

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

CITIZENS FOR RESPONSIBILITY
AND ETHICS IN WASHINGTON,
P.O. Box 14596
Washington, DC 20044,

Plaintiff,

v.

U.S. DEPARTMENT OF JUSTICE,
950 Pennsylvania Avenue, N.W.
Washington, D.C. 20530,

Defendant.

Case No. _____

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF

1. Plaintiff Citizens for Responsibility and Ethics in Washington (“CREW”) brings this action under Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking records from the United States Department of Justice (“DOJ”) relating to the DOJ’s unprecedented collection of confidential voter information and personally identifiable information (“PII”).

2. CREW’s FOIA requests at issue concern the DOJ’s recent demands for large volumes of confidential voter information, including full copies of states’ computerized voter registration lists, from state election officials across the country. At least 40 states have received

requests to date,¹ seeking information ranging from voter rolls and registration applications to sensitive details such as Social Security and driver's license numbers.²

3. State election officials, who are responsible for maintaining accurate voter rolls and ensuring compliance with state and federal election and privacy laws, have resisted these demands and challenged their legality.³ In response, the DOJ has sued at least 21 states, plus the District of Columbia, for refusing to produce complete copies of their statewide voter registration lists.⁴

4. In September and November 2025, CREW submitted three expedited FOIA requests to DOJ components for records shedding light on the DOJ's legal basis for seeking and plans for using voter PII received from election officials, as well as data sharing agreements

¹ Kaylie Martinez-Ochoa, Eileen O'Connor, & Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Center for Justice <https://perma.cc/MQ3U-YCYG> (last visited Dec. 16, 2025).

² Fredreka Schouten, *Trump administration demands state voter data, including partial social security numbers*, CNN (Sept. 1, 2025), <https://www.cnn.com/2025/09/01/politics/trump-voter-demands-social-security>.

³ Patrick Marley & Yvonne Wingett Sanchez, *DOJ hits states with broad requests for voter rolls, election data*, Wash. Post (July 16, 2025), <https://www.washingtonpost.com/politics/2025/07/16/trump-voter-fraud-elections/>; Yunion Rivas, *DOJ Doubles Down on Demands for Maine's Voter Data, Secretary of State Fires Back*, Democracy Docket (Aug. 20, 2025), <https://www.democracymarket.com/news-alerts/doj-doubles-down-on-demands-for-maines-voter-data-secretary-of-state-fires-back>.

⁴ Press Release, *Justice Department Sues Oregon and Maine for Failure to Provide Voter Registration Rolls*, Dep't of Just. (Sept. 16, 2025), <https://perma.cc/69T5-KVM5>; Press Release, *Justice Department Sues Six States for Failure to Provide Voter Registration Rolls*, Dep't of Just. (Sept. 25, 2025), <https://perma.cc/ZR3E-UN58>; Press Release, *Justice Department Sues Six Additional States for Failure to Provide Voter Registration Rolls*, Dep't of Just. (Dec. 2, 2025), <https://perma.cc/3BQA-JJ67>; Press Release, *Justice Department Sues Four Additional States and One Locality for Failure to Comply with Federal Elections Laws*, Dep't of Just. (Dec. 12, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-four-additional-states-and-one-locality-failure-comply-federal>; Press Release, *Justice Department Sues Four States for Failure to Produce Voter Rolls*, Dept. of Just. (Dec. 18, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-four-states-failure-produce-voter-rolls>.

between the DOJ and states or state election officials. To date, the DOJ has failed to make timely determinations on any of these requests.

5. CREW now seeks declaratory and injunctive relief requiring the DOJ to process CREW's FOIA requests on an expedited basis, preserve all records potentially responsive to CREW's requests, and promptly disclose all non-exempt responsive records.

JURISDICTION AND VENUE

6. This Court has subject-matter jurisdiction under 5 U.S.C. §§ 552(a)(4)(B) and 552(a)(6)(E)(iii). The Court also has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 2201(a), and 2202.

7. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) and 28 U.S.C. § 1391(b).

PARTIES

8. Plaintiff CREW is a non-profit, non-partisan organization organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the rights of citizens to be informed about the activities of government officials and agencies and to ensuring the integrity of government officials and agencies. CREW seeks to empower citizens to have an influential voice in government decisions and in the government decision-making process through the dissemination of information about public officials and their actions. To advance its mission, CREW uses a combination of research, litigation, and advocacy. As part of its research, CREW uses government records made available to it under FOIA and widely disseminates those records to the public.

9. Defendant DOJ is an agency within the meaning of 5 U.S.C. § 552(f).

10. Defendant has possession and control of the requested records and is responsible for fulfilling Plaintiff's FOIA request at issue.

LEGAL FRAMEWORK

11. FOIA, 5 U.S.C. § 552, requires agencies of the federal government to release requested records to the public unless one or more specific statutory exemptions apply.

12. Upon receipt of a FOIA request, an agency must make a determination whether to comply with it and notify the requester of that determination within 20 working days, notifying that party of at least the agency's determination of which of the requested records it will release, which it will withhold and why, and the requester's right to appeal the determination to the agency head. 5 U.S.C. § 552(a)(6)(A)(i).

13. An agency's failure to make this determination within 20 days is subject to judicial review without exhausting administrative remedies. 5 U.S.C. § 552(a)(6)(C)(i).

14. Moreover, FOIA provides that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules . . . shall make the records promptly available to any person." 5 U.S.C. § 552(a)(3)(A).

15. After a FOIA request is received by an agency, it must "make reasonable efforts to search for the records." 5 U.S.C. § 552(a)(3)(C). If the agency identifies any responsive records, the agency must make them "promptly available." *Id.*

16. In "unusual circumstances" an agency may extend the time to respond to a request by no more than 10 working days, provided that the agency gives the requester written notice setting forth the unusual circumstances and the date on which the agency expects to make a determination. 5 U.S.C. § 552(a)(6)(B)(i)-(iii). The FOIA defines "unusual circumstances" as including the need to search for and collect responsive records from offices other than the office processing the request; the need to search for, collect, and examine a "voluminous amount of

separate and distinct records;” and the need to consult with another agency. *Id.*

§ 552(a)(6)(B)(iii)(I)-(III).

17. Further, agencies shall grant requesters requests for expedited processing of their FOIA requests when they demonstrate “compelling need,” as well as “other cases determined by the agency.” 5 U.S.C. § 552(a)(6)(E)(i). “Compelling need” requires the requester to show that they are “a person primarily engaged in disseminating information” with an “urgency to inform the public concerning actual or alleged Federal Government activity.” *Id.* § 552(a)(6)(E)(v)(II).

18. The DOJ’s FOIA regulations also require expedited processing for, among other things, “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity that affect public confidence.” 28 C.F.R.

§ 16.5(e)(l)(iv).

19. A determination of whether to provide expedited processing shall be made, and notice of the determination shall be provided to the person making the request, within 10 days after the date of the request. 5 U.S.C. § 552(a)(6)(E)(ii)(I). The DOJ regulations mirror this requirement. *See* 28 C.F.R. § 16.5(e)(4).

20. Agency action to deny a request for expedited processing, and failure by an agency to respond in a timely manner to such a request, is subject to judicial review. 5 U.S.C.

§ 552(a)(6)(E)(iii).

FACTUAL ALLEGATIONS

21. On March 25, 2025, President Trump signed Executive Order 14248 (“Executive Order”), *Preserving and Protecting the Integrity of American Elections*, with the stated purpose

of protecting “the franchise of American citizens and their right to participate in fair and honest elections.”⁵

22. The Executive Order makes a number of incorrect and misleading assertions about federal elections. For example, the Executive Order repeatedly claims that “the United States has not adequately enforced Federal election requirements” that “prohibit States from counting ballots received after Election Day or prohibit non-citizens from registering to vote.”⁶ There is no federal law that prohibits counting ballots after Election Day. Instead, these claims conflate *receiving* properly postmarked ballots after Election Day with *voting* after Election Day.⁷ The EO also ignores the fact that noncitizen voting is vanishingly rare.⁸

23. Relying on these assertions, the Executive Order calls for vastly expanding the federal government’s role in administering elections in two key ways.

24. First, the Executive Order purports to require states to share an unprecedented volume of voter data with the federal government. For example, the Executive Order calls upon the Secretary of Homeland Security to review state voter records, requested “through subpoena where necessary,” alongside federal immigration databases so that it may supply the Attorney General with “complete information on all foreign nationals who have indicated on any immigration form that they have registered or voted” in an election.⁹ The Attorney General is

⁵ Exec. Order No. 14248, 90 Fed. Reg. 14005 (Mar. 25, 2025).

⁶ *Id.*

⁷ *See, e.g.*, Va. Code Ann. § 24.2-709 (allowing absentee ballots postmarked on or before election day and received by noon on the third day following the election); *see also* Tex. Elec. Code Ann. § 86.007 (setting the deadline to receive most ballots to 5:00 p.m. on the day after election day.).

⁸ *See* Jude Joffe-Block, *6 facts about false noncitizen voting claims and the election*, NPR (Nov. 5, 2024) <https://perma.cc/62L9-RVSC> (“After the 2016 election, the Brennan Center for Justice ... surveyed local election officials in 42 jurisdictions with high immigrant populations and found just 30 cases of suspected noncitizens voting out of 23.5 million votes cast, or 0.0001%.”).

⁹ Exec. Order No. 14248, *supra* note 5.

also required to “take all appropriate action to enter into information-sharing agreements . . . with the chief State election official or multi-member agency of each State.”¹⁰

25. Second, the Executive Order leverages the DOJ’s authority to compel state obedience with the federal government’s demands for large volumes of confidential voter information. For example, the Attorney General is called to “prioritize enforcement of Federal election integrity laws in such States” and “review for potential withholding of grants and other funds” for state and local law enforcement.¹¹

26. Pursuant to the Executive Order, at least 40 states have received letters from the DOJ Civil Rights Division since May 2025 demanding full copies of their statewide voter registration files.¹² The files requested include sensitive information such as voters’ full name, date of birth, residential address, driver’s license numbers, and Social Security numbers.¹³ The DOJ cites various authorities to collect this information, including the Civil Rights Act of 1960, 52 U.S.C. § 20701 *et seq.*, the National Voter Registration Act, 52 U.S.C. § 20503 *et seq.*, and the Help America Vote Act, 52 U.S.C. § 20901 *et seq.*¹⁴

27. The Criminal Division has also sent emails¹⁵ and letters to chief election officials in at least 13 states requesting meetings to discuss an “information-sharing agreement.”¹⁶

¹⁰ *Id.*

¹¹ *Id.*

¹² Martinez-Ochoa, *supra* note 1.

¹³ *Id.*; *see, e.g.*, Letter from Harmeet K. Dhillon, Assistant Att’y Gen., to Shenna Bellows, Me. Sec’y of State (Aug. 18, 2025), <https://perma.cc/Z8QQ-3DAR>.

¹⁴ *Id.*

¹⁵ *See, e.g.*, E-mail from Scott Laragy, Principle Deputy Director of the Executive Office for U.S. Att’ys, and Paul Hayden, Senior Counsel at the Dept. of Justice Criminal Division, to Stephanie Thomas, Sec’y of State of Conn. (July 10, 2025), <https://perma.cc/5ZC9-AD6P>; *see also* E-mail from Scott Laragy, Principle Deputy Director of the Executive Office for U.S. Att’ys, and Paul Hayden, Senior Counsel at the Dept. of Justice Criminal Division, to Gregg Amore, Sec’y of State of RI (July 10, 2025), <https://perma.cc/3QVN-XCXT>.

¹⁶ Martinez-Ochoa, *supra* note 1. Those states include Oregon, Nevada, Arizona, New Mexico, Nebraska, North Dakota, Wisconsin, Georgia, Michigan, Virginia, Pennsylvania, Vermont, Connecticut, and Rhode Island.

28. As a result of these efforts, the DOJ is reportedly amassing “the largest set of national voter roll data it has ever collected.”¹⁷

29. At least two states—Indiana and Wyoming—have provided its complete statewide voter registration list in response to the Criminal Division’s request.¹⁸

30. Ten other states have provided a publicly available version of their voter list, or instructions on how to obtain it.¹⁹

31. DOJ has brought legal action against 18 states for failing to provide their full voter registration files.²⁰

32. The DOJ is reportedly sharing state voter roll information with the Department of Homeland Security (“DHS”).²¹

33. The DOJ has also confirmed that state voter roll data provided in response to requests from the Civil Rights Division is “being screened for ineligible voter entries.”²²

34. In conversations with at least two states, prosecutors from the Civil Rights Division asked election officials to run their entire voter list through the Systematic Alien

¹⁷ Devlin Barrett & Nick Corsaniti, *Trump Administration Quietly Seeks to Build National Voter Roll*, NY Times (Sept. 9, 2025) <https://www.nytimes.com/2025/09/09/us/politics/trump-voter-registration-data.html>.

¹⁸ Martinez-Ochoa, *supra* note 1.

¹⁹ *Id.*

²⁰ *Id.*

²¹ 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/>; See also Sarah N. Lynch, *US Justice Department 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/> (“The U.S. Justice Department is in talks with Homeland Security Investigations about transferring the sensitive voter roll data it has collected from states for use in criminal and immigration-related investigations, according to government documents seen by Reuters. The voter registration data was gathered over the last several months by the DOJ’s Civil Rights Division . . .”).

²² Shorman, *supra* note 21.

Verification for Entitlements (“SAVE”) system²³ which the Trump administration has unlawfully transformed into a national citizenship data bank that states are using to purge voter rolls and open criminal investigations.²⁴

35. Numerous states, including Texas, Louisiana, and Virginia, are already using SAVE to identify potential noncitizens on their state voter lists.²⁵

36. DHS has announced that, as of November 3, the expanded SAVE system had “enabled state voting agencies to submit over 46 million voter verification queries and has also allowed federal agencies to submit over 110 million queries to help verify eligibility for federally funded benefits.”²⁶

CREW’s September 4, 2025 FOIA Request to the DOJ Criminal Division

37. On September 4, 2025, CREW submitted a FOIA request to the DOJ Criminal Division. *See* Exhibit A.

38. CREW sought the following records:

1. All formal or informal data sharing agreements between DOJ and any state or election official providing access to personally identifiable information (“PII”).

²³ Barrett & Corsaniti, *supra* note 17; Jude Joffe-Block, *A lawsuit tries to block the Trump administration's efforts to merge personal data*, NPR (Sept. 30, 2025, at 4:11 ET), <https://perma.cc/3TCL-UYGE>.

²⁴ Makena Kelly & Vittoria Elliott, *DOGE is Building a Master Database to Surveil and Track Immigrants*, WIRED (Apr. 18, 2025), <https://perma.cc/64BE-VGED>; Hannah Natanson et al., *DOGE aims to pool federal data, putting personal information at risk*, Wash. Post (May 7, 2025), <https://perma.cc/J528-AMVN>.

²⁵ Va. Exec. Order No. 53, *Enhancing Security for Election Preparedness* (Sept. 12, 2025), <https://perma.cc/VY8P-UZGY>; Press Release, *Louisiana First State to Utilize New Voter List Maintenance Database*, La. Sec’y of State (May 21, 2025), <https://perma.cc/MF6F-3DTU>; Press Release, *After Gaining Access to SAVE Database, Secretary Nelson Refers Potential Noncitizen Voting Cases for Investigation*, Tex. Sec’y of State (June 5, 2025), <https://perma.cc/WZ3C-FUXL>.

²⁶ U.S. Citizenship and Immigr. Servs., *USCIS Enhances Voter Verification Systems* (Nov. 3, 2025), <https://perma.cc/H68J-5PC8>.

2. Agency records sufficient to show:
 - a. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning DOJ's legal basis for requesting and accessing PII held by election officials.
 - b. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the scope of DOJ's use of the PII it seeks from election officials, This includes records reflecting any plans for how the agency will compile, aggregate, synthesize, match, link or otherwise combine data obtained from an election official with any other data.
 - c. Privacy or data security safeguards in place for protecting PII shared by election officials.

Exhibit A.

39. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10(k).

40. CREW also sought expedited processing in accordance with 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), on the grounds that without timely disclosure the public will not know how federal officials are using or storing their voter data, delaying a response would undermine voters' state and federal privacy rights, and that these issue has been the subject of national press coverage raising possible questions about the government's integrity which affect public confidence in election administration and compliance with state and federal privacy laws. *See* Exhibit A.

41. On September 16, 2025, the Criminal Division acknowledged receipt of the request and denied CREW's request for expedited processing pursuant to 28 C.F.R. § 16.5(e)(1)(iv). *See* Exhibit B.

42. To date, CREW has received no other communications from the DOJ Criminal Division regarding the request.

CREW's September 4, 2025 FOIA Request to the DOJ Civil Division

43. On September 4, 2025, CREW submitted a FOIA request to the DOJ Civil Division. *See* Exhibit A. CREW sought the following records:

1. All formal or informal data sharing agreements between DOJ and any state or election official providing access to personally identifiable information ("PII").
2. Agency records sufficient to show:
 - d. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning DOJ's legal basis for requesting and accessing PII held by election officials.
 - b. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the scope of DOJ's use of the PII it seeks from election officials. This includes records reflecting any plans for how the agency will compile, aggregate, synthesize, match, link or otherwise combine data obtained from an election official with any other data.
 - c. Privacy or data security safeguards in place for protecting PII shared by election officials.

Exhibit A.

44. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and 28 C.F.R. § 16.10(k).

45. CREW also sought expedited processing in accordance with 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), on the grounds that without timely disclosure the public will not know how federal officials are using or storing their voter data, delaying a response would undermine voters' state and federal privacy rights, and that these issue has been the subject of national press coverage raising possible questions about the government's integrity which affect public confidence in election administration and compliance with state and federal privacy laws. *See* Exhibit A.

46. On September 8, 2025, the Civil Division acknowledged receipt of the request and denied CREW's request for expedited processing for failure to "identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally." Exhibit C.

47. On September 16, 2025, the Civil Division again denied CREW's request for expedited processing for failure to establish that the request is "subject of widespread and exceptional media interest" and asserting that the request "does not pertain to a matter 'in which there exist[s] possible questions about the [federal] government's integrity which affect public confidence.'" The Civil Division also informed CREW that the request falls within the "unusual circumstances" exception to prescribed FOIA time limits. No explicit timeline for records production was provided. *See* Exhibit D.

48. To date, CREW has received no other communications from the DOJ Civil Division regarding the request.

CREW's November 4, 2025 FOIA Request to the DOJ Civil Rights Division

49. On November 4, 2025, CREW submitted a FOIA request to the DOJ Civil Rights Division. *See* Exhibit E. CREW sought the following records:

- a. All formal or informal data sharing agreements between DOJ and any state or election official providing access to personally identifiable information ("PII").
- b. All records relating to DOJ's use of the Department of Homeland Security's Systematic Alien Verification for Entitlements ("SAVE") system for purposes of verifying the citizenship of voters or voter registrants in any state.
- c. Agency record sufficient to show:
 - i. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the scope of DOJ's use of the PII it seeks from election officials. This includes records reflecting any plans for how the agency will compile, aggregate, synthesize, match, link, or

otherwise combine data obtained from an election official with any other data.

- ii. Privacy or data security safeguards in place for protecting PII shared by election officials.

Exhibit E.

50. CREW sought a fee waiver in accordance with 5 U.S.C. § 552(a)(4)(A) and DOJ 28 C.F.R. § 16.10(k).

51. CREW also sought expedited processing in accordance with 5 U.S.C. § 552(a)(6)(E) and 28 C.F.R. § 16.5(e), on the grounds that without timely disclosure the public will not know how federal officials are using or storing their voter data, delaying a response would undermine voters' state and federal privacy rights, and that these issue has been the subject of national press coverage raising possible questions about the government's integrity which affect public confidence in election administration and compliance with state and federal privacy laws. *See* Exhibit E. CREW argued the exigency is increased by the fact that individuals may face criminal investigation and prosecution based on the data their states share with the federal government. *See id.*

52. On November 4, 2025, CREW received the following automatic reply from the Civil Rights Division:

At present, the government has not been funded. It is uncertain how many days this office will be closed. The FOI/PA Branch will be unable to respond to email nor to telephone messages until funding has been authorized. Please resubmit your FOIA/PA request upon restoration of government appropriations, thank you.

Exhibit F.

53. To date, CREW has received no other communications from the DOJ Civil Rights Division regarding the request.

CREW'S CLAIMS FOR RELIEF

COUNT I

**Violation of FOIA – Failure to Grant Expedited Processing
(5 U.S.C. § 552)**

54. CREW re-alleges and incorporates by reference all preceding paragraphs.

55. In its September 4, 2025 and November 4, 2025 FOIA requests, CREW properly sought records within the possession, custody, and control of Defendant.

56. CREW further requested expedited processing of its FOIA requests.

57. CREW properly sought expedition from Defendants because of the urgency to inform the public about an actual or alleged federal government activity.

58. CREW further properly sought expedition because the subject of the request is a matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence.

59. CREW is primarily engaged in disseminating information.

60. Defendants wrongfully denied CREW's requests for expedited processing and improperly failed to process CREW's requests on an expedited basis.

61. An agency's denial of a request for expedited processing or an agency's failure to respond within 10 calendar days to a request for expedited processing is subject to judicial review. 5 U.S.C. § 552(a)(6)(E)(iii).

62. By denying CREW's requests for expedition and failing to expeditiously release all requested non-exempt records to CREW, Defendant is in violation of FOIA.

63. Accordingly, CREW is entitled to injunctive and declaratory relief requiring Defendants to process and disclose all non-exempt requested records to CREW on an expedited basis.

COUNT II
Violation of FOIA – Wrongful Withholding of Agency Records
(5 U.S.C. § 552)

64. CREW re-alleges and incorporates by reference all preceding paragraphs.

65. In its September 4, 2025 and November 4, 2025 FOIA requests, CREW properly sought records within the possession, custody, and control of Defendant.

66. Defendant wrongfully withheld agency records requested by CREW by failing to make determinations on CREW's requests within the statutorily prescribed time period of 20 business days, as required by 5 U.S.C. § 552(a)(6)(A), and by continuing to withhold documents that are non-exempt and responsive to CREW's FOIA requests.

67. CREW has constructively exhausted its administrative remedies.

68. Accordingly, CREW is entitled to injunctive and declaratory relief requiring Defendants to immediately process and disclose all non-exempt requested records to Plaintiff.

REQUESTED RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court:

- (1) Order Defendant DOJ to grant expedited processing of CREW's FOIA requests, and immediately and fully process those requests and disclose all non-exempt documents to CREW;
- (2) Declare CREW is entitled to the expedited processing and disclosure of the the non-exempt records it has requested under FOIA;
- (3) Order the Defendants to preserve all records, in whatever form they exist, potentially responsive to all of CREW's pending FOIA requests prior to and during the processing of these requests;
- (4) Order Defendants to grant CREW's requests for fee waivers;

- (5) Provide for expeditious proceedings in this action;
- (6) Retain jurisdiction of this action to ensure no agency records are wrongfully withheld and ensure compliance with this Court's orders;
- (7) Award Plaintiff its costs and reasonable attorneys' fees in this action; and
- (8) Grant such other relief as the Court may deem just and proper.

Date: December 19, 2025

Respectfully Submitted,

/s/ Kayvan Farchadi
Kayvan Farchadi (D.C. Bar No. 1672753)
Nikhel Sus (D.C. Bar No. 1017937)
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Counsel for Plaintiff

Exhibit A



September 4, 2025

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Re: Freedom of Information Act and Expedited Processing Requests

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington (“CREW”) submits this request for records pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, and Department of Justice (“DOJ”) regulations.

Specifically, CREW requests from January 20, 2025 to the date this request is processed:

1. All formal or informal data sharing agreements between DOJ and any state or election official¹ providing access to personally identifiable information (“PII”).²

¹ “Election official” here is used to describe any state or local official involved in state or federal election administration, including a state’s chief election official and members of election boards and commissions.

² The term “PII” here is used as defined in OMB Memorandum M-07-16, which refers to information that can be used to distinguish or trace an individual’s identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Examples of PII include names, social security numbers, and drivers’ license numbers. See Office of Management & Budget, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information* (May 22, 2007), available at <https://georgewbush-whitehouse.archives.gov/omb/memoranda/fy2007/m07-16.pdf>.

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2. Agency records³ sufficient to show:
 - a. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning DOJ's legal basis for requesting and accessing PII held by election officials.
 - b. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the scope of DOJ's use of the PII it seeks from election officials. This includes records reflecting any plans for how the agency will compile, aggregate, synthesize, match, link, or otherwise combine data obtained from an election official with any other data.
 - c. Privacy or data security safeguards in place for protecting PII shared by election officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. *See* 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. *See Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. *See id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

³ "Agency records" here is used within the meaning of 5 U.S.C. § 552 and, unless otherwise indicated, "agency records" sought in this FOIA request and each of its numbered and lettered subparts include communications sent or received by DOJ regarding the subject matter described in that subpart.

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Beginning in 2025, the DOJ has demanded an unprecedented amount of confidential voter information, including full copies of computerized voter registration lists, from states across the country.⁴ At least 19 states have confirmed receiving requests to date⁵ seeking information ranging from voter rolls and registration applications to sensitive details such as partial Social Security and driver's license numbers.⁶ The scope and aggressiveness of these demands have sparked pushback from state election officials, who are responsible for maintaining accurate voter rolls and ensuring compliance with state and federal election and privacy laws.⁷ Several states—including Maine, Oregon, and Pennsylvania—have already rejected requests for unredacted voter data, citing privacy and security concerns.⁸ One county in California is facing a federal lawsuit tied to these demands.⁹ Records responsive to this FOIA request would shed light on important questions about the security of voter data raised by this unprecedented federal intervention into states' election infrastructure.

CREW is a nonprofit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials and to ensuring the integrity of the federal government. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. *See Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these

⁴ Matt Cohen, *All the States Where DOJ is Demanding Voting Data*, Democracy Docket (July 18, 2025), <https://www.democracymarket.com/news-alerts/all-the-states-where-doj-is-demanding-voting-data/>.

⁵ Ali Swenson & Gary Fields, *The Justice Department Seeks Voter and Election Information from at Least 19 States*, AP Finds, Associated Press (Aug. 3, 2025), <https://apnews.com/article/a04b1522bed0cb6bbc286e25b139701f>.

⁶ Peter Hancock, *Feds Demand Sensitive Illinois Voter Registration Data After State Responds*, J. Courier (Aug. 19, 2025), <https://www.myjournalcourier.com/news/article/doj-illinois-voter-database-20822622.php>; Tirzah Christopher, *Pa. Responds to Second Justice Department Letter Seeking Sensitive Voter Information*, PennLive (Aug. 21, 2025), <https://www.pennlive.com/politics/2025/08/pa-responds-to-second-justice-department-letter-seeking-sensitive-voter-information.html>; Fredreka Schouten, *Trump DOJ Seeks Voter Data, Including Social Security Numbers, from States*, CNN (Sept. 1, 2025), <https://www.cnn.com/2025/09/01/politics/trump-doj-demands-social-security>.

⁷ Patrick Marley & Yvonne Wingett Sanchez, *DOJ hits states with broad requests for voter rolls, election data*, Wash. Post (July 16, 2025), <https://www.washingtonpost.com/politics/2025/07/16/trump-voter-fraud-elections/>; Yunion Rivas, *DOJ Doubles Down on Demands for Maine's Voter Data, Secretary of State Fires Back*, Democracy Docket (Aug. 20, 2025), <https://www.democracymarket.com/news-alerts/doj-doubles-down-on-demands-for-maines-voter-data-secretary-of-state-fires-back>.

⁸ Matt Cohen, *Oregon and Pennsylvania Are Latest to Reject DOJ Demand for Voter Data*, Democracy Docket (Aug. 22, 2025), <https://www.democracymarket.com/news-alerts/oregon-and-pennsylvania-are-latest-to-reject-doj-demand-for-voter-data/>.

⁹ Sarah Libby, *Was a Dog Sent a Ballot? Inside the DOJ's Strange Lawsuit Seeking California Voter Data*, S.F. Chron. (July 25, 2025), <https://www.sfchronicle.com/politics/article/orange-county-vote-lawsuit-20781036.php>.

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issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW requests expedited processing this FOIA request pursuant to FOIA, 5 U.S.C. § 552 and 28 C.F.R. 16.5(e). CREW is entitled to expedited processing because there is an “urgency to inform the public concerning actual or alleged Federal Government activity,” and CREW “is primarily engaged in disseminating information,” 5 U.S.C. § 552(6)(E)(v)(II). In addition, DHS should grant expedited processing because there is “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 28 C.F.R. § 16.5(e)(iv).

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.’” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.

Further, the facts demonstrate that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public. Since early 2025, the Department has sent letters, emails, and phone requests to state election officials seeking voter registration rolls, election records, and in some cases unredacted identifiers such as Social Security and driver’s license numbers. These requests are ongoing in the months before the November 2025 general elections, which include statewide contests in New Jersey, New York, Pennsylvania, and Virginia. Without timely disclosure, the public will not know how federal officials are using or storing their voter data.

Second, delaying a response would undermine voters’ state and federal privacy rights. The Privacy Act of 1974 generally requires federal agencies to identify a lawful authority and purpose for requesting personal records.¹⁰ Several states, including Oregon and Pennsylvania, have rejected DOJ’s requests for unredacted voter data—such as driver’s license and Social Security numbers—citing state privacy protections and the absence of clear federal authority.¹¹ For example, Arizona officials have so far

¹⁰ See 5 U.S.C. § 552a(b).

¹¹ Cohen, *supra* note 8.

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refused to comply, noting that state law prohibits disclosure of the requested information and that compliance could constitute a felony.¹² California officials have also declined to date, explaining that state law bars release of the requested records.¹³ Without expedited disclosure, it will be impossible for the public to evaluate whether their state and federal privacy rights are being protected in the Department's unprecedented requests for large amounts of sensitive personal data before the November 2025 elections. This may affect potential voters' willingness to share their information with state authorities to participate in these upcoming elections. Once such sensitive voter information is released, the harm to Americans' privacy and voting rights cannot be remedied.

Finally, the management and compelled disclosure of voter data by the Department of Justice is a federal government activity. Expedited processing will allow voters, state officials, and policymakers to assess the scope and legality of these actions before the November 2025 elections.

Separately, DOJ's demands have been the subject of national press coverage, including reports by the Associated Press, Washington Post, and San Francisco Chronicle.¹⁴ This coverage reflects widespread public interest and questions about the integrity of the government's role. Under 6 C.F.R. § 5.5(e)(1)(iv), this qualifies as an exceptional case warranting expedited disclosure.

The undersigned certifies that the representations in this expedited processing request are true and correct to the best of his knowledge and belief.

Conclusion

Where possible, please produce records in electronic format. If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at kfarchadi@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Sincerely,



Kayvan Farchadi
Senior Counsel

¹² Jeremy Duda, *Fontes Rejects DOJ Request for Arizona Voter Database*, Axios (Sept. 2, 2025), <https://www.axios.com/local/phoenix/2025/09/02/fontes-rejects-doj-voter-database>.

¹³ Shaun Robinson, *Vermont secretary of state says she won't share voter data with Trump administration*, Vt. Digger (Aug. 13, 2025), <https://vtdigger.org/2025/08/13/vermont-secretary-of-state-says-she-wont-share-voter-data-with-trump-administration/>; Sara DiNatale, *California Officials Say They Can't Hand Over Requested Voter Data Without Privacy Protections*, S.F. Chron. (Sept. 2, 2025), <https://www.sfchronicle.com/politics/article/san-francisco-trump-voter-data-21027394.php>.

¹⁴ Swenson, *supra* note 5; Marley, *supra* note 7; Libby, *supra* note 9.

Exhibit B



U.S. Department of Justice

Criminal Division

Office of Enforcement Operations

Washington, D.C. 20530

VIA Electronic Mail

September 16, 2025

Mr. Kayvan Farchadi
kfarchadi@citizensforethics.org

Request No. CRM-302349203
Subject: Data Sharing Agreements Between
DOJ and State or Election Officials

Dear Mr. Farchadi:

This acknowledges receipt of your Freedom of Information Act (FOIA) request dated, September 4, 2025 seeking records maintained by the Criminal Division concerning the above-mentioned subject. Your request was received in this Office on September 4, 2025. The request number listed above has been assigned to your request. Please use this number in all correspondence concerning your request.

- ☒ We have not yet made a decision on your request for a fee waiver. We will do so after we determine whether the processing of your request will result in any assessable fees.
- ☒ We have not yet made a decision on your request for preferred fee status. We will do so after we determine whether the processing of your request will result in any assessable fees.
- ☒ Your request for expedited treatment has been:
 - ☐ Granted. Accordingly, your request has been assigned to a Government Information Specialist in this Office and we will respond to your request as soon as practicable.
 - ☒ Denied. You have requested expedited processing of your request pursuant to 28 C.F.R. § 16.5(e)(1)(iv). Pursuant to U.S. Department of Justice policy, we directed your request to the Director of Public Affairs, who makes the decision whether to grant or deny expedited processing under this standard. The Director has determined that your request for expedited processing should be denied. Please be advised that, although your request for expedited processing has been denied, it has been assigned to a Government Information Specialist for processing. If you are not satisfied with this response, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account on the following website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically

transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal."

I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me by telephone at (202) 616-0307, by email at crm.foia@usdoj.gov, or by mail at FOIA/PA Unit, Criminal Division, U.S. Department of Justice, 950 Constitution Avenue NW, Washington, DC 20530-0001.

You may contact our FOIA Public Liaison at the telephone number listed above for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, Room 2510, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Sincerely,

FOIA/PA Unit
Criminal Division
U.S. Department of Justice

Exhibit C



U.S. Department of Justice
Civil Division, FOIA and Privacy Office
Room 8400
1100 L Street, NW
Washington, DC 20530

September 8, 2025

Kayvan Farchadi
Centers for Responsibility & Ethics
In Washington
kfarchadi@citizensforethics.org
foia@citizensforethics.org

Request No. 145-FOI-22191

Dear Kayvan Farchadi:

This letter acknowledges receipt of your Freedom of Information Act (FOIA) request dated and received in this office on September 4, 2025, in which you requested: (1) data sharing agreements between the Department of Justice and any state or election official providing access to personally identifiable information (PII), and (2) policies, determinations, or conclusions concerning DOJ's legal basis for requesting PII held by election officials, the use of any such PII, and any safeguards for such PII.

You requested expedited processing of your FOIA request pursuant to the Department's standard permitting expedition for requests involving "[a]n urgency to inform the public about an actual or alleged federal government activity, if made by a person primarily engaged in disseminating information." *See* 28 C.F.R. § 16.5(e)(1)(ii). You also requested expedited processing of your request pursuant to the Department's standard involving "[a] matter of widespread and exceptional media interest in which there exist possible questions about the government's integrity which affect public confidence." 28 C.F.R. § 16.5(e)(1)(iv). Pursuant to Department policy, your request has been directed to the Director of the Department's Office of Public Affairs (PAO), who makes the decision whether to grant or deny expedited processing under this standard. *See id.* at § 16.5(e)(2).

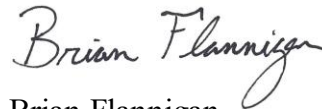
Based on the information you have provided, I have determined that your request for expedited processing under standard ii should be denied. This Office cannot identify a particular urgency to inform the public about an actual or alleged federal government activity beyond the public's right to know about government activities generally. As of the date of this letter, a decision by the Director of PAO on your expedition request under standard iv is still pending. Once we receive a decision, we will promptly notify you. Nevertheless, please be advised that your request has been assigned to a Government Information Specialist in this Office for processing.

We have not yet made a determination as to whether fees will be applicable to your FOIA request. If we later determine that fees are applicable or need more information to make that determination, we will contact you before any fees are accrued to discuss your options. A request for a fee waiver will only be adjudicated after a determination has first been made that fees are applicable to a FOIA request.

If you have any questions, you may contact our FOIA Public Liaison by telephone at 202-514-2319 or you may write to civil.routing.foia@usdoj.gov or to the FOIA and Privacy Office, Civil Division, Department of Justice, Room 8400, 1100 L Street NW, Washington, DC 20530. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the Civil Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

A handwritten signature in black ink that reads "Brian Flannigan". The signature is written in a cursive, flowing style.

Brian Flannigan
Chief, FOIA and Privacy Office

Exhibit D



U.S. Department of Justice
Civil Division, FOIA and Privacy Office
Room 8400
1100 L Street, NW
Washington, DC 20530

September 16, 2025

Kayvan Farchadi
Centers for Responsibility & Ethics
In Washington
kfarchadi@citizensforethics.org
foia@citizensforethics.org

Request No. 145-FOI-22191

Dear Kayvan Farchadi:

We previously acknowledged receipt of your Freedom of Information Act (FOIA) request dated and received in this office on September 4, 2025, in which you requested: (1) data sharing agreements between the Department of Justice and any state or election official providing access to personally identifiable information (PII), and (2) policies, determinations, or conclusions concerning DOJ's legal basis for requesting PII held by election officials, the use of any such PII, and any safeguards for such PII.

At that time, we advised that your request had been directed to the Director of the Department's Office of Public Affairs (PAO), who makes the decision whether to grant or deny expedited processing under the fourth expedition standard. The Director of PAO has since determined that your request for expedited processing should be denied. He has determined that your request is not the subject of widespread and exceptional media interest and does not pertain to a matter "in which there exist[s] possible questions about the [federal] government's integrity which affect public confidence."

The records you seek require a search in another Office of the Civil Division, and so your request falls within "unusual circumstances." *See* 5 U.S.C. § 552(a)(6)(B)(i)-(iii). Because of these unusual circumstances, we are extending the time limit to respond to your request beyond the ten additional days provided by the statute. We have not yet completed a search to determine whether there are records within the scope of your request. The time needed to process your request will necessarily depend on the complexity of our records search and on the volume and complexity of any records located. For your information, this office assigns incoming requests to one of three tracks: simple, complex, or expedited. Each request is then handled on a first-in, first-out basis in relation to other requests in the same track. Simple requests usually receive a response in approximately one month, whereas complex requests necessarily take longer. At this time, your request has been assigned to the complex track. You may wish to narrow the scope of your request to limit the number of potentially responsive records or agree to an alternative time frame for processing, should records be located; or you may wish to await the completion of our records search to discuss either of these options.

We regret the necessity of this delay, but we assure you that this Office will process your request as soon as possible.

If you have any questions, you may contact our FOIA Public Liaison by telephone at 202-514-2319 or you may write to civil.routing.foia@usdoj.gov or to the FOIA and Privacy Office, Civil Division, Department of Justice, Room 8400, 1100 L Street NW, Washington, DC 20530. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, Maryland 20740-6001; e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

If you are not satisfied with the Civil Division's determination in response to this request, you may administratively appeal by writing to the Director, Office of Information Policy (OIP), United States Department of Justice, 441 G Street, NW, 6th Floor, Washington, D.C. 20530, or you may submit an appeal through OIP's FOIA STAR portal by creating an account following the instructions on OIP's website: <https://www.justice.gov/oip/submit-and-track-request-or-appeal>. Your appeal must be postmarked or electronically transmitted within 90 days of the date of my response to your request. If you submit your appeal by mail, both the letter and the envelope should be clearly marked "Freedom of Information Act Appeal." If possible, please provide a copy of your original request and this response letter with your appeal.

Sincerely,

Brian Flannigan
Chief, FOIA and Privacy Office

Exhibit E



November 4, 2025

Kilian B. Kagle
FOIA/PA Branch
Civil Rights Division
4CON, Room 6.153
950 Pennsylvania Ave, N.W.
Washington, DC 20530
CRT.FOIArequests@usdoj.gov

Re: Freedom of Information Act Request

Dear FOIA Officer:

Citizens for Responsibility and Ethics in Washington ("CREW") submits this request for records pursuant to the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552, and Department of Justice ("DOJ") regulations.

Specifically, CREW requests from January 20, 2025 to the date this request is processed:

1. All formal or informal data sharing agreements between DOJ and any state or election official¹ providing access to personally identifiable information ("PII").²
2. All records relating to DOJ's use of the Department of Homeland Security's Systematic Alien Verification for Entitlements ("SAVE") system for purposes of verifying the citizenship of voters or voter registrants in any state.

¹"Election official" here is used to describe any state or local official involved in state or federal election administration, including a state's chief election official and members of election boards and commissions.

² The term "PII" here is used as defined in OMB Memorandum M-07-16, which refers to information that can be used to distinguish or trace an individual's identity, either alone or when combined with other personal or identifying information that is linked or linkable to a specific individual. Examples of PII include names, social security numbers, and drivers' license numbers. See Office of Management & Budget, *Safeguarding Against and Responding to the Breach of Personally Identifiable Information* (May 22, 2007), available at <https://georgewbush-whitehouse.archives.gov/omb/memoranda/fy2007/m07-16.pdf>.

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3. Agency records³ sufficient to show:
 - a. All formal or informal policies, determinations or conclusions (including underlying memoranda) concerning the scope of DOJ's use of the PII it seeks from election officials. This includes records reflecting any plans for how the agency will compile, aggregate, synthesize, match, link, or otherwise combine data obtained from an election official with any other data.
 - b. Privacy or data security safeguards in place for protecting PII shared by election officials.

Please search for responsive records regardless of format, medium, or physical characteristics. We seek records of any kind, including paper records, electronic records, audiotapes, videotapes, photographs, data, and graphical material. Our request includes without limitation all correspondence, letters, emails, text messages, facsimiles, telephone messages, voice mail messages, and transcripts, notes, or minutes of any meetings, telephone conversations, or discussions. Our request also includes any attachments to emails and other records, and anyone who was cc'ed or bcc'ed on any emails.

If it is your position any portion of the requested records is exempt from disclosure, CREW requests that you provide it with an index of those documents as required under *Vaughn v. Rosen*, 484 F.2d 820 (D.C. Cir. 1973). If some portions of the requested records are properly exempt from disclosure, please disclose any reasonably segregable non-exempt portions of the requested records. See 5 U.S.C. § 552(b). If it is your position that a document contains non-exempt segments, but that those non-exempt segments are so dispersed throughout the document as to make segregation impossible, please state what portion of the document is non-exempt, and how the material is dispersed throughout the document. See *Mead Data Central v. U.S. Dep't of the Air Force*, 566 F.2d 242, 261 (D.C. Cir. 1977).

Please be advised that CREW intends to pursue all legal remedies to enforce its rights under FOIA. Accordingly, because litigation is reasonably foreseeable, the agency should institute an agencywide preservation hold on all documents potentially responsive to this request.

Fee Waiver Request

In accordance with 5 U.S.C. § 552(a)(4)(A) and agency regulations, CREW requests a waiver of fees associated with processing this request for records. The subject of this request concerns the operations of the federal government, and the disclosures likely will contribute to a better understanding of relevant government procedures by CREW and the general public in a significant way. See *id.* § 552(a)(4)(A)(iii). Moreover, the request primarily and

³ "Agency records" here is used within the meaning of 5 U.S.C. § 552 and, unless otherwise indicated, "agency records" sought in this FOIA request and each of its numbered and lettered subparts include communications sent or received by DOJ regarding the subject matter described in that subpart.

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fundamentally is for non-commercial purposes. *See, e.g., McClellan Ecological v. Carlucci*, 835 F.2d 1282, 1285 (9th Cir. 1987).

On March 25, 2025, President Trump signed Executive Order 14,248, Preserving and Protecting the Integrity of American Elections (the “Elections EO”), which, among other things, directs DHS to provide State and local officials with “access to appropriate systems for verifying the citizenship or immigration status of individuals registering to vote or who are already registered.” 90 Fed. Reg. 14005 (Mar. 28, 2025). The Elections EO also instructs the DOJ to “take all appropriate action to enter into information-sharing agreements . . . with the chief State election official or multi-member agency of each State.” To the extent that states are unwilling to cooperate with the federal government’s expanded role, the Attorney General is called to “prioritize enforcement of Federal election integrity laws in such States” and “review for potential withholding of grants and other funds” for state and local law enforcement. *Id.*

Following the directives in the EO, the DOJ began demanding an unprecedented volume of confidential voter information, including full copies of computerized voter registration lists, from election officials across the country.⁴ At least 40 states have confirmed receiving requests to date⁵ seeking information ranging from voter rolls and registration applications to sensitive details such as partial Social Security and driver’s license numbers.⁶ The scope and aggressiveness of these demands have sparked pushback from state election officials, who are responsible for maintaining accurate voter rolls and ensuring compliance with state and federal election and privacy laws.⁷ Several states have

⁴ Matt Cohen, *All the States Where DOJ is Demanding Voting Data*, Democracy Docket (July 18, 2025), <https://www.democracydocket.com/news-alerts/all-the-states-where-doj-is-demanding-voting-data/>.

⁵ Kaylie Martinez-Ochoa, Eileen O’Connor, and Patrick Berry, *Tracker of Justice Department Requests for Voter Information*, Brennan Center (last updated: October 28, 2025), <https://www.brennancenter.org/our-work/research-reports/tracker-justice-department-requests-voter-information>.

⁶ Peter Hancock, *Feds Demand Sensitive Illinois Voter Registration Data After State Responds*, J. Courier (Aug. 19, 2025), <https://www.myjournalcourier.com/news/article/doj-illinois-voter-database-20822622.php>; Tirzah Christopher, *Pa. Responds to Second Justice Department Letter Seeking Sensitive Voter Information*, PennLive (Aug. 21, 2025), <https://www.pennlive.com/politics/2025/08/pa-responds-to-second-justice-department-letter-seeking-sensitive-voter-information.html>; Fredreka Schouten, *Trump DOJ Seeks Voter Data, Including Social Security Numbers, from States*, CNN (Sept. 1, 2025), <https://www.cnn.com/2025/09/01/politics/trump-voter-demands-social-security>.

⁷ Patrick Marley & Yvonne Wingett Sanchez, *DOJ hits states with broad requests for voter rolls, election data*, Wash. Post (July 16, 2025), <https://www.washingtonpost.com/politics/2025/07/16/trump-voter-fraud-elections/>; Yunion Rivas, *DOJ Doubles Down on Demands for Maine’s Voter Data, Secretary of State Fires Back*, Democracy Docket (Aug. 20, 2025), <https://www.democracydocket.com/news-alerts/doj-doubles-down-on-demands-for-maines-voter-data-secretary-of-state-fires-back>.

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already rejected requests for unredacted voter data, citing privacy and security concerns,⁸ and are now facing federal lawsuits tied to these demands.⁹ Records responsive to this FOIA request would shed light on important questions about the security of voter data raised by this unprecedented federal intervention into states' election infrastructure.

CREW is a nonprofit corporation, organized under section 501(c)(3) of the Internal Revenue Code. CREW is committed to protecting the public's right to be aware of the activities of government officials and to ensuring the integrity of the federal government. CREW uses a combination of research, litigation, and advocacy to advance its mission. CREW intends to analyze the information responsive to this request and to share its analysis with the public through reports, press releases, or other means. In addition, CREW will disseminate any documents it acquires from this request to the public through its website, www.citizensforethics.org. The release of information obtained through this request is not in CREW's financial interest.

CREW further requests that it not be charged search or review fees for this request pursuant to 5 U.S.C. § 552(a)(4)(A)(ii)(II) because CREW qualifies as a member of the news media. See *Nat'l Sec. Archive v. U.S. Dep't of Defense*, 880 F.2d 1381, 1386 (D.C. Cir. 1989) (holding non-profit a "representative of the news media" and broadly interpreting the term to include "any person or organization which regularly publishes or disseminates information to the public").

CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW's website receives over 150,000 page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website.

Under these circumstances, CREW satisfies fully the criteria for a fee waiver.

Expedited Processing Request

CREW requests expedited processing this FOIA request pursuant to FOIA, 5 U.S.C. § 552 and 28 C.F.R. 16.5(e). CREW is entitled to expedited processing because there is an "urgency to inform the public concerning actual or alleged Federal Government activity," and CREW "is primarily engaged in disseminating information," 5 U.S.C. § 552(6)(E)(v)(II). In

⁸ Matt Cohen, *Oregon and Pennsylvania Are Latest to Reject DOJ Demand for Voter Data*, Democracy Docket (Aug. 22, 2025), <https://www.democracydocket.com/news-alerts/oregon-and-pennsylvania-are-latest-to-reject-doj-demand-for-voter-data/>.

⁹ See Martinez-Ochoa, *supra* note 6; Sarah Libby, *Was a Dog Sent a Ballot? Inside the DOJ's Strange Lawsuit Seeking California Voter Data*, S.F. Chron. (July 25, 2025), <https://www.sfchronicle.com/politics/article/orange-county-vote-lawsuit-20781036.php>.

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addition, DHS should grant expedited processing because there is “[a] matter of widespread and exceptional media interest in which there exist possible questions about the government’s integrity which affect public confidence.” 28 C.F.R. § 16.5(e)(iv).

CREW is “primarily engaged in disseminating information” to the public. This “standard ‘requires that information dissemination be the main [and not merely an incidental] activity of the requestor,’” but “publishing information ‘need not be [the organization’s] sole occupation.” *Protect Democracy Project, Inc. v. U.S. Dep’t of Def.*, 263 F. Supp. 3d 293, 298 (D.D.C. 2017). CREW routinely disseminates information obtained through FOIA to the public in several ways. For example, CREW’s website receives hundreds of thousands of page views every month. The website includes blogposts that report on and analyze newsworthy developments regarding government ethics, corruption, and money in politics, as well as numerous reports CREW has published to educate the public about these issues. These reports frequently rely on government records obtained through FOIA. CREW also posts the documents it obtains through FOIA on its website. CREW is a credible requestor and disseminator of information often relied on by major media outlets.

Further, the facts demonstrate that (1) the request concerns a matter of current exigency to the American public; (2) the consequences of delaying a response would compromise a significant recognized interest; and (3) the request concerns federal government activity. *Al-Fayed v. C.I.A.*, 254 F.3d 300, 310 (D.C. Cir. 2001).

First, the requested records concern a matter of current exigency to the American public. Since early 2025, the Department has sent letters, emails, and phone requests to state election officials seeking voter registration rolls, election records, and in some cases unredacted identifiers such as Social Security and driver’s license numbers. These requests are ongoing in the leadup to the November 2026 federal and state elections. DOJ has confirmed that DOJ is sharing state voter roll information with DHS to search for non-citizens for investigatory purposes.¹⁰ The DOJ has filed lawsuits against eight states seeking to compel them to release their full voter registration records.¹¹ Meanwhile, two states have submitted their full statewide voter registration lists.¹² Without timely disclosure, the public will not know how federal officials are using or storing their voter data. The exigency is increased by the fact that individuals may face criminal investigation and prosecution based on the data their states are sharing with the federal government.

Second, delaying a response would undermine voters’ state and federal privacy rights. The Privacy Act of 1974 generally requires federal agencies to identify a lawful authority and purpose for requesting personal records. See 5 U.S.C. § 552a(b). Several states,

¹⁰ See Jonathan Shorman, DOJ is sharing state voter roll lists with Homeland Security, Stateline (Sept 12, 2025), <https://perma.cc/ZU9N-GHTC>.

¹¹ Press Release, Justice Department Sues Six States for Failure to Provide Voter Registration Rolls, DOJ (Sept. 25, 2025), <https://www.justice.gov/opa/pr/justice-department-sues-six-states-failure-provide-voter-registration-rolls>.

¹² See Martinez-Ochoa, *supra* note 6.

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including Oregon and Pennsylvania, have rejected DOJ's requests for unredacted voter data—such as driver's license and Social Security numbers—citing state privacy protections and the absence of clear federal authority.¹³ Arizona officials have so far also refused to comply, noting that state law prohibits disclosure of the requested information and that compliance could constitute a felony.¹⁴ California officials have also declined to date, explaining that state law bars release of the requested records.¹⁵ Without expedited disclosure, it will be impossible for the public to evaluate whether their state and federal privacy rights are being protected in the Department's unprecedented requests for large amounts of sensitive personal data before the November 2026 elections. This may affect potential voters' willingness to share their information with state authorities to participate in next year's elections. Once such sensitive voter information is released, the harm to Americans' privacy and voting rights cannot be remedied.

Finally, the management and compelled disclosure of voter data by the Department of Justice is a federal government activity. Expedited processing will allow voters, state officials, and policymakers to assess the scope and legality of these actions before the November 2026 elections.

Separately, DOJ's demands have been the subject of national press coverage, including reports by the Associated Press, Washington Post, and San Francisco Chronicle.¹⁶ This coverage reflects widespread public interest and questions about the integrity of the government's role. Under 28 C.F.R. § 16.5(e), this qualifies as an exceptional case warranting expedited disclosure.

The undersigned certifies that the representations in this expedited processing request are true and correct to the best of his knowledge and belief.

¹³ Cohen, *supra* note 8.

¹⁴ Jeremy Duda, *Fontes Rejects DOJ Request for Arizona Voter Database*, Axios (Sept. 2, 2025), <https://www.axios.com/local/phoenix/2025/09/02/fontes-rejects-doj-voter-database>.

¹⁵ Shaun Robinson, *Vermont secretary of state says she won't share voter data with Trump administration*, Vt. Digger (Aug. 13, 2025), <https://vtdigger.org/2025/08/13/vermont-secretary-of-state-says-she-wont-share-voter-data-with-trump-administration/>; Sara DiNatale, *California Officials Say They Can't Hand Over Requested Voter Data Without Privacy Protections*, S.F. Chron. (Sept. 2, 2025), <https://www.sfchronicle.com/politics/article/san-francisco-trump-voter-data-21027394.php>.

¹⁶ Swenson, *supra* note 5; Marley, *supra* note 7; Libby, *supra* note 9.

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Conclusion

Where possible, please produce records in electronic format. If you have any questions about this request or foresee any problems in fully releasing the requested records, please email me at kfarchadi@citizensforethics.org and foia@citizensforethics.org or call me at (202) 408-5565. Also, if CREW's request for a fee waiver is denied, please contact our office immediately upon making such a determination.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kaf', written in a cursive style.

Kayvan Farchadi
Senior Counsel

Exhibit F



Alert CREW <alerts@citizensforethics.org>

Fwd: Automatic reply: [EXTERNAL] FOIA and Expedited Processing Requests

1 message

Kayvan Farchadi <kfarchadi@citizensforethics.org>
To: CREW FOIA <foia@citizensforethics.org>

Tue, Nov 4, 2025 at 2:39 PM

FYI

----- Forwarded message -----

From: **FOIArequests, CRT (CRT)** <CRT.FOIArequests@usdoj.gov>

Date: Tue, Nov 4, 2025 at 2:35 PM

Subject: Automatic reply: [EXTERNAL] FOIA and Expedited Processing Requests

To: Kayvan Farchadi <kfarchadi@citizensforethics.org>

At present, the government has not been funded. It is uncertain how many days this office will be closed. The FOI/PA Branch will be unable to respond to email nor to telephone messages until funding has been authorized. Please resubmit your FOIA/PA request upon restoration of government appropriations, thank you.