from the Secretary’s office dated August 7, 2025, in response to our letter of July 22, 2025, in which we made a request to the Commonwealth of Massachusetts for information regarding the Commonwealth’s procedures for complying with the statewide voter registration list maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501, *et seq.* Your August 7, 2025, letter states that it will not be possible to provide the requested records for sixty days.

As the Attorney General requested, the electronic copy of the statewide Voter Registration List (“VRL”) must contain *all fields*, including the 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 Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. See [52 U.S.C. § 21083\(a\)\(5\)\(A\)\(i\)](#).

We have requested Massachusetts’s VRL to assess your compliance with the list maintenance provisions of the NVRA, [52 U.S.C. § 20501](#), *et seq.* Our request is pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions. See [52 U.S.C. § 20501\(a\)](#).

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

HAVA, [52 U.S.C. § 20501](#), *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA’s computerized statewide Voter Registration List requirements. *See* [52 U.S.C. § 21111](#); *see also* *Brunner v. Ohio Republican Party*, [555 U.S. 5, 6](#) (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* [52 U.S.C. § 20701](#).

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Massachusetts’s complete and current VRL. The purpose of the request is to ascertain Massachusetts’s compliance with the list maintenance requirements of the NVRA and HAVA.

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

Moreover, HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); [52 U.S.C. § 21083\(c\)](#). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic VRL with all fields to the Justice Department no later than August 21, 2025. We recognize, however, that other responses to our July 22 letter may take more time. As such, we are prepared to give the Secretary of the Commonwealth until Monday, September 15th, to respond to the other requests.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Michelle Tassinari
First Deputy Secretary of the Commonwealth
Director & Legal Counsel, Elections Division
1 Ashburton Place, Room 1705
Boston, MA 02108
michelle.tassinari@sec.state.ma.us



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Francisco V. Aguilar
Secretary of State
101 North Carson Street, Suite 3
Carson City, NV 89701
sosexec@sos.nv.gov; sosmail@sos.nv.gov

Re: **Complete Nevada’s Voter Registration List with All Fields**

Secretary Aguilar:

We have received Nevada’s statewide voter registration list (“VRL”). However, as the Attorney General requested, the electronic copy of the statewide VRL must contain *all fields*, including the 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 Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Nevada’s VRL to assess your state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act (“HAVA”), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney General solely responsible for actions to enforce HAVA’s computerized statewide Voter Registration List requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Nevada’s complete and current VRL. The purpose of the request is to ascertain Nevada’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Nevada must ensure that it contains *all fields*, which includes the 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 Help America Vote Act (“HAVA”)² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

Moreover, HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency’s function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

² In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that Justice Department be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are preempted by federal law.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department within seven days or by August 21, 2025.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Mark Wlaschin
Deputy Secretary for Elections
101 North Carson Street, Suite 3
Carson City, NV 89701
mwlaschin@sos.nv.gov

³ Containing *all fields*, which includes either the 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 by HAVA.



U.S. Department of Justice

Civil Rights Division

Office of the Assistant Attorney General

Washington, D.C. 20530

August 14, 2025

Via Mail and Email

The Honorable Al Schmidt
Secretary of the Commonwealth
401 North Street, Rm 302
Harrisburg, PA 17120
al.schmidt@pa.gov; ra-voterreg@pa.gov

Re: **Complete Pennsylvania’s Voter Registration List with All Fields**

Secretary Schmidt:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list (“VRL”) and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department’s request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state’s VRL must include the 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 Help America Vote Act (“HAVA”)¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Pennsylvania’s VRL to assess your state’s compliance with the statewide VRL maintenance provisions of the National Voter Registration Act (“NVRA”), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General’s authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act (“HAVA”), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State’s VRL via Section 401, which makes the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

General solely responsible for actions to enforce HAVA’s computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 (“CRA”), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, “Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative...” 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Pennsylvania’s complete and current VRL. The purpose of the request is to ascertain Pennsylvania’s compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Pennsylvania must ensure that it contains *all fields*, which includes either the 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 Help America Vote Act (“HAVA”)² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the “last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974” (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver’s License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state’s list. Any statewide prohibitions are clearly preempted by federal law.

disclosure is for use by a government agency in carrying out the government agency's function to accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,



Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

cc: Jessica Mathis
Director, Bureau of Election Services and Notaries
401 North Street, Room 210
Harrisburg, PA 17120
jesmathis@pa.gov

³ Containing *all fields*, which includes either the 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 by HAVA.

**U.S. Department of Justice**

Civil Rights Division

*Office of the Assistant Attorney General**Washington, D.C. 20530*

August 14, 2025

Via Mail and Email

The Honorable Susan Beals
Commissioner, Virginia Department of Elections
1100 Bank Street, First Floor
Richmond, Virginia 23219
susan.beals@elections.virginia.gov

Re: Complete Virginia's Voter Registration List with All Fields

Commissioner Beals:

We understand that the time the Justice Department has provided your state to respond to the request for a statewide voter registration list ("VRL") and other information has not reached its deadline.

Given responses from other states thus far, we want to clarify that the Justice Department's request to provide an electronic copy of the statewide VRL should contain *all fields*, which means, your state's VRL must include the 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 Help America Vote Act ("HAVA")¹ to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

We have requested Virginia's VRL to assess your state's compliance with the statewide VRL maintenance provisions of the National Voter Registration Act ("NVRA"), 52 U.S.C. § 20501, *et seq.* Our request is pursuant to the Attorney General's authority under Section 11 of the NVRA to bring enforcement actions. *See* 52 U.S.C. § 20501(a).

The Help America Vote Act ("HAVA"), 52 U.S.C. § 20501, *et seq.*, also provides authority for the Justice Department to seek the State's VRL via Section 401, which makes the Attorney

¹ In charging the Attorney General with enforcement of the voter registration list requirements in the HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

General solely responsible for actions to enforce HAVA's computerized statewide voter registration list requirements. *See* 52 U.S.C. § 21111; *see also Brunner v. Ohio Republican Party*, 555 U.S. 5, 6 (2008) (*per curiam*) (finding there is no private right of action to enforce those requirements in HAVA).

In addition to those authorities, the Attorney General is also empowered by Congress to request records pursuant to Title III of the Civil Rights Act of 1960 ("CRA"), codified at 52 U.S.C. § 20701, *et seq.* Section 301 of the CRA requires state and local officials to retain and preserve records related to voter registration and other acts requisite to voting for any federal office for a period of 22 months after any federal general, special or primary election. *See* 52 U.S.C. § 20701.

Section 303 of the CRA provides, in pertinent part, "Any record or paper required by section 20701 of this title to be retained and preserved shall, upon demand in writing by the Attorney General or his representative directed to the person having custody, possession, or control of such record or paper, be made available for inspection, reproduction, and copying at the principal office of such custodian by the Attorney General or his representative..." 52 U.S.C. § 20703.

Pursuant to the foregoing authorities, including the CRA, the Attorney General is demanding an electronic copy of Virginia's complete and current VRL. The purpose of the request is to ascertain Virginia's compliance with the list maintenance requirements of the NVRA and HAVA.

When providing the electronic copy of the statewide VRL, Virginia must ensure that it contains *all fields*, which includes either the 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 Help America Vote Act ("HAVA")² to register individuals for federal elections. *See* 52 U.S.C. § 21083(a)(5)(A)(i).

To the extent there are privacy concerns, the voter registration list is subject to federal privacy protections. Section 304 of the CRA provides the answer:

Unless otherwise ordered by a court of the United States, neither the Attorney General nor any employee of the Department of Justice, nor any other representative of the Attorney General, shall disclose any record or paper produced pursuant to this chapter, or any reproduction or copy, except to Congress and any committee thereof, governmental agencies, and in the presentation of any case or proceeding before any court or grand jury.

HAVA specifies that the "last 4 digits of a social security number . . . shall not be considered a social security number for purposes of section 7 of the Privacy Act of 1974" (5 U.S.C. § 552a note); 52 U.S.C. § 21083(c). In addition, any prohibition of disclosure of a motor vehicle record contained in the Driver's License Protection Act, codified at 18 U.S.C. § 2721(b)(1), is exempted when the disclosure is for use by a government agency in carrying out the government agency's function to

² In charging the Attorney General with enforcement of the voter registration list requirements in HAVA and in the NVRA, Congress plainly intended that DOJ be able to conduct an independent review of each state's list. Any statewide prohibitions are clearly preempted by federal law.

accomplish its enforcement authority as the Justice Department is now doing. That said, all data received from you will be kept securely and treated consistently with the Privacy Act.

To that end, please provide the requested electronic Voter Registration List³ to the Justice Department by the date set for your delivery by our original letter, or by August 21, 2025, whichever is later.

The information and materials may be sent by encrypted email to voting.section@usdoj.gov or via the Department's secure file-sharing system, Justice Enterprise File Sharing ("JEFS"). Should further clarification be required, please contact Maureen Riordan at maureen.riordan2@usdoj.gov.

Regards,

A handwritten signature in blue ink, appearing to read "Harmeet K. Dhillon".

Harmeet K. Dhillon
Assistant Attorney General
Civil Rights Division

³ Containing *all fields*, which includes either the 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 by HAVA.

Exhibit B



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: Eric Neff

Title: Acting Chief, Voting Section

Address: 150 M St. NE, Ste. 8-139, Washington DC 20002

Phone: (202) 704-5430

VRL/Data Provider

State Agency Name: Office of the Texas Secretary of State

Custodian: Adam Bitter

Title: General Counsel

Address: P.O. Box 12697, Austin, Texas 78711-2697

Phone: (512) 475-2813

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 Texas ("Texas").

II. AUTHORITY.

By this Agreement, Texas 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.

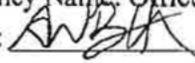
- A. Conflicts. This MOU constitutes the full MOU on this subject between the Department and your state. Any inconsistency or conflict between or among the provisions of this MOU, will be resolved in the following order of precedence: (1) this MOU and (2) other documents incorporated by reference in 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: Office of the Texas Secretary of State

Signature:  Date of Execution: 12/5/25

Authorized Signatory Name Printed: Adam Bitter _____

Title: General Counsel _____

Requester

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

Signature:  Date of Execution: 12/9/2025

Authorized Signatory Name Printed: Eric Neff _____

Title: Acting Chief, Voting Section, Civil Rights Division